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TABLE SHOWING EFFECT OF PARLIAMENTARY LEGISLATION OF 1976

PART I.—CENTRAL ACTS AMENDED, REPEALED OR OTHERWISE AFFECTED

| Year of Act | No. of Act | Short title of Act               | How affected   | No. and Section of 1976 Act by which affected   |
|-------------|------------|----------------------------------|--|---|
| 1           | 2          | 3                                | 4  | 5   |
| 1890        | 9          | Indian Railways Act, 1890        | S. 56B, 56C, 56D and s. 56E inserted (w.e.f. 25-9-1975)  | 9, s. 2.  |
| 1899        | 2          | Indian Stamp Act, 1899           | Schedule I amended (w.e.f. 1-6-1976)   | 66, s. 40.  |
| 1908        | 5          | Code of Civil Procedure, 1908    | Ss. 1, 2, 8, 9, 11, 20, 21, 24, 35A, 37, 39, 42, 47, 51, 58, 60, 63, 66, 75, 80, 82, 86, 91, 92, 95, 96, 98, 99, 102, 104, 105, 115, 123, 135A, 139, 141, 144, 145.<br>Orders I, II, III, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII, XVIII, XX, XXI, XXII, XXIII, XXVI, XXVII, XXVIIA, XXX, XXXII, XXXIII, XXXIV, XXXVI, XXXVII, XXXVIII, XXXIX, XLI, XLII, XLIII, XLIV, XLV, XLVII, Appendix A, B, E and H of first Schedule amended (w.e.f. 1-2-1977) | 104, ss. 2, 3, 4, 5, 6, 7, 8, 10, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 68, 69, 70, 72, 73, 74, 75, 76, 77, 78, 79, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96. |
|             |            |                                  | Ss. 21A, 35B, 99A, 100A, 153A, 153B, First Schedule. — Orders XXVI, XXA, XXXIIA inserted (w.e.f. 1-2-1977)   | <i>Ibid.</i> , ss. 9, 15, 36, 38, 51, 67, 71, 80.   |
|             |            |                                  | Ss. 25, 36, 100, 103 substituted (w.e.f. 1-2-1977)   | <i>Ibid.</i> , ss. 11, 16, 37, 40.  |
|             |            |                                  | S. 28 amended (w.e.f. 1-5-1977)  | <i>Ibid.</i> , s. 12.   |
|             |            |                                  | S. 34 amended (w.e.f. date to be notified)   | <i>Ibid.</i> , s. 13.   |
|             |            |                                  | S. 148A inserted (w.e.f. 1-5-1977)   | <i>Ibid.</i> , s. 50.   |
| 1923        | 8          | Workmen's Compensation Act, 1923 | S. 2 amended (w.e.f. 1-10-1975)<br>S. 36 amended (w.e.f. 21-5-1976)<br>Schedule IV substituted (w.e.f. 1-10-1975)  | 65, s. 2.<br><i>Ibid.</i> , s. 3.<br><i>Ibid.</i> , s. 4.   |

| 1    | 2  | 3   | 4   | 5 |
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| 1927 | 17 Indian Lighthouse Act, 1927   | Ss. 1, 2, 10, 12, 21 amended (w.e.f. 15-4-1976)   | 37, ss. 2, 4, 5, 6 and 9.                                 |   |
|      |  | The words "Customs Collector" substituted by the words "proper officer" wherever occurred in the Act (w.e.f. 15-4-1976) | <i>Ibid.</i> , s. 3.                                      |   |
|      |  | S. 19A inserted (w.e.f. 15-4-1976)  | <i>Ibid.</i> , s. 7.                                      |   |
|      |  | S. 20A omitted (w.e.f. 1-4-1976)  | <i>Ibid.</i> , s. 8.                                      |   |
| 1934 | 2 Reserve Bank of India Act, 1934  | Ss. 4, 45H, 46A and 46B amended (w.e.f. 26-9-1975)  | 21, s. 33.  |   |
| 1934 | 32 Indian Tariff Act, 1934   | First Schedule amended (w.e.f. 1-4-1976)  | 66, s. 31 and Second Schedule.                            |   |
| 1936 | 4 Payment of Wages Act, 1936   | Ss. 1, 6 and 7 amended (w.e.f. 12-11-1975)  | 29, ss. 2, 3 and 4.                                       |   |
| 1939 | 4 Motor Vehicles Act, 1939   | Ss. 63 and 133 amended (w.e.f. 26-9-1975)   | 26, ss. 2 and 3.  |   |
| 1944 | 1 Central Excises and Salt Act, 1944                                     | First Schedule amended  | 66, s. 35 and Fourth Schedule.                            |   |
| 1947 | 14 Industrial Disputes Act, 1947   | S. 2 amended (w.e.f. 26-9-1975)   | 21, s. 33.  |   |
|      |  | Ss. 25A, 33C and 38 amended (w.e.f. 5-3-1976)   | 32, ss. 2, 4 and 5.                                       |   |
|      |  | Chapter VB (ss. 25K-25S) inserted (w.e.f. 5-3-1976)   | <i>Ibid.</i> , s. 3.                                      |   |
| 1947 | 18 Imports and Exports (Control) Act, 1947                               | S. 2 substituted (w.e.f. 4-11-1975)   | 12, s. 2.   |   |
|      |  | Ss. 4B to 4P, 5A, 5B and 8 inserted (w.e.f. 4-11-1975)  | <i>Ibid.</i> , ss. 3, 5 and 6.                            |   |
|      |  | S. 5 amended (w.e.f. 4-11-1975)   | <i>Ibid.</i> , s. 4.                                      |   |
| 1948 | 8 Pharmacy Act, 1948   | Ss. 2, 3, 5, 7, 14, 17, 18, 19, 21, 23, 36, 42 and 46 amended (w.e.f. 1-9-1976)   | 70, ss. 2, 3, 4, 5, 8, 10, 12, 13, 14, 15, 18, 19 and 20. |   |
|      |  | S. 8 substituted (w.e.f. 1-9-1976)  | <i>Ibid.</i> , s. 6.                                      |   |
|      |  | Ss. 9A, 15A, 15B, 17A, 26A and 32B inserted (w.e.f. 1-9-1976)   | <i>Ibid.</i> , ss. 7, 9, 11, 16 and 17.                   |   |
| 1948 | 15 Industrial Finance Corporation Act, 1948                              | Ss. 10A and 13 amended  | 73, s. 3.   |   |
| 1948 | 46 Coal Mines Provident Fund, Family Pension and Bonus Schemes Act, 1948 | Long title, ss. 1, 2, 3A, 3C, 5, 7, 7A, 8, 10 and 10E amended (w.e.f. 1-8-1976)   | 99, ss. 2 to 6 and 8 to 13.                               |   |
|      |  | Ss. 3G, 11C and 11D inserted (w.e.f. 1-8-1976)  | <i>Ibid.</i> , ss. 7, 14 and 15.                          |   |
|      |  | Third Schedule re-numbered as Fourth Schedule (w.e.f. 1-8-1976)   | <i>Ibid.</i> , s. 15.                                     |   |

| 1    | 2  | 3  | 4  | 5  |
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| 1948 | 54 | Electricity (Supply) Act, 1948                                       | Ss. 1, 2, 3, 4, 16, 21, 27, 30, 34, 39, 41, 42, 43, 44, 72, 73, 74, 75, Fifth Schedule, Sixth Schedule amended (w.e.f. 8-10-1976)  | 115, ss. 2, 3, 4, 5, 9, 13, 15, 18, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32 and 33. |
|      |    |  | Ss. 4A, 4B, 4C, 15A, 26A, 75A inserted (w.e.f. 8-10-1976)  | <i>Ibid.</i> , ss. 6, 8, 14 and 31.  |
|      |    |  | Headings in Chapters III, IV, V, ss. 18, 20A, 29, 31, 32, 33 substituted (w.e.f. 8-10-1976)  | <i>Ibid.</i> , ss. 7, 10, 11, 12, 16, 17 and 19.                                       |
|      |    |  | S. 38 omitted (w.e.f. 8-10-1976)   | <i>Ibid.</i> , s. 21.  |
| 1948 | 63 | Factories Act, 1948  | Ss. 2, 5, 6, 7, 8, 10, 11, 12, 21, 22, 24, 31, 32, 36, 38, 39, 40, 41, 45, 46, 48, 56, 59, 62, 64, 65, 66, 73, 78, 79, 80, 84, 86, 87, 88, 92, 94, 100, 106 and Schedule amended (w.e.f. 26-10-1976) | 94, ss. 2 to 15, 17, 18 to 37, 40 to 43 and 45.  |
|      |    |  | Ss. 36A, 40A, 40B, 88A, 91A and 119 inserted (w.e.f. 26-10-1976)   | <i>Ibid.</i> , ss. 16, 19, 38, 39 and 44.  |
| 1949 | 1  | Indian Tariff (Amendment) Act, 1949                                  | Ss. 4 and 5 amended  | 66, s. 33.   |
| 1949 | 10 | Banking Regulation Act, 1949   | Ss. 24, 34A, 36AD and 51 amended (w.e.f. 26-9-1975)  | 21, s. 33.   |
| 1949 | 46 | Banking Companies (Legal Practitioners' Clients' Accounts) Act, 1949 | S. 2 amended (w.e.f. 26-9-1975)  | 21, s. 33.   |
| 1950 | 43 | Representation of the People Act, 1950                               | Ss. 4, 7, 8, 9 and 28 amended  | 88, ss. 2, 3, 4, 5 and 6.  |
|      |    |  | Ss. 7A and 25A inserted (w.e.f. 9-9-1975)  | 10, s. 2 and Schedule.   |
|      |    |  | First Schedule amended (w.e.f. 9-9-1975)   | <i>Ibid.</i> , s. 2 and Schedule.  |
|      |    |  | First Schedule and Second Schedule substituted   | 88, s. 7.  |
| 1950 | 49 | Contingency Fund of India Act, 1950                                  | S. 2 amended   | 81, s. 2.  |
| 1951 | 30 | President's Pension Act, 1951  | Ss. 2 and 5 amended  | 79, ss. 2 and 4.   |
|      |    |  | S. 3 substituted   | <i>Ibid.</i> , s. 3.   |
| 1951 | 43 | Representation of the People Act, 1951                               | Ss. 4, 33, 34 and 35 amended (w.e.f. 9-9-1975)   | 10, s. 2 and Schedule.   |
|      |    |  | Ss. 5A, 12A and 14A inserted (w.e.f. 9-9-1975)   | <i>Ibid.</i> , s. 2 and Schedule.  |
|      |    |  | S. 8 amended (w.e.f. 19-11-1976)   | 106, s. 21.  |
| 1951 | 50 | Tariff Commission Act, 1951  | Repealed (w.e.f. 1-8-1976)   | 71, s. 3.  |



| 1    | 2  | 3  | 4   | 5  |
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| 1952 | 19 | Employees' Provident Funds and Family Pension Fund Act, 1952 | Long title, ss. 1, 2, 5A, 5D, 5E, 7, 7A, 8, 8A, 10 to 13, 14B, 14C, 17 to 19 amended (w.e.f. 1-8-1976)  | 99, ss. 16 to 20, 22 to 29, 32, 33, 34, 36 and 37.         |
|      |    |  | Ss. 6C, 17AA, Sch. IV inserted (w.e.f. 1-8-1976)  | <i>Ibid.</i> , ss. 21, 35 and 38.                          |
|      |    |  | Ss. 14, 14A, 14AA, 14AC, 17B amended (w.e.f. 7-9-1976)  | <i>Ibid.</i> , ss. 30 and 31.                              |
| 1952 | 36 | Indian Standards Institution (Certification Marks) Act, 1952 | Ss. 20 and 21 amended   | 54, ss. 2 and 3.   |
|      |    |  | S. 22 inserted  | <i>Ibid.</i> , s. 4.                                       |
| 1953 | 29 | Tea Act, 1953  | Chapter IIIA (ss. 16A to 16N) inserted  | 75, s. 2.  |
| 1953 | 39 | Dhoties (Additional Excise Duty) Act, 1953                   | Repealed  | 93, s. 2.  |
| 1954 | 29 | High Court Judges (Conditions of Service) Act, 1954          | Ss. 15, 17A, 24 and First Schedule amended (w.e.f. 1-10-1974)   | 35, ss. 2, 3, 6 and 7.                                     |
|      |    |  | Ss. 22A, 22B, 22C and 23D inserted (w.e.f. 1-10-1974)   | <i>Ibid.</i> , ss. 4 and 5.                                |
| 1954 | 30 | Salaries and Allowances of Members of Parliament Act, 1954   | Long title, ss. 1, 2, 5 and 9 amended   | 105, ss. 2, 3, 4 and 8.                                    |
|      |    |  | Ss. 6 C and 8A inserted   | <i>Ibid.</i> , ss. 6 and 7.                                |
| 1954 | 37 | Prevention of Food Adulteration Act, 1954                    | Ss. 2, 3, 4, 7, 8, 10, 11, 13, 14, 16, 18, 20, 20A, 23 and 24 amended (w.e.f. 1-4-1976).  | 34, ss. 2, 3, 5 to 12, 15 to 17, 21 and 22.                |
|      |    |  | Ss. 3A, 16A, 20AA and 22A inserted (w.e.f. 1-4-1976)  | <i>Ibid.</i> , ss. 4, 13, 18 and 20.                       |
|      |    |  | Ss. 17 and 21 substituted (w.e.f. 1-4-1976)   | <i>Ibid.</i> , ss. 14 and 19.                              |
| 1954 | 43 | Special Marriage Act, 1954                                   | Ss. 2, 4, 22, 23, 24, 27 to 31, 34 and 37 amended   | 68, ss. 20, 21, 23, 24, 25, 27, 29, 30, 31, 32, 34 and 36. |
|      |    |  | Ss. 21A, 27A, 40A, 40B and 40C inserted.  | <i>Ibid.</i> , ss. 22, 28 and 38.                          |
|      |    |  | Ss. 26, 33, 35 and 39 substituted   | <i>Ibid.</i> , ss. 26, 33, 35 and 37.                      |
| 1955 | 10 | Essential Commodities Act, 1955                              | Ss. 2, 3, 6A, 6B and 6C amended   | 92, ss. 2, 3, 4, 5 and 6.                                  |
|      |    |  | Ss. 6E and 15A inserted   | <i>Ibid.</i> , ss. 7 and 8.                                |
| 1955 | 16 | Medicinal and Toilet Preparation (Excise Duties) Act, 1955   | The words "opium Indian hemp or other narcotic drug or narcotic" wherever they occur in the Act, substituted by the words "narcotic drug or narcotic" | 66, s. 39.   |
|      |    |  | S. 2 and Schedule amended   | <i>Ibid.</i> , s. 39 and Sixth Schedule.                   |
| 1955 | 22 | Untouchability (Offences) Act, 1955                          | Long title Ss. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 amended (w.e.f. 19-11-1976)   | 106, ss. 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 14 and 15.        |

| 1    | 2  | 3   | 4   | 5   |
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| 1955 | 22 | The Untouchability (Offences) Act, 1955—Contd.                            | Ss. 7A, 10A, 14A, 16A, and 16B inserted (w.e.f. 19-11-1976)<br><br>S.15 substituted (w.e.f. 19-11-1976)   | 106 ss. 10, 13, 16 and 18.  |
| 1955 | 23 | State Bank of India Act, 1955.  | Ss. 19, 20, 23, 24, 25, 27, 28 and 29 amended   | 73, s. 4.   |
| 1955 | 25 | Hindu Marriage Act, 1955.   | Ss. 5, 9, 10, 11, 12, 13, 14, 15, 20, 23 and 25 amended<br><br>Ss. 13A, 13B, 21A, 21B, 21C and 23A inserted<br><br>Ss. 16, 19, 22 and 28 substituted  | 68, ss. 2, 3, 4, 5, 6, 7, 9, 10, 13, 16 and 18.<br><br><i>Ibid.</i> , ss. 8, 14 and 17<br><br><i>Ibid.</i> , ss. 11, 12, 15 and 19. |
| 1956 | 24 | Parliamentary Proceedings (Protection of Publication) Act, 1956.          | Repealed (w.e.f. 8-12-1975)   | 28, s.2.  |
| 1956 | 31 | Life Insurance Corporation Act, 1956 .                                    | S. 43A inserted (w.e.f. 1-6-1976)   | 66, s. 41.  |
| 1956 | 69 | Standards of Weights and Measures Act, 1956                               | Repealed (w.e.f. date to be notified)   | 60, s. 85.  |
| 1956 | 74 | Central Sales Tax Act, 1956 . . .   | Ss. 2, 5, 6, 7, 9, 14 and 15 amended  | 103, ss. 2 to 8.  |
| 1957 | 27 | Wealth-tax Act, 1957 . . .  | Ss. 3, 5 (partly), 21, 21A and Schedule amended (w.e.f. 1-4-1977)<br>S. 5 (partly) amended (w.e.f. 1-4-1975)<br><br>S. 5 (partly) and s. 7 amended (w.e.f. 1-4-1976)<br><br>S. 5 amended (w.e.f. 1-8-1976)  | 66, s. 27.<br><br><br><br>99, s. 39.  |
| 1957 | 58 | Additional Duties of Excise (Goods of Special Importance) Act, 1957 . . . | First Schedule amended  | 66, s. 37 and Fifth Schedule.   |
| 1957 | 61 | Delhi Development Act, 1957 . . .   | Ss. 56 and 57 amended<br><br>S. 58 substituted  | 4, ss. 2 and 3.<br><br><i>Ibid.</i> , s. 4.   |
| 1958 | 18 | Gift-tax Act, 1958 . . . . .  | S. 5 amended (w.e.f. 1-4-1977)  | 66, s. 28.  |
| 1958 | 41 | Supreme Court Judges (Conditions of Service) Act, 1958                    | Ss. 14, 24 and Schedule amended (w.e.f. 1-10-1974).<br><br>Ss. 16A, 23A, 23B and 23C inserted (w.e.f. 1-10-1974)  | 36, ss. 2, 3, 5 and 6.<br><br><i>Ibid.</i> , ss. 3 and 4.   |
| 1958 | 44 | Merchant Shipping Act, 1958 . . .   | Throughout the Act the words "unberthed passenger ships", "an unberthed passenger ship", "unberthed passenger ship", "unberthed passenger ship", "unberthed passengers", "an unberthed passenger" and "unberthed passenger", substituted, respectively, by the words "special trade | 69, s. 2.   |

| 1    | 2   | 3 | 4   | 5 |
|------|---|---|---|---|
| 1958 | 44 The Merchant Shipping Act 1958-<br>Cont'd. |   | passenger ship",<br>"special trade passen-<br>gers", "a special<br>trade passenger" and<br>"special trade passenger".   |   |
|      |   |   | Ss. 3, 240, 242, 244, 255, 62, ss. 3, 4, 6, 7, 9,<br>256, 257, 258, 259, 10, 11, 12, 13, 18,<br>279, 280, 282, 284, 19, 20, 21, 22, 23,<br>299, 304, 307, 436 24, 25 and 26.<br>and 458 amended(w.e.f.<br>..... )             |   |
|      |   |   | Ss. 241 and 264 substituted <i>Ibid.</i> , ss. 5 and 16.<br>(w.e.f. .... )  |   |
|      |   |   | Heading below <i>Ibid.</i> , ss. 8, 15 and 17<br>s. 254, Heading above<br>s. 263 and s. 263,<br>ss. 265 to 269 and<br>s. 278 omitted<br>(w.e.f. .... )  |   |
|      |   |   | Ss. 261A, 261B and <i>Ibid.</i> , s. 14.<br>261C inserted<br>(w.e.f. .... )   |   |
| 1958 | 59 Delhi Rent Control Act, 1958.              |   | S. 2 amended retrospe- 18. s. 2.<br>ctively   |   |
|      |   |   | S. 14A, Chapter IIIA <i>Ibid.</i> , ss. 5, 6 and 7.<br>(ss. 25A to 25C) and<br>Third Schedule ins-<br>erted) (w.e.f. 1-12-1975)   |   |
| 1960 | 24 Delhi Land Holdings (Ceiling) Act,<br>1960 |   | Ss. 1, 2, 4, 6, 10, 11, 16, 15 ss. 2, 3, 5, 6, 8, 9,<br>23 and 27 omitted 10, 11 and 13.<br>(w.e.f. 8-12-1975)  |   |
|      |   |   | Ss. 3 and 7 substituted <i>Ibid.</i> , ss. 4 and 7.<br>(w.e.f. 8-12-1975)   |   |
|      |   |   | S. 26 repealed w.e.f. <i>Ibid.</i> , s. 12.<br>8-12-1975)   |   |
| 1961 | 25 Advocates Act, 1961                        |   | Ss. 2, 3, 4, 15 and 24 107, ss. 2 to 6,<br>amended<br>(w.e.f. .... )  |   |
|      |   |   | S. 31 repealed (w.e.f. <i>Ibid.</i> , ss. 7.<br>1-1-1977)   |   |
|      |   |   | Ss. 34 and 55 amended <i>Ibid.</i> , ss. 8 and 10.<br>(w.e.f. 1-1-1977).  |   |
|      |   |   | S. 46 substituted <i>Ibid.</i> , s. 9.<br>(w.e.f. .... )  |   |
| 1961 | 43 Income-tax Act, 1961                       |   | Ss. 2, 9, 10 (partly) 66, ss. 3, 4, 5, 13, 14<br>57, 58 and 195 and 22.<br>amended (w.e.f.<br>1-6-1976).  |   |
|      |   |   | Ss. 10 (partly) 32, (partly), <i>Ibid.</i> , ss. 5, 7, 9, 17<br>37 (partly), 45, 80G 21, 24, 25, and 26.<br>(partly), 141A, 143,<br>155 and 160, and<br>Eighth Schedule and<br>Ninth Schedule<br>amended (w.e.f.<br>1-4-1976) |   |
|      |   |   | Ss. 10 and 17 amended 99, s. 40.<br>(w.e.f. 1-8-1976)   |   |

| 1    | 2  | 3   | 4  | 5   |
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| 1961 | 43 | The Income-tax Act, 1961—Contd.                 | Ss. 13, 32 (partly), 37 (partly), 47, 80A, 80C, 80G (partly), 80M, 115 and First Schedule amended (w.e.f. 1-4-1977). | 66, ss. 6, 7, 9, 11, 15, 16, 17, 18, 19 and 23. |
|      |    |   | S. 32A inserted (w.e.f. 1-4-1976)  | <i>Ibid.</i> , s. 8.                            |
|      |    |   | S. 36 amended (w.e.f. 25-9-1975).  | 23, s. 29.                                      |
|      |    |   | Ss. 44C, 44D, 115A and 115B, inserted (w.e.f. 1-6-1976).   | 66, ss. 10 and 20.                              |
|      |    |   | S. 54C repealed (w.e.f. 1-4-1976).   | <i>Ibid.</i> , s. 12.                           |
|      |    |   | S. 80G amended (w.e.f. 9-9-1975).  | 1, s. 2.  |
| 1961 | 47 | Deposit Insurance Corporation Act, 1961.        | Ss. 2, 13 and 14 amended (w.e.f. 26-9-1975).   | 21, s. 33.                                      |
|      |    |   | S. 11A inserted (w.e.f. 26-9-1975).  |   |
| 1961 | 53 | Maternity Benefit Act, 1961.                    | S. 2 amended (w.e.f. 1-5-1976).  | 53, s. 2.                                       |
|      |    |   | S. 5B inserted (w.e.f. 1-5-1976).  | <i>Ibid.</i> , s. 3.                            |
| 1961 | 58 | Iron Ore Mines Labour Welfare Cess Act, 1961    | Repealed (w.e.f. date to be notified)  | 55, s. 13.                                      |
| 1962 | 58 | Warehousing Corporations Act, 1962              | Ss. 2, 4, 16, 17, 19, 27, 28 and 41 amended.   | 42, ss. 2 to 8 and 10.                          |
|      |    |   | S. 31A inserted.   | <i>Ibid.</i> , s. 9.                            |
| 1963 | 20 | Government of Union Territories Act, 1963.      | S. 31 amended (w.e.f. date to be notified).  | 86, s. 2.                                       |
|      |    |   | S. 43D inserted (w.e.f. date to be notified).  | <i>Ibid.</i> , s. 3.                            |
| 1963 | 26 | Limitation Act, 1963.                           | Schedule amended (w.e.f. 1-2-1977).  | 104, s. 98.                                     |
| 1963 | 52 | Unit Trust of India Act, 1963.                  | S. 32 amended (w.e.f. 31-10-1975).   | 3, s. 2.  |
|      |    |   | S. 32 amended (w.e.f. 1-4-1977).   | 66, s. 42.                                      |
| 1964 | 7  | Companies (Profits) Surtax Act, 1964            | S. 2, First Schedule amended (w.e.f. 1-4-1977).  | 66, s. 29.                                      |
|      |    |   | Second Schedule (partly) amended (w.e.f. 1-4-1975) and (partly) (w.e.f. 1-4-1977).                                   | <i>Ibid.</i> , s. 29.                           |
| 1964 | 18 | Industrial Development Bank of India Act, 1964. | S. 6 amended.  | 73, s. 5.                                       |
| 1965 | 21 | Payment of Bonus Act, 1965                      | Long title, ss. 4, 10, 13, 15, 34 and Fourth Schedule substituted (w.e.f. 25-9-1975).                                | 23, ss. 2, 5, 7, 10, 11, 22 and 28.             |

| 1    | 2  | 3   | 4  | 5  |
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| 1955 | 21 | Payment of Bonus Act, 1965—Contd.   | Ss. 1, 2, 6, 12, 16, 19, 20, 21, 23, 27, 32, 38, Second Schedule and Third Schedule amended (w.e.f. 25-9-1975).<br><br>Ss. 11, 24, 33, 37 and First Schedule repeated (w.e.f. 25-9-1975).<br><br>S. 31A inserted (w.e.f. 25-9-1975). | 23 ss. 3, 4, 6, 9, 12 to 16, 18, 20, 24, 26 and 27.<br><br><i>Ibid.</i> , ss. 8, 17, 21, 23 and 25.<br><br><i>Ibid.</i> , s. 19. |
| 1965 | 34 | Press Council Act, 1965   | Repealed (w.e.f. 1-1-1976).  | 24, s. 3.  |
| 1966 | 36 | Metal Corporation of India (Acquisition of Undertaking) Act, 1966                       | Repealed (w.e.f. 22-10-1965).  | 100, s. 4.   |
| 1969 | 35 | Criminal and Election Laws Amendment Act, 1969.   | Ss. 6, 7 and 8 repealed (w.e.f. 8-12-1975).  | 27, s. 40.   |
| 1971 | 26 | Maintenance of Internal Security Act, 1971  | Ss. 3 and 18 amended (w.e.f. 25-6-1975).<br><br>Ss. 14 and 16A amended (w.e.f. 29-6-1975).<br><br>S. 16A amended (w.e.f. 16-6-1976).   | 14, ss. 2 and 5.<br><br><i>Ibid.</i> , ss. 3 and 4.<br><br>78, s. 2.   |
| 1971 | 56 | Comptroller and Auditor General's (Duties, Powers and Conditions of Service) Act, 1971. | Ss. 10, 11 and 22 amended (w.e.f. 1-3-1976).   | 58, ss. 2, 3 and 4.  |
| 1971 | 70 | Contempt of Courts Act, 1971  | S. 15 amended.   | 45, s. 2.  |
| 1972 | 52 | Antiquities and Art Treasures Act, 1972   | Ss. 5, 16 and 18 amended (w.e.f. 4-6-1976).  | 82, ss. 2, 3 and 4.  |
| 1973 | 26 | Coal Mines (Nationalisation) Act, 1973  | S. 1A inserted (w.e.f. 29-4-1976).<br><br>S. 3 amended (w.e.f. 29-4-1976).<br><br>S. 30 amended (w.e.f. 27-5-1976).  | 67, s. 2.<br><br><i>Ibid.</i> , s. 3.<br><br><i>Ibid.</i> , s. 4.  |
| 1973 | 57 | Burn Company and Indian Standard Wagon Company (Taking Over of Management) Act, 1973.   | Repealed (w.e.f. 1-4-1975).  | 97, s. 34.   |
| 1974 | 52 | Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974       | S. 12A amended (w.e.f. 16-6-1976).   | 90, s. 2.  |
| 1974 | 37 | Additional Emoluments (Compulsory Deposit) Act, 1974.                                   | Ss. 6, and 9 amended.  | 74, s. 2.  |
| 1974 | 38 | Compulsory Deposit Scheme (Income-tax Payers) Act, 1974                                 | Ss. 3, 4 and Schedule amended (w.e.f. 1-4-1976).   | 66, s. 43.   |
| 1974 | 45 | Interest-tax Act, 1974  | S. 2 amended (w.e.f. 1-4-1977).  | 66, s. 30.   |
| 1974 | 52 | Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974.      | Ss. 9 and 12 amended (w.e.f. 12-12-1975).<br><br>S. 10 amended (temporarily) (w.e.f. 12-12-1975).<br><br>S. 10-A inserted (w.e.f. 12-12-1975).   | 20, ss. 2 and 4.<br><br><i>Ibid.</i> , s. 3.<br><br><i>Ibid.</i> , s. 3.   |

| I    | 2  | 3  | 4                                  | 5                             |
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| 1975 | 33 | Kerala Legislative Assembly (Extension of Duration) Act, 1975. | S. 2 amended.<br>S. 2 amended.     | 46, s. 2.<br>102, s. 2.       |
| 1975 | 51 | Customs Tariff Act, 1975                                       | First and Second Schedule amended. | 66, s. 34 and Third Schedule. |
| 1976 | 21 | Regional Rural Banks Act, 1976                                 | S. 11 amended.                     | 73, s. 6.                     |
| 1976 | 30 | House of the People (Extension of Duration) Act, 1976          | S. 2 amended.                      | 109, s. 2.                    |

PART II.—CENTRAL ORDINANCES REPEALED

|      |    |   |                               |            |
|------|----|---|-------------------------------|------------|
| 1975 | 8  | Income-tax (Amendment) Ordinance, 1975.   | Repealed                      | I, s. 3.   |
| 1975 | 9  | Election Laws (Extension to Sikkim) Ordinance, 1975.                                  | Repealed (w.e.f. 9-9-1975).   | 10, s. 3.  |
| 1975 | 10 | Indian Railways (Amendment) Ordinance, 1975.  | Repealed (w.e.f. 25-9-1975).  | 9, s. 3.   |
| 1975 | 11 | Payment of Bonus (Amendment) Ordinance, 1975.   | Repealed (w.e.f. 25-9-1975).  | 23, s. 31. |
| 1975 | 12 | Equal Remuneration Ordinance, 1975  | Repealed (w.e.f. 8-3-1976).   | 25, s. 18. |
| 1975 | 13 | Regional Rural Banks Ordinance, 1975  | Repealed (w.e.f. 26-9-1975).  | 21, s. 34. |
| 1975 | 14 | Motor Vehicles (Amendment) Ordinance, 1975.   | Repealed (w.e.f. 25-9-1975).  | 26, s. 4.  |
| 1975 | 15 | Voluntary Disclosure of Income and Wealth Ordinance, 1975.                            | Repealed (w.e.f. 8-10-1975).  | 8, s. 22.  |
| 1975 | 16 | Maintenance of Internal Security (Third Amendment) Ordinance, 1975.                   | Repealed (w.e.f. 25-6-1975).  | 14, s. 7.  |
| 1975 | 17 | Bonded Labour System (Abolition) Ordinance, 1975.                                     | Repealed (w.e.f. 25-10-1975). | 19, s. 27. |
| 1975 | 18 | Unit Trust of India (Amendment) Ordinance, 1975.                                      | Repealed                      | 3, s. 3.   |
| 1975 | 19 | Imports and Exports (Control) Amendment Ordinance, 1975.                              | Repealed (w.e.f. 4-11-1975).  | 12, s. 7.  |
| 1975 | 20 | Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Ordinance, 1975. | Repealed (w.e.f. 5-11-1975).  | 13, s. 27. |
| 1975 | 21 | Payment of Wages (Amendment) Ordinance, 1975.   | Repealed (w.e.f. 12-11-1975). | 29, s. 5.  |
| 1975 | 22 | Maintenance of Internal Security (Fourth Amendment) Ordinance, 1975.                  | Repealed (w.e.f. 25-6-1975).  | 14, s. 7.  |
| 1975 | 23 | Voluntary Disclosure of Income and Wealth (Amendment) Ordinance, 1975.                | Repealed (w.e.f. 8-10-1975).  | 8, s. 22.  |
| 1975 | 24 | Delhi Rent Control (Amendment) Ordinance, 1975.                                       | Repealed (w.e.f. 1-12-1975).  | 18, s. 8.  |

| 1    | 2  | 3   | 4                             | 5           |
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| 1975 | 25 | Parliamentary Proceedings (Protection of Publication) Repeal Ordinance, 1975.                               | Repealed (w.e.f. 8-12-1975).  | 28, s. 3.   |
| 1975 | 26 | Press Council (Repeal) Ordinance, 1975.   | Repealed (w.e.f. 1-1-1976).   | 24, s. 5.   |
| 1975 | 27 | Delhi Land Holdings (Ceiling) Amendment Ordinance, 1975.  | Repealed (w.e.f. 8-12-1975).  | 15, s. 15.  |
| 1975 | 28 | Prevention of Publication of Objectionable Matter Ordinance, 1975.  | Repealed (w.e.f. 8-12-1975).  | 27, s. 41.  |
| 1975 | 29 | Conservation of Foreign Exchange and Prevention of Smuggling Activities (Second Amendment) Ordinance, 1975. | Repealed (w.e.f. 12-12-1975). | 20, s. 5.   |
| 1976 | 1  | Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Amendment Ordinance, 1976.     | Repealed (w.e.f. 1-3-1976).   | 58, s. 5.   |
| 1976 | 2  | Departmentalisation of Union Accounts (Transfer of Personnel) Ordinance, 1976.                              | Repealed (w.e.f. 1-3-1976).   | 59, s. 3.   |
| 1976 | 3  | Coal Mines (Nationalisation) Amendment Ordinance, 1976.   | Repealed (w.e.f. 27-5-1976).  | 67, s. 5.   |
| 1976 | 4  | Antiquities and Art Treasures (Amendment) Ordinance, 1976.  | Repealed (w.e.f. 4-6-1976).   | 82, s. 5.   |
| 1976 | 5  | Maintenance of Internal Security (Amendment) Ordinance, 1976.   | Repealed (w.e.f. 16-6-1976).  | 78, s. 4.   |
| 1976 | 6  | Conservation of Foreign Exchange and Protection of smuggling Activities (Amendment) Ordinance, 1976.        | Repealed (w.e.f. 16-6-1976).  | 90, s. 4.   |
| 1976 | 7  | Braithwaite and Company (India) Limited (Acquisition and Transfer of Undertakings) Ordinance, 1976.         | Repealed (w.e.f. 1-4-1975).   | 96, s. 33.  |
| 1976 | 8  | Burn Company and Indian Standard Wagon Company (Nationalisation) Ordinance, 1976.                           | Repealed (w.e.f. 1-4-1975).   | 97, s. 34.  |
| 1976 | 9  | Labour Provident Fund Laws (Amendment) Ordinance, 1976.   | Repealed (w.e.f. 1-8-1976).   | 99, s. 41.  |
| 1976 | 10 | Indian Iron and Steel Company (Acquisition of Shares) Ordinance, 1976.                                      | Repealed (w.e.f. 17-7-1976).  | 89, s. 18.  |
| 1976 | 11 | Laxmirattan and Atherton West Cotton Mills (Taking Over of Management) Ordinance, 1976.                     | Repealed                      | 98, s. 17.  |
| 1976 | 12 | Metal Corporation (Nationalisation and Miscellaneous Provisions) Ordinance, 1976.                           | Repealed (w.e.f. 22-10-1965). | 100, s. 25. |
| 1976 | 13 | Electricity (Supply) Amendment Ordinance, 1976.   | Repealed (w.e.f. 8-10-1976).  | 115, s. 34. |

## PART III.—CONSTITUTION OF INDIA AMENDED

|   |   |
|---|---|
| Preamble amended (w.e.f. 3-1-1977).   | Constitution (Fourty-second Amendment) Act, 1976—s.2.                           |
| New sub-heading inserted after Article 31 (w.e.f. 3-1-1977).  | <i>Ibid.</i> , s. 3.  |
| Articles 31C, 39, 55, 74, 77, 81, 82, 83, 166, 170, 172, 217, 311, 312, 330, 352, 353, 356, 357, 358, 359, 368 and 371 F amended (w.e.f. 3-1-1977). | <i>Ibid.</i> , ss. 4, 7, 12 to 17, 28, 29, 30, 36, 44, 45, 47 to 53, 55 and 56. |
| Articles 31D, 39A, 43A, 48A, Part IVA (Art. 51A), 257A, Part XIVA (Arts. 323A, 323B) inserted (w.e.f. 3-1-1977).                                    | <i>Ibid.</i> , ss. 5, 8, 9, 10, 11, 43 and 46.                                  |
| Articles 32A, 131A, 139A, 144A, 226A and 228A inserted (w.e.f. 1-2-1977).   | <i>Ibid.</i> , ss. 6, 23, 24, 25, 39 and 42.                                    |
| Articles 100, 102, 105, 118, 189, 191, 194 and 208 amended (w.e.f. date to be notified).  | <i>Ibid.</i> , ss. 18, 19, 21, 22, 31, 32, 34 and 35.                           |
| Articles 103 and 192 substituted (w.e.f. 3-1-1977)  | <i>Ibid.</i> , ss. 20 and 33.   |
| Articles 145, 225, 226, 227, 228 and 366 amended (w.e.f. 1-2-1977).   | <i>Ibid.</i> , ss. 26, 37, 38, 40, 41 and 54.                                   |
| Article 150 substituted (w.e.f. 1-4-1977)   | <i>Ibid.</i> , s. 27.   |
| Article 297 substituted   | Constitution (Fortieth Amendment) Act, 1976—s. 2.                               |
| Article 316 amended   | Constitution (Forty-first Amendment) Act, 1976—s. 2.                            |
| Fifth Schedule amended  | Act 101 of 1976, s. 2.  |
| Seventh Schedule amended (w.e.f. 3-1-1977)  | Constitution (Fourty-second Amendment) Act, 1976—s. 57.                         |
| Ninth schedule amended  | Constitution (Fortieth Amendment) Act, 1976—s. 3.                               |

## PART IV.—STATE ACTS

| 1    | 2  | 3  | 4   | 5          |
|------|----|--|---|------------|
| 1939 | 22 | Bombay Agricultural Produce Markets Act, 1939. | Repealed (in its application to the Union territory of Delhi) (w.e.f. ....) | 87, s. 72. |



# THE INCOME-TAX (AMENDMENT) ACT, 1976

No. 1 OF 1976

[22nd January, 1976.]

## An Act further to amend the Income-tax Act, 1961.

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

1. (1) This Act may be called the Income-tax (Amendment) Act, 1976.

Short title  
and com-  
mence-  
ment.

(2) It shall be deemed to have come into force on the 9th day of September, 1975.

43 of 1961.

2. In clause (a) of sub-section (2) of section 80G of the Income-tax Act, 1961 (hereinafter referred to as the principal Act), after sub-clause (iii), the following sub-clause shall be inserted, namely:—

Amend-  
ment of  
section  
80G.

“(iii-a) the Prime Minister’s National Relief Fund; or”.

8 of 1975.

3. (1) The Income-tax (Amendment) Ordinance, 1975 is hereby repealed.

Repeal and  
saving.

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

THE BURMAH SHELL (ACQUISITION OF UNDERTAKINGS IN INDIA) ACT, 1976

No. 2 OF 1976

[24th January, 1976.]

An Act to provide for the acquisition and transfer of the right, title and interest of the Burmah Shell Oil Storage and Distributing Company of India Limited in relation to its undertakings in India with a view to ensuring co-ordinated distribution and utilisation of petroleum products distributed and marketed in India by the said company and for matters connected therewith or incidental thereto.

WHEREAS Burmah Shell Oil Storage and Distributing Company of India Limited, a foreign company, is carrying on in India the business of distributing and marketing petroleum products and has, for that purpose, established places of business at Bombay and other places in India;

AND WHEREAS it is expedient in the public interest that the undertakings in India, of Burmah Shell Oil Storage and Distributing Company of India Limited, should be acquired in order to ensure that the ownership and control of the petroleum products distributed and marketed in India by the said company are vested in the State and thereby so distributed as best to subserve the common good;

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

CHAPTER I

PRELIMINARY

Short  
title.

1. This Act may be called the Burmah Shell (Acquisition of Undertakings in India) Act, 1976.

Defini-  
tions.

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

(a) "appointed day" means the date of commencement of this

Act;

1 of 1956.

(b) "Burmah Shell" means the Burmah Shell Oil Storage and Distributing Company of India Limited, a foreign company within the meaning of section 591 of the Companies Act, 1956, incorporated in England in 1928 and having its registered office at Burmah House, Pipers Way, Swindon, Wiltshire, England;

1 of 1956.

(c) "Government company" means a Government company as defined in section 617 of the Companies Act, 1956;

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

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

## CHAPTER II

### ACQUISITION OF THE UNDERTAKINGS IN INDIA OF BURMAH SHELL

3. On the appointed day, the right, title and interest of Burmah Shell, in relation to its undertakings in India, shall stand transferred to, and shall vest in, the Central Government.

Transfer and vesting in the Central Government of the undertakings of Burmah Shell in India.

4. (1) The undertakings referred to in section 3 shall be deemed, save as otherwise provided in sub-section (3), to include all assets, rights, powers, authorities and privileges and all property, movable and immovable, cash balances, reserve funds, book-debts, investments and all other rights and interests in, or arising out of, such property as were, immediately before the appointed day, in the ownership, possession, power or control of Burmah Shell, in relation to its undertakings in India, and all books of account, registers, records and all other documents of whatever nature relating thereto and shall also be deemed to include all borrowings, liabilities (including the liability for the payment of any pension and other pensionary benefits to the persons employed in relation to its undertakings in India) and obligations of whatever kind then subsisting of Burmah Shell in relation to its undertakings in India:

General effect of vesting.

Provided that remittance outside India of any money for the payment of pension or other pensionary benefits shall be subject to the rules and regulations for the time being in force in relation to such remittance.

(2) The profits earned by Burmah Shell in relation to its undertakings in India from the 1st day of January, 1975, shall be payable to the Central Government.

(3) The undertakings referred to in sub-section (1) shall not include the following, namely:—

(a) any trade mark, and any right of Burmah Shell to use any trade mark in India, as specified in the First Schedule;

(b) all patents and designs registered in India in the name of Burmah Shell;

(c) the item described as "Loans in United Kingdom from shareholders and/or their associated companies" in the accounts of Burmah Shell, filed pursuant to section 594 of the Companies Act, 1956, as at 31st day of December, 1974.

1 of 1956.

(4) Unless otherwise expressly provided by this Act, all deeds, bonds, agreements, powers of attorney, grants of legal representation and other instruments of whatever nature in relation to the undertakings of Burmah Shell in India, subsisting or having effect immediately before the appointed day, and to which Burmah Shell is a party or which are in favour of Burmah Shell shall be of as full force and effect against or in favour of the Central Government and may be enforced or acted upon as fully and effectually as if in the place of Burmah Shell the Central Government had been a party thereto or as if they had been issued in favour of the Central Government.

(5) If, on the appointed day, any suit, appeal or other proceeding of whatever nature, in relation to the undertakings of Burmah Shell in India, which have been transferred to and vested in the Central Government under section 3, is pending by or against Burmah Shell, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of the transfer of the undertakings of Burmah Shell or of anything contained in this Act, but the suit, appeal or other proceedings may be continued, prosecuted and enforced by or against the Central Government, or, where the undertaking is directed under section 7 to vest in any Government company, by or against the Government company.

Central Government to be lessee or tenant under certain circumstances.

5. (1) Where any property is held in India by Burmah Shell under any lease or under any right of tenancy, the Central Government shall, on and from the appointed day, be deemed to have become the lessee or tenant, as the case may be, in respect of such property as if the lease or tenancy in relation to such property had been granted to the Central Government, and thereupon all the rights under such lease or tenancy shall be deemed to have been transferred to, and vested in, the Central Government.

(2) On the expiry of the term of any lease or tenancy referred to in sub-section (1), such lease or tenancy shall, if so desired by the Central Government, be renewed on the same terms and conditions on which the lease or tenancy was held by Burmah Shell immediately before the appointed day.

Removal of doubts.

6. (1) For the removal of doubts, it is hereby declared that the provisions of sections 3, 4 and 5 shall apply to the extent to which any property appertains to the business carried on by Burmah Shell in India; and to the rights and powers acquired, and to debts, liabilities and obligations incurred, and to contracts, agreements and other instruments made, by Burmah Shell in India, and to legal proceedings relating to those matters pending in any court or tribunal in India.

(2) If any question arises as to whether any property appertains, on the appointed day, to any business of Burmah Shell in India, or whether any rights, powers, debts, liabilities or obligations were acquired or incurred or any contract, agreement or other instrument was made by Burmah Shell for the purposes of its business in India, or whether any documents relate to those purposes, the question shall be referred to the Central Government which shall, after giving an opportunity of being heard to the persons interested in the matter, decide it in such manner as it may think fit.

7. (1) Notwithstanding anything contained in sections 3, 4 and 5, the Central Government may, if it is satisfied that a Government company is willing to comply, or has complied, with such terms and conditions as that Government may think fit to impose, direct by notification, that the right, title and interest and the liabilities of Burmah Shell in relation to any of its undertakings in India shall, instead of continuing to vest in the Central Government, vest in the Government company either on the date of the notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification.

Power of Central Government to direct vesting of the undertakings of the Burmah Shell in a Government company.

(2) Where the right, title and interest and the liabilities of Burmah Shell in relation to its undertakings in India vest in a Government company under sub-section (1), the Government company shall, on and from the date of such vesting, be deemed to have become the owner, tenant or lessee, as the case may be, in relation to such undertakings, and all the rights and liabilities of the Central Government in relation to such undertakings shall, on and from the date of such vesting, be deemed to have become the rights and liabilities, respectively, of the Government company.

(3) The provisions of sub-section (2) of section 5 shall apply to a lease or tenancy, which vests in a Government company, as they apply to a lease or tenancy vested in the Central Government, and reference therein to the "Central Government" shall be construed as a reference to the Government company.

8. (1) For the transfer and vesting in the Central Government, under sections 3 and 4, of the right, title and interest of Burmah Shell in relation to its undertakings in India, and for the vesting in the Central Government, under section 5, of the rights specified therein, there shall be paid by the Central Government to Burmah Shell an amount of rupees twenty-seven crores and seventy-five lakhs in such instalments and in such manner as are specified in the Second Schedule.

Payment of amount.

(2) Taxes, if any, payable in India by Burmah Shell by reason of the payment of the amount specified in sub-section (1) shall be paid by the Central Government to Burmah Shell in Indian currency, and any amount received by Burmah Shell by way of refund of taxes so paid shall be paid back by Burmah Shell to the Central Government.

(3) The amount specified in sub-section (1) shall carry interest, free of income-tax at the rate of eight per cent per annum from the 1st day of January, 1976, till the date of payment in the manner specified in the Second Schedule.

### CHAPTER III

#### PROVISIONS RELATING TO EMPLOYEES OF BURMAH SHELL

9. (1) Every whole-time officer or other employee of Burmah Shell who was, immediately before the appointed day, employed by Burmah Shell in connection with its undertakings in India, and every whole-time officer or other employee of Burmah Shell who was, immediately before the appointed day, temporarily holding any assignment outside India, shall, on the appointed day, become an officer or other employee, as the case may be, of the Central Government or the Government company in which the right, title and interest of Burmah Shell in relation to its undertakings in India have vested under this Act and shall hold office or service under the Central Government or the Government company, as the case may be, on the same terms and conditions and with the same

Transfer of service of existing employees of Burmah Shell.

rights to pension, gratuity and other matters as would have been admissible to him if there had been no such vesting and shall continue to do so unless and until his employment under the Central Government or the Government company is duly terminated or until his remuneration and conditions of service are duly altered by the Central Government or the Government company.

(2) If any question arises as to whether any person was a whole-time officer or other employee of Burmah Shell, or as to whether any officer or other employee was employed wholly or mainly in connection with the undertakings of Burmah Shell, in India immediately before the appointed day, or whether any whole-time officer or other employee of Burmah Shell was temporarily holding any assignment outside India, the question shall be referred, within a period of two years from the appointed day and not thereafter, to the Central Government which shall, after giving an opportunity of being heard to the person concerned in the matter, decide it in such manner as it thinks fit and such decision shall be final.

(3) Notwithstanding anything contained in the Industrial Disputes Act, 1947, the Payment of Gratuity Act, 1972, or in any other law for the time being in force, the transfer of the services of any officer or other employee under sub-section (1) shall not entitle any such officer or other employee to any compensation or gratuity under those Acts or such other law, and no such claim shall be entertained by any court, tribunal or other authority.

14 of 1947.  
39 of 1972.

Provident,  
superannuation,  
welfare  
fund, etc.

10. (1) Where a provident, superannuation, welfare or other fund has been established by Burmah Shell for the benefit of the persons employed by it in connection with its undertakings in India, the moneys relatable to the employees—

(i) whose services are transferred by or under this Act to the Central Government or the Government company; or

(ii) who are in receipt of pension or other pensionary benefits immediately before the appointed day,

shall, out of the moneys standing, on that day, to the credit of such provident, superannuation, welfare or other fund stand transferred to, and vested in, the Central Government or the Government company, as the case may be, free from any trust that may have been constituted by Burmah Shell in respect thereof.

(2) The moneys which stand transferred, under sub-section (1), to the Central Government or the Government company shall be dealt with by the Central Government or that company, as the case may be, in such manner as may be prescribed.

(3) The Government company in which the undertakings of Burmah Shell in India are directed to be vested shall, as soon as may be after the date of vesting, constitute, in respect of the moneys and other assets which are transferred to, and vested in, it under this section, one or more trusts having objects as similar to the objects of the existing trusts as in the circumstances may be practicable, so, however, that the rights and interests of the beneficiaries of the trust referred to in sub-section (1) are not, in any way, prejudiced or diminished.

(4) Where all the moneys and other assets belonging to an existing trust are transferred to and vested in the Central Government or the

Government company under this section, the trustees of such trust shall, as from the date of such vesting, stand discharged from the trust except as respects things done or omitted to be done before the date of such vesting.

#### CHAPTER IV

##### MISCELLANEOUS

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

Effect of  
Act on  
other  
laws.

12. (1) Where any property, appertaining to any undertaking of Burmah Shell in India has been transferred to, and vested in, the Central Government or the Government company under this Act—

(a) every person in whose possession, custody or control any such property may be, shall, on a demand by the Central Government or the Government company, as the case may be, deliver the property to the Central Government or the Government company, as the case may be, forthwith;

deliver  
possession of  
properties,  
etc.

(b) any person who, immediately before such vesting has in his possession, custody or control any books, documents or other papers relating to the undertakings of Burmah Shell in India, shall be liable to account for the said books, documents and papers to the Central Government or the Government company, as the case may be, and shall deliver them up to the Central Government or that company or to such person as the Central Government or that company may authorise in this behalf;

(2) Without prejudice to the other provisions contained in this section, it shall be lawful for the Central Government or the Government company to take all necessary steps for taking possession of all properties which have been transferred to, and vested in, it under this Act.

13. (1) Every contract entered into by Burmah Shell for any service, sale or supply in India, and in force immediately before the appointed day, shall, unless terminated under sub-section (2) within one year from the appointed day, continue to be of full force and effect against or in favour of the Central Government or the Government company in which the undertakings of Burmah Shell in India have vested under this Act.

Contracts  
to con-  
tinue  
unless  
terminat-  
ed by  
Central  
Govern-  
ment.

(2) The Central Government may, if it is satisfied that any contract referred to in sub-section (1) is unduly onerous or has been entered into in bad faith or is detrimental to the interests of that Government or the Government company, by order in writing, either terminate such contract or make such alterations or modifications therein as it may think fit:

Provided that the Central Government shall not terminate any contract or make any alteration or modification therein except after giving to the parties to the contract, a reasonable opportunity of being heard and except after recording, in writing, its reasons for such termination, alteration or modification, as the case may be.

Penalties.

14. Any person who,—

(a) having in his possession, custody or control any property forming part of any undertaking of Burmah Shell in India wrongfully withholds such property from the Central Government or the Government company; or

(b) wrongfully obtains possession of or retains any property forming part of any undertaking of Burmah Shell in India; or

(c) wilfully withholds or fails to furnish to the Central Government or the Government company or any person specified by the Central Government or that company, any books, documents or other papers relating to any undertaking of Burmah Shell in India which may be in his possession, custody or control; or

(d) fails to deliver to the Central Government or the Government company, any assets, books of account, registers or other documents in his possession, custody or control relating to any undertaking of Burmah Shell in India; or

(e) wrongfully removes or destroys any property pertaining to any undertaking of Burmah Shell in India; or

(f) wrongfully uses any property forming part of the undertakings of Burmah Shell in India,

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

Offences by companies.

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

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

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

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

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

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

Protection of action taken in good faith.

16. No suit, prosecution or other legal proceeding shall lie against the Central Government or the Government company or any of its officers or other employees for anything which is in good faith done or intended to be done under this Act.



2 of 1974.

17. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no court shall take cognizance of any offence against this Act except on a complaint, in writing, made by the Central Government or any officer authorised in this behalf by that Government.

Cogni-  
zance of  
offences.

18. Every officer of the Central Government and every officer or other employee of the Government company shall be indemnified by the Central Government or the Government company, as the case may be, against all losses and expenses incurred by him in, or in relation to, the discharge of his duties under this Act except such as have been caused by his own wilful act or default.

Indem-  
nity.

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

Power to  
remove  
difficul-  
ties.

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

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

Power to  
make  
rules.

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

#### THE FIRST SCHEDULE

[See section 4(3)]

##### TRADE MARKS WHICH BURMAH SHELL IS ENTITLED TO USE IN INDIA AND WHICH SHALL NOT VEST IN THE CENTRAL GOVERNMENT OR THE GOVERNMENT COMPANY

43 of 1958.

(a) The right of Burmah Shell to use in India the trade marks and other distinctive marks (including, but not confined to, trade names, styles of labelling and distinctive colour schemes) registered under the Trade and Merchandise Marks Act, 1958, by the Shell Company of India Limited or Shell International Petroleum Company Limited, being companies incorporated in England and having their registered office at Shell Centre, London, United Kingdom.

43 of 1958.

(b) The right of Burmah Shell to use in India any trade marks and other distinctive marks (including, but not confined to, trade names, styles of labelling and distinctive colour schemes) registered under the Trade and Merchandise Marks Act, 1958, by the Burmah Oil Company Limited, a company incorporated in Scotland and having its registered office at 48, St. Winston Street, Glasgow, Scotland, or by the Burmah Oil Trading Limited, a company incorporated in England and having its registered office at Burmah House, Pipers Way, Swindon, United Kingdom.

43 of 1958.

(c) All trade marks registered in India by Burmah Shell under the Trade and Merchandise Marks Act, 1958,

## THE SECOND SCHEDULE

(See section 8)

1. The amount specified in section 8 shall be deemed to correspond to fifteen million two hundred and nine thousand seven hundred and seventy-two pounds sterling (hereafter in this Schedule referred to as the principal amount).

2. The amount referred to in the foregoing paragraph and the interest due thereon shall be remitted by the Central Government to Burmah Shell at its principal office in the United Kingdom on the dates and in instalments specified in the corresponding entries in the Table below, namely:—

THE TABLE

| Date of payment | Instalments (in pound sterling) |           |
|-----------------|---------------------------------|-----------|
|                 | Principal amount                | Interest  |
| (i) 30-3-1977   | 3,802,443                       | 1,513,477 |
| (ii) 30-3-1978  | 3,802,443                       | 912,586   |
| (iii) 30-3-1979 | 3,802,443                       | 608,391   |
| (iv) 30-3-1980  | 3,802,443                       | 304,195   |

*Explanation.*—In this Schedule, “pound sterling” means the unit of currency in the United Kingdom.

THE UNIT TRUST OF INDIA (AMENDMENT)  
ACT, 1976

No. 3 OF 1976

[24th January, 1976.]

An Act further to amend the Unit Trust of India Act, 1963.

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

1. This Act may be called the Unit Trust of India (Amendment) Act, 1976.

Short  
title.

52 of 1963.

2. In section 32 of the Unit Trust of India Act, 1963 (hereinafter referred to as the principal Act),—

Amend-  
ment of  
section 32

(A) in sub-section (1),—

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

“(aa) in the case of an assessee who is not resident in India, being,—

(i) an individual who is an Indian or a person of Indian origin, or

(ii) a Hindu undivided family,

there shall not be included in the total income of such assessee, for the purposes of the Income-tax Act, 1961, any income received by such assessee in the previous year in respect of units acquired by such assessee from the Trust, out of funds in a Non-resident (External) Account maintained with any bank in India or by the remittance of funds in foreign exchange, in accordance, in either case, with the provisions of the Foreign Exchange Regulation Act, 1973, or any rules or orders made thereunder;”;

43 of 1961.

46 of 1973.

(ii) the *Explanation* to clause (b) shall be omitted;

(iii) in clause (ba), after the words "assets in the form of units", the brackets and words "[not being assets referred to in clause (bb)]" shall be inserted;

(iv) the *Explanation* to clause (ba) shall be omitted;

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

"(bb) in the case of an assessee who is not resident in India, being, an individual who is an Indian or a person of Indian origin, or a Hindu undivided family, wealth-tax shall not be payable by the assessee in respect of, and there shall not be included in, the net wealth of the assessee computed under the Wealth-tax Act, 1957, the value of the assets in the form of units acquired from the Trust, out of funds in a Non-resident (External) Account maintained with any bank in India or by the remittance of funds in foreign exchange, in accordance, in either case, with the provisions of the Foreign Exchange Regulation Act, 1973, or any rules or orders made thereunder;"

27 of 1957.

46 of 1973.

(vi) after clause (c), the following *Explanations* shall be inserted, namely:—

*Explanation I.*—In this sub-section,—

(a) in clauses (aa) and (b), the expressions "previous year" and "total income" shall have the meanings, respectively, assigned to them in the Income-tax Act, 1961;

43 of 1961.

(b) in clauses (ba) and (bb), the expressions "assessee" and "net wealth" shall have the meanings, respectively, assigned to them in the Wealth-tax Act, 1957.

27 of 1957.

*Explanation II.*—For the purposes of sub-sections (1) and (2),—

(a) an assessee shall be deemed to be "not resident in India" if he is a non-resident within the meaning of clause (30) of section 2 of the Income-tax Act, 1961;

43 of 1961.

(b) a person shall be deemed to be a person of Indian origin if he or either of his parents or any of his grand parents howsoever high in degree of ascent, whether on the paternal side or on the maternal side, was born in India, as defined in the Government of India Act, 1935, as originally enacted;

(B) in sub-section (2), to clause (c), the following proviso shall be added, namely:—

"Provided that no deduction of income-tax shall be made by the Trust, where the units in respect of which income is distributed to—

(i) an individual who is an Indian or a person of Indian origin, or

(ii) a Hindu undivided family,

not resident in India, have been acquired from the Trust, out of funds in a Non-resident (External) Account maintained with any bank in India or by the remittance of funds in foreign exchange, in accordance, in either case, with the provisions of the Foreign Exchange Regulation Act, 1973, or any rules or orders made thereunder.”.

46 of 1973.

18 of 1975.

3. (1) The Unit Trust of India (Amendment) Ordinance, 1975, is hereby repealed.

Repeal  
and  
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act, as if this Act had come into force on the 31st day of October, 1975.

# THE DELHI DEVELOPMENT (AMENDMENT) ACT, 1976

No. 4 OF 1976

[24th January, 1976.]

## An Act further to amend the Delhi Development Act, 1957.

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

Short title.

1. This Act may be called the Delhi Development (Amendment) Act, 1976.

Amendment of section 56.

2. In the Delhi Development Act, 1957 (hereinafter referred to as the principal Act), in section 56, in sub-section (2), after clause (c), the following clause shall be inserted, namely:—

61 of 1957.

“(cc) travelling and other allowances of the members of the Advisory Council except those of the *ex officio* member and such other members as are Government servants;”.

Amendment of section 57.

3. In sub-section (1) of section 57 of the principal Act, for the words “The Authority may, with the previous approval of the Central Government, make regulations”, the words “The Authority, with the previous approval of the Central Government, may, by notification in the Official Gazette, make regulations” shall be substituted.

Substitution of section 58.

4. For section 58 of the principal Act, the following section shall be substituted, namely:—

Laying of rules and regulations before Parliament.

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

# THE APPROPRIATION ACT, 1976

No. 5 OF 1976

[24th January, 1976.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1975-76.

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

- |  |   |
|--|---|
| 1. This Act may be called the Appropriation Act, 1976.   | Short title.  |
| 2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of three hundred and nine crores, nine lakhs and twenty-two thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1975-76, in respect of the services specified in column 2 of the Schedule. | Issue of Rs. 3,09,09,22,000 out of the Consolidated Fund of India for the year 1975-76. |
| 3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year  | Appropriation.  |

**THE SCHEDULE**  
(See sections 2 and 3)

| I<br>No.<br>of<br>Vote | 2<br>Services and purposes   | 3<br>Sums not exceeding |  |              |
|------------------------|--|-------------------------|--|--------------|
|                        |  | Voted by<br>Parliament  | Charged on<br>the Consoli-<br>dated Fund | Total        |
|                        |  | Rs.                     | Rs.                                      | Rs.          |
| 1                      | Department of Agri-<br>culture . . . . . Revenue                     | 10,00,000               | ..                                       | 10,00,000    |
| 2                      | Agriculture . . . . . Capital  | ..                      | 20,00,00,000                             | 20,00,00,000 |
| 6                      | Department of Food . . . . . Revenue                                 | 17,55,000               | ..                                       | 17,55,000    |
| 7                      | Department of Rural<br>Development . . . . . Revenue                 | ..                      | 1,000                                    | 1,000        |
| 11                     | Ministry of Commerce . . . . . Revenue                               | 19,62,000               | ..                                       | 19,62,000    |
| 12                     | Foreign Trade and Ex-<br>port Production . . . . . Revenue           | 1,16,04,000             | ..                                       | 1,16,04,000  |
|                        | Capital  | 65,02,00,000            | ..                                       | 65,02,00,000 |
| 19                     | Defence Services—Army . . . . . Revenue                              | 92,12,13,000            | ..                                       | 92,12,13,000 |
| 20                     | Defence Services—Navy . . . . . Revenue                              | 5,15,11,000             | ..                                       | 5,15,11,000  |
| 21                     | Defence Services—Air<br>Force . . . . . Revenue                      | 11,29,70,000            | ..                                       | 11,29,70,000 |
| 24                     | Department of Educa-<br>tion . . . . . Revenue                       | 8,00,000                | ..                                       | 8,00,000     |
| 27                     | Ministry of Energy . . . . . Revenue                                 | 89,000                  | ..                                       | 89,000       |
| 28                     | Power Development . . . . . Revenue                                  | 15,00,00,000            | ..                                       | 15,00,00,000 |
| 29                     | Coal and Lignite . . . . . Revenue                                   | 50,00,000               | ..                                       | 50,00,000    |
|                        | Capital  | 4,50,00,000             | ..                                       | 4,50,00,000  |
| 41                     | Other Expenditure of<br>the Ministry of<br>Finance . . . . . Capital | 3,12,50,000             | ..                                       | 3,12,50,000  |
| 52                     | Delhi . . . . . Capital  | 7,50,00,000             | ..                                       | 7,50,00,000  |
| 59                     | Industries . . . . . Capital   | 20,00,00,000            | ..                                       | 20,00,00,000 |
| 61                     | Civil Supplies and Co-<br>operation . . . . . Capital                | ..                      | 4,37,56,000                              | 4,37,56,000  |
| 63                     | Information and Publicity . . . . . Revenue                          | 1,000                   | ..                                       | 1,000        |
| 66                     | Labour and Employment . . . . . Revenue                              | ..                      | 6,000                                    | 6,000        |
| 69                     | Ministry of Petroleum<br>and Chemicals . . . . . Revenue             | 4,73,000                | ..                                       | 4,73,000     |
| 77                     | Ports, Lighthouses and<br>Shipping . . . . . Revenue                 | 7,87,87,000             | ..                                       | 7,87,87,000  |
|                        | Capital  | 24,73,00,000            | ..                                       | 24,73,00,000 |



| I<br>No.<br>of<br>Vote | 2<br>Services and purposes   | 3                          |  |                            |
|------------------------|--|----------------------------|--|----------------------------|
|                        |  | Sums not exceeding         |  |                            |
|                        |  | Voted by<br>Parliament     | Charged on<br>the Consoli-<br>dated Fund | Total                      |
|                        |  | Rs.                        | Rs.                                      | Rs.                        |
| 78                     | Road and Inland Water<br>Transport . . . Capital   | 2,19,21,000                | ..                                       | 2,19,21,000                |
| 79                     | Department of Steel . Capital  | 9,94,00,000                | ..                                       | 9,94,00,000                |
| 80                     | Department of Mines . Revenue  | 1,00,000                   | ..                                       | 1,00,000                   |
| 81                     | Mines and Minerals . Revenue<br>Capital  | 1,00,00,000<br>8,10,00,000 | ..<br>..                                 | 1,00,00,000<br>8,10,00,000 |
| 83                     | Supplies and Disposals Revenue   | ..                         | 6,05,000                                 | 6,05,000                   |
| 84                     | Department of Rehabi-<br>litation . . . Revenue<br>Capital                               | ..<br>45,00,000            | 18,000<br>..                             | 18,000<br>45,00,000        |
| 95                     | Atomic Energy Research,<br>Development and In-<br>dustrial Projects . Revenue<br>Capital | 1,65,00,000<br>10,00,000   | ..<br>..                                 | 1,65,00,000<br>10,00,000   |
| 96                     | Nuclear Power Schemes Revenue<br>Capital   | 9,00,000<br>28,00,000      | ..<br>..                                 | 9,00,000<br>28,00,000      |
| 103                    | Department of Space . Revenue<br>Capital   | 1,00,00,000<br>1,25,00,000 | ..<br>..                                 | 1,00,00,000<br>1,25,00,000 |
|                        | TOTAL . . .  | 284,65,36,000              | 24,43,86,000                             | 309,09,22,000              |

# THE APPROPRIATION (RAILWAYS) ACT, 1976

No. 6 OF 1976

[24th January, 1976.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1975-76 for the purposes of Railways.

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

Short  
title.

1. This Act may be called the Appropriation (Railways) Act, 1976.

Issue of  
Rs.  
18,30,000  
out of the  
Consoli-  
dated  
Fund of  
India for  
the finan-  
cial year  
1975-76.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of eighteen lakhs and thirty thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1975-76, in respect of the services relating to railways specified in column 2 of the Schedule

Appro-  
priation.

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

## THE SCHEDULE

(See sections 2 and 3)

| 1<br>No. of Vote | 2<br>Services and purposes  | 3<br>Sums not exceeding |                                  |           |
|------------------|---|-------------------------|----------------------------------|-----------|
|                  |   | Voted by Parliament     | Charged on the Consolidated Fund | Total     |
|                  |   | Rs.                     | Rs.                              | Rs.       |
| 5                | Working Expenses—Repairs and Maintenance                                | ..                      | 7,75,000                         | 7,75,000  |
|                  | Working Expenses—Operating Staff  | ..                      | 1,36,000                         | 1,36,000  |
| 7                | Working Expenses—Operation (Fuel)                                       | ..                      | 29,000                           | 29,000    |
| 8                | Working Expenses—Operation other than Staff and Fuel                    | ..                      | 5,00,000                         | 5,00,000  |
| 9                | Working Expenses—Miscellaneous Expenses                                 | ..                      | 15,000                           | 15,000    |
| 14               | Construction of New Lines—Capital and Depreciation Reserve Fund         | ..                      | 2,10,000                         | 2,10,000  |
| 15               | Open Line Works—Capital, Depreciation Reserve Fund and Development Fund | 3,000                   | 1,62,000                         | 1,65,000  |
|                  | TOTAL   | 3,000                   | 18,27,000                        | 18,30,000 |

# THE APPROPRIATION (No. 2) ACT, 1976

No. 7 OF 1976

[25th January, 1976.]

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, 1974 in excess of the amounts granted for those services and for that year.

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

Short  
title.

1. This Act may be called the Appropriation (No. 2) Act, 1976.

Issue of  
Rs.  
10,06,17,538  
out of the  
Consolidat-  
ed Fund  
of India  
to meet  
certain  
excess  
expendi-  
ture for  
the year  
ended on  
the 31st  
March,  
1974.

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 ten crores, six lakhs, seventeen thousand, five hundred and thirty-eight rupees shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services specified in column 2 of the Schedule during the financial year ended on the 31st day of March, 1974 in excess of the amounts granted for those services and for that year.

Appropriation.

3. The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of India under this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ended on the 31st day of March, 1974.

## THE SCHEDULE

(See sections 2 and 3)

| 1<br>No. of<br>Vote | 2<br>Services and purposes                                 | 3<br>Excess      |                    |             |
|---------------------|--|------------------|--------------------|-------------|
|                     |  | Voted<br>portion | Charged<br>portion | Total       |
|                     |  | Rs.              | Rs.                | Rs.         |
| 1                   | Department of Agriculture Revenue                          | 3,72,268         | ..                 | 3,72,268    |
| 13                  | Department of Internal Trade. Capital                      | 23,985           | ..                 | 23,985      |
| 15                  | Overseas Communications Service. Capital                   | 22,59,728        | ..                 | 22,59,728   |
| 18                  | Capital Outlay on Posts and Telegraphs. Capital            | 2,57,50,010      | ..                 | 2,57,50,010 |
| 20                  | Defence Services—Army Revenue                              | ..               | 1,50,532           | 1,50,532    |
| 23                  | Defence Services—Pensions, etc. Revenue                    | 1,15,60,974      | ..                 | 1,15,60,974 |
| 27                  | Department of Social Welfare Capital                       | ..               | 5,38,000           | 5,38,000    |
| 33                  | Stamps . . . . . Revenue                                   | 34,15,000        | ..                 | 34,15,000   |
| 35                  | Currency, Coinage and Mint . Capital                       | ..               | 41,156             | 41,156      |
| 41                  | Ministry of Health and Family Planning. Revenue            | 15,11,538        | ..                 | 15,11,538   |
| 47                  | Cabinet . . . . . Revenue                                  | 5,56,303         | ..                 | 5,56,303    |
| 51                  | Other Expenditure of the Ministry of Home Affairs. Revenue | 24,55,725        | ..                 | 24,55,725   |
| 53                  | Chandigarh . . . . . Revenue                               | 2,64,591         | ..                 | 2,64,591    |
|                     | Capital  | 7,64,924         | ..                 | 7,64,924    |
| 54                  | Andaman and Nicobar Islands . Revenue                      | 19,19,131        | ..                 | 19,19,131   |
| 55                  | Arunachal Pradesh . . . Revenue                            | 1,71,16,981      | ..                 | 1,71,16,981 |
| 56                  | Dadra and Nagar Haveli . Revenue                           | 8,97,995         | ..                 | 8,97,995    |
| 57                  | Laccadive, Minicoy and Amindivi Islands . . . Revenue      | 73,774           | ..                 | 73,774      |
|                     | Capital  | 1,70,977         | ..                 | 1,70,977    |
| 62                  | Broadcasting . . . . . Revenue                             | 29,49,538        | ..                 | 29,49,538   |
| 73                  | Ministry of Shipping and Transport. Revenue                | 94,669           | ..                 | 94,669      |
| 80                  | Department of Mines . . . Capital                          | 3,202            | ..                 | 3,202       |
| 83                  | Tourism . . . . . Revenue                                  | 6,04,290         | ..                 | 6,04,290    |

| 1              | 2  | 3                |                    |              |
|----------------|--|------------------|--------------------|--------------|
| No. of<br>Vote | Services and purposes                                  | Excess           |                    |              |
|                |  | Voted<br>portion | Charged<br>portion | Total        |
|                |  | Rs.              | Rs.                | Rs.          |
| 87             | Public Works . . . Revenue                             | 2,24,20,333      | 3,29,819           | 2,27,50,152  |
| 90             | Atomic Energy Research and<br>Development. . . Capital | 38,56,741        | ..                 | 38,56,741    |
| 93             | Archaeology . . . Revenue                              | 5,15,264         | ..                 | 5,15,264     |
|                | TOTAL . . .  | 9,95,58,031      | 10,59,507          | 10,06,17,538 |

**THE VOLUNTARY DISCLOSURE OF INCOME AND  
WEALTH ACT, 1976**

No. 8 OF 1976

[25th January, 1976.]

**An Act to provide for voluntary disclosure of income and wealth  
and for matters connected therewith or incidental thereto.**

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

1. (1) This Act may be called the Voluntary Disclosure of Income  
and Wealth Act, 1976.

(2) It extends to the whole of India.

(3) It shall be deemed to have come into force on the 8th day of  
October, 1975.

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

(a) (i) "Gold (Control) Act" means the Gold (Control) Act,  
1968;

45 of 1968.

(ii) "Income-tax Act" means the Income-tax Act, 1961;

43 of 1961.

(iii) "Wealth-tax Act" means the Wealth-tax Act, 1957;

27 of 1957.

(b) all other words and expressions used in this Act but not  
defined and defined in the Income-tax Act shall have the meanings  
respectively assigned to them in that Act.

3. (1) Subject to the provisions of this Act, where any person makes,  
on or after the date of commencement of this Act but before the 1st  
day of January, 1976, a declaration in accordance with the provisions of  
section 4 in respect of any income chargeable to tax under the Indian  
Income-tax Act, 1922 or the Income-tax Act for any assessment year—

11 of 1922.

(a) for which he has failed to furnish a return under section  
139 of the Income-tax Act, or

Short  
title,  
extent  
and com-  
mence-  
ment.

Definitions.

Charge of  
income-  
tax on  
voluntarily  
disclosed  
income.

(b) which he has failed to disclose in a return of income furnished by him under the Income-tax Act before the date of commencement of this Act, or

(c) which has escaped assessment by reason of the omission or failure on the part of such person to make a return under the Indian Income-tax Act, 1922 or the Income-tax Act or to disclose fully and truly all material facts necessary for his assessment or otherwise,

11 of 1922.

then, notwithstanding anything contained in the Indian Income-tax Act, 1922 or the Income-tax Act or in any Finance Act, income-tax shall be charged in respect of the income so declared (such income being hereinafter referred to as the voluntarily disclosed income) at the rate or rates specified in the Schedule.

11 of 1922.

(2) Nothing contained in sub-section (1) shall apply in relation to—

(i) the income assessable for any assessment year for which a notice under section 139 or section 148 of the Income-tax Act has been served upon such person and the return has not been furnished before the commencement of this Act;

(ii) where any books of account, other documents, money, bullion, jewellery or other valuable articles or things belonging to the person making the declaration under sub-section (1) (hereafter in this section, in sections 4 to 13 and in the Schedule referred to as the declarant) have been seized as a result of any search under section 132 of the Income-tax Act or under section 37A of the Wealth-tax Act, the income in respect of the previous year in which such search was made or any earlier previous year.

(3) In addition to the amount of income-tax to be paid under sub-section (1), the declarant shall invest a sum equal to five per cent. of the amount of the voluntarily disclosed income in such securities as the Central Government may notify in this behalf in the Official Gazette.

4. (1) The declaration under sub-section (1) of section 3 shall be made to the Commissioner and shall be in such form and shall be verified in such manner as may be prescribed by rules made by the Board.

(2) The declaration shall be signed—

(a) where the declarant is an individual, by the individual himself; where such individual is absent from India, by the individual concerned or by some person duly authorised by him in this behalf; and where the individual is mentally incapacitated from attending to his affairs, by his guardian or by any other person competent to act on his behalf;

(b) where the declarant is a Hindu undivided family, by the *karta*, and where the *karta* is absent from India or is mentally incapacitated from attending to his affairs, by any other adult member of such family;

Particulars to be furnished in declaration.



(c) where the declarant is a company, by the managing director thereof, or where for any unavoidable reason such managing director is not able to sign the declaration or where there is no managing director, by any director thereof;

(d) where the declarant is a firm, by the managing partner thereof, or where for any unavoidable reason such managing partner is not able to sign the declaration, or where there is no managing partner as such, by any partner thereof, not being a minor;

(e) where the declarant is any other association, by any member of the association or the principal officer thereof; and

(f) where the declarant is any other person, by that person or by some person competent to act on his behalf.

(3) Any person, who has made a declaration under sub-section (1) of section 3 in respect of his income, or as a representative assessee in respect of the income of any other person, shall not be entitled to make any other declaration under that sub-section in respect of his income or, as the case may be, the income of such other person, and any such other declaration, if made, shall be deemed to be void.

5. (1) Subject to the provisions of sub-section (2), the income-tax payable under this Act in respect of the voluntarily disclosed income shall be paid by the declarant before making the declaration and the declaration shall be accompanied by proof of payment of such tax.

Time for  
payment  
of income-  
tax and  
for invest-  
ment in  
notified  
securities.

(2) If the Commissioner is satisfied, on an application made in this behalf by the declarant, that the declarant is unable, for good and sufficient reasons, to pay the full amount of income-tax in respect of the voluntarily disclosed income in accordance with sub-section (1), he may extend the time for payment of the amount which remains unpaid or allow payment thereof by instalments if the declarant furnishes adequate security for the payment thereof; so, however, that an amount which is not less than one-half of the amount of income-tax payable in respect of the voluntarily disclosed income shall be paid on or before the 31st day of March, 1976 and the remainder, if any, on or before the 31st day of March, 1977.

(3) The security required to be furnished by a declarant for the purposes of sub-section (2) shall be in such form and in such manner as the Commissioner may, in his discretion, direct.

(4) The investment in the securities referred to in sub-section (3) of section 3 shall be made by the declarant within thirty days from the date on which the declaration is made by him under sub-section (1) of that section.

6. If the amount of income-tax payable in respect of the voluntarily disclosed income is not paid on or before the 31st day of March, 1976, the declarant shall be liable to pay simple interest at twelve per cent. per annum on the amount remaining unpaid from the 1st day of April, 1976 to the date of payment and the provisions of the Income-tax Act and the rules made thereunder shall, so far as may be, apply as if the

Interest  
payable  
by  
declarant.

interest payable under this section were interest payable under sub-section (2) of section 220 of that Act.

Mode of recovery,

7. (1) If the declarant fails to pay the income-tax in respect of the voluntarily disclosed income within the time allowed under sub-section (2) of section 5 or to invest the amount required to be invested in the securities referred to in sub-section (3) of section 3 within the time specified in sub-section (4) of section 5, the declarant shall be deemed to be in default.

(2) The provisions contained in sections 221 to 227, 229, 231 and 232 of the Income-tax Act and the Second and Third Schedules to that Act and any rules made thereunder shall, so far as may be, apply as if the said provisions were provisions of this Act and referred to income-tax and sums payable by way of penalty and interest under this Act instead of to tax and sums by way of penalty and interest payable under that Act and to the declarant instead of to the assessee.

(3) Any arrears in respect of the amount required to be invested by the declarant in the securities referred to in sub-section (3) of section 3 shall be recoverable in accordance with the provisions of sub-section (2) as if such arrears were arrears of income-tax and the amount so recovered shall be utilised for the purchase of such securities in the name of the declarant.

Voluntarily disclosed income not to be included in the total income-

8. (1) The amount of the voluntarily disclosed income shall not be included in the total income of the declarant for any assessment year under the Indian Income-tax Act, 1922 or the Income-tax Act, or the Excess Profits Tax Act, 1940 or the Business Profits Tax Act, 1947 or the Super Profits Tax Act, 1963 or the Companies (Profits) Surtax Act, 1964, if the following conditions are fulfilled, namely:—

11 of 1922.  
15 of 1940.  
21 of 1947.  
14 of 1963.  
7 of 1964.

(i) the declarant credits such amount in the books of account, if any, maintained by him for any source of income or in any other record, and intimates the credit so made to the Income-tax Officer;

(ii) the income-tax in respect of the voluntarily disclosed income is paid by the declarant; and

(iii) the amount required to be invested in the securities referred to in sub-section (3) of section 3 is so invested by the declarant.

(2) The Commissioner shall, on an application made by the declarant, grant a certificate to him setting forth the particulars of the voluntarily disclosed income, the amount of income-tax paid in respect of the same, the amount of investment made in the securities referred to in sub-section (3) of section 3 and the date of payment and investment.

Voluntarily disclosed income not to affect finality of completed assessments, etc.

9. The declarant shall not be entitled, in respect of the voluntarily disclosed income or any amount of income-tax paid thereon, to reopen any assessment or reassessment made under any of the Acts mentioned in sub-section (1) of section 8 or claim any set off or relief in any appeal, reference or other proceeding in relation to any such assessment or reassessment.

10. Any amount of income-tax paid in pursuance of a declaration made under sub-section (1) of section 3 shall not be refundable under any circumstances.

Income-tax in respect of voluntarily disclosed income not refundable.

11. Notwithstanding anything contained in any other law for the time being in force, nothing contained in any declaration made under sub-section (1) of section 3 shall be admissible in evidence against the declarant for the purpose of any proceeding relating to imposition of penalty or for the purposes of prosecution under any of the Acts mentioned in sub-section (1) of section 8 or the Wealth-tax Act.

Declaration not admissible in evidence against declarant.

12. (1) All particulars contained in a declaration made under sub-section (1) of section 3 shall be treated as confidential and, notwithstanding anything contained in any law for the time being in force, no court or any other authority shall be entitled to require any public servant or the declarant to produce before it any such declaration or any part thereof or to give any evidence before it in respect thereof.

Secrecy of declaration.

(2) No public servant shall disclose any particulars contained in any such declaration except to any officer employed in the execution of any of the Acts mentioned in sub-section (1) of section 8, or the Wealth-tax Act, or to any officer appointed by the Comptroller and Auditor-General of India or the Board to audit income-tax receipts or refunds.

(3) The provisions of sub-sections (1) and (2) shall apply in relation to all documents and particulars relating to the investment in the securities referred to in sub-section (3) of section 3 (including the payment of interest on such securities) as they apply in relation to the declaration made under sub-section (1) of that section and the particulars contained therein.

13. (1) Where the voluntarily disclosed income is represented by cash (including bank deposits), bullion, investment in shares, debts due from other persons, commodities or any other assets specified in the declaration made under sub-section (1) of section 3—

Exemption from wealth-tax in respect of assets specified in declaration.

(a) in respect of which the declarant has failed to furnish a return under section 14 of the Wealth-tax Act for the assessment year commencing on the 1st day of April, 1975 or any earlier assessment year or years, or

(b) which have not been shown in the return of net wealth furnished by him for the said assessment year or years, or

(c) which have been understated in value in the return of net wealth furnished by him for the said assessment year or years,

then, notwithstanding anything contained in the Wealth-tax Act or any rules made thereunder,—

(i) wealth-tax shall not be payable by the declarant in respect of the assets referred to in clause (a) or clause (b) and such assets

shall not be included in his net wealth for the said assessment year or years;

(ii) the amount by which the value of the assets referred to in clause (c) has been understated in the return of net wealth for the said assessment year or years, to the extent such amount does not exceed the voluntarily disclosed income utilised for acquiring such assets, shall not be taken into account in computing the net wealth of the declarant for the said assessment year or years.

*Explanation.*—Where a declaration under sub-section (1) of section 3 is made by a firm, the assets referred to in clause (i) or, as the case may be, the amount referred to in clause (ii) shall not be taken into account in computing the net wealth of any partner of the firm or, as the case may be, in determining the value of the interest of any partner in the firm.

(2) The provisions of sub-section (1) shall not apply unless the conditions specified in sub-section (1) of section 8 are fulfilled by the declarant.

(3) All words and expressions used in this section and in section 15 but not defined and defined in the Wealth-tax Act shall have the meanings respectively assigned to them in that Act.

Disclo-  
sure of  
income in  
cases of  
search  
and  
seizure.

14. (1) Subject to the provisions of this section, where any books of account, other documents, money, bullion, jewellery or other valuable articles or things belonging to a person have been seized as a result of a search under section 132 of the Income-tax Act or section 37A of the Wealth-tax Act and such person (hereafter in this section referred to as the declarant) makes, on or after the date of commencement of this Act but before the 1st day of January, 1976, a declaration in accordance with sub-section (2) in respect of any income relating to the previous year in which such search was made or any earlier previous year—

(a) for which he has failed to furnish a return under section 139 of the Income-tax Act, or

(b) which he has failed to disclose in a return of income furnished by him under the Income-tax Act before the commencement of this Act, or

(c) which has escaped assessment by reason of the omission or failure on the part of such person to make a return under the Indian Income-tax Act, 1922, or the Income-tax Act, or to disclose fully and truly all material facts necessary for his assessment or otherwise,

11 of 1922.

then, notwithstanding anything contained in any of the Acts mentioned in sub-section (1) of section 8 or the Wealth-tax Act, the amount of income so declared or, as the case may be, the value of the assets representing such income, shall not be taken into account for the purposes of—

(i) payment of interest by the declarant under sub-section (8) of section 139 of the Income-tax Act;

(ii) payment of interest by the declarant under section 215 or section 217 of the Income-tax Act or the corresponding provisions of the Indian Income-tax Act, 1922;

11 of 1922.

(iii) imposition of penalty on the declarant under the provisions of any of the said Acts, except under section 221 of the Income-tax Act or the corresponding provisions of any of the other said Acts; and

(iv) prosecution of the declarant under the provisions of any of the said Acts.

(2) The declaration under sub-section (1) shall be made to the Commissioner and shall be in such form and shall be verified in such manner as may be prescribed by rules made by the Board.

(3) A declaration under this section shall be signed by the person specified in sub-section (2) of section 4 as if the declaration had been made under that section.

(4) A copy of the declaration made by the declarant under sub-section (1) shall be forwarded by the Commissioner to the Income-tax Officer and the information contained therein may be taken into account for the purposes of the proceedings relating to assessment or reassessment of the income of the declarant under the provisions of any of the Acts mentioned in sub-section (1) of section 8 or the Wealth-tax Act.

(5) The immunity provided under sub-section (1) shall not be available to the declarant unless the tax chargeable in respect of the income of the previous year or years for which the declaration has been made is paid by the declarant in accordance with the provisions of section 5.

*Explanation.*—For the purposes of this sub-section, tax chargeable in respect of the income of any previous year for which the declaration is made shall be,—

(a) where the declarant has not furnished a return in respect of the total income of that year and no assessment has been made in respect of the total income of that year, the tax payable on the income declared under sub-section (1) for that year as if such income were the total income;

(b) where the declarant has furnished a return in respect of the total income of that year and no assessment has been made in pursuance of such return, the tax payable on the aggregate of the total income returned and the income declared under sub-section (1) for that year as if such aggregate were the total income, as reduced by the tax payable on the basis of the total income returned; and

(c) where an assessment in respect of the total income of that year has been made, the tax payable on the aggregate of the total income as assessed and the income declared under sub-section (1) for that year as if such aggregate were the total income, as reduced by the tax payable on the basis of the total income as assessed.

(6) Where any tax is paid by the declarant in accordance with the provisions of section 5, read with sub-section (5) of this section, credit therefor shall be given to the declarant in the assessment made under the Indian Income-tax Act, 1922, or, as the case may be, the Income-tax Act, in respect of his total income of the previous year or years.

(7) Nothing in sub-section (1) shall apply in relation to any income which has been included in the total income of the declarant in any assessment made by the Income-tax Officer before the date on which the declaration under that sub-section is made.

Voluntary  
disclosure  
of  
wealth.

15. (1) Subject to the provisions of this section, where any person makes, on or after the date of commencement of this Act but before the 1st day of January, 1976, a declaration in respect of—

(a) the net wealth chargeable to wealth-tax for any assessment year for which he has failed to furnish a return under section 14 of the Wealth-tax Act; or

(b) the value of the assets which has not been disclosed, or the value of the assets which has been understated, in any return of net wealth for any assessment year,

then, notwithstanding anything contained in that Act, the net wealth, or, as the case may be, the value so declared shall not be taken into account for the purposes of any proceedings relating to imposition of penalty on the person making the declaration under this sub-section (hereafter in this section referred to as the declarant) or for the purposes of the prosecution of the declarant under that Act:

Provided that—

(i) nothing contained in clause (a) shall apply in relation to the net wealth assessable for any assessment year for which a notice under section 14 or section 17 of that Act has been served upon the declarant before the commencement of this Act;

(ii) nothing contained in clause (b) shall apply in relation to so much of the value of such assets as has been assessed in any assessment for the relevant assessment year made by the Wealth-tax Officer before the date on which the declaration under this sub-section is made.

(2) The declaration under sub-section (1) shall be made to the Commissioner and shall be in such form and shall be verified in such manner as may be prescribed by rules made by the Board.

(3) A declaration under sub-section (1) shall be signed by the person specified in sub-section (2) of section 4 as if the declaration had been made under that section.

(4) A copy of the declaration made by the declarant under sub-section (1) shall be forwarded by the Commissioner to the Wealth-tax Officer and the information contained therein may be taken into account for the purposes of the proceedings relating to assessment or reassessment of the net wealth of the declarant under the provisions of the Wealth-tax Act.

(5) The immunity provided under sub-section (1) shall not be available to the declarant unless the wealth-tax chargeable in respect of the net wealth for the assessment year or years for which the declaration has been made is paid by the declarant in accordance with the provisions of section 5 and the declarant invests in the securities referred to in

sub-section (3) of section 3 within the time specified in sub-section (4) of section 5 the sum specified in sub-section (6) of this section.

*Explanation.*—For the purposes of this sub-section, wealth-tax chargeable in respect of the net wealth for any assessment year for which the declaration is made shall be—

(a) in a case falling under clause (a) of sub-section (1), the wealth-tax payable in respect of the net wealth declared under that clause for that year;

(b) in a case falling under clause (b) of sub-section (1),—

(i) where no assessment has been made in pursuance of the return of net wealth furnished by the declarant, the wealth-tax payable on the aggregate of the net wealth returned and the value declared under that clause for that year as if such aggregate were the net wealth, as reduced by the wealth-tax payable on the basis of the net wealth returned;

(ii) where an assessment has been made in pursuance of the return of net wealth furnished by the declarant, the wealth-tax payable on the aggregate of the net wealth as assessed and the value declared under that clause for that year as if such aggregate were the net wealth, as reduced by the wealth-tax payable on the net wealth as assessed.

(6) The sum referred to in sub-section (5) shall be,—

(a) where the declaration has been made in respect of one assessment year, a sum equal to two and a half per cent. of the amount of net wealth declared under clause (a) of sub-section (1), or, as the case may be, the value declared under clause (b) of that sub-section;

(b) where the declaration has been made in respect of more than one assessment year, a sum equal to two and a half per cent. of the net wealth declared under clause (a) of sub-section (1), or, as the case may be, the value declared under clause (b) of that sub-section, in respect of the last of such assessment years.

(7) Where any wealth-tax is paid by the declarant for any assessment year in accordance with the provisions of section 5, read with sub-section (5) of this section, credit therefor shall be given to the declarant in the assessment made under the Wealth-tax Act for that year.

16. (1) Where—

(a) the voluntarily disclosed income declared under sub-section (1) of section 3 or any part thereof, or

(b) the net wealth, or the assets the value whereof is, declared under sub-section (1) of section 15 or any part of such net wealth or assets,

Immunity from penalty, prosecution, etc., under certain Acts.

is or are represented by gold, then, notwithstanding anything contained in the Customs Act, 1962 or the Gold (Control) Act, such gold shall not be liable to confiscation under either of the said Acts and the person making the declaration shall not be liable to imposition of any penalty

or infliction of any punishment under either of the said Acts for any act or omission in relation to such gold, if he fulfils the following conditions, namely:—

(A) in a case where the gold is owned, possessed, held or controlled by the person making the declaration (such gold being owned, possessed, held or controlled by him in his capacity as a licensed dealer), necessary entries are made by him in the accounts, registers and documents maintained under the Gold (Control) Act, under intimation to the Gold Control Officer of the rank of an Assistant Collector of Central Excise or of Customs before the 1st day of February, 1976 and such other steps as are necessary for him to comply with the requirements of that Act in relation to such gold are taken by him before that date;

(B) in any other case,—

(i) where the gold is an article or ornament or both and the weight of such article or ornament, or the aggregate weight of both, together with the weight of any other gold (being an article or ornament) owned, possessed, held or controlled by him, exceeds the limits specified in sub-section (5) of section 16 of the Gold (Control) Act, such article or ornament or both, as the case may be, is or are declared in the form prescribed under sub-section (1), and in the manner specified in sub-section (8), of that section before the 1st day of February, 1976;

(ii) where the gold is primary gold, such gold is either sold to any licensed dealer under intimation to the Gold Control Officer of the rank of an Assistant Collector of Central Excise or of Customs before the 1st day of February, 1976 or is made into ornaments and a declaration in this behalf is made in the form prescribed under sub-section (1), and in the manner specified in sub-section (8), of section 16 of the Gold (Control) Act, before that date.

(2) Notwithstanding anything contained in the Gold (Control) Act, any primary gold referred to in sub-clause (ii) of clause (B) of sub-section (1) may be sold by the person making the declaration to any licensed dealer and such licensed dealer may purchase such gold, provided that the total quantity of primary gold (not being in the form of standard gold bars) in the possession or custody of such dealer and the quantity of primary gold (not being in the form of standard gold bars) to be so purchased does not exceed the limit specified in clause (a) or clause (b) or clause (c) or, as the case may be, clause (d) of the proviso to sub-section (1) of section 32 of that Act.

(3) Where a declaration is made under sub-clause (i) or sub-clause (ii) of clause (B) of sub-section (1), the provisions of section 16 of the Gold (Control) Act, shall, so far as may be, apply as if such declaration were a declaration made under that section.

(4) The immunity provided under sub-section (1) shall, in a case where the person making the declaration is a firm, also extend to the partners of the firm.



52 of 1962.

(5) Nothing in this section shall apply in relation to any gold,—

(a) which has been seized or confiscated under the Customs Act, 1962 or the Gold (Control) Act, before the declaration under sub-section (1) of section 3 or, as the case may be, under sub-section (1) of section 15, is made; or

(b) which is seized as a result of any search made under either of the said Acts where such search had commenced before such declaration is made; or

(c) in respect of which any other proceedings under either of the said Acts are pending before any authority before such declaration is made.

(6) For the removal of doubts, it is hereby declared that nothing in this section shall be construed as exempting any person from discharging any obligation under the Gold (Control) Act, on or after the 1st day of February, 1976 in relation to the gold referred to in this section.

*Explanation.*—For the purposes of this section, the expressions “article”, “gold”, “Gold Control Officer”, “licensed dealer”, “ornament”, “primary gold” and “standard gold bar” shall have the meanings respectively assigned to them in the Gold (Control) Act.

17. The provisions of Chapter XV of the Income-tax Act relating to liability in special cases and of section 189 of that Act or of Chapter V of the Wealth-tax Act relating to liability to assessment in special cases shall, so far as may be, apply in relation to proceedings under this Act as they apply in relation to proceedings under the Income-tax Act or, as the case may be, the Wealth-tax Act.

Applicability of certain provisions of Income-tax Act and of Chapter V of Wealth tax Act.

18. For the removal of doubts, it is hereby declared that, save as otherwise expressly provided in the *Explanation* to sub-section (1) of section 13 and in sub-section (4) of section 16, nothing contained in this Act shall be construed as conferring any benefit, concession or immunity on any person other than the person making the declaration under this Act.

Removal of doubts.

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

Power to remove difficulties.

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

20. (1) The Board may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for,—

(a) the form in which a declaration may be made under sub-section (1) of section 3 and the manner in which it may be verified;

(b) the form in which a declaration may be made under sub-section (1) of section 14 and the manner in which it may be verified;

(c) the form in which a declaration may be made under sub-section (1) of section 15 and the manner in which it may be verified.

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

Provisions  
of Act  
not to  
apply to  
certain  
persons.

21. The provisions of this Act shall not apply to any person in respect of whom an order of detention has been made under the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974:

52 of 1974.

Provided that—

(i) such order of detention, being an order to which the provisions of section 9 or section 12A of the said Act do not apply, has not been revoked on the report of the Advisory Board under section 8 of the said Act or before the receipt of the report of the Advisory Board; or

(ii) such order of detention, being an order to which the provisions of section 9 of the said Act apply, has not been revoked before the expiry of the time for, or on the basis of, the review under sub-section (3) of section 9, or on the report of the Advisory Board under section 8, read with sub-section (2) of section 9, of the said Act; or

(iii) such order of detention, being an order to which the provisions of section 12A of the said Act apply, has not been revoked before the expiry of the time for, or on the basis of, the first review under sub-section (3) of that section, or on the basis of the report of the Advisory Board under section 8, read with sub-section (6) of section 12A, of the said Act; or

(iv) such order of detention has not been set aside by a court of competent jurisdiction.

Repeal  
and  
saving

22. (1) The Voluntary Disclosure of Income and Wealth Ordinance, 1975 and the Voluntary Disclosure of Income and Wealth (Amendment) Ordinance, 1975 are hereby repealed.

15 of 1975.

23 of 1975.

(2) Notwithstanding such repeal, anything done or any action taken under the Voluntary Disclosure of Income and Wealth Ordinance, 1975 as amended by the Voluntary Disclosure of Income and Wealth (Amendment) Ordinance, 1975 shall be deemed to have been done or taken under the corresponding provision of this Act.

15 of 1975.

23 of 1975.

(3) Where during the period commencing on the 8th October, 1975 and ending with the 28th November, 1975 any person had furnished security in accordance with sub-section (3) of section 5 of the Voluntary Disclosure of Income and Wealth Ordinance, 1975 as it stood immediately before its amendment by the Voluntary Disclosure of Income and Wealth (Amendment) Ordinance, 1975, such person shall be deemed to have furnished adequate security for the purposes of sub-section (2) of section 5 of this Act.

15 of 1975.

23 of 1975.

## THE SCHEDULE

[See section 3(1)]

*Rates of income-tax*

(a) In the case of a declarant, being a company, at the rate of 60 per cent. of the voluntarily disclosed income.

(b) In the case of a declarant, being a person other than a company,—

- |  |  |
|--|--|
| (1) where the voluntarily disclosed income does not exceed Rs. 25,000                        | 25 per cent. of the voluntarily disclosed income;  |
| (2) where the voluntarily disclosed income exceeds Rs. 25,000 but does not exceed Rs. 50,000 | Rs. 6,250 plus 40 per cent. of the amount by which the voluntarily disclosed income exceeds Rs. 25,000;  |
| (3) where the voluntarily disclosed income exceeds Rs. 50,000                                | Rs. 16,250 plus 60 per cent. of the amount by which the voluntarily disclosed income exceeds Rs. 50,000. |

THE INDIAN RAILWAYS (AMENDMENT) ACT, 1976

No. 9 of 1976

[25th January, 1976.]

An Act further to amend the Indian Railways Act, 1890.

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

Short  
title  
and com-  
mence-  
ment.

1. (1) This Act may be called the Indian Railways (Amendment) Act, 1976.

(2) It shall be deemed to have come into force on the 25th day of September, 1975.

Amend-  
ment of  
Act 9 of  
1890.

2. In the Indian Railways Act, 1890, after section 56A, the following sections shall be inserted, namely:—

Special  
provisions  
as to  
goods  
booked  
to noti-  
fied sta-  
tions.

‘56B. (1) In this section and in sections 56C and 56D, unless the context otherwise requires,—

(a) “essential commodity” means essential commodity as defined in clause (a) of section 2 of the Essential Commodities Act, 1955;

10 of 1955.

(b) “State Government”, in relation to a notified station, means the Government of the State in which such station is situated or where such station is situated in a Union territory, the Administrator of that Union territory appointed under article 239 of the Constitution;

(c) “notified station” means a station declared to be a notified station under sub-section (2);

(d) “prescribed” means prescribed by rules made by the Central Government under section 56E;

(e) “termination of transit” means termination of transit determined in accordance with the provisions of clause (a) of sub-section (5) of section 77.

(2) The Central Government may, if satisfied that it is necessary that goods booked by trains intended solely for the carriage of goods to any railway station should be removed without delay from such railway station, declare, by notification in the Official Gazette, such railway station to be a notified station for such period as may be specified in the notification:

Provided that before declaring any railway station to be a notified station under this sub-section, the Central Government shall have regard to all or any of the following factors, namely:—

(a) the volume of traffic and the storage space available at such railway station;

(b) the nature and quantities of goods generally booked to such railway station;

(c) the scope for causing scarcity of such goods by not removing them for long periods from such railway station and the hardship which such scarcity may cause to the community;

(d) the number of wagons likely to be held up at such railway station if goods are not removed therefrom quickly and the need for quick movement and availability of such wagons;

(e) such other factors (being factors relevant from the point of view of the interest of the general public) as may be prescribed:

Provided further that the period specified in any notification issued under this sub-section in respect of any railway station shall not exceed six months in the first instance but such period may, by a like notification, be extended from time to time by a period not exceeding six months on each occasion.

(3) If any person delivering to a railway administration any goods to be carried to a notified station makes an application in such form and manner as may be prescribed and specifies therein the address of the person to whom intimation of the arrival of the goods at the notified station shall be given and pays the postage fee required for giving such intimation, the railway administration shall, as soon as may be after the arrival of the goods at the notified station, send such intimation by registered post.

(4) There shall be exhibited at a conspicuous place in each notified station a statement in the prescribed form setting out the description of the goods which by reason of the fact that they have not been removed from the station within a period of seven days from the termination of transit thereof are liable to be sold, in accordance with the provisions of sub-section (1) of section 56C, by public auction and the dates on which they would be so sold:

Provided that different statements may be so exhibited in respect of goods proposed to be sold on different dates.

(5) If the goods specified in any statement prepared under sub-section (4) include essential commodities, the officer preparing the statement shall, as soon as may be after the preparation of such statement, forward a copy thereof to—

(a) the representative of the Central Government, nominated by that Government in this behalf;

(b) the representative of the State Government, nominated by that Government in this behalf; and

(c) the district magistrate within the local limits of whose jurisdiction the railway station is situated.

Disposal  
of un-  
remov-  
ed goods  
at  
notified  
stations.

56C. (1) If any goods booked for carriage by railway to any notified station by a train intended solely for the carriage of goods are not removed from such station by a person entitled to do so within a period of seven days after the termination of transit thereof at such station, the railway administration may, subject to the provisions of sub-section (2), sell such goods by public auction and apart from exhibiting in accordance with the provisions of sub-section (4) of section 56B a statement containing a description of such goods, it shall not be necessary to give any notice of such public auction, but the dates on which such auction may be held under this sub-section may be notified in one or more local newspapers, or where there are no such newspapers, in such manner as may be prescribed:

Provided that if at any time before the sale of such goods under this sub-section the person entitled thereto pays the rates or charges and the expenses due in respect thereof to the railway administration, he shall be allowed to remove such goods.

(2) If any essential commodities which may be sold by public auction under sub-section (1) at a notified station are required by the Central Government or the State Government for its own use or if the Central Government or such State Government considers that it is necessary for securing the availability of all or any such essential commodities at fair prices so to do, it may, by order in writing, direct the officer in charge of such auction to transfer such goods to it or to such agency, co-operative society or other person (being an agency, co-operative society or other person subject to the control of the Government) engaged in the business of selling such essential commodities as may be specified in the direction.

(3) Every direction issued under sub-section (2) in respect of any essential commodity shall be binding on the officer to whom it is issued and the railway administration and it shall be a sufficient defence against any claim by the person entitled to the delivery thereof that such essential commodities have been transferred in compliance with such direction:

Provided that—

(a) such direction shall not be binding on such person or the railway administration—

(i) if it has not been received by such officer sufficiently in time to enable him to prevent the sale of the essential commodities to which it relates; or

(ii) if before the time appointed for such sale the person entitled to such goods pays the rates or charges and the expenses due in respect thereof and claims that he be allowed to remove the goods; or

(iii) if the price payable for such goods (as estimated by the Central Government or, as the case may be, the State Government) has not been credited to the railway administration in the prescribed manner and the railway administration is not indemnified against any additional amount which it may become liable to pay towards price by reason of the price not having been computed in accordance with the provisions of sub-section (4);

(b) where directions are issued in respect of the same goods both by the Central Government and the State Government, the directions received earlier shall prevail.

(4) The price payable for any essential commodity transferred in compliance with a direction issued under sub-section (2) shall be the price calculated in accordance with the provisions of sub-section (3) of section 3 of the Essential Commodities Act, 1955:

10 of 1955.

Provided that—

10 of 1955.

(a) in the case of any essential commodity being a food-stuff in respect whereof a notification issued under sub-section (3A) of section 3 of the Essential Commodities Act, 1955 is in force in the locality in which the notified station is situated, the price payable shall be calculated in accordance with the provisions of clauses (iii) and (iv) of that sub-section;

10 of 1955.

(b) in the case of an essential commodity being any grade or variety of foodgrains, edible oil-seeds or edible oils in respect whereof no notification issued under sub-section (3A) of section 3 of the Essential Commodities Act, 1955 is in force in the locality in which the notified station is situated, the price payable shall be calculated in accordance with the provisions of sub-section (3B) of that section;

10 of 1955.

(c) in the case of an essential commodity being any kind of sugar in respect whereof no notification issued under sub-section (3A) of section 3 of the Essential Commodities Act, 1955 is in force in the locality in which the notified station is situated, the price payable shall, if such sugar has been booked by the producer to himself, be calculated in accordance with the provisions of sub-section (3C) of that section.

10 of 1955.

*Explanation.*—For the purposes of this clause, the expressions “producer” and “sugar” shall have the meanings assigned to those expressions in the *Explanation* to sub-section (3C) of section 3, and clause (e) of section 2, of the Essential Commodities Act, 1955 respectively.

56D. (1) Out of the proceeds of any sale of goods under sub-section (1) of section 56C or the price payable therefor under sub-section (4) of that section, the railway administration may retain a sum equal to the rates or charges due in respect of the goods and the expenses incurred in respect of the goods and the auction thereof and render the surplus, if any, to the person entitled thereto.

Price  
to be  
paid to  
person  
entitled  
after  
deduct-  
ing dues.

(2) Notwithstanding anything contained in sub-section (1), the railway administration may recover by suit any such rate or charge or expenses referred to therein or balance thereof.

(3) Any goods sold under sub-section (1) of section 56C or transferred in compliance with directions issued under sub-section (2) of that section shall vest in the buyer or the transferee free from all encumbrances but subject to a priority being given for the sum which may be retained by a railway administration under sub-section (1), the person in whose favour such encumbrance subsists may have a claim in respect of such encumbrance against the surplus, if any, referred to in that sub-section.

Power  
to make  
rules.

56E. (1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of giving effect to the provisions of sections 56B, 56C and 56D.

(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 factors to which the Central Government shall have regard under clause (e) of the first proviso to sub-section (2) of section 56B;

(b) the form and manner in which an application may be made under sub-section (3) of section 56B;

(c) the form in which a statement required to be exhibited under sub-section (4) of section 56B shall be prepared;

(d) the manner in which the dates of public auctions may be notified under sub-section (1) of section 56C; and

(e) the manner of crediting to the Railway Administration the price of goods referred to in sub-clause (iii) of clause (a) of the proviso to sub-section (3) of section 56C.

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

Repeal  
and  
saving

3. (1) The Indian Railways (Amendment) Ordinance, 1975 is hereby repealed. 10 of 1975.

(2) Notwithstanding such repeal, anything done or any action taken under the Indian Railways Act, 1890, as amended by the said Ordinance, shall be deemed to have been done or taken under that Act as amended by this Act. 9 of 1890.



# THE ELECTION LAWS (EXTENSION TO SIKKIM) ACT, 1976

No. 10 OF 1976

[25th January, 1976.]

An Act to provide for the extension of the Representation of the People Act, 1950 and the Representation of the People Act, 1951, to the State of Sikkim.

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

1. (1) This Act may be called the Election Laws (Extension to Sikkim) Act, 1976.

Short  
title and  
com-  
mence-  
ment.

(2) It shall be deemed to have come into force on the 9th day of September, 1975.

2. (1) The Acts mentioned in the Schedule are hereby extended to, and shall be in force in, the State of Sikkim.

Extension  
and  
amend-  
ment of  
election  
laws.

(2) With effect from the commencement of this Act, the Acts mentioned in the Schedule shall be amended as specified therein.

(3) Any reference in the Acts mentioned in the Schedule to a law not in force, or to a functionary not in existence, in the State of Sikkim shall be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in that State:

Provided that if any question arises as to who such corresponding functionary is, or if there is no such corresponding functionary, the Central Government shall decide as to who such functionary will be and the decision of the Central Government shall be final.

Repeal  
and  
saving.

3. (1) The Election Laws (Extension to Sikkim) Ordinance, 1975, is hereby repealed. 9 of 1975.

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

## THE SCHEDULE

(See section 2)

### THE REPRESENTATION OF THE PEOPLE ACT, 1950

(43 OF 1950)

Section 7A.—After section 7, insert:—

Total  
number  
of seats  
in the  
Legislative  
Assembly  
of Sik-  
kim  
and  
Assembly  
constitu-  
encies.

“7A. (1) Notwithstanding anything contained in section 7, in the Legislative Assembly of the State of Sikkim [deemed under the Constitution (Thirty-sixth Amendment) Act, 1975 to be the Legislative Assembly of that State duly constituted], the total number of seats to be filled by persons chosen by direct election from Assembly constituencies shall be 32.

(2) Every Assembly constituency referred to in sub-section (1) shall be a single-member constituency.

(3) In the Legislative Assembly so deemed to be duly constituted, the extent of each constituency and the reservation of seats shall be as provided for immediately before the commencement of the Constitution (Thirty-sixth Amendment) Act, 1975.”

Section 25A.—In Part III, after section 25, insert:—

Condi-  
tions of  
registra-  
tion  
as elec-  
tor in  
Sangha  
constitu-  
ency in  
Sikkim.

“25A. Notwithstanding anything contained in sections 15 and 19, for the Sangha constituency in the State of Sikkim, only the Sanghas belonging to monasteries, recognised for the purpose of the elections held in Sikkim in April, 1974, for forming the Assembly for Sikkim, shall be entitled to be registered in the electoral roll, and the said electoral roll shall, subject to the provisions of sections 21 to 25, be prepared or revised in such manner as may be directed by the Election Commission, in consultation with the Government of Sikkim.”

The First Schedule.—In the First Schedule, under the heading “I. STATES”, after serial number 15 and the entries relating thereto, insert:—

“15A. Sikkim

### THE REPRESENTATION OF THE PEOPLE ACT, 1951

(43 OF 1951)

Section 4.—In section 4, omit “and” at the end of clause (cc) and after that clause, insert:—

“(ccc) in the case of the seat allotted to the State of Sikkim, he is an elector for the Parliamentary constituency for Sikkim.”

Section 5A.—After section 5, insert:—

“5A. Notwithstanding anything contained in section 5, a person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of Sikkim (deemed to be the Legislative Assembly of that State duly constituted under the Constitution) unless—

(a) in the case of a seat reserved for Sikkimese of Bhutia-Lepcha origin, he is a person either of Bhutia or Lepcha origin and is an elector for any Assembly constituency in the State other than the constituency reserved for the Sanghas;

(b) in the case of a seat reserved for Sikkimese of Nepali origin, he is a person of Nepali origin and is an elector for any Assembly constituency in the State;

(c) in the case of a seat reserved for Scheduled Castes, he is a member of any of the castes specified in the Representation of Sikkim Subjects Act, 1974 and is an elector for any Assembly constituency in the State; and

(d) in the case of a seat reserved for Sanghas, he is an elector of the Sangha constituency.”

Section 12A.—After section 12, insert:—

“12A. For the purpose of filling for the first time the seat allotted to the State of Sikkim by the Constitution (Thirty-sixth Amendment) Act, 1975 in the Council of States, the President shall, by a notification published in the Gazette of India, on such date as may be recommended by Election Commission, call upon the elected members of the Legislative Assembly of the State of Sikkim to elect a member in accordance with the provisions of this Act and of the rules and orders made thereunder and the election so held shall for all purposes and intent be deemed to have been held under section 12.”

Section 14A.—After section 14, insert:—

“14A. For the purpose of electing a representative of the State of Sikkim to the House of the People, specified in clause (e) of article 371F of the Constitution, the Election Commission shall call upon the members of the Legislative Assembly of the State of Sikkim to elect the representative in accordance with such of the provisions of this Act, and the rules and orders made thereunder, as are applicable to the election of the members of the Council of States.”

Section 33.—In section 33, after sub-section (1), insert:—

“(1A) Notwithstanding anything contained in sub-section (1), for election to the Legislative Assembly of Sikkim (deemed to be the Legislative Assembly of that State duly constituted under

Qualifications for membership of Legislative Assembly of Sikkim

Notification for election to fill the seat allotted to the State of Sikkim in the Council of States

Notification for electing the representative of the State of Sikkim to the existing House of the People.

the Constitution), the nomination paper to be delivered to the returning officer shall be in such form and manner as may be prescribed:

Provided that the said nomination paper shall be subscribed by the candidate as assenting to the nomination, and—

(a) in the case of a seat reserved for Sikkimese of Bhutia-Lepcha origin, also by at least twenty electors of the constituency as proposers and twenty electors of the constituency as seconders;

(b) in the case of a seat reserved for Sanghas, also by at least twenty electors of the constituency as proposers and at least twenty electors of the constituency as seconders;

(c) in the case of a seat reserved for Sikkimese of Nepali origin, by an elector of the constituency as proposer:

Provided further that no nomination paper shall be delivered to the returning officer on a day which is a public holiday."

*Section 34.*—In section 34, in sub-section (2), for "under sub-section (1) of section 33", substitute "under sub-section (1) or, as the case may be, sub-section (1A) of section 33".

*Section 35.*—In section 35, for "under sub-section (1)", substitute "under sub-section (1) or, as the case may be, sub-section (1A)".

THE SALES PROMOTION EMPLOYEES (CONDITIONS  
OF SERVICE) ACT, 1976

No. 11 of 1976

[25th January, 1976.]

An Act to regulate certain conditions of service of sales promotion employees in certain establishments.

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

1. (1) This Act may be called the Sales Promotion Employees (Conditions of Service) Act, 1976.

(2) It extends to the whole of India

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different States.

(4) It shall apply in the first instance to every establishment engaged in pharmaceutical industry.

(5) The Central Government may, by notification in the Official Gazette, apply the provisions of this Act, with effect from such date as may be specified in the notification, to any other establishment engaged in any notified industry.

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

(a) "establishment" means an establishment engaged in pharmaceutical industry or in any notified industry;

Short  
title,  
extent,  
com-  
mence-  
ment and  
applica-  
tion.

Defini-  
tions.

(b) "notified industry" means an industry declared as such under section 3;

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

(d) "sales promotion employee" means any person by whatever name called (including an apprentice) employed or engaged in any establishment for hire or reward to do any work relating to promotion of sales or business, or both, and—

(i) who draws wages (being wages, not including any commission) not exceeding seven hundred and fifty rupees per mensem; or

(ii) who had drawn wages (being wages, including commission), or commission only, in either case, not exceeding nine thousand rupees in the aggregate in the twelve months immediately preceding the month in which this Act applies to such establishment and continues to draw such wages or commission, in the aggregate, not exceeding the amount aforesaid in a year,

but does not include any such person who is employed or engaged mainly in a managerial or administrative capacity;

(e) 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.

14 of 1947.

Power of  
Central  
Govern-  
ment to  
declare  
certain  
industries  
to be  
notified  
indust-  
ries.

3. The Central Government may, having regard to the nature of any industry (not being pharmaceutical industry), the number of employees employed in such industry to do any work relating to promotion of sales or business or both, the conditions of service of such employees and such other factors which, in the opinion of the Central Government, are relevant, declare such industry to be a notified industry for the purposes of this Act.

Leave.

4. In addition to such holidays, casual leave or other kinds of leave as may be prescribed, every sales promotion employee drawing wages (being wages, not including any commission) shall be granted, if so requested for—

(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.

Issue of  
appoint-  
ment  
letter.

5. Every employer in relation to a sales promotion employee shall furnish to such employee a letter of appointment, in such form as may be prescribed,—

(a) in a case where he holds appointment as such at the commencement of this Act, within three months of such commencement; and

(b) in any other case, on his appointment as such.

8 of 1923.

6. (1) The provisions of the Workmen's Compensation Act, 1923, as in force for the time being, shall apply to, or in relation to, sales promotion employees as they apply to, or in relation to, workmen within the meaning of that Act.

Applica-  
tion of  
certain  
Acts to  
sales  
promo-  
tion em-  
ployees.

14 of 1947.

(2) The provisions of the Industrial Disputes Act, 1947, as in force for the time being, shall apply to, or in relation to, sales promotion employees as they apply to, or in relation to, workmen within the meaning of that Act and for the purposes of any proceeding under that Act in relation to an industrial dispute, a sales promotion employee shall be deemed to include a sales promotion employee who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute or whose dismissal, discharge or retrenchment had led to that dispute.

11 of 1948.

(3) The provisions of the Minimum Wages Act, 1948, as in force for the time being, shall apply to, or in relation to, sales promotion employees as they apply to, or in relation to, employees within the meaning of that Act.

53 of 1961.

(4) The provisions of the Maternity Benefit Act, 1961, as in force for the time being, shall apply to, or in relation to, sales promotion employees, being women, as they apply to, or in relation to, women employed, whether directly or through any agency, for wages in any establishment within the meaning of that Act.

21 of 1965.

(5) The provisions of the Payment of Bonus Act, 1965, as in force for the time being, shall apply to, or in relation to, sales promotion employees as they apply to, or in relation to, employees within the meaning of that Act.

39 of 1972.

(6) The provisions of the Payment of Gratuity Act, 1972, as in force for the time being, shall apply to, or in relation to, sales promotion employees as they apply to, or in relation to, employees within the meaning of that Act.

7. Every employer in relation to an establishment shall keep and maintain such registers and other documents and in such manner as may be prescribed.

Mainte-  
nance of  
registers.

8. (1) The State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of this Act and may define the local limits within which they shall exercise their functions.

Inspec-  
tors.

(2) Any Inspector appointed under sub-section (1) may, for the purpose of ascertaining whether any of the provisions of this Act have been complied with in respect of an establishment,—

(a) require an employer to furnish such information as he may consider necessary;

(b) at any reasonable time enter the establishment or any premises connected therewith and require any one found in charge

thereof to produce before him for examination any registers and other documents relating to the employment of sales promotion employees;

(c) examine with respect to any matter relevant to any of the purposes aforesaid, the employer, his agent or servant or any other person found in charge of the establishment or any premises connected therewith or any person whom the Inspector has reasonable cause to believe to be or to have been a sales promotion employee in the establishment;

(d) make copies of or take extracts from any register or other documents maintained in relation to the establishment under this Act;

(e) exercise such other powers as may be prescribed.

(3) Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

45 of 1860.

(4) Any person required to produce any register or other document or to give information by an Inspector under sub-section (2) shall be legally bound to do so.

Penalty.

9. If any employer contravenes the provisions of section 4 or section 5 or section 7 or any rules made under this Act, he shall be punishable with fine which may extend to one thousand rupees.

Offences by companies.

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

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this section, 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 such offence and shall be liable to be proceeded against and punished accordingly.

(3) 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 offence.

11. (1) No court inferior to that of a Metropolitan Magistrate or a Magistrate of the first class shall try any offence punishable under this Act.



(2) No court shall take cognizance of an offence under this Act, unless the complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

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

Power to  
make  
rules.

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

(a) the kinds of leave that may be granted to a sales promotion employee under section 4;

(b) the form of the letter of appointment to be furnished under section 5;

(c) the registers and other documents to be kept and maintained under section 7 and the manner in which such registers and other documents may be kept and maintained;

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

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

THE IMPORTS AND EXPORTS (CONTROL) AMENDMENT  
ACT, 1976

No. 12 OF 1976

[25th January, 1976.]

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

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

Short  
title.

1. This Act may be called the Imports and Exports (Control) Amend-  
ment Act, 1976.

Substitu-  
tion of  
new  
section  
for  
section 2.  
Defini-  
tions.

2. For section 2 of the Imports and Exports (Control) Act, 1947 18 of 1947.  
(hereinafter referred to as the principal Act), the following section shall  
be substituted, namely:—

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

(a) "adjudicating authority" means the authority specified in,  
or under, section 4K;

(b) "Appellate authority" means the Appellate authority referred  
to in section 4M;

(c) "Chief Controller" means the Chief Controller of Imports  
and Exports;

(d) "control order" means a control order made, or deemed to  
have been made, under this Act;

(e) "customs station" has the meaning assigned to it in the Cus- 52 of 1962.  
toms Act, 1962;

(f) "Deputy Chief Controller" means a Deputy Chief Control-  
ler of Imports and Exports;

(g) "import" and "export" mean, respectively, bringing into,  
and taking out of, India by sea, land or air;

(h) "letter of authority" means a letter authorising the licensee to permit another person, named in the said letter, to import goods against the licence granted to the licensee;

(i) "licence" means a licence granted, and includes a customs clearance permit issued, under any control order;

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

(k) "recognised agency" means an agency to which the functions of distribution of imported goods have been assigned by the Chief Controller.

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

Insertion  
of new  
sections  
4B to 4P.

'4B. Any person authorised in writing in this behalf by the Chief Controller or any officer serving under him, not being an officer below the rank of a Deputy Chief Controller (hereafter in this Act called the "authorised person"), may enter, at any reasonable time, any premises in which—

Power to  
enter and  
inspect.

(i) any imported goods or materials which are liable to confiscation under this Act, or

(ii) any books of account or other documents or things which, in his opinion, will be useful for, or relevant to, any proceeding under this Act,

are suspected to have been kept or concealed, and inspect such imported goods, materials, books of account, other documents or things and may take such notes or extracts from such books of account or other documents as he may think fit.

4C. If the authorised person has any reason to believe that—

Power to  
search.

(i) any imported goods or materials which are liable to confiscation under this Act, or

(ii) any books of account or other documents or things which, in his opinion, will be useful for, or relevant to, any proceeding under this Act,

are secreted in any place, he may enter into and search such place or premises for such imported goods, materials, books of account, other documents or things.

4D. (1) If the authorised person has any reason to believe that any imported goods or materials are liable to confiscation under this Act, he may seize such goods or materials together with the package, covering or receptacle, if any, in which such goods or materials are found, and where such goods or materials are found to have been mixed with any other goods or materials, he may seize such goods or materials together with the goods or materials with which they are so mixed:

Power to  
seize  
imported  
goods or  
materials.

Provided that where it is not practicable to seize any such goods or materials, the authorised person may serve on the owner of the goods or materials an order that he shall not remove, part with or otherwise deal with, the goods or materials except with the previous permission of such authorised person.

(2) Where any goods or materials are seized under sub-section (1) and no notice in respect thereof is given under section 4L within six months of the seizure of the goods or materials, the goods or materials shall be returned to the person from whose possession they were seized:

Provided that the aforesaid period of six months may, on sufficient cause being shown, be extended by the Chief Controller by a further period not exceeding six months.

(3) The authorised person may seize any documents or things which, in his opinion, will be useful for, or relevant to, any proceeding under this Act.

(4) The person from whose custody any documents are seized under sub-section (3) shall be entitled to make copies thereof or take extracts therefrom in the presence of the authorised person.

(5) If any person legally entitled to the documents or other things seized under sub-section (3) objects, for any reason, to the retention by the authorised person of the documents or things, he may make an application to the Central Government stating therein the reasons for such objection and requesting for the return of the documents or things.

(6) On receipt of an application under sub-section (5), the Central Government may, after giving the applicant an opportunity of being heard, pass such order as it may think fit.

(7) Where any document—

(a) is produced or furnished by any person or has been seized from the custody or control of any person under this Act or any other law for the time being in force, or

(b) has been received from any place outside India (duly authenticated by such authority or person and in such manner as may be prescribed) in the course of the investigation of any offence alleged to have been committed by any person against this Act,

and such document is tendered in evidence against the person by whom it is produced or from whom it was seized or against such person and any other person who is jointly tried, or proceeded against, with him, the court, or, as the case may be, the adjudicating authority shall, notwithstanding anything to the contrary contained in any other law for the time being in force,—

(i) presume, unless the contrary is proved, that the signature and every other part of such document which purports to be in the handwriting of any particular person or which the court or the adjudicating authority may reasonably assume to have been signed by, or to be in the handwriting of, any particular person, is under that person's handwriting, and, in the case of a document executed or attested, it was executed or attested by the person by whom it purports to have been so executed or attested;

(ii) admit the document in evidence notwithstanding that it is not duly stamped, if such document is otherwise admissible in evidence.

4E. Any authorised person may, if he has any reason to suspect that any conveyance or animal is being, or is about to be, used for the transportation of any imported goods or materials which are liable to confiscation under this Act and that by such transportation any provision of this Act has been, is being, or is about to be, contravened, at any time stop such conveyance or animal or, in the case of an aircraft, compel it to land, and

- (a) rummage and search the conveyance or any part thereof,
- (b) examine and search any goods or materials in the conveyance or on the animal,
- (c) if it becomes necessary to stop any conveyance or animal, he may use all lawful means for stopping it and where such means fail, the conveyance or animal may be fired upon,

and where he is satisfied that it is necessary so to do to prevent the contravention of any provision of this Act or of any control order or condition of any licence or letter of authority, he may seize such conveyance or animal.

*Explanation.*—Any reference in this section to a conveyance shall, unless the context otherwise requires, be construed as including a reference to an aircraft, vehicle or vessel.

4F. The provisions of the Code of Criminal Procedure, 1973, relating to searches and seizures, shall, so far as may be, apply to every search or seizure made under this Act.

4G. Any imported goods or materials in respect of which—

- (a) any condition of the licence or letter of authority, under which they were imported, relating to the utilisation or distribution of such goods or materials, or
- (b) any condition relating to the utilisation or distribution of such goods or materials subject to which they were received from, or through, a recognised agency, or
- (c) any direction given under a control order with regard to the sale of such goods or materials,

has been, is being, or is attempted to be, contravened, shall, together with any package, covering or receptacle in which such goods are found, be liable to confiscation, and, where such goods or materials are so mixed with any other goods or materials that they cannot be readily separated, such other goods or materials shall also be liable to confiscation:

Provided that where it is established to the satisfaction of the adjudicating authority that any goods or materials, which are liable to confiscation under this Act, had been imported for personal use, and not for any trade or industry, and that they belong to a person other than the person who has, by any act or omission, rendered

Power to stop and seize conveyances.

Search and seizure to be made in accordance with the Code of Criminal Procedure, 1973.

Confiscation.

them liable to confiscation, and such act or omission was without the knowledge or connivance of the person to whom they belong, such goods or materials shall not be ordered to be confiscated; but such other action as is authorised by this Act may be taken against the person who has, by such act or omission, rendered such goods or materials liable to confiscation.

Confisca-  
tion of  
convey-  
ance.

4H. Any conveyance or animal which has been, is being, or is attempted to be, used for the transport of any imported goods or materials which are liable to confiscation under this Act, shall be liable to confiscation unless the owner of the conveyance or animal proves that it was, is being, or is about to be, so used without the knowledge or connivance of the owner himself, his agent, if any, and the person in charge of the conveyance or animal and that each of them had taken all reasonable precautions against such use:

Provided that in the case of a conveyance or animal used for the transport of goods or passengers for hire, the owner of the conveyance or animal shall be given an option to pay, in lieu of confiscation of the conveyance or animal, a fine not exceeding the value of the imported goods or materials which have been, are being, or attempted to be, transported by such conveyance.

Liability  
to  
penalty.

4-I. (1) Any person who,—

(a) in relation to any goods or materials which have been imported under any licence or letter of authority, uses or utilises such goods or materials otherwise than in accordance with the conditions of such licence or letter of authority; or

(b) being a person to whom any imported goods or materials have been delivered by a recognised agency, uses or utilises such goods or materials or causes them to be used or utilised, for any purpose other than the purpose for which they were delivered to him; or

(c) having made a declaration for the purpose of obtaining—

(i) a licence or letter of authority to import any goods or materials, or

(ii) any amendment of such licence or letter of authority, or

(iii) allotment of any imported goods or materials,

is found to have made in such declaration, any statement which is incorrect or false in material particulars; or

(d) acquires, sells or otherwise parts with, or agrees to acquire, sell or otherwise part with, any imported goods or materials in contravention of the conditions of any licence or letter of authority in pursuance of which such goods or materials had been imported; or

(e) acquires, sells or otherwise parts with, or agrees to acquire, sell or otherwise part with, any imported goods or materials in contravention of the terms of any allotment made by any recognised agency; or

(f) contravenes any direction given under a control order with regard to the sale of goods or materials which have been imported under any licence or letter of authority or which have been received from, or through, a recognised agency,

shall be liable to a penalty not exceeding five times the value of the goods or materials, or one thousand rupees, whichever is more, whether or not such goods or materials have been confiscated or are available for confiscation.

*Explanation.*—For the purposes of this section, “value” has the meaning assigned to it in sub-section (1) of section 14 of the Customs Act, 1962.

52 of 1962

(2) If any person abets the commission of any act or omission, which act or omission would render any person liable to a penalty under sub-section (1), or attempts to commit any act aforesaid, the person so abetting or attempting shall be liable to a penalty not exceeding five times the value of the goods or materials in respect of which such abetment or attempt has been made, or one thousand rupees, whichever is more, whether or not such goods have been confiscated or are available for confiscation.

(3) A penalty imposed under sub-section (1) or sub-section (2) may, if it is not paid, be recovered as an arrear of land revenue:

Provided that the adjudicating authority may, by order, attach any money belonging to, or owed to, the person on whom any penalty has been imposed under sub-section (1) or sub-section (2), and such attachment shall be made in the same manner in which an attachment is made by a civil court.

4J. No confiscation made or penalty imposed under this Act shall prevent the infliction of any other punishment to which the person affected thereby is liable under the provisions of this Act or under any other law for the time being in force.

Confisca-  
tion or  
penalty  
not to  
interfere  
with  
other  
punish-  
ments.

4K. Any confiscation may be adjudged or penalty may be imposed under this Act,—

Adjudica-  
tion.

(a) by the Chief Controller, or, where he so directs, by a general or special order, by the Additional Chief Controller;

(b) subject to such limits as may be specified in this behalf, by such other officer not below the rank of a Deputy Chief Controller, as the Central Government may, by notification in the Official Gazette, authorise in this behalf.

4L. No order of adjudication of confiscation or imposing a penalty shall be made unless the owner of the goods, materials, conveyance or animal, or other person concerned, is given a notice in writing—

Giving of  
opportu-  
nity to  
the owner  
of goods,  
etc.

(i) informing him of the grounds on which it is proposed to confiscate such goods, materials, conveyance or animal or to impose a penalty;

(ii) giving him a reasonable opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the confiscation or imposition of penalty mentioned therein, and, if he so desires, of being heard in the matter.

**Appeal.**

4M. (1) Any person aggrieved by any decision or order made under this Act may prefer an appeal,—

(a) where the decision or order has been made by the Chief Controller or Additional Chief Controller, to the Central Government;

(b) where the decision or order has been made by any officer below the rank of the Additional Chief Controller, to the Chief Controller or where he so directs, to the Additional Chief Controller,

within a period of forty-five days from the date on which the order is served on such person :

Provided that the Appellate authority may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the aforesaid period of forty-five days, allow such appeal to be preferred within a further period of forty-five days:

Provided further that in the case of an appeal against an order imposing a penalty, no such appeal shall be entertained unless the amount of the penalty has been deposited by the appellant:

Provided also that, where the Appellate authority is of opinion that the deposit to be made will cause undue hardship to the appellant, it may, at its discretion, dispense with such deposit either unconditionally or subject to such conditions as it may impose.

(2) The Appellate authority may, after giving to the appellant a reasonable opportunity of being heard, if he so desires, and after making such further inquiries, if any, as it may consider necessary, pass such orders as it thinks fit, confirming, modifying or reversing the decision or order appealed against, or may send back the case, with such directions as it may think fit, for a fresh adjudication or decision, as the case may be, after taking additional evidence, if necessary:

Provided that an order enhancing or imposing a penalty or confiscating goods or materials of a greater value shall not be made under this section unless the appellant has had an opportunity of making a representation, and, if he so desires, of being heard in his defence.

Powers of  
revision  
of the  
Chief  
Con-  
troller.

4N. The Chief Controller may, on his own motion or otherwise, call for and examine the records of any proceeding in which an order of adjudication of confiscation or imposing any penalty has been made by any officer subordinate to him and against which no appeal has been preferred, for the purpose of satisfying himself as to the correctness, legality or propriety of such order or decision and pass such orders thereon as he may think fit:



Provided that no decision or order shall be varied under this section so as to prejudicially affect any person unless such person—

(a) has, within a period of two years from the date of such decision or order, received a notice to show cause why such decision or order shall not be varied, and

(b) has been given a reasonable opportunity of making representation and, if he so desires, of being heard, in his defence.

4-O. (1) Every authority making any adjudication or hearing any appeal or exercising any powers of revision under this Act 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:—

- (a) summoning and enforcing the attendance of witnesses;
- (b) requiring the discovery and production of any document;
- (c) requisitioning any public record or copy thereof from any court or office;
- (d) receiving evidence on affidavits; and
- (e) issuing commissions for the examination of witnesses or documents.

(2) Every authority making any adjudication or hearing any appeal or exercising any powers of revision under this Act shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973.

(3) Every authority making any adjudication or hearing any appeal or exercising any powers of revision under this Act shall have the power to make such orders of an interim nature as it may think fit and may also, for sufficient cause, order the stay of operation of any decision or order.

4P. (1) Where a penalty has been imposed by the adjudicating authority and—

(a) no appeal against the order imposing such penalty has been preferred to the Appellate authority and the person entitled to file such appeal dies or is adjudicated an insolvent before the expiry of the period within which the appeal can be preferred, or

(b) an appeal has been preferred to the Appellate authority against the order imposing such penalty but the appellant dies or is adjudicated an insolvent during the pendency of the appeal,

then, it shall be lawful for the legal representatives of such person or the Official Assignee or the Official Receiver, as the case may be, to prefer an appeal to the Appellate authority, or, as the case may be, to continue the appeal before the Appellate authority, in place of such person and the provisions of section 4M shall, so far as may be, apply or continue to apply to such appeal.

Power of  
adjudica-  
ting and  
other  
authori-  
ties.

Continuance of proceedings in the event of death or insolvency.

Continuance of proceedings in the event of death or insolvency.

5 of 1908.

2 of 1974.

(2) The powers of the Official Assignee or the Official Receiver under sub-section (1) shall be exercised by him subject to the provisions of the Presidency Towns Insolvency Act, 1909, or the Provincial Insolvency Act, 1920, as the case may be.

3 of 1909.  
5 of 1920.

Amend-  
ment of  
section 5.

4. In section 5 of the principal Act,—

(i) after the words “any condition of a licence granted under any such order”, the words “or any authority under which imported goods were received from or through a recognised agency” shall be inserted;

(ii) for the words “be punishable with imprisonment for a term which may extend to two years and also with fine:”, the words—

“be punishable,—

(a) where the value of the goods, in relation to which such contravention or attempted contravention or abetment of contravention has been made, exceeds ten lakh rupees, with imprisonment for a term which may extend to seven years and also with fine, and

(b) in any other case, with imprisonment for a term which may extend to three years and also with fine.”

shall be substituted.

Insertion  
of new  
sections  
5A and  
5B.

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

Penalty  
for con-  
travention  
of order  
made by  
adjudica-  
ting  
authority  
and  
Appellate  
autho-  
rity.

“5A. If any person fails to pay the penalty imposed by the adjudicating or the Appellate authority or fails to comply with any direction or order made, or deemed to have been made, under this Act, he shall, upon conviction by a court, be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

Correction  
of clerical  
or arith-  
metical  
mistakes.

5B. Clerical or arithmetical mistakes in any decision or order, or errors arising therein from any accidental slip or omission may, at any time, be corrected by the authority by which the decision or order was made either on its own motion or on the application of the aggrieved person:

Provided that where any correction proposed to be made under this section will have the effect of prejudicially affecting any person, no such correction shall be made except after giving to that person a reasonable opportunity of making a representation in the matter and no such correction shall be made after the expiry of a period of two years from the date on which such decision or order was made.”

6. After section 7 of the principal Act, the following section shall be inserted, namely:—

Insertion  
of new  
section 8.

“8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to  
make  
rules.

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

(a) the person by whom, and the manner in which, any document received from a place outside India shall be authenticated,

(b) any other matter which is required to be, or may be, prescribed.

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

7. (1) The Imports and Exports (Control) Amendment Ordinance, 1975, is hereby repealed.

Repeal  
and  
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act, as if this Act had come into force on the 4th day of November, 1975.

THE SMUGGLERS AND FOREIGN EXCHANGE MANIPULATORS (FORFEITURE OF PROPERTY) ACT, 1976

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title, extent and commencement.
2. Application.
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4. Prohibition of holding illegally acquired property.
5. Competent authority.
6. Notice of forfeiture.
7. Forfeiture of property in certain cases.
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15. Competent authority and Appellate Tribunal to have powers of civil court.
16. Information to competent authority.
17. Certain officers to assist competent authority and Appellate Tribunal.
18. Power of competent authority to require certain officers to exercise certain powers.
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THE SMUGGLERS AND FOREIGN EXCHANGE MANIPULATORS (FORFEITURE OF PROPERTY) ACT, 1976

No. 13 OF 1976

[25th January, 1976.]

An Act to provide for the forfeiture of illegally acquired properties of smugglers and foreign exchange manipulators and for matters connected therewith or incidental thereto.

WHEREAS for the effective prevention of smuggling activities and foreign exchange manipulations which are having a deleterious effect on the national economy it is necessary to deprive persons engaged in such activities and manipulations of their ill-gotten gains;

AND WHEREAS such persons have been augmenting such gains by violations of wealth-tax, income-tax or other laws or by other means and have thereby been increasing their resources for operating in a clandestine manner;

AND WHEREAS such persons have in many cases been holding the properties acquired by them through such gains in the names of their relatives, associates and confidants;

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

1. (1) This Act may be called the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976.

Short title, extent and commencement.

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

(3) It shall be deemed to have come into force on the 5th day of November, 1975.

2. (1) The provisions of this Act shall apply only to the persons specified in sub-section (2).

Application.

(2) The persons referred to in sub-section (1) are the following, namely:—

(a) every person—

(i) who has been convicted under the Sea Customs Act, 1878, or the Customs Act, 1962, of an offence in relation to goods of a value exceeding one lakh of rupees; or

8 of 1878.  
52 of 1962.

(ii) who has been convicted under the Foreign Exchange Regulation Act, 1947, or the Foreign Exchange Regulation Act, 1973, of an offence, the amount or value involved in which exceeds one lakh of rupees; or

7 of 1947.  
46 of 1973.

(iii) who having been convicted under the Sea Customs Act, 1878, or the Customs Act, 1962, has been convicted subsequently under either of those Acts; or

8 of 1878.  
52 of 1962.

(iv) who having been convicted under the Foreign Exchange Regulation Act, 1947, or the Foreign Exchange Regulation Act, 1973, has been convicted subsequently under either of those Acts;

7 of 1947.  
46 of 1973.

(b) every person in respect of whom an order of detention has been made under the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974:

52 of 1974.

Provided that—

(i) such order of detention, being an order to which the provisions of section 9 or section 12A of the said Act do not apply, has not been revoked on the report of the Advisory Board under section 8 of the said Act or before the receipt of the report of the Advisory Board or before making a reference to the Advisory Board; or

(ii) such order of detention, being an order to which the provisions of section 9 of the said Act apply, has not been revoked before the expiry of the time for, or on the basis of, the review under sub-section (3) of section 9, or on the report of the Advisory Board under section 8, read with sub-section (2) of section 9, of the said Act; or

(iii) such order of detention, being an order to which the provision of section 12A of the said Act apply, has not been revoked before the expiry of the time for, or on the basis of, the first review under sub-section (3) of that section, or on the basis of the report of the Advisory Board under section 8, read with sub-section (6) of section 12A, of that Act; or

(iv) such order of detention has not been set aside by a court of competent jurisdiction;

(c) every person who is a relative of a person referred to in clause (a) or clause (b);

(d) every associate of a person referred to in clause (a) or clause (b);

(e) any holder (hereafter in this clause referred to as the ~~present holder~~) of any property which was at any time previously held by a person referred to in clause (a) or clause (b) unless the present holder or, as the case may be, any one who held such property after such person and before the present holder, is or was a transferee in good faith for adequate consideration.

*Explanation 1.*—For the purposes of sub-clause (i) of clause (a), the value of any goods in relation to which a person has been convicted of an offence shall be the wholesale price of the goods in the ordinary course of trade in India as on the date of the commission of the offence.

*Explanation 2.*—For the purposes of clause (c), “relative”, in relation to a person, means—

- (i) spouse of the person;
- (ii) brother or sister of the person;
- (iii) brother or sister of the spouse of the person;
- (iv) any lineal ascendant or descendant of the person;
- (v) any lineal ascendant or descendant of the spouse of the person;
- (vi) spouse of a person referred to in clause (ii), clause (iii), clause (iv) or clause (v);
- (vii) any lineal descendant of a person referred to in clause (ii) or clause (iii).

*Explanation 3.*—For the purposes of clause (d), “associate”, in relation to a person, means—

- (i) any individual who had been or is residing in the residential premises (including outhouses) of such person;
- (ii) any individual who had been or is managing the affairs or keeping the accounts of such person;
- (iii) any association of persons, body of individuals, partnership firm, or private company within the meaning of the Companies Act, 1956, of which such person had been or is a member, partner or director;
- (iv) any individual who had been or is a member, partner or director of an association of persons, body of individuals, partnership firm or private company referred to in clause (iii) at any time when such person had been or is a member, partner or director of such association, body, partnership firm or private company;
- (v) any person who had been or is managing the affairs, or keeping the accounts, of any association of persons, body of individuals, partnership firm or private company referred to in clause (iii);
- (vi) the trustee of any trust, where,—
  - (a) the trust has been created by such person; or

(b) the value of the assets contributed by such person (including the value of the assets, if any, contributed by him earlier) to the trust amounts, on the date on which the contribution is made, to not less than twenty per cent. of the value of the assets of the trust on that date;

(vii) where the competent authority, for reasons to be recorded in writing, considers that any properties of such person are held on his behalf by any other person, such other person.

*Explanation 4.*—For the avoidance of doubt, it is hereby provided that the question whether any person is a person to whom the provisions of this Act apply may be determined with reference to any facts, circumstances or events (including any conviction or detention) which occurred or took place before the commencement of this Act.

**Defini-  
tions.**

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

(a) “Appellate Tribunal” means the Appellate Tribunal for Forfeited Property constituted under section 12;

(b) “competent authority” means an officer of the Central Government authorised by it under sub-section (1) of section 5 to perform the functions of a competent authority under this Act;

(c) “illegally acquired property”, in relation to any person to whom this Act applies, means—

(i) any property acquired by such person, whether before or after the commencement of this Act, wholly or partly out of or by means of any income, earnings or assets derived or obtained from or attributable to any activity prohibited by or under any law for the time being in force relating to any matter in respect of which Parliament has power to make laws; or

(ii) any property acquired by such person, whether before or after the commencement of this Act, wholly or partly out of or by means of any income, earnings or assets in respect of which any such law has been contravened; or

(iii) any property acquired by such person, whether before or after the commencement of this Act, wholly or partly out of or by means of any income, earnings or assets the source of which cannot be proved and which cannot be shown to be attributable to any act or thing done in respect of any matter in relation to which Parliament has no power to make laws; or

(iv) any property acquired by such person, whether before or after the commencement of this Act, for a consideration, or by any means, wholly or partly traceable to any property referred to in sub-clauses (i) to (iii) or the income or earnings from such property;

and includes—

(A) any property held by such person which would have been, in relation to any previous holder thereof, illegally acquired property under this clause if such previous holder had not ceased to hold it, unless such person or any other person who



held the property at any time after such previous holder or, where there are two or more such previous holders, the last of such previous holders is or was a transferee in good faith for adequate consideration;

(B) any property acquired by such person, whether before or after the commencement of this Act, for a consideration, or by any means, wholly or partly traceable to any property falling under item (A), or the income or earnings therefrom;

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

(e) "property" includes any interest in property, movable or immovable;

(f) "trust" includes any other legal obligation.

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

(3) Any reference in this Act to any officer or authority shall, in relation to any area in which there is no officer or authority with the same designation, be construed as a reference to such officer or authority as may be specified by the Central Government by notification in the Official Gazette.

4. (1) As from the commencement of this Act, it shall not be lawful for any person to whom this Act applies to hold any illegally acquired property either by himself or through any other person on his behalf.

(2) Where any person holds any illegally acquired property in contravention of the provisions of sub-section (1), such property shall be liable to be forfeited to the Central Government in accordance with the provisions of this Act.

5. (1) The Central Government may, by order published in the Official Gazette, authorise as many officers of the Central Government (not below the rank of a Joint Secretary to the Government), as it thinks fit, to perform the functions of the competent authority under this Act.

(2) The competent authorities shall perform their functions in respect of such persons or classes of persons as the Central Government may, by order, direct.

6. (1) If, having regard to the value of the properties held by any person to whom this Act applies, either by himself or through any other person on his behalf, his known sources of income, earnings or assets, and any other information or material available to it as a result of action taken under section 18 or otherwise, the competent authority has reason to believe (the reasons for such belief to be recorded in writing) that all or any of such properties are illegally acquired properties, it may serve a notice upon such person (hereinafter referred to as the person affected) calling upon him within such time as may be specified in the notice, which shall not be ordinarily less than thirty days, to indicate the sources of his income, earnings or assets, out of which or by means of which he has acquired such property, the evidence on which

Prohibition of holding illegally acquired property.

Competent authority.

Notice of forfeiture.

ne relies and other relevant information and particulars, and to show cause why all or any of such properties, as the case may be, should not be declared to be illegally acquired properties and forfeited to the Central Government under this Act.

(2) Where a notice under sub-section (1) to any person specifies any property as being held on behalf of such person by any other person, a copy of the notice shall also be served upon such other person.

Forfeiture of property in certain cases.

7. (1) The competent authority may, after considering the explanation, if any, to the show-cause notice issued under section 6, and the materials available before it and after giving to the person affected (and in a case where the person affected holds any property specified in the notice through any other person, to such other person also) a reasonable opportunity of being heard, by order, record a finding whether all or any of the properties in question are illegally acquired properties.

(2) Where the competent authority is satisfied that some of the properties referred to in the show-cause notice are illegally acquired properties but is not able to identify specifically such properties, then, it shall be lawful for the competent authority to specify the properties which, to the best of its judgment, are illegally acquired properties and record a finding accordingly under sub-section (1).

(3) Where the competent authority records a finding under this section to the effect that any property is illegally acquired property, it shall declare that such property shall, subject to the provisions of this Act, stand forfeited to the Central Government free from all encumbrances.

(4) Where any shares in a company stand forfeited to the Central Government under this Act, then, the company shall, notwithstanding anything contained in the Companies Act, 1956, or the articles of association of the company, forthwith register the Central Government as the transferee of such shares.

1 of 1956.

Burden of proof.

8. In any proceedings under this Act, the burden of proving that any property specified in the notice served under section 6 is not illegally acquired property shall be on the person affected.

Fine in lieu of forfeiture.

9. (1) Where the competent authority makes a declaration that any property stands forfeited to the Central Government under section 7 and it is a case where the source of only a part, being less than one-half, of the income, earnings or assets with which such property was acquired has not been proved to the satisfaction of the competent authority, it shall make an order giving an option to the person affected to pay, in lieu of forfeiture, a fine equal to one and one-fifth times the value of such part.

*Explanation.*—For the purposes of this sub-section, the value of any part of income, earnings or assets, with which any property has been acquired, shall be,—

(a) in the case of any part of income or earnings, the amount of such part of income or earnings;

(b) in the case of any part of assets, the proportionate part of the full value of the consideration for the acquisition of such assets.

(2) Before making an order imposing a fine under sub-section (1), the person affected shall be given a reasonable opportunity of being heard.

(3) Where the person affected pays the fine due under sub-section (1), within such time as may be allowed in that behalf, the competent authority may, by order, revoke the declaration of forfeiture under section 7 and thereupon such property shall stand released.

10. In the case of any person referred to in clause (vi) of *Explanation* 3 to sub-section (2) of section 2, if the competent authority, on the basis of the information and materials available to it, has reason to believe (the reasons for such belief to be recorded in writing) that any property held in trust is illegally acquired property, it may serve a notice upon the author of the trust or, as the case may be, the contributor of the assets out of or by means of which such property was acquired by the trust and the trustees, calling upon them within such time as may be specified in the notice which shall not ordinarily be less than thirty days, to explain the source of the money or other assets out of or by means of which such property was acquired or, as the case may be, the source of the money or other assets which were contributed to the trust for acquiring such property and thereupon such notice shall be deemed to be a notice served under section 6 and all the other provisions of this Act shall apply accordingly.

Procedure  
in  
relation  
to  
certain  
trust  
properties.

*Explanation.*—For the purposes of this section “illegally acquired property”, in relation to any property held in trust, includes—

(i) any property which if it had continued to be held by the author of the trust or the contributor of such property to the trust would have been illegally acquired property in relation to such author or contributor;

(ii) any property acquired by the trust out of any contributions made by any person which would have been illegally acquired property in relation to such person had such person acquired such property out of such contributions.

11. Where after the issue of a notice under section 6 or under section 10, any property referred to in the said notice is transferred by any mode whatsoever such transfer shall, for the purposes of the proceedings under this Act, be ignored and if such property is subsequently forfeited to the Central Government under section 7, then, the transfer of such property shall be deemed to be null and void.

Certain  
transfers  
to be null  
and  
void.

12. (1) The Central Government may, by notification in the Official Gazette, constitute an Appellate Tribunal to be called the Appellate Tribunal for Forfeited Property consisting of a Chairman and such number of other members (being officers of the Central Government not below the rank of a Joint Secretary to the Government) as the Central Government thinks fit, to be appointed by that Government for hearing appeals against the orders made under section 7, sub-section (1) of section 9 or section 10.

Consti-  
tution of  
Appellate  
Tribunal.

(2) The Chairman of the Appellate Tribunal shall be a person who is or has been or is qualified to be a Judge of the Supreme Court or of a High Court.

(3) The terms and conditions of service of the Chairman and other members shall be such as may be prescribed.

(4) Any person aggrieved by an order of the competent authority made under section 7, sub-section (1) of section 9 or section 10, may, within forty-five days from the date on which the order is served on him, prefer an appeal to the Appellate Tribunal:

Provided that the Appellate Tribunal may entertain any appeal after the said period of forty-five days, but not after sixty days, from the date aforesaid if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(5) On receipt of an appeal under sub-section (4), the Appellate Tribunal may, after giving an opportunity to the appellant to be heard, if he so desires, and after making such further enquiry as it deems fit, confirm, modify or set aside the order appealed against.

(6) The powers and functions of the Appellate Tribunal may be exercised and discharged by Benches consisting of three members and constituted by the Chairman of the Appellate Tribunal.

(7) The Appellate Tribunal may regulate its own procedure.

Notice or order not to be invalid for error in description.

13. No notice issued or served, no declaration made, and no order passed, under this Act shall be deemed to be invalid by reason of any error in the description of the property or person mentioned therein if such property or person is identifiable from the description so mentioned.

Bar of jurisdiction.

14. No order passed or declaration made under this Act shall be appealable except as provided therein and no civil court shall have jurisdiction in respect of any matter which the Appellate Tribunal or any competent authority is empowered by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Competent authority and Appellate Tribunal to have powers of civil court.

15. The competent authority and the Appellate Tribunal shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commissions for examination of witnesses or documents;
- (f) any other matter which may be prescribed.

Information to competent authority.

16. (1) Notwithstanding anything contained in any other law, the competent authority shall have power to require any officer or authority of the Central Government or a State Government or a local authority to furnish information in relation to such persons, points or matters as in the opinion of the competent authority will be useful for, or relevant to, the purposes of this Act.

46 of 1973.

(2) Any officer of the Income-tax Department, the Customs Department or the Central Excise Department or any officer of enforcement appointed under the Foreign Exchange Regulation Act, 1973, may furnish *suo motu* any information available with him to the competent authority if in the opinion of the officer such information will be useful to the competent authority for the purposes of this Act.

17. For the purposes of any proceedings under this Act, the following officers are hereby empowered and required to assist the competent authority and the Appellate Tribunal, namely:—

Certain officers to assist competent authority and Appellate Tribunal.

- (a) officers of the Customs Department;
- (b) officers of the Central Excise Department;
- (c) officers of the Income-tax Department;
- (d) officers of enforcement appointed under the Foreign Exchange Regulation Act, 1973;
- (e) officers of police;
- (f) such other officers of the Central or State Government as are specified by the Central Government in this behalf by notification in the Official Gazette.

46 of 1973.

18. (1) For the purposes of any proceedings under this Act or the initiation of any such proceedings, the competent authority shall have power to cause to be conducted any inquiry, investigation or survey in respect of any person, place, property, assets, documents, books of account or any other relevant matters.

Power of competent authority to require certain officers to exercise certain powers.

(2) For the purposes referred to in sub-section (1), the competent authority may, having regard to the nature of the inquiry, investigation or survey, require an officer of the Income-tax Department to conduct or cause to be conducted such inquiry, investigation or survey.

(3) Any officer of the Income-tax Department who is conducting or is causing to be conducted any inquiry, investigation or survey required to be conducted under sub-section (2), may, for the purpose of such inquiry, investigation or survey, exercise any power (including the power to authorise the exercise of any power) which may be exercised by him for any purpose under the Income-tax Act, 1961, and the provisions of the said Act shall, so far as may be, apply accordingly.

43 of 1961.

19. (1) Where any property has been declared to be forfeited to the Central Government under this Act, or where the person affected has failed to pay the fine due under sub-section (1) of section 9 within the time allowed therefor under sub-section (3) of that section, the competent authority may order the person affected as well as any other person who may be in possession of the property to surrender or deliver possession thereof to the competent authority or to any person duly authorised by it in this behalf within thirty days of the service of the order.

Power to take possession.

(2) If any person refuses or fails to comply with an order made under sub-section (1), the competent authority may take possession of the property and may for that purpose use such force as may be necessary.

(3) Notwithstanding anything contained in sub-section (2), the competent authority may, for the purpose of taking possession of any property referred to in sub-section (1), requisition the service of any police officer to assist the competent authority and it shall be the duty of such officer to comply with such requisition.

Rectification of mistakes.

20. With a view to rectifying any mistakes apparent from record, the competent authority or the Appellate Tribunal, as the case may be, may amend any order made by it within a period of one year from the date of the order:

Provided that if any such amendment is likely to affect any person prejudicially, it shall not be made without giving to such person a reasonable opportunity of being heard.

Findings under other laws not conclusive for proceedings under this Act.

21. No finding of any officer or authority under any other law shall be conclusive for the purposes of any proceedings under this Act.

Service of notices and orders.

22. Any notice or order issued or made under this Act shall be served—

(a) by tendering the notice or order or sending it by registered post to the person for whom it is intended or to his agent;

(b) if the notice or order cannot be served in the manner provided in clause (a), by affixing it on a conspicuous place in the property in relation to which the notice or order is issued or made, or on some conspicuous part of the premises in which the person for whom it is intended is known to have last resided or carried on business or personally worked for gain.

Protection of action taken in good faith.

23. No suit, prosecution or other proceeding shall lie against the Central Government or any officer of the Central or State Government for anything which is done, or intended to be done, in good faith, in pursuance of this Act or the rules made thereunder.

Act to have overriding effect.

24. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Provisions of the Act not to apply to certain properties held in trust.

25. Nothing contained in this Act shall apply in relation to any property held by a trust or an institution created or established wholly for public, religious or charitable purposes if—

(i) such property has been so held by such trust or institution from a date prior to the commencement of this Act; or

(ii) such property is wholly traceable to any property held by such trust or institution prior to the commencement of this Act.

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

Power to  
make  
rules.

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

(a) the terms and conditions of service of the Chairman and other members of the Appellate Tribunal under sub-section (3) of section 12;

(b) the powers of a civil court that may be exercised by the competent authority and the Appellate Tribunal under clause (f) of section 15;

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

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

20 of 1975. 27. (1) The Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Ordinance, 1975, is hereby repealed.

Repeal  
and  
saving.

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

THE MAINTENANCE OF INTERNAL SECURITY  
(AMENDMENT) ACT, 1976

No. 14 OF 1976

[25th January, 1976:]

An Act further to amend the Maintenance of Internal Security Act, 1971.

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

**Short title.** 1. This Act may be called the Maintenance of Internal Security (Amendment) Act, 1976.

**Amendment of section 3.** 2. In section 3 of the Maintenance of Internal Security Act, 1971 26 of 1971. (hereinafter referred to as the principal Act), in sub-section (3), for the words "twelve days" at both the places where they occur, the words "twenty-days", and for the words "twenty-two-days", the words "twenty-five days", shall be substituted, and shall be deemed to have been substituted with effect from the 25th day of June, 1975.

**Amendment of section 14.** 3. In section 14 of the principal Act, for sub-section (2), the following sub-section shall be substituted, and shall be deemed to have been substituted with effect from the 29th day of June, 1975, namely:—

"(2) The expiry or revocation of a detention order (hereafter in this sub-section referred to as the earlier detention order) shall not bar the making of another detention order (hereafter in this sub-section referred to as the subsequent detention order) under section 3 against the same person:

Provided that in a case where no fresh facts have arisen after the expiry or revocation of the earlier detention order made against such person, the maximum period for which such person may be detained in pursuance of the subsequent detention order shall, in no case, extend beyond the expiry of a period of twelve months from the date of detention under the earlier detention order or the expiry of the Defence and Internal Security of India Act, 1971, whichever 42 of 1971. is later."



## 4. In section 16A of the principal Act,—

(a) after sub-section (2), the following sub-section shall be inserted, and shall be deemed to have been inserted with effect from the 29th day of June, 1975, namely:—

“(2A) If the State Government makes a declaration under sub-section (2) that the detention of any person in respect of whom a detention order is made by an officer subordinate to that Government is necessary for dealing effectively with the emergency, the State Government shall be deemed to have approved such detention order and the provisions of sub-section (3) of section 3, in so far as they relate to the approval of the State Government, and of sub-section (4) of that section, shall not apply to such detention order.”;

(b) for sub-section (5), the following sub-section shall be substituted, and shall be deemed to have been substituted with effect from the 29th day of June, 1975, namely:—

“(5) In making any review, consideration or reconsideration under sub-section (2), sub-section (3) or sub-section (4), the appropriate Government or officer may act on the basis of the information and materials in its or his possession without communicating or disclosing any such information or materials to the person concerned or affording him any opportunity of making any representation against the making under sub-section (2), or the making or confirming under sub-section (3), or the non-revocation under sub-section (4), of the declaration in respect of him.”;

(c) in sub-section (7), in clause (i),—

(i) in the opening portion, for the words “the following sub-section”, the words “the following” shall be substituted, and shall be deemed to have been substituted with effect from the 29th day of June, 1975;

(ii) in sub-section (3), as substituted by that clause, for the words “forward to the Central Government a report in respect of the order”, the words “report the fact to the Central Government” shall be substituted, and shall be deemed to have been substituted with effect from the 29th day of June, 1975;

(iii) after sub-section (3) aforesaid, the following shall be inserted, and shall be deemed to have been inserted with effect from the 17th day of October, 1975, namely:—

“(4) At any time after the receipt of a report under sub-section (3), the Central Government may require the State Government to furnish to the Central Government the grounds on which the order has been made and such other particulars as, in the opinion of the State Government, have a bearing on the necessity for the order.”;

(d) after sub-section (7), the following sub-sections shall be inserted, and shall be deemed to have been inserted with effect from the 29th day of June, 1975, namely:—

“(S) In the case of any person in respect of whom a declaration has been made by a State Government under sub-section (2) or a declaration has been made by a State Govern-

ment or an officer subordinate to it or confirmed by the State Government under sub-section (3), or a declaration has not been revoked by a State Government under sub-section (4), the Central Government may, whenever it considers it necessary so to do, require the State Government to furnish to the Central Government the information and materials on the basis of which such declaration has been made or confirmed, or not revoked as the case may be, and such other information and materials as the Central Government may deem necessary.

(9) Notwithstanding anything contained in any other law or any rule having the force of law,—

(a) the grounds on which an order of detention is made or purported to be made under section 3 against any person in respect of whom a declaration is made under sub-section (2) or sub-section (3) and any information or materials on which such grounds or a declaration under sub-section (2) or a declaration or confirmation under sub-section (3) or the non-revocation under sub-section (4) of a declaration are based, shall be treated as confidential and shall be deemed to refer to matters of State and to be against the public interest to disclose and save as otherwise provided in this Act, no one shall communicate or disclose any such ground, information or material or any document containing such ground, information or material;

(b) no person against whom an order of detention is made or purported to be made under section 3 shall be entitled to the communication or disclosure of any such ground, information or material as is referred to in clause (a) or the production to him of any document containing such ground, information or material.”.

Amend-  
ment of  
section 18.

5. In section 18 of the principal Act, for the words “detained under this Act”, the words and figure “in respect of whom an order is made or purported to be made under section 3” shall be substituted, and shall be deemed to have been substituted with effect from the 25th day of June, 1975.

Valida-  
tion.

6. Any act or thing done or purporting to have been done, before the 16th day of November, 1975, under the principal Act in respect of any person against whom an order of detention was made under that Act on or after the 25th day of June, 1975 or in respect of any such order of detention shall, for all purposes, be deemed to be as valid and effective as if the amendments made to the principal Act by sections 2 and 3, and clause (a) of section 4, of this Act had been in force at all material times.

Repeal  
and  
saving.

7. (1) The Maintenance of Internal Security (Third Amendment) Ordinance, 1975, and the Maintenance of Internal Security (Fourth Amendment) Ordinance, 1975, are hereby repealed.

16 of 1975.  
22 of 1975.

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

THE DELHI LAND HOLDINGS (CEILING) AMENDMENT  
ACT, 1976

No. 15 OF 1976

[9th February, 1976.]

An Act further to amend the Delhi Land Holdings (Ceiling)  
Act, 1960.

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

1. (1) This Act may be called the Delhi Land Holdings (Ceiling) Amendment Act, 1976.

Short title  
and  
com-  
mence-  
ment.

(2) It shall be deemed to have come into force on the 8th day of  
December, 1975.

2. In section 1 of the Delhi Land Holdings (Ceiling) Act, 1960  
(hereinafter referred to as the principal Act), in sub-section (2),—

Amend-  
ment of  
section 1.

(a) in clause (b), for the words "owned by the Central Govern-  
ment", the words "owned and held by the Central Government or  
any State Government" shall be substituted;

(b) in clause (b), the word "and" occurring at the end shall be  
omitted and after that clause, the following clause shall be inserted,  
namely:—

"(bb) the areas owned and held by any corporation owned  
or controlled by the Central Government;"

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

'(c) the areas acquired under any law relating to the acquisition of land for a public purpose;

(d) the areas held and occupied, on the appointed day, for the purpose of a goshala or for the purpose of breeding, or feeding, or both, of horses, and, in either case, declared as such in the prescribed manner by the Chief Commissioner:

Provided that, no declaration under this clause shall be made by the Chief Commissioner in respect of an area held and occupied for the purpose of a goshala unless the goshala has been established for a charitable purpose without any motive for profit and registered as a society under the Societies Registration Act, 1860 and the entire income from such area is utilised for the purpose of the goshala:

21 of 1860.

Provided further that, when any area or any part thereof ceases to be held and occupied for the purpose referred to in this clause any declaration made under this clause, shall cease to have effect either in whole or in part, as the case may be, and the provisions of this Act shall apply to the whole or part of such area accordingly; and

(e) the areas owned and held by any agricultural co-operative land mortgage bank, any State or Central Co-operative Bank or any other bank.

*Explanation.*—For the purpose of this clause, "bank" means a banking company as defined in section 5 of the Banking Regulation Act, 1949 and includes the State Bank of India constituted under the State Bank of India Act, 1955, a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959, a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Agricultural Refinance Corporation established under the Agricultural Refinance Corporation Act, 1963.

10 of 1949.

23 of 1955.

38 of 1959.

5 of 1970.

10 of 1963.

### 3. In section 2 of the principal Act,—

Amend-  
ment of  
section 2.

(a) clause (a) shall be re-lettered as clause (aa) and before that clause as so re-lettered, the following clause shall be inserted, namely:—

'(a) "appointed day" means the 24th day of January, 1971;'

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

'(d) "family", in relation to a person, means the person, the wife or husband, as the case may be, and the minor sons and unmarried minor daughters of such person;'

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

'(ee) "orchard" means a compact area of land, having fruit bearing trees grown thereon in such number that they preclude,

or when fully grown, would preclude, a substantial part of such land from being used for any agricultural purpose, but does not include any land, being a banana or guava garden or vine yard;

(eee) "person" includes a company, family, association or other body of individuals, whether incorporated or not, and any institution capable of holding property;

(d) in clause (h), the words ' "standard acre" ' shall be omitted.

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

Substitution of new section for section 3.

"3. (1) Subject to the provisions of this section, on and from the commencement of the Delhi Land Holdings (Ceiling) Amendment Act, 1976, no person either by himself or, if he has a family, together with any other member of his family (hereinafter referred to as the person representing the family) shall, whether as a Bhumidhar or an Asami or partly in one capacity and partly in another, be entitled to hold land in excess of—

Ceiling on holding.

(a) (i) 7.25 hectares, in the case of land which is assured of irrigation from a private source of irrigation and is capable of yielding at least two crops in a year; or

(ii) 5.8 hectares, in the case of land which is assured of irrigation from a Government source of irrigation and is capable of yielding at least two crops in a year; or

(b) (i) 10.9 hectares, in the case of land which is assured of irrigation from a private source of irrigation and is capable of yielding at least one crop in a year; or

(ii) 8.7 hectares, in the case of land which is assured of irrigation from a Government source of irrigation and is capable of yielding at least one crop in a year; or

(c) 21.8 hectares, in the case of any other land, including an orchard.

(2) Where a person holds land falling under more than one category specified in sub-section (1), then, the land held by him shall be converted into land falling under category (c) and for the purpose of such conversion one hectare of land falling under category (a) (i) shall be treated as equal to 3 hectares of land falling under category (c), one hectare of land falling under category (a) (ii) shall be treated as equal to 3.75 hectares of land falling under category (c), one hectare of land falling under category (b) (i) shall be treated as equal to 2 hectares of land falling under category (c) and one hectare of land falling under category (b) (ii) shall be treated as equal to 2.5 hectares of land falling under category (c); and the extent of the land as so converted together with the extent of the land, if any, falling under category (c) held by such person shall not exceed 21.8 hectares.

(3) For the purposes of this section, land which is assured of irrigation from a Government source of irrigation means any land which is irrigated, or is capable of being irrigated, from such source.

(4) If any question whether any land is capable of yielding only one crop or more than one crop in a year arises, such question shall be decided by such authority and in such manner as may be prescribed and the decision of such authority thereon shall be final.

(5) Where the number of members of the family of a person exceeds five, he shall be entitled to hold land in excess of the ceiling limit to the extent of one-fifth of the ceiling limit for each member in excess of five; so, however, as not to exceed twice the ceiling limit in the aggregate.

(6) Where a person is a member of a family the land held by such person together with the land held by every other member of the family, whether individually or jointly, shall be taken into account in determining the ceiling limit.

(7) A person representing a family shall also be entitled to hold land not exceeding the ceiling limit for each of his major sons, if any:

Provided that the land, if any, held by such major son or, if he has a family, by any other member of his family shall be taken into account in determining the ceiling limit for the purposes of this subsection.

(8) Where a family holds land in excess of the ceiling limit and such land includes land held by the wife or the husband, then, the share of the wife or the husband, as the case may be, in the land that may be held by the family within the ceiling limit shall be in the same proportion as it was in the total extent of the land held by the family.

(9) Where a person is a member of a registered co-operative farming society his share in the land held by such society shall be taken into account in calculating the ceiling limit in relation to such person."

Amend-  
ment of  
section 4.

5. In section 4 of the principal Act, for the words, figures and letters "who at the commencement of this Act holds, or has at any time during the period between the 10th day of February, 1959, and such commencement held", the words "who on the appointed day or at any time thereafter held or holds," shall be substituted.

Amend-  
ment of  
section 6.

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

"(2) For the purpose of determining the excess land under this section any land transferred by sale, gift or otherwise (other than a *bona fide* sale under a registered deed for valuable consideration) at any time during the period between the appointed day and the commencement of the Delhi Land Holdings (Ceiling) Amendment Act, 1976, shall, notwithstanding such transfer, be deemed to be held by the transferor and the burden of proving the transfer by sale as *bona fide* shall be on the transferor."

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

Substitution of new sections for section 7.

“7. (1) Where any person transfers any land by sale, gift or otherwise (other than a *bona fide* sale under a registered deed for valuable consideration) at any time during the period referred to in sub-section (2) of section 6, the excess land in relation to such person shall be selected from out of the land held by him after such transfer and in case the entire excess land cannot be so selected, the balance, or, where no land is held by him after the transfer, the entire excess land, shall be selected out of the land held by the transferee:

Selection of excess land in cases of certain transfers.

Provided that where such person has transferred his land to more than one person, the balance or the entire excess land, as the case may be, shall be selected out of the land held by each of the transferees in the same proportion as the area of the land transferred to him bears to the total area of the land transferred to all the transferees.

(2) Where any excess land is selected out of the land transferred, the transfer of such land shall be void.

7A. Notwithstanding anything contained in any other law, every suit for the specific performance of a contract for the transfer of land, instituted after the appointed day and before the commencement of the Delhi Land Holdings (Ceiling) Amendment Act, 1976 shall abate and no suit for the specific performance of any such contract entered into before such commencement shall be maintainable.”

Abatement of certain suits.

8. In section 10 of the principal Act,—

(a) for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

Amendment of section 10.

“(1) Where any excess land of a Bhumidhar vests in the Government, there shall be paid by the Government to the Bhumidhar an amount calculated at the rates specified in the Table below, namely:—

THE TABLE

| Class of land  | Rates per hectare in rupees |                         |                        |
|--|-----------------------------|-------------------------|------------------------|
|  | For the first 3 hectares    | For the next 3 hectares | For the remaining area |
| (a) Land under assured irrigation and capable of yielding at least two crops in a year | 5,000                       | 4,000                   | 4,000                  |
| (b) Land under assured irrigation and capable of yielding at least one crop in a year  | 2,500                       | 2,200                   | 2,000                  |
| (c) Any other land (including an orchard)  | 1,250                       | 1,100                   | 1,000                  |

Provided that where such excess land or any part thereof is in the possession of an Asami, the amount payable in respect of the land shall be apportioned between the Bhumidhar and the Asami in such proportion as may be determined by the competent authority in the prescribed manner, having regard to their respective shares in the net income from such land to be determined by the competent authority in the prescribed manner.

(2) In addition to the amount payable in respect of any excess land under sub-section (1), there shall also be paid an amount in respect of any structure or building, including wells, tube-wells and embankments constructed on such excess land and such amount shall be fifty per cent. of the market value of such structure or building and shall be paid to the person who has constructed the structure or building.”;

(b) in sub-section (3),—

(i) for the word “compensation” where it occurs in the first place, the words “an amount” and where it occurs in the second place, the word “amount” shall be substituted;

(ii) for the words, brackets and figures “sub-section (4) of section 7”, the words, brackets and figures “sub-section (2) of section 7” shall be substituted;

(c) in sub-section (4),—

(i) for the words “the compensation”, the words “the amount” shall be substituted;

(ii) the words “as compensation” shall be omitted;

(d) in sub-section (5), for the word “compensation”, the words “the amount” shall be substituted;

(e) in sub-section (6), the words “of compensation” shall be omitted.

Amendment of section 11.

9. In section 11 of the principal Act, for the word “compensation” wherever it occurs, the word “amount” shall be substituted.

Amendment of section 16.

10. In section 16 of the principal Act, for the words “to such persons”, the words and brackets “to such persons (preference being given to landless agricultural labourers particularly those belonging to the Scheduled Castes or the Scheduled Tribes)” shall be substituted.

Amendment of section 23.

11. In section 23 of the principal Act, in sub-section (1), for the words “shall be punishable with fine which may extend to one thousand rupees”, the words “shall be punishable with imprisonment for a term which may extend to six months and with fine which may extend to one thousand rupees” shall be substituted.

Omission of section 26.

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

Amendment of section 27.

13. In section 27 of the principal Act,—

(a) in sub-section (2),—

(i) in clauses (g), (h) and (i), for the word “compensation”, the word “amount” shall be substituted;



(ii) in clause (j), for the word "compensation", the words "any amount" shall be substituted;

(b) in sub-section (3), for the words "which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following", the words "which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.

14. (1) Subject to the provisions of sub-section (2), all proceedings relating to the determination of excess land and payment of amount therefor under the principal Act, pending, immediately before the commencement of this Act, before any authority shall be continued and disposed of in accordance with the provisions of the principal Act as it stood immediately before such commencement.

Conse-  
quential  
provisions.

(2) Nothing in sub-section (1) shall be deemed to entitle any person to hold after the commencement of this Act, land in excess of the ceiling limit under the principal Act as amended by section 4 of this Act, and accordingly the provisions of the principal Act as amended by this Act shall, after such commencement, apply to such person in relation to such excess land.

15. (1) The Delhi Land Holdings (Ceiling) Amendment Ordinance, 1975 is hereby repealed.

27 of 1975

Repeal  
and  
saving.

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

**THE NAGALAND APPROPRIATION ACT, 1976**

**No. 16 OF 1976**

[9th February, 1976.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Nagaland for the services of the financial year 1975-76.

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

Short  
title.

1. This Act may be called the Nagaland Appropriation Act, 1976.

Issue of  
Rs. 12,  
14,73,000  
from and  
out of the  
Consoli-  
dated  
Fund of  
the State  
of Naga-  
land for  
the finan-  
cial year  
1975-76.

2. From and out of the Consolidated Fund of the State of Nagaland 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, fourteen lakhs and seventy-three thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1975-76, in respect of the services specified in column 2 of the Schedule.

Appro-  
priation.

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

## THE SCHEDULE

(See sections 2 and 3)

| 1  | 2  | 3                   |                                  |             |
|----|--|---------------------|----------------------------------|-------------|
|    |  | Sums not exceeding  |                                  |             |
|    |  | Voted by Parliament | Charged on the Consolidated Fund | Total       |
|    |  | Rs.                 | Rs.                              | Rs.         |
| 2  | Head of State . . . Revenue  | ..                  | 8,87,000                         | 8,87,000    |
| 6  | Land revenue, stamps and registration . . . Revenue  | 25,000              | ..                               | 25,000      |
| 9  | Taxes on Vehicles . . . Revenue  | 51,000              | ..                               | 51,000      |
| 10 | Servicing of debt . . . Revenue  | ..                  | 1,95,000                         | 1,95,000    |
|    | Capital  | ..                  | 4,85,34,000                      | 4,85,34,000 |
| 12 | Civil Secretariat . . . Revenue  | 13,16,000           | ..                               | 13,16,000   |
| 13 | District administration special welfare scheme and Tribal Council . . . Revenue                                      | 6,79,000            | ..                               | 6,79,000    |
| 15 | Special expenditure on maintenance of law and order including contribution for pensions and gratuities . . . Revenue | 1,28,40,000         | ..                               | 1,28,40,000 |
| 16 | Village Guards . . . Revenue   | 2,70,000            | ..                               | 2,70,000    |
| 17 | Civil Police and Fire Service Unit . . . Revenue   | 1,52,15,000         | ..                               | 1,52,15,000 |
|    | Capital  | 8,00,000            | ..                               | 8,00,000    |
| 20 | Vigilance Commission . . . Revenue   | 80,000              | ..                               | 80,000      |
| 22 | Nagaland Houses . . . Revenue  | 97,000              | ..                               | 97,000      |
| 24 | State Lotteries . . . Revenue  | 2,65,000            | ..                               | 2,65,000    |
| 26 | Education . . . Revenue  | 1,00,86,000         | ..                               | 1,00,86,000 |
| 28 | Medical, Public Health and Family Planning . . . Revenue   | 15,53,000           | ..                               | 15,53,000   |
| 34 | Social Welfare . . . Revenue   | 13,48,000           | ..                               | 13,48,000   |
| 36 | Social Security, Welfare and Community Services . . . Revenue  | 35,95,000           | ..                               | 35,95,000   |
| 38 | Co-operation . . . Revenue   | 2,37,000            | ..                               | 2,37,000    |
|    | Capital  | 15,84,000           | ..                               | 15,84,000   |
| 44 | Grain Supply Scheme . . . Capital  | 1,00,29,000         | ..                               | 1,00,29,000 |
| 47 | Industries . . . Revenue   | 10,45,000           | ..                               | 10,45,000   |

| 1<br>No. of<br>Vote/<br>Appropriation | 2<br>Services and purposes                                | 3<br>Sums not exceeding |  |              |
|---------------------------------------|---|-------------------------|--|--------------|
|                                       |   | Voted by<br>Parliament  | Charged on<br>the Consolida-<br>ted Fund | Total        |
|                                       |   | Rs.                     | Rs.                                      | Rs.          |
| 49                                    | Power Projects . . . Revenue                              | 19,60,000               | ..                                       | 19,60,000    |
| 50                                    | Road Transport . . . Revenue                              | 11,50,000               | ..                                       | 11,50,000    |
| 52                                    | Housing Loans and Loans<br>to Government Servants Capital | 1,50,000                | ..                                       | 1,50,000     |
| 55                                    | Water Supply Schemes . Revenue                            | 74,82,000               | ..                                       | 74,82,000    |
|                                       | TOTAL   | 7,18,57,000             | 4,96,16,000                              | 12,14,73,000 |

# THE PONDICHERRY APPROPRIATION ACT, 1976

No. 17 OF 1976

[9th February, 1976.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the Union territory of Pondicherry for the services of the financial year 1975-76.

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

- |  |  |
|--|--|
| <p>1. This Act may be called the Pondicherry Appropriation Act, 1976.</p>  | <p>Short<br/>title.</p>  |
| <p>2. From and out of the Consolidated Fund of the Union territory of Pondicherry there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of two crores, thirty-nine lakhs and ninety-seven thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1975-76, in respect of the services specified in column 2 of the Schedule.</p> | <p>Issue of<br/>Rs. 2,39,<br/>97,000 from<br/>and out<br/>of the<br/>Consoli-<br/>dated<br/>Fund of<br/>the Union<br/>territory<br/>of Pondi-<br/>cherry<br/>for the<br/>financial<br/>year<br/>1975-76.</p> |
| <p>3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the Union territory of Pondicherry by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.</p>   | <p>Appro-<br/>priation.</p>  |

## THE SCHEDULE

(See sections 2 and 3)

| 1<br>No. of<br>Vote | 2<br>Services and purposes                                   | 3<br>Sums not exceeding |  |           |
|---------------------|--|-------------------------|--|-----------|
|                     |  | Voted by<br>Parliament  | Charged on<br>the Consoli-<br>dated Fund | Total     |
|                     |  | Rs.                     | Rs.                                      | Rs.       |
| 2                   | Administrator . . . Revenue                                  | ..                      | 60,000                                   | 60,000    |
| 4                   | Administration of Justice . Revenue                          | 1,59,000                | ..                                       | 1,59,000  |
| 6                   | Revenue . . . Revenue  | 5,47,000                | ..                                       | 5,47,000  |
| 7                   | Sales Tax . . . Revenue                                      | 99,000                  | ..                                       | 99,000    |
| 8                   | Taxes on Vehicles . . Revenue                                | 31,000                  | ..                                       | 31,000    |
| 9                   | Secretariat . . . Revenue                                    | 1,66,000                | ..                                       | 1,66,000  |
| 10                  | District Administration . Revenue                            | 79,000                  | ..                                       | 79,000    |
|                     | Capital  | 2,90,000                | ..                                       | 2,90,000  |
| 11                  | Treasury and Accounts<br>Administration . . . Revenue        | 1,91,000                | ..                                       | 1,91,000  |
| 12                  | Police . . . Revenue   | 12,66,000               | ..                                       | 12,66,000 |
| 13                  | Jails . . . Revenue  | 1,23,000                | ..                                       | 1,23,000  |
| 14                  | Stationery and Printing . Revenue                            | 1,14,000                | ..                                       | 1,14,000  |
| 15                  | Miscellaneous Adminis-<br>trative General Services . Revenue | 14,000                  | ..                                       | 14,000    |
| 16                  | Retirement Benefits . Revenue                                | 14,49,000               | ..                                       | 14,49,000 |
| 17                  | Public Works . . . Revenue                                   | 4,61,000                | 36,000                                   | 4,97,000  |
|                     | Capital  | 11,52,000               | 3,40,000                                 | 14,92,000 |
| 18                  | Education . . . Revenue                                      | 57,66,000               | ..                                       | 57,66,000 |
|                     | Capital  | 5,000                   | ..                                       | 5,000     |
| 19                  | Medical . . . Revenue  | 66,33,000               | ..                                       | 66,33,000 |
| 20                  | Information and Publicity Revenue                            | 92,000                  | ..                                       | 92,000    |
| 21                  | Labour and Employment Revenue                                | 2,81,000                | ..                                       | 2,81,000  |
| 22                  | Social Welfare . . . Revenue                                 | 11,69,000               | 3,000                                    | 11,72,000 |
| 23                  | Co-operation . . . Revenue                                   | 88,000                  | ..                                       | 88,000    |
|                     | Capital  | 3,78,000                | ..                                       | 3,78,000  |
| 25                  | Agriculture . . . Revenue                                    | 3,77,000                | ..                                       | 3,77,000  |
| 26                  | Animal Husbandry . Capital                                   | 1,40,000                | ..                                       | 1,40,000  |

| 1<br>No. of<br>Vote | 2<br>Services and purposes    | 3<br>Sums not exceeding |  |                    |
|---------------------|-------------------------------|-------------------------|--|--------------------|
|                     |                               | Voted by<br>Parliament  | Charged on<br>the Conso-<br>lidated Fund | Total              |
|                     |                               | Rs.                     | Rs.                                      | Rs.                |
| 28                  | Community Development Revenue | 4,83,000                | ..                                       | 4,83,000           |
| 29                  | Industries . . . . Capital    | 59,000                  | ..                                       | 59,000             |
| 30                  | Food and Nutrition . Revenue  | 88,000                  | ..                                       | 88,000             |
| 31                  | Electricity . . . . Revenue   | 4,83,000                | 9,000                                    | 4,92,000           |
|                     | Capital                       | 12,88,000               | ..                                       | 12,88,000          |
| 32                  | Ports and Pilotage . Revenue  | 12,000                  | ..                                       | 12,000             |
| 33                  | Public Debt . . . . Revenue   | ..                      | 50,000                                   | 50,000             |
|                     | Capital                       | ..                      | 16,000                                   | 16,000             |
|                     | <b>TOTAL . . . . .</b>        | <b>2,34,83,000</b>      | <b>5,14,000</b>                          | <b>2,39,97,000</b> |

# THE DELHI RENT CONTROL (AMENDMENT) ACT, 1976

No. 18 OF 1976

[9th February, 1976.]

An Act further to amend the Delhi Rent Control Act, 1958.

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

## CHAPTER I

### PRELIMINARY

Short  
title and  
commen-  
cement.

1. (1) This Act may be called the Delhi Rent Control (Amendment) Act, 1976.

(2) It shall be deemed to have come into force on the 1st day of December, 1975.

## CHAPTER II

### AMENDMENT OF THE DEFINITION OF "TENANT" AND PROVISIONS CONSEQUENTIAL TO SUCH AMENDMENT

Amend-  
ment of  
section 2.

2. In section 2 of the Delhi Rent Control Act, 1958 (hereinafter referred to as the principal Act), for clause (l), the following clause shall be, and shall be deemed always to have been, substituted, namely:—

'(l) "tenant" means any person by whom or on whose account or behalf the rent of any premises is, or, but for a special contract, would be, payable, and includes—

(i) a sub-tenant;

(ii) any person continuing in possession after the termination of his tenancy; and



(iii) in the event of the death of the person continuing in possession after the termination of his tenancy, subject to the order of succession and conditions specified, respectively, in *Explanation I* and *Explanation II* to this clause, such of the aforesaid person's—

(a) spouse,

(b) son or daughter, or, where there are both son and daughter, both of them,

(c) parents,

(d) daughter-in-law, being the widow of his pre-deceased son,

as had been ordinarily living in the premises with such person as a member or members of his family up to the date of his death, but does not include,—

(A) any person against whom an order or decree for eviction has been made, except where such decree or order for eviction is liable to be re-opened under the proviso to section 3 of the Delhi Rent Control (Amendment) Act, 1976;

(B) any person to whom a licence, as defined by section 52 of the Indian Easements Act, 1882, has been granted.

5 of 1882.

*Explanation I.*—The order of succession in the event of the death of the person continuing in possession after the termination of his tenancy shall be as follows:—

(a) firstly, his surviving spouse;

(b) secondly, his son or daughter, or both, if there is no surviving spouse, or if the surviving spouse did not ordinarily live with the deceased person as a member of his family up to the date of his death;

(c) thirdly, his parents, if there is no surviving spouse, son or daughter of the deceased person, or if such surviving spouse, son or daughter or any of them, did not ordinarily live in the premises as a member of the family of the deceased person up to the date of his death; and

(d) fourthly, his daughter-in-law, being the widow of his pre-deceased son, if there is no surviving spouse, son, daughter or parents of the deceased person, or if such surviving spouse, son, daughter or parents, or any of them, did not ordinarily live in the premises as a member of the family of the deceased person up to the date of his death.

*Explanation II.*—If the person, who acquires, by succession, the right to continue in possession after the termination of the tenancy, was not financially dependent on the deceased person on the date of

his death such successor shall acquire such right for a limited period of one year; and, on the expiry of that period, or on his death, whichever is earlier, the right of such successor to continue in possession after the termination of the tenancy shall become extinguished.

*Explanation III.*—For the removal of doubts, it is hereby declared that,—

(a) where, by reason of *Explanation II*, the right of any successor to continue in possession after the termination of the tenancy becomes extinguished, such extinguishment shall not affect the right of any other successor of the same category to continue in possession after the termination of the tenancy; but if there is no other successor of the same category, the right to continue in possession after the termination of the tenancy shall not, on such extinguishment, pass on to any other successor specified in any lower category or categories, as the case may be;

(b) the right of every successor, referred to in *Explanation I*, to continue in possession after the termination of the tenancy, shall be personal to him and shall not, on the death of such successor, devolve on any of his heirs.

Saving.

3. Nothing contained in the principal Act, as amended by this Act, shall be deemed to authorise the re-opening of any proceeding for—

(a) the fixation of standard rent in relation to any premises to which the principal Act applies; or

(b) the eviction of any person from any premises to which the principal Act applies; and

(c) any other matter which the Controller is empowered, by or under the principal Act, to decide,

if such proceeding had been finally disposed of before the commencement of this Act:

Provided that if, in relation to any proceeding which had been finally disposed of before the commencement of this Act, the Controller is satisfied that the landlord had not recovered possession of the premises in relation to which the decree or order for eviction of the person in possession thereof was made, he shall, if such person by a written application made within ninety days from such commencement so desires, set aside such decree or order and re-open the proceeding for such eviction and decide such proceeding in accordance with the provisions of the principal Act as amended by this Act.

Applica-  
tions for  
execution  
of the  
decree or  
order for  
eviction  
to stand  
stayed.

4. Every application for the execution of any decree or order for the eviction of any person from any premises referred to in section 3, which was not finally disposed of before the commencement of this Act, shall stand stayed for a period of ninety days from such commencement, or, where any application is made for the re-opening of the proceeding in which such decree or order for eviction was made, until the final disposal of such application, whichever is later.

*Explanation*—For the purposes of sections 3 and 4, an application or proceeding, as the case may be, shall not be deemed to have been finally disposed of, if, in relation to that application or proceeding, any appeal or second appeal is pending, or, if the period of limitation for preferring an appeal or second appeal, as the case may be, had not expired before the commencement of this Act.

### CHAPTER III

#### RIGHT OF LANDLORD TO RECOVER IMMEDIATE POSSESSION IN CERTAIN CASES

5. After section 14 of the principal Act, the following section shall be inserted, namely:—

“14A. (1) Where a landlord who, being a person in occupation of any residential premises allotted to him by the Central Government or any local authority is required, by, or in pursuance of, any general or special order made by that Government or authority, to vacate such residential accommodation, or in default, to incur certain obligations, on the ground that he owns, in the Union territory of Delhi, a residential accommodation either in his own name or in the name of his wife or dependent child, there shall accrue, on and from the date of such order, to such landlord, notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force or in any contract (whether express or implied), custom or usage to the contrary, a right to recover immediately possession of any premises let out by him:

Provided that nothing in this section shall be construed as conferring a right on a landlord owning, in the Union territory of Delhi, two or more dwelling houses, whether in his own name or in the name of his wife or dependent child, to recover the possession of more than one dwelling house and it shall be lawful for such landlord to indicate the dwelling house, possession of which he intends to recover.

(2) Notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force or in any contract, custom or usage to the contrary, where the landlord exercises the right of recovery conferred on him by sub-section (1), no compensation shall be payable by him to the tenant or any person claiming through or under him and no claim for such compensation shall be entertained by any court, tribunal or other authority:

Provided that where the landlord had received,—

(a) any rent in advance from the tenant, he shall, within a period of ninety days from the date of recovery of possession of the premises by him, refund to the tenant such amount as represents the rent payable for the unexpired portion of the contract, agreement or lease;

(b) any other payment, he shall, within the period aforesaid, refund to the tenant a sum which shall bear the same proportion to the total amount so received, as the unexpired portion of the contract or agreement, or lease bears to the total period of contract or agreement or lease:

Insertion  
of new  
section  
14A.

Right to  
recover  
immediate  
possession  
of premises  
to accrue  
to certain  
persons.

Provided further that, if any default is made in making any refund as aforesaid, the landlord shall be liable to pay simple interest at the rate of six per cent. per annum on the amount which he has omitted or failed to refund."

#### CHAPTER IV

##### INSERTION OF NEW CHAPTER IIIA

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

#### 'CHAPTER IIIA

##### SUMMARY TRIAL OF CERTAIN APPLICATIONS

25A. The provisions of this Chapter or any rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained elsewhere in this Act or in any other law for the time being in force.

25B. (1) Every application by a landlord for the recovery of possession of any premises on the ground specified in clause (e) of the proviso to sub-section (1) of section 14, or under section 14A, shall be dealt with in accordance with the procedure specified in this section.

(2) The Controller shall issue summons, in relation to every application referred to in sub-section (1), in the form specified in the Third Schedule.

(3) (a) The Controller shall, in addition to, and simultaneously with, the issue of summons for service on the tenant, also direct the summons to be served by registered post, acknowledgment due, addressed to the tenant or his agent empowered to accept the service at the place where the tenant or his agent actually and voluntarily resides or carries on business or personally works for gain and may, if the circumstances of the case so require, also direct the publication of the summons in a newspaper circulating in the locality in which the tenant is last known to have resided or carried on business or personally worked for gain.

(b) When an acknowledgment purporting to be signed by the tenant or his agent is received by the Controller or the registered article containing the summons is received back with an endorsement purporting to have been made by a postal employee to the effect that the tenant or his agent had refused to take delivery of the registered article, the Controller may declare that there has been a valid service of summons.

(4) The tenant on whom the summons is duly served (whether in the ordinary way or by registered post) in the form specified in the Third Schedule shall not contest the prayer for eviction from the premises unless he files an affidavit stating the grounds on which he seeks to contest the application for eviction and obtains leave from the Controller as hereinafter provided; and in default of his appearance in pursuance of the summons or his obtaining such leave, the statement made by the landlord in the application for eviction shall be deemed to be admitted by the tenant and the applicant shall be entitled to an order for eviction on the ground aforesaid.

Insertion  
of new  
Chapter  
IIIA.

Provisions  
of this  
Chapter to  
have  
over-  
riding  
effect.  
Special  
procedure  
for the  
disposal  
of  
applica-  
tions for  
eviction  
on the  
ground of  
*bona fide*  
require-  
ment.

(5) The Controller shall give to the tenant leave to contest the application if the affidavit filed by the tenant discloses such facts as would disentitle the landlord from obtaining an order for the recovery of possession of the premises on the ground specified in clause (e) of the proviso to sub-section (1) of section 14, or under section 14A.

(6) Where leave is granted to the tenant to contest the application, the Controller shall commence the hearing of the application as early as practicable.

(7) Notwithstanding anything contained in sub-section (2) of section 37, the Controller shall, while holding an inquiry in a proceeding to which this Chapter applies, follow the practice and procedure of a Court of Small Causes, including the recording of evidence.

(8) No appeal or second appeal shall lie against an order for the recovery of possession of any premises made by the Controller in accordance with the procedure specified in this section:

Provided that the High Court may, for the purpose of satisfying itself that an order made by the Controller under this section is according to law, call for the records of the case and pass such order in respect thereto as it thinks fit.

(9) Where no application has been made to the High Court on revision, the Controller may exercise the powers of review in accordance with the provisions of Order XLVII of the First Schedule to the Code of Civil Procedure, 1908.

5 of 1908.

(10) Save as otherwise provided in this Chapter, the procedure for the disposal of an application for eviction on the ground specified in clause (e) of the proviso to sub-section (1) of section 14, or under section 14A, shall be the same as the procedure for the disposal of applications by Controllers.

25C. (1) Nothing contained in sub-section (6) of section 14 shall apply to a landlord who, being a person in occupation of any residential premises allotted to him by the Central Government or any local authority is required by, or in pursuance of, an order made by that Government or authority to vacate such residential accommodation, or, in default, to incur certain obligations, on the ground that he owns a residential accommodation either in his own name or in the name of his wife or dependent child in the Union territory of Delhi.

Act to have effect in a modified form in relation to certain persons.

(2) In the case of a landlord who, being a person of the category specified in sub-section (1), has obtained, on the ground specified in clause (e) of the proviso to sub-section (1) of section 14, or under section 14A, an order for the eviction of a tenant from any premises, the provisions of sub-section (7) of section 14 shall have effect as if for the words "six months", occurring therein, the words "two months" were substituted.

Insertion  
of Third  
Schedule.

7. After the Second Schedule to the principal Act, the following Schedule shall be inserted, namely:—

**“THE THIRD SCHEDULE**

[See section 25B(2)]

FORM OF SUMMONS IN A CASE WHERE RECOVERY OF POSSESSION OF PREMISES  
IS PRAYED FOR ON THE GROUND OF *bona fide* REQUIREMENT OR UNDER  
SECTION 14A

To

[Name, description and place of residence of the tenant.]

WHEREAS Shri.....has filed an application (a copy of which is annexed) for your eviction from (here insert the particulars of the premises) on the ground specified in clause (e) of the proviso to sub-section (1) of section 14, or under section 14A;

You are hereby summoned to appear before the Controller within fifteen days of the service hereof and to obtain the leave of the Controller to contest the application for eviction on the ground aforesaid; in default whereof, the applicant will be entitled at any time after the expiry of the said period of fifteen days to obtain an order for your eviction from the said premises.

Leave to appear and contest the application may be obtained on an application to the Controller supported by an affidavit as is referred to in sub-section (5) of section 25B.

Given under my hand and seal.

This                            day of                            19   .

Controller.”.

Repeal  
and  
saving.

8. (1) The Delhi Rent Control (Amendment) Ordinance, 1975 is hereby repealed. 24 of 1975.

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

# THE BONDED LABOUR SYSTEM (ABOLITION) ACT, 1976

## ARRANGEMENT OF SECTIONS

### CHAPTER I

#### PRELIMINARY

#### SECTIONS

1. Short title, extent and commencement.
2. Definitions.
3. Act to have overriding effect.

### CHAPTER II

#### ABOLITION OF BONDED LABOUR SYSTEM

4. Abolition of bonded labour system.
5. Agreement, custom, etc., to be void.

### CHAPTER III

#### EXTINGUISHMENT OF LIABILITY TO REPAY BONDED DEBT

6. Liability to repay bonded debt to stand extinguished.
7. Property of bonded labourer to be freed from mortgage, etc.
8. Freed bonded labourer not to be evicted from homestead, etc.
9. Creditor not to accept payment against extinguished debt.

### CHAPTER IV

#### IMPLEMENTING AUTHORITIES

10. Authorities who may be specified for implementing the provisions of this Act.
11. Duty of District Magistrate and other officers to ensure credit.
12. Duty of District Magistrate and officers authorised by him.

### CHAPTER V

#### VIGILANCE COMMITTEES

13. Vigilance Committees.
14. Functions of Vigilance Committees.
15. Burden of proof.

## CHAPTER VI

## OFFENCES AND PROCEDURE FOR TRIAL

## SECTIONS

16. Punishment for enforcement of bonded labour.
17. Punishment for advancement of bonded debt.
18. Punishment for extracting bonded labour under the bonded labour system.
19. Punishment for omission or failure to restore possession of property to bonded labourers.
20. Abetment to be an offence.
21. Offences to be tried by Executive Magistrates.
22. Cognizance of offences.
23. Offences by companies.

## CHAPTER VII

## MISCELLANEOUS

24. Protection of action taken in good faith.
25. Jurisdiction of civil courts barred.
26. Power to make rules.
27. Repeal and saving.



THE BONDED LABOUR SYSTEM (ABOLITION)  
ACT, 1976

No. 19 OF 1976

[9th February, 1976]

An Act to provide for the abolition of bonded labour system with a view to preventing the economic and physical exploitation of the weaker sections of the people and for matters connected therewith or incidental thereto.

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

CHAPTER I  
PRELIMINARY

1. (1) This Act may be called the Bonded Labour System (Abolition) Act, 1976.

(2) It extends to the whole of India.

(3) It shall be deemed to have come into force on the 25th day of October, 1975.

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

(a) "advance" means an advance, whether in cash or in kind, or partly in cash or partly in kind, made by one person (hereinafter referred to as the creditor) to another person (hereinafter referred to as the debtor);

(b) "agreement" means an agreement (whether written or oral, or partly written and partly oral) between a debtor and creditor, and includes an agreement providing for forced labour, the existence of which is presumed under any social custom prevailing in the concerned locality.

Short  
title, ex-  
tent and  
com-  
mence-  
ment.

Defini-  
tions.

*Explanation.*—The existence of an agreement between the debtor and creditor is ordinarily presumed, under the social custom, in relation to the following forms of forced labour, namely:—

Adiyamar, Baramasia, Basahya, Bethu, Bhagela, Cherumar, Garru-Galu, Hali, Hari, Harwai, Holya, Jana, Jeetha, Kamiya, Khundit-Mundit, Kuthia, Lakhari, Munjhi, Mat, Munish system, Nit-Majoor, Paleru, Padiyal, Pannayilal, Sagri, Sanji, Sanjawat, Sewak, Sewakia, Seri, Vetti;

(c) “ascendant” or “descendant”, in relation to a person belonging to a matriarchal society, means the person who corresponds to such expression in accordance with the law of succession in force in such society;

(d) “bonded debt” means an advance obtained, or presumed to have been obtained, by a bonded labourer under, or in pursuance of, the bonded labour system;

(e) “bonded labour” means any labour or service rendered under the bonded labour system;

(f) “bonded labourer” means a labourer who incurs, or has, or is presumed to have, incurred, a bonded debt;

(g) “bonded labour system” means the system of forced, or partly forced, labour under which a debtor enters, or has, or is presumed to have, entered, into an agreement with the creditor to the effect that,—

(i) in consideration of an advance obtained by him or by any of his lineal ascendants or descendants (whether or not such advance is evidenced by any document) and in consideration of the interest, if any, due on such advance, or

(ii) in pursuance of any customary or social obligation, or

(iii) in pursuance of an obligation devolving on him by succession, or

(iv) for any economic consideration received by him or by any of his lineal ascendants or descendants, or

(v) by reason of his birth in any particular caste or community,

he would—

(1) render, by himself or through any member of his family, or any person dependent on him, labour or service to the creditor, or for the benefit of the creditor, for a specified period or for an unspecified period, either without wages or for nominal wages, or

(2) forfeit the freedom of employment or other means of livelihood for a specified period or for an unspecified period, or

(3) forfeit the right to move freely throughout the territory of India, or

(4) forfeit the right to appropriate or sell at market value any of his property or product of his labour or the labour of a member of his family or any person dependent on him,

and includes the system of forced, or partly forced, labour under which a surety for a debtor enters, or has, or is presumed to have, entered, into an agreement with the creditor to the effect that in the event of the failure of the debtor to repay the debt, he would render the bonded labour on behalf of the debtor;

(h) "family", in relation to a person, includes the ascendant and descendant of such person;

(i) "nominal wages", in relation to any labour, means a wage which is less than,—

(a) the minimum wages fixed by the Government, in relation to the same or similar labour, under any law for the time being in force, and

(b) where no such minimum wage has been fixed in relation to any form of labour, the wages that are normally paid, for the same or similar labour, to the labourers working in the same locality;

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

3. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act, or in any instrument having effect by virtue of any enactment other than this Act.

Act  
to  
have  
over-  
riding  
effect.

## CHAPTER II

### ABOLITION OF BONDED LABOUR SYSTEM

4. (1) On the commencement of this Act, the bonded labour system shall stand abolished and every bonded labourer shall, on such commencement, stand freed and discharged from any obligation to render any bonded labour.

Aboli-  
tion of  
bonded  
labour  
system.

(2) After the commencement of this Act, no person shall—

(a) make any advance under, or in pursuance of, the bonded labour system, or

(b) compel any person to render any bonded labour or other form of forced labour.

Agreement, custom, etc., to be void.

5. On the commencement of this Act, any custom or tradition or any contract, agreement or other instrument (whether entered into or executed before or after the commencement of this Act), by virtue of which any person, or any member of the family or dependant of such person, is required to do any work or render any service as a bonded labourer, shall be void and inoperative.

### CHAPTER III

#### EXTINGUISHMENT OF LIABILITY TO REPAY BONDED DEBT

Liability to repay bonded debt to stand extinguished.

6. (1) On the commencement of this Act, every obligation of a bonded labourer to repay any bonded debt, or such part of any bonded debt as remains unsatisfied immediately before such commencement, shall be deemed to have been extinguished.

(2) After the commencement of this Act, no suit or other proceeding shall lie in any civil court or before any other authority for the recovery of any bonded debt or any part thereof.

(3) Every decree or order for the recovery of bonded debt, passed before the commencement of this Act and not fully satisfied before such commencement, shall be deemed, on such commencement, to have been fully satisfied.

(4) Every attachment made before the commencement of this Act, for the recovery of any bonded debt, shall, on such commencement, stand vacated; and, where, in pursuance of such attachment, any movable property of the bonded labourer was seized and removed from his custody and kept in the custody of any court or other authority pending sale thereof, such movable property shall be restored, as soon as may be practicable after such commencement, to the possession of the bonded labourer.

(5) Where, before the commencement of this Act, possession of any property belonging to a bonded labourer or a member of his family or other dependant was forcibly taken over by any creditor for the recovery of any bonded debt, such property shall be restored, as soon as may be practicable after such commencement, to the possession of the person from whom it was seized.

(6) If restoration of the possession of any property referred to in sub-section (4) or sub-section (5) is not made within thirty days from the commencement of this Act, the aggrieved person may, within such time as may be prescribed, apply to the prescribed authority for the restoration of the possession of such property and the prescribed authority may, after giving the creditor a reasonable opportunity of being heard, direct the creditor to restore to the applicant the possession of the concerned property within such time as may be specified in the order.

(7) An order made by any prescribed authority, under sub-section (6), shall be deemed to be an order made by a civil court and may be executed by the court of the lowest pecuniary jurisdiction within the local limits of whose jurisdiction the creditor voluntarily resides or carries on business or personally works for gain.

(8) For the avoidance of doubts, it is hereby declared that, where any attached property was sold before the commencement of this Act, in execution of a decree or order for the recovery of a bonded debt, such sale shall not be affected by any provision of this Act:

Provided that the bonded labourer, or an agent authorised by him in this behalf, may, at any time within five years from such commencement, apply to have the sale set aside on his depositing in court, for payment to the decree-holder, the amount specified in the proclamation of sale, for the recovery of which the sale was ordered, less any amount, as well as mesne profits, which may, since the date of such proclamation of sale, have been received by the decree-holder.

(9) Where any suit or proceeding, for the enforcement of any obligation under the bonded labour system, including a suit or proceeding for the recovery of any advance made to a bonded labourer, is pending at the commencement of this Act, such suit or other proceeding shall, on such commencement, stand dismissed.

(10) On the commencement of this Act, every bonded labourer who has been detained in civil prison, whether before or after judgment, shall be released from detention forthwith.

7. (1) All property vested in a bonded labourer which was, immediately before the commencement of this Act under any mortgage, charge, lien or other incumbrances in connection with any bonded debt shall, in so far as it is relatable to the bonded debt, stand freed and discharged from such mortgage, charge, lien or other incumbrances, and where any such property was, immediately before the commencement of this Act, in the possession of the mortgagee or the holder of the charge, lien or incumbrance, such property shall (except where it was subject to any other charge), on such commencement, be restored to the possession of the bonded labourer.

Property of bonded labourer to be freed from mortgage, etc.

(2) If any delay is made in restoring any property, referred to in sub-section (1), to the possession of the bonded labourer, such labourer shall be entitled, on and from the date of such commencement, to recover from the mortgagee or holder of the lien, charge or incumbrance, such mesne profits as may be determined by the civil court of the lowest pecuniary jurisdiction within the local limits of whose jurisdiction such property is situated.

8. (1) No person who has been freed and discharged under this Act from any obligation to render any bonded labour, shall be evicted from any homestead or other residential premises which he was occupying immediately before the commencement of this Act as part of the consideration for the bonded labour.

Freed bonded labourer not to be evicted from homestead, etc.

(2) If, after the commencement of this Act, any such person is evicted by the creditor from any homestead or other residential premises, referred to in sub-section (1), the Executive Magistrate in charge of the Sub-Division within which such homestead or residential premises is situated shall, as early as practicable, restore the bonded labourer to the possession of such homestead or other residential premises.

Creditor  
not to  
accept  
payment  
against  
extinguish-  
ed debt.

9. (1) No creditor shall accept any payment against any bonded debt which has been extinguished or deemed to have been extinguished or fully satisfied by virtue of the provisions of this Act.

(2) Whoever contravenes the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to three years and also with fine.

(3) The court, convicting any person under sub-section (2) may, in addition to the penalties which may be imposed under that sub-section, direct the person to deposit, in court, the amount accepted in contravention of the provisions of sub-section (1), within such period as may be specified in the order for being refunded to the bonded labourer.

## CHAPTER IV

### IMPLEMENTING AUTHORITIES

Authori-  
ties who  
may be  
specified  
for imple-  
menting  
the provi-  
sions of  
this Act.

10. The State Government may confer such powers and impose such duties on a District Magistrate as may be necessary to ensure that the provisions of this Act are properly carried out and the District Magistrate may specify the officer, subordinate to him, who shall exercise all or any of the powers, and perform all or any of the duties, so conferred or imposed and the local limits within which such powers or duties shall be carried out by the officer so specified.

Duty of  
District  
Magis-  
trate and  
other offi-  
cers to  
ensure  
credit.

11. The District Magistrate authorised by the State Government under section 10 and the officer specified by the District Magistrate under that section shall, as far as practicable, try to promote the welfare of the freed bonded labourer by securing and protecting the economic interests of such bonded labourer so that he may not have any occasion or reason to contract any further bonded debt.

Duty of  
District  
Magis-  
trate and  
officers  
autho-  
rised by  
him.

12. It shall be the duty of every District Magistrate and every officer specified by him under section 10 to inquire whether, after the commencement of this Act, any bonded labour system or any other form of forced labour is being enforced by, or on behalf of, any person resident within the local limits of his jurisdiction and if, as a result of such inquiry, any person is found to be enforcing the bonded labour system or any other system of forced labour, he shall forthwith take such action as may be necessary to eradicate the enforcement of such forced labour.

## CHAPTER V

### VIGILANCE COMMITTEES

Vigilance  
Commit-  
tees.

13. (1) Every State Government shall, by notification in the Official Gazette, constitute such number of Vigilance Committees in each district and each Sub-Division as it may think fit.

(2) Each Vigilance Committee, constituted for a district, shall consist of the following members, namely:—

(a) the District Magistrate, or a person nominated by him, who shall be the Chairman;

(b) three persons belonging to the Scheduled Castes or Scheduled Tribes and residing in the district, to be nominated by the District Magistrate;

(c) two social workers, resident in the district, to be nominated by the District Magistrate;

(d) not more than three persons to represent the official or non-official agencies in the district connected with rural development, to be nominated by the State Government;

(e) one person to represent the financial and credit institutions in the district, to be nominated by the District Magistrate.

(3) Each Vigilance Committee, constituted for a Sub-Division, shall consist of the following members, namely:—

(a) the Sub-Divisional Magistrate, or a person nominated by him, who shall be the Chairman;

(b) three persons belonging to the Scheduled Castes or Scheduled Tribes and residing in the Sub-Division, to be nominated by the Sub-Divisional Magistrate;

(c) two social workers, resident in the Sub-Division, to be nominated by the Sub-Divisional Magistrate;

(d) not more than three persons to represent the official or non-official agencies in the Sub-Division connected with rural development to be nominated by the District Magistrate;

(e) one person to represent the financial and credit institutions in the Sub-Division, to be nominated by the Sub-Divisional Magistrate;

(f) one officer specified under section 10 and functioning in the Sub-Division.

(4) Each Vigilance Committee shall regulate its own procedure and secretarial assistance, as may be necessary, shall be provided by:—

(a) the District Magistrate, in the case of a Vigilance Committee constituted for the district;

(b) the Sub-Divisional Magistrate, in the case of a Vigilance Committee constituted for the Sub-Division.

(5) No proceeding of a Vigilance Committee shall be invalid merely by reason of any defect in the constitution, or in the proceedings, of the Vigilance Committee.

14. (1) The functions of each Vigilance Committee shall be,—

(a) to advise the District Magistrate or any officer authorised by him as to the efforts made, and action taken, to ensure that the provisions of this Act or of any rule made thereunder are properly implemented;

(b) to provide for the economic and social rehabilitation of the freed bonded labourers;

(c) to co-ordinate the functions of rural banks and co-operative societies with a view to canalising adequate credit to the freed bonded labourer,

Func-  
tions of  
Vigilance  
Commit-  
tees.

(d) to keep an eye on the number of offences of which cognizance has been taken under this Act;

(e) to make a survey as to whether there is any offence of which cognizance ought to be taken under this Act;

(f) to defend any suit instituted against a freed bonded labourer or a member of his family or any other person dependent on him for the recovery of the whole or part of any bonded debt or any other debt which is claimed by such person to be bonded debt.

(2) A Vigilance Committee may authorise one of its members to defend a suit against a freed bonded labourer and the member so authorised shall be deemed, for the purpose of such suit, to be the authorised agent of the freed bonded labourer.

Burden  
of proof.

15. Whenever any debt is claimed by a bonded labourer, or a Vigilance Committee, to be a bonded debt, the burden of proof that such debt is not a bonded debt shall lie on the creditor.

## CHAPTER VI

### OFFENCES AND PROCEDURE FOR TRIAL

Punish-  
ment for  
enforce-  
ment of  
bonded  
labour.

16. Whoever, after the commencement of this Act, compels any person to render any bonded labour shall be punishable with imprisonment for a term which may extend to three years and also with fine which may extend to two thousand rupees.

Punish-  
ment for  
advance-  
ment of  
bonded  
debt.

17. Whoever advances, after the commencement of this Act, any bonded debt shall be punishable with imprisonment for a term which may extend to three years and also with fine which may extend to two thousand rupees.

Punish-  
ment for  
extract-  
ing  
bonded  
labour  
under the  
bonded  
labour  
system.

18. Whoever enforces, after the commencement of this Act, any custom, tradition, contract, agreement or other instrument, by virtue of which any person or any member of the family of such person or any dependant of such person is required to render any service under the bonded labour system, shall be punishable with imprisonment for a term which may extend to three years and also with fine which may extend to two thousand rupees; and, out of the fine, if recovered, payment shall be made to the bonded labourer at the rate of rupees five for each day for which the bonded labour was extracted from him.

Punish-  
ment for  
omission  
or failure  
to restore  
possession  
of prop-  
erty to  
bonded  
labourers.

19. Whoever, being required by this Act to restore any property to the possession of any bonded labourer, omits or fails to do so, within a period of thirty days from the commencement of this Act, shall 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; and, out of the fine, if recovered, payment shall be made to the bonded labourer at the rate of rupees five for each day during which possession of the property was not restored to him.

Abetment  
to be an  
offence.

20. Whoever abets any offence punishable under this Act shall, whether or not the offence abetted is committed, be punishable with the same punishment as is provided for the offence which has been abetted.

*Explanation.*—For the purpose of this Act, “abetment” has the meaning assigned to it in the Indian Penal Code.



2 of 1974.

21. (1) The State Government may confer, on an Executive Magistrate, the powers of a Judicial Magistrate of the first class or of the second class for the trial of offences under this Act; and, on such conferment of powers, the Executive Magistrate, on whom the powers are so conferred, shall be deemed, for the purposes of the Code of Criminal Procedure, 1973, to be a Judicial Magistrate of the first class, or of the second class, as the case may be.

Offences to be tried by Executive Magistrates.

(2) An offence under this Act may be tried summarily by a Magistrate.

22. Every offence under this Act shall be cognizable and bailable.

Cognizance of offences.

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

Offences by companies.

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

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

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

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

## CHAPTER VII

### MISCELLANEOUS

24. No suit, prosecution or other legal proceeding shall lie against any State Government or any officer of the State Government or any member of the Vigilance Committee for anything which is in good faith done or intended to be done under this Act.

Protection of action taken in good faith.

25. No civil court shall have jurisdiction in respect of any matter to which any provision of this Act applies and no injunction shall be granted by any civil court in respect of anything which is done or intended to be done by or under this Act.

Jurisdiction of civil courts barred.

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

Power to make rules.

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

(a) the authority to which application for the restoration of possession of property referred to in sub-section (4), or sub-section (5), of section 6 is to be submitted in pursuance of sub-section (6) of that section;

(b) the time within which application for restoration of possession of property is to be made, under sub-section (6) of section 6, to the prescribed authority;

(c) steps to be taken by Vigilance Committees under clause (a) of sub-section (1) of section 14, to ensure the implementation of the provisions of this Act or of any rule made thereunder;

(d) any other matter which is required to be, or may be, prescribed.

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

Repeal  
and  
saving.

27. (1) The Bonded Labour System (Abolition) Ordinance, 1975 is hereby repealed. 17 of 1975.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance (including any notification published, direction or nomination made, power conferred, duty imposed or officer specified) shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE CONSERVATION OF FOREIGN EXCHANGE AND  
PREVENTION OF SMUGGLING ACTIVITIES  
(AMENDMENT) ACT, 1976

No. 20 OF 1976

[9th February, 1976.]

An Act further to amend the Conservation of Foreign Exchange and  
Prevention of Smuggling Activities Act, 1974.

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

1. (1) This Act may be called the Conservation of Foreign Exchange  
and Prevention of Smuggling Activities (Amendment) Act, 1976.

Short  
title  
and  
com-  
mence-  
ment.

(2) It shall be deemed to have come into force on the 12th day of  
December, 1975.

52 of 1974. 2. In section 9 of the Conservation of Foreign Exchange and Prevention  
of Smuggling Activities Act, 1974 (hereinafter referred to as the principal  
Act), in sub-section (1), for the words, figures and letters "the 31st day of  
December, 1975", the words, figures and letters "the 31st day of December,  
1977" shall be substituted.

Amend-  
ment of  
section  
9.

3. During the period when the Proclamation of Emergency issued under  
clause (1) of article 352 of the Constitution on the 3rd day of December,  
1971 and the Proclamation of Emergency issued under that clause on the

Tempo-  
rary  
amend-  
ments.

25th day of June, 1975, are both in operation, the principal Act shall have effect subject to the modifications that—

(1) in section 10—

(a) for the words “one year from the date of detention”, the words “a period of one year from the date of detention or the specified period, whichever period expires later,” shall be substituted;

(b) for the words “two years from the date of detention:”, the words “a period of two years from the date of detention or the specified period, whichever period expires later:” shall be substituted;

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

*Explanation.*—In this section and in section 10A, “specified period” means the period during which the Proclamation of Emergency issued under clause (1) of article 352 of the Constitution on the 3rd day of December, 1971 and the Proclamation of Emergency issued under that clause on the 25th day of June, 1975, are both in operation.’;

(2) after section 10, the following section shall be inserted, namely:—

“10A. (1) Notwithstanding anything contained in any other provision of this Act, the detention of every person detained under a detention order which has been confirmed under clause (f) of section 8 before the commencement of the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Act, 1976, and which is in force immediately before such commencement shall, unless his detention has been continued by the appropriate Government under the said clause for a period shorter than one year from the date of his detention, continue until the expiry of a period of one year from the date of his detention under such order or until the expiry of the specified period, whichever period expires later:

Provided that nothing contained in this sub-section shall affect the power of the appropriate Government to revoke or modify such detention order at any earlier time.

(2) Notwithstanding anything contained in any other provision of this Act, the detention of every person detained under a detention order which has been confirmed under clause (f) of section 8 read with sub-section (2) of section 9 before the commencement of the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Act, 1976, and which is in force immediately before such commencement, shall, unless his detention has been continued by the appropriate Government under the said clause (f) read with the said sub-section (2), for a period shorter than two years from the date of his detention, continue until the expiry of a period of two years from the date

Extension of  
period of deten-  
tion.

of his detention under such order or until the expiry of the specified period, whichever period expires later:

Provided that nothing contained in this sub-section shall affect the power of the appropriate Government to revoke or modify such detention order at any earlier time."

4. In section 12 of the principal Act,—

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

Amend-  
ment of  
section 12.

"(1) The Central Government may, at any time, direct that any person detained in pursuance of a detention order made by that Government or an officer subordinate to that Government or by a State Government or by an officer subordinate to a State Government, may be released for any specified period either without conditions or upon such conditions specified in the direction as that person accepts, and may, at any time, cancel his release.

(1A) A State Government may, at any time, direct that any person detained in pursuance of a detention order made by that Government or by an officer subordinate to that Government may be released for any specified period either without conditions or upon such conditions specified in the direction as that person accepts, and may, at any time, cancel his release.";

(b) in sub-section (2), for the words, brackets and figure "under sub-section (1), the appropriate Government", the words, brackets, figures and letter "under sub-section (1) or sub-section (1A), the Government directing the release" shall be substituted.

(c) in sub-sections (3) and (5), for the word, brackets and figure "sub-section (1)", the words, brackets, figures and letter "sub-section (1) or sub-section (1A)" shall be substituted.

5. (1) The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Second Amendment) Ordinance, 1975 is hereby repealed.

Repeal  
and  
saving.

29 of 1975.

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

# THE REGIONAL RURAL BANKS ACT, 1976

## ARRANGEMENT OF SECTIONS

### SECTIONS

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

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##### INCORPORATION AND CAPITAL OF REGIONAL RURAL BANKS

3. Establishment and incorporation of Regional Rural Banks.
4. Offices and agencies.
5. Authorised capital.
6. Issued capital.
7. Shares to be approved securities.

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##### MANAGEMENT

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12. Disqualifications.
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26. Bar to liquidation of Regional Rural Bank.
27. Defects in appointment or constitution not to invalidate acts or proceedings.
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30. Power to make regulations.
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**CHAPTER VII**

**AMENDMENT OF CERTAIN ENACTMENTS**

33. Amendment of certain enactments.
34. Repeal and saving.

**THE SCHEDULE.**

# THE REGIONAL RURAL BANKS ACT, 1976

No. 21 OF 1976

[9th February, 1976]

An Act to provide for the incorporation, regulation and winding up of Regional Rural Banks with a view to developing the rural economy by providing, for the purpose of development of agriculture, trade, commerce, industry and other productive activities in the rural areas, credit and other facilities, particularly to the small and marginal farmers, agricultural labourers, artisans and small entrepreneurs, and for matters connected therewith and incidental thereto.

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

## CHAPTER I

### PRELIMINARY

Short  
title,  
extent  
and com-  
mence-  
ment.

1. (1) This Act may be called the Regional Rural Banks Act, 1976.
- (2) It extends to the whole of India.
- (3) It shall be deemed to have come into force on the 26th day of September, 1975.



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

Defini-  
tions.

(a) "Board", in relation to a Regional Rural Bank, means the Board of directors of that Regional Rural Bank;

(b) "Chairman", in relation to a Regional Rural Bank, means the individual appointed or re-appointed under sub-section (1) of section 11 as the Chairman of that bank;

(c) "director", in relation to a Regional Rural Bank, means a member of the Board of that bank;

(d) "notified area" means the local limits, specified under sub-section (1) of section 3, within which a Regional Rural Bank shall operate;

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

(f) "Regional Rural Bank" means a Regional Rural Bank established under sub-section (1) of section 3;

(g) "Sponsor Bank", in relation to a Regional Rural Bank, means a bank by which such Regional Rural Bank has been sponsored;

(h) "State Government" means,—

(i) in relation to a Regional Rural Bank established in a Union territory, the Central Government;

(ii) in relation to a Regional Rural Bank established in a State, the Government of that State;

(i) words and expressions used herein and not defined but defined in the Reserve Bank of India Act, 1934, shall have the meanings respectively assigned to them in that Act;

(j) words and expressions used herein and not defined either in this Act or in the Reserve Bank of India Act, 1934, but defined in the Banking Regulation Act, 1949, shall have the meanings respectively assigned to them in the Banking Regulation Act, 1949.

2 of 1934.

2 of 1934.  
10 of 1949.

## CHAPTER II

### INCORPORATION AND CAPITAL OF REGIONAL RURAL BANKS

3. (1) The Central Government may, if requested so to do by a Sponsor Bank, by notification in the Official Gazette, establish in a State or Union territory, one or more Regional Rural Banks with such name as may be specified in the notification and may, by the said or subsequent notification, specify the local limits within which each Regional Rural Bank shall operate.

Establish-  
ment  
and  
incorpo-  
ration of  
Regional  
Rural  
Banks.

(2) Every Regional Rural Bank shall be a body corporate with perpetual succession and a common seal with power, subject to the pro-

visions of this Act, to acquire, hold and dispose of property and to contract and may sue and be sued in its name.

(3) It shall be the duty of the Sponsor Bank to aid and assist the Regional Rural Bank, sponsored by it, by subscribing to the share capital of such Regional Rural Bank, recruitment and training of personnel during the first five years of the functioning of the Regional Rural Bank and providing such managerial and financial assistance as may be mutually agreed upon between the Sponsor Bank and the Regional Rural Bank.

Offices  
and  
agencies.

4. (1) A Regional Rural Bank shall have its head office at such place in the notified area as the Central Government may, after consultation with the Reserve Bank and the Sponsor Bank, specify by notification in the Official Gazette.

(2) A Regional Rural Bank may, if it is of opinion that it is necessary so to do, establish its branches or agencies at any place in the notified area.

Authorised  
capital.

5. The authorised capital of each Regional Rural Bank shall be one crore of rupees, divided into one lakh of fully paid-up shares of one hundred rupees each:

Provided that the Central Government may, after consultation with the Reserve Bank and the Sponsor Bank, increase or reduce such authorised capital; so, however, that the authorised capital shall not be reduced below twenty-five lakhs of rupees, and the shares shall be, in all cases, fully paid-up shares of one hundred rupees each.

Issued  
capital.

6. (1) The issued capital of each Regional Rural Bank shall be twenty-five lakhs of rupees.

(2) Of the capital issued by a Regional Rural Bank under sub-section (1), fifty per cent. shall be subscribed by the Central Government; fifteen per cent. by the concerned State Government and thirty-five per cent. by the Sponsor Bank.

(3) The Board may, after consultation with the Reserve Bank, the concerned State Government and the Sponsor Bank and with the prior approval of the Central Government, from time to time, increase the issued capital of the Regional Rural Bank; and, where additional capital is issued, such capital shall also be subscribed in the same proportion as is specified in sub-section (2).

Shares  
to be  
approved  
securities.

7. Notwithstanding anything contained in the Acts hereinafter mentioned in this section, the shares of a Regional Rural Bank shall be deemed to be included among the securities enumerated in section 20 of the Indian Trusts Act, 1882, and shall also be deemed to be approved securities for the purposes of the Banking Regulation Act, 1949.

2 of 1882.  
10 of 1949.

CHAPTER III

MANAGEMENT

8. (1) Subject to the provisions of this Act, the general superintendence, direction and management of the affairs and business of a Regional Rural Bank shall vest in a Board of directors who may exercise all the powers and discharge all the functions which may be exercised or discharged by the Regional Rural Bank.

Management.

(2) In discharging its functions, the Board shall act on business principles and shall have due regard to public interest.

9. (1) The Board of directors shall consist of the Chairman appointed under sub-section (1) of section 11, and the following other members, namely:—

Board of directors.

(a) not more than three directors, to be nominated by the Central Government;

(b) not more than two directors, to be nominated by the concerned State Government; and

(c) not more than three directors, to be nominated by the Sponsor Bank.

(2) The Central Government may increase the number of members of the Board; so, however, that the number of directors does not exceed fifteen in the aggregate and also prescribe the manner in which the additional number may be filled in.

10. A director (other than the Chairman) shall hold office for such period not exceeding two years, from the date when he assumes office, as the authority nominating him may specify at the time when the nomination is made, and may, on the expiry of the said period, continue to hold office until his successor has been nominated and shall also be eligible for re-nomination.

Term of office of director.

11. (1) The Central Government shall appoint an individual to be the Chairman of a Regional Rural Bank and specify the period, not exceeding five years, for which such individual shall, subject to the provisions of sub-section (4), hold office as the Chairman.

Chairman.

(2) The individual, appointed as a Chairman under sub-section (1), shall, on the expiry of the period specified under that sub-section, be eligible for re-appointment.

(3) The Chairman shall devote his whole time to the affairs of the Regional Rural Bank and shall have, subject to the superintendence, control and direction of the Board, the management of the whole of the affairs of the Regional Rural Bank.

(4) The Chairman shall hold office during the pleasure of the Central Government.

(5) The Chairman shall receive such salary and allowances and be governed by such terms and conditions of service as may be determined by the Central Government.

(6) If the Chairman 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 office, the Central Government may appoint another individual to act as the Chairman during the absence of the first-mentioned Chairman.

**Disqualifications.** 12. A person shall be disqualified for being appointed or, as the case may be, nominated as, and for being, a director, if he—

(a) is, or, at any time has been, adjudged insolvent or has suspended payment of his debt or has compounded with his creditors, or

(b) is of unsound mind and stands so declared by a competent court, or

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

**Vacation of the seat of directors.**

13. (1) If a director—

(a) becomes subject to any disqualification specified in section 12, or

(b) is absent without leave of the Board for more than three consecutive meetings thereof,

his seat shall thereupon become vacant.

(2) The Chairman may resign his office by giving notice thereof in writing to the Central Government and a director may resign his office by giving notice thereof to the authority by which he was nominated; and, on such resignation being accepted, the Chairman or the director, as the case may be, shall be deemed to have vacated his office.

**Meetings of Board.**

14. (1) The Board of directors of a Regional Rural Bank 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) The Chairman of the Regional Rural Bank shall preside over every meeting of the Board, and, in his absence, such director as the Chairman may generally, or in relation to any particular meeting, authorise in this behalf shall preside; and, in the absence of both the Chairman and the director so authorised, the directors present at the meeting shall elect one from among themselves to preside over the meeting.

*Explanation.*—For the purposes of this sub-section, “absence” from a meeting means non-attendance for any reason whatsoever at the meeting, or any part of the meeting during which any business is transacted.

(3) All questions at a meeting of the Board shall be decided by a majority of the votes of the directors present and voting; and, in case of equality of votes, the person presiding shall have a second or casting vote.

(4) No director shall, as a director, take part in the discussion of, or vote on, any contract, loan, arrangement or proposal entered into or to be entered into, by or on behalf of the Regional Rural Bank, if he is, in any way, whether directly or indirectly, interested in the contract, loan, arrangement or proposal and, where a director is interested in any such matter, he shall, at the earliest possible opportunity, disclose to the

Board the nature of his interest in such contract, loan, arrangement or proposal, and where he does so, his presence at the meeting shall not count for the purpose of forming any quorum at the time of any such discussion or vote, and if he does vote, his vote shall be void:

Provided that nothing contained in this sub-section shall apply to such director by reason only of his being—

(i) a shareholder (other than a director) holding not more than two per cent. of the paid-up capital in any public company within the meaning of the Companies Act, 1956, or any corporation established by or under any law for the time being in force in India or any co-operative society, with which the Regional Rural Bank has entered into, or proposes to enter into, any contract, loan, arrangement or proposal; or

(ii) a director of the Regional Rural Bank as such.

1 of 1956.

15. The Board may constitute such committees, whether consisting wholly of directors or wholly of other persons or partly of directors and partly of other persons, as it may think fit, for such purposes as it may decide.

Committees of Board.

16. (1) Every director and every member of a committee (other than the Chairman) shall be paid such fees and allowances as may be determined by the Central Government:

Fees and allowances of directors and members of committees.

Provided that no fees shall be paid to any director, or member of a committee, if he is an officer of the Central Government, State Government, the Reserve Bank, Sponsor Bank or any other bank.

(2) The allowances payable to a director or a member of a committee, who is an officer of the Central Government, State Government, Reserve Bank, Sponsor Bank or any other bank, shall be paid by the Government or bank by which such officer is employed; and the allowances and fees payable to any other director or member of a committee shall be payable by the concerned Regional Rural Bank.

17. (1) A Regional Rural Bank may appoint such number of officers and other employees as it may consider necessary or desirable for the efficient performance of its functions and may determine the terms and conditions of their appointment and service:

Staff of Regional Rural Banks.

Provided that it shall be lawful for a Sponsor Bank, if requested so to do by a Regional Rural Bank sponsored by it, to send, during the first five years of the functioning of a Regional Rural Bank, such number of officers or other employees on deputation to the Regional Rural Bank as may be necessary or desirable for the efficient performance of its functions:

Provided further that the remuneration of officers and other employees appointed by a Regional Rural Bank shall be such as may be determined by the Central Government, and, in determining such remuneration, the Central Government shall have due regard to the salary structure of the employees of the State Government and the local authorities of comparable level and status in the notified area.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947, or any other law for the time being in force, no award, judgment, decree, decision or order of any industrial tribunal, court or other authority, made before the commencement of this Act, shall apply to the terms and conditions in relation to the persons appointed by a Regional Rural Bank. 14 of 1947.

(3) The officers and other employees of a Regional Rural Bank shall exercise such powers and perform such duties as may be entrusted or delegated to them by the Board.

#### CHAPTER IV

##### BUSINESS OF A REGIONAL RURAL BANK

Business which a Regional Rural Bank may transact.

18. (1) Every Regional Rural Bank shall carry on and transact the business of banking as defined in clause (b) of section 5 of the Banking Regulation Act, 1949, and may engage in one or more forms of business specified in sub-section (1) of section 6 of that Act. 10 of 1949.

(2) Without prejudice to the generality of the provisions of sub-section (1), every Regional Rural Bank may, in particular, undertake the following types of business, namely:—

(a) the granting of loans and advances, particularly to small and marginal farmers and agricultural labourers, whether individually or in groups, and to co-operative societies, including agricultural marketing societies, agricultural processing societies, co-operative farming societies, primary agricultural credit societies or farmers' service societies, for agricultural purposes or agricultural operations or for other purposes connected therewith;

(b) the granting of loans and advances, particularly to artisans, small entrepreneurs and persons of small means engaged in trade, commerce or industry or other productive activities, within the notified area in relation to the Regional Rural Bank.

#### CHAPTER V

##### ACCOUNTS AND AUDIT

Closure of accounts.

19. (1) Every Regional Rural Bank shall cause its books to be closed and balanced as on the 31st day of December of each year and shall appoint with the approval of the Central Government auditors for the audit of its accounts.

(2) Every auditor of a Regional Rural Bank shall be a person who is qualified to act as an auditor of a company under section 226 of the Companies Act, 1956, and shall receive such remuneration as the Regional Rural Bank may fix with the approval of the Central Government. 1 of 1956.

(3) Every auditor shall be supplied with a copy of the annual balance-sheet and profit and loss account of the Regional Rural Bank, and a list of all books kept by the Regional Rural Bank, and it shall be the duty of the auditor to examine the balance-sheet 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 Regional Rural Bank;

(b) may, at the expense of the Regional Rural Bank, employ accountants or other persons to assist him in investigating such accounts; and

(c) may, in relation to such accounts, examine the Chairman or any officer or employee of the Regional Rural Bank.

(4) Every auditor of a Regional Rural Bank shall make a report to that bank upon the annual balance-sheet and accounts and in every such report shall state,—

(a) whether, in his opinion, the balance-sheet is a full and fair balance-sheet containing all necessary particulars and is properly drawn up so as to exhibit a true and fair view of the affairs of the Regional Rural Bank, and, in case he had called for any explanation or information, whether it has been given and whether it is satisfactory;

(b) whether or not, the transactions of the Regional Rural Bank, which have come to his notice, have been within the powers of that bank;

(c) whether or not, the returns received from the offices and branches of the Regional Rural Bank have been found adequate for the purpose of his audit;

(d) whether the profit and loss account shows a true balance of profit or loss for the period covered by such accounts; and

(e) any other matter which he considers should be brought to the notice of the Regional Rural Bank.

20. Every Regional Rural Bank shall, within sixty days from the date of closure of its accounting year, send to each of its shareholders a report as to its working and activities during the accounting year immediately preceding together with a copy of its balance-sheet, profit and loss account and the auditor's report in relation to the accounts of the said accounting year.

Annual report to be furnished to the shareholders.

21. After making provisions for bad and doubtful debts, depreciation in assets, contributions to staff and superannuation funds and all other matters for which provision is, under law, necessary or which are usually provided for by banking companies, a Regional Rural Bank may, out of its net profits, declare a dividend.

Disposal of profits.

43 of 1961.

22. For the purpose of the Income-tax Act, 1961, or any other enactment for the time being in force relating to any tax on income, profits or gains, a Regional Rural Bank shall be deemed to be a co-operative society.

Regional Rural Bank to be deemed to be a co-operative society for purpose of the Income-tax Act, 1961.

45 of 1974.

23. Notwithstanding anything contained in the Interest-tax Act, 1974, no Regional Rural Bank shall be liable to pay any tax under that Act.

Interest-tax not payable.

## CHAPTER VI

## MISCELLANEOUS

Power of Central Government to give directions.

24. (1) A Regional Rural Bank shall, in the discharge of its functions, be guided by such directions in regard to matters of policy involving public interest as the Central Government may, after consultation with the Reserve Bank, give.

(2) If any question arises as to whether any such direction relates to a matter of policy involving public interest, the decision of the Central Government thereon shall be final.

Obligations as to fidelity and secrecy.

25. (1) A Regional Rural 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 Regional Rural Bank to divulge.

(2) Every director, member of a committee or auditor, officer or other employee of a Regional Rural Bank shall, before entering upon his duties, make a declaration of fidelity and secrecy in the form set out in the Schedule to this Act.

Bar to liquidation of Regional Rural Bank.

26. No provision of law relating to the winding up of companies shall apply to a Regional Rural Bank and a Regional Rural Bank shall not be placed in liquidation save by order of the Central Government and in such manner as it may direct.

Defects in appointment or constitution not to invalidate acts or proceedings.

27. (1) No act of a Chairman, acting in good faith, shall be invalid merely by reason of any defect in his appointment or in the procedure.

(2) No act or proceeding of any Board of directors or of any committee of a Regional Rural Bank shall be invalid merely on the ground of the existence of any vacancy in, or defect in the constitution of, such Board or committee, as the case may be.

(3) Acts done by a person, acting in good faith, as a director or member of a committee of a Regional Rural Bank shall be valid, notwithstanding that it may afterwards be discovered that his appointment was invalid by reason of any defect or disqualification or had terminated by virtue of any provision contained in any law for the time being in force:

Provided that nothing in this section shall be deemed to give validity to any act done by a director or a member of any committee of a Regional Rural Bank after his appointment has been shown to the Regional Rural Bank to be invalid or to have terminated.

Indemnity of directors, etc.

28. (1) A director or a member of a committee of a Regional Rural Bank shall not be responsible for any loss or expense caused to such bank by insufficiency or deficiency of the value of, or title to, any property or security acquired or taken on behalf of a Regional Rural Bank or by the insolvency or wrongful act of any customer or debtor or anything done in, or in relation to, the execution of the duties of his office, unless such loss, expense, insufficiency or deficiency was due to any wilful act or default on the part of such director or member.



(2) The Chairman of a Regional Rural Bank and every officer of the Central Government or State Government or an officer of the Reserve Bank or the Sponsor Bank and every officer or other employee of a Regional Rural Bank shall be indemnified by such bank against all losses and expenses incurred by him in, or in relation to, the discharge of his duties except such as have been caused by his own wilful act or default.

29. (1) The Central Government may, after consultation with the Reserve Bank and the Sponsor Bank, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to  
make  
rules.

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

(a) the manner in which the additional number of members of the Board may be filled in, under sub-section (2) of section 9;

(b) the time and place at which the Board of directors of a Regional Rural Bank shall meet and the rules of procedure which shall be observed by the Board in regard to the transaction of business at its meetings, under sub-section (1) of section 14;

(c) any other matter which is required to be, or may be, prescribed.

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

30. The Board of directors of a Regional Rural Bank may, after consultation with the Sponsor Bank and the Reserve Bank, and with the previous sanction of the Central Government, make regulations, not inconsistent with the provisions of this Act and the rules made thereunder, to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act.

Power to  
make  
regula-  
tions.

31. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary for the purpose of removing the difficulty:

Removal  
of diffi-  
culties.

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

32. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force or in any contract, express or implied, or in any instrument having effect by virtue of any law other than this Act, and notwithstanding any custom or usage to the contrary.

Act to  
Override  
the provi-  
sions of  
other  
laws.

## CHAPTER VII

## AMENDMENT OF CERTAIN ENACTMENTS

2 of 1934.

Amend-  
ment of  
certain  
enact-  
ments.

## 33. (1) In the Reserve Bank of India Act, 1934,—

## (a) in section 2,—

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

‘(cv) “Regional Rural Bank” means a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976;’;

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

‘(ea) “Sponsor Bank” means a Sponsor Bank as defined in the Regional Rural Banks Act, 1976;’;

(iii) the existing clause (ei) shall be re-lettered as clause (eb);

(b) in section 45H, for the words “a co-operative bank”, the words “a Regional Rural Bank or a co-operative bank” shall be substituted;

## (c) in section 46A, in sub-section (2), in clause (b),—

(i) after the words “State co-operative banks”, the words “or Regional Rural Banks” shall be inserted;

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

“Provided that such loans and advances are fully guaranteed as to the re-payment of principal and payment of interest,—

(i) in the case of loans and advances to State co-operative banks, by the State Government; and

(ii) in the case of loans and advances to a Regional Rural Bank, by the Sponsor Bank.”;

## (d) in section 46B, in sub-section (2),—

(i) after the words “State co-operative banks”, the words “or Regional Rural Banks” shall be inserted;

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

“Provided further that no such loans or advances shall be made—

(a) except for the purpose of enabling the Regional Rural Banks to pay any dues in respect of bills of exchange and promissory notes purchased or re-discounted by the Bank or loans and advances made to them by the Bank under section 17 and unless, in the opinion of the Bank, the Regional Rural 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 re-payment of the principal and payment of interest by the Sponsor Bank.”.

14 of 1947.

(2) In the Industrial Disputes Act, 1947, in section 2, in clause (a), in sub-clause (i), after the words and figures “Food Corporation Act, 1964, or”, the words and figures “a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976, or” shall be inserted.

10 of 1949.

(3) In the Banking Regulation Act, 1949,—

(a) in section 24, after sub-section (2A), the following sub-section shall be inserted, namely:—

“(2B) The Reserve Bank may, by notification in the Official Gazette, vary the percentage referred to in sub-section (2A) in respect of a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976.”;

(b) in section 34A, in sub-section (3), for the words “and any subsidiary bank”, the words and figures “a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976, and any subsidiary bank” shall be substituted;

(c) in section 36AD, in sub-section (3), for the words “and any subsidiary bank”, the words and figures “a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976, and any subsidiary bank” shall be substituted;

(d) in section 51, for the words “or any other banking institution notified by the Central Government in this behalf”, the words and figures “or a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976, or any other banking institution notified by the Central Government in this behalf” shall be substituted.

45 of 1949.

(4) In the Banking Companies (Legal Practitioners' Clients' Accounts) Act, 1949, in section 2, in clause (a), for the words “and any subsidiary bank”, the words and figures “a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976, and any subsidiary bank” shall be substituted.

47 of 1961.

(5) In the Deposit Insurance Corporation Act, 1961,—

(a) in section 2,—

(i) in clause (g),—

(a) for the words “a banking company”, the words “a Regional Rural Bank or a banking company” shall be substituted;

(b) for the words “with a banking company”, the words “with a Regional Rural Bank or with a banking company” shall be substituted;

(ii) in clause (i), after the words “banking company”, the words “or a Regional Rural Bank” shall be inserted;

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

“(ma) “Regional Rural Bank” means a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976;”;

(b) after section 11, the following section shall be inserted, namely:—

“11A. The Corporation shall register every Regional Rural Bank before the expiry of thirty days from the date of its establishment.”;

(c) in section 13, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) The provisions of clauses (a), (b), (c), (d) and (h) of sub-section (1) shall apply to a Regional Rural Bank as they apply to a banking company.”;

(d) in sub-section (1) of section 14, for the words “banking company”, wherever they occur, the words “banking company, Regional Rural Bank” shall be substituted.

Registration of Regional Rural Banks.

Repeal and saving.

34. (1) The Regional Rural Banks Ordinance, 1975, is hereby repealed. 13 of 1975.

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

THE SCHEDULE

[See section 25 (2)]

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 a director, member of a committee, officer, employee or auditor (as the case may be) of the Regional Rural Bank and which properly relate to any office or position in the said 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 Regional Rural Bank or to the affairs of any person having any dealings with the Regional Rural 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 Regional Rural Bank and relating to the business of the Regional Rural Bank, or to the business of any person having any dealings with the Regional Rural Bank.

Signed before me.

Signature.

Dated

THE ASSAM SILLIMANITE LIMITED (ACQUISITION AND  
TRANSFER OF REFRACTORY PLANT) ACT, 1976

ARRANGEMENT OF SECTIONS

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PRELIMINARY

SECTIONS

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2. Definitions.

CHAPTER II

ACQUISITION OF THE REFRACTORY PLANT

3. Refractory Plant to vest in the Central Government.
4. Power of Central Government to direct vesting of the Refractory Plant in a Government company.
5. General effect of vesting.
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22. Penalties.
23. Offences by companies.
24. Act to have overriding effect.
25. Protection of action taken in good faith.
26. Contracts to cease to have effect unless ratified by the Central Government or Government company.
27. Delegation of powers.
28. Power to make rules.
29. Power to remove difficulties.
30. Declaration as to the policy of the State.

THE ASSAM SILLIMANITE LIMITED (ACQUISITION  
AND TRANSFER OF REFRACTORY PLANT) ACT, 1976

No. 22 OF 1976

[11th February, 1976.]

An Act to provide for the acquisition and transfer of the right, title and interest of the Assam Sillimanite Limited in respect of its Refractory Plant and for matters connected therewith or incidental thereto.

WHEREAS it is urgently necessary to augment the supplies of refractories to meet the essential requirements of the iron and steel industry;

AND WHEREAS for the said purpose, a licence to set up a refractory plant was granted to the Assam Sillimanite Limited under the Industries 65 of 1951. (Development and Regulation) Act, 1951;

AND WHEREAS in pursuance of the licence granted to it, the Assam Sillimanite Limited had imported machinery from abroad and commenced the construction of the first stage of its Refractory Plant but the project of the said company did not proceed beyond the first stage on account of financial and other difficulties, and the pilot Refractory Plant, which was constructed by the said company, has been closed;

AND WHEREAS special type of refractories, including high alumina refractories, needed by the iron and steel industry may be manufactured at the Refractory Plant of the Assam Sillimanite Limited and such manufacture will enable the country to progressively reduce the import of such special type of refractories;

AND WHEREAS for the purpose of speedily bringing the Refractory Plant of the Assam Sillimanite Limited into operation, the management of the said Refractory Plant was taken over, for a limited period by the Central Government under section 18AA of the Industries (Development and Regulation) Act, 1951;

65 of 1951.

AND WHEREAS for the purpose of augmenting the supplies of refractories to meet the essential requirements of the iron and steel industry, it is necessary to acquire the right, title and interest of the Assam Sillimanite Limited in respect of its Refractory Plant;

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

## CHAPTER I

### PRELIMINARY

Short  
title.

1. This Act may be called the Assam Sillimanite Limited (Acquisition and Transfer of Refractory Plant) Act, 1976.

Defini-  
tions.

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

(a) "appointed day" means the day on which this Act comes into force;

(b) "Commissioner" means the Commissioner of Payments appointed under section 14;

(c) "Company" means the Assam Sillimanite Limited, being a company as defined in the Companies Act, 1956 and having its registered office at Gauhati in the State of Assam;

1 of 1956.

(d) "Refractory Plant" means the refractory manufacturing plant, owned by the Company, situated near Ramgarh in the State of Bihar;

(e) "specified date" means such date as the Central Government may, by notification in the Official Gazette, specify in relation to any provision of this Act and different dates may be specified in relation to different provisions of this Act;

(f) words and expressions used herein and not defined but defined in the Companies Act, 1956 have the meanings respectively assigned to them in that Act.

1 of 1956.

## CHAPTER II

### ACQUISITION OF THE REFRACTORY PLANT

Refrac-  
tory  
Plant to  
vest  
in the  
Central  
Govern-  
ment.

3. On the appointed day, the Refractory Plant shall, by virtue of this Act, stand transferred to, and the right, title and interest of the Company in relation to its Refractory Plant shall vest absolutely in, the Central Government.

Power  
of  
Central  
Govern-  
ment to  
direct  
vesting  
of the  
Refrac-  
tory  
Plant  
in a  
Govern-  
ment  
company.

4. (1) Notwithstanding anything contained in section 3, the Central Government may, if it is satisfied that a Government company is willing to comply, or has complied, with such terms and conditions as that Government may impose, direct, by an order in writing, that the right, title and interest of the Company in relation to the Refractory Plant shall, instead of continuing to vest in the Central Government, vest in the Government company either on the date of publication of the direction or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in that direction.



(2) Where an order for vesting of the Refractory Plant in a Government company is made under sub-section (1), all the rights and obligations of the Central Government in relation to the Refractory Plant shall, on and from the date of such vesting, be deemed to have become the rights and obligations, respectively, of the Government company.

(3) The Government company shall, in the management and administration of the Refractory Plant, act in accordance with such directions, if any, as may be issued by the Central Government in this behalf.

(4) The Government company may also apply to the Central Government at any time for instructions as to the manner in which the management of the Refractory Plant shall be conducted or in relation to any matter arising in the course of such management.

5. (1) The Refractory Plant shall be deemed to include all assets, rights, powers, authorities and privileges and all property, movable and immovable (not being any mining lease held by the Company before the appointed day), cash balances, cash on hand, reserve funds, investments, book debts and all other rights and interests in, or arising out of, such property as were immediately before the appointed day, in the ownership, possession, power or control of the Company, whether within or outside India, and all books of account, registers and all other documents of whatever nature relating thereto and shall also be deemed to include the liabilities and obligations specified in sub-section (2) of section 8.

(2) All property as aforesaid which have vested in the Central Government under section 3 shall, by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien and from all other encumbrances affecting it, and any attachment, injunction, or decree or order of any court restricting the use of such property in any manner or appointing any receiver in respect of the whole or any part of such property shall be deemed to have been withdrawn.

(3) Every mortgagee of any property which has vested under this Act in the Central Government and every person holding any charge, lien or other interest in or, in relation to, any such property shall give, within such time and in such manner as may be prescribed, an intimation to the Commissioner of such mortgage, charge, lien or other interest.

(4) For the removal of doubts, it is hereby declared that the mortgagee of any property referred to in sub-section (2) or any other person holding any charge, lien or other interest in, or in relation to, any such property shall be entitled to claim, in accordance with his rights and interests, payment of the mortgage money or other dues, in whole or in part, out of the amount specified in relation to such property in section 9, but no such mortgage, charge, lien or other interest shall be enforceable against any property which has vested in the Central Government or the Government company.

(5) If, on the appointed day, any suit, appeal or other proceeding of whatever nature in relation to any matter specified in sub-section (2) of section 8, instituted or preferred against the Company is pending, the same shall not, in so far as it relates to the Refractory Plant, abate, be discontinued, or be, in any way, prejudicially affected by reason of transfer of the Refractory Plant or of anything contained in this Act, but

General  
effect  
of  
vesting.

the suit, appeal or other proceeding may be continued, prosecuted and enforced by or against the Central Government or the Government company, as the case may be.

Duty to deliver possession of the Refractory Plant and documents thereto.

6. (1) Every person, in whose possession or custody or under whose control the Refractory Plant or any part thereof or any machinery, instrument or other movable asset forming part of the Refractory Plant, may be immediately before the appointed day, shall forthwith deliver possession of the Refractory Plant or such part, machinery, instrument or other asset, as the case may be, to the Central Government or the Government company or to such person or body of persons as the Central Government or the Government company may specify in this behalf.

(2) Every person who has, on the appointed day, in his possession or under his control any books, documents or other papers relating to the Refractory Plant which has vested in the Central Government or a Government company under this Act, and which belong to the Company or would have so belonged if the Refractory Plant had not vested in the Central Government or the Government company, shall be liable to account for the said books, documents and other papers to the Central Government or the Government company, as the case may be, and shall deliver them up to the Central Government or the Government company or to such person or body of persons as the Central Government or the Government company may specify in this behalf.

(3) The Central Government may take or cause to be taken all necessary steps for securing possession of the Refractory Plant which has vested in it under section 3.

Duty to furnish particulars.

7. The Company shall, within such period as the Central Government may allow in this behalf, furnish to that Government a complete inventory of all the properties and assets of the Company as on the appointed day, pertaining to the Refractory Plant which has vested in the Central Government under section 3, and for this purpose the Central Government or the Government company shall afford the Company all reasonable facilities.

Company to be liable for certain prior liabilities.

8. (1) Every liability, other than the liability specified in sub-section (2), of the Company in relation to the Refractory Plant, in respect of any period prior to the appointed day, shall be the liability of the Company and shall be enforceable against it and not against the Central Government or the Government company.

(2) Any liability in respect of—

(a) the amounts advanced to the Company (after the management of the Refractory Plant had been taken over by the Central Government) by the Hindustan Steel Limited (a company formed and registered under the Companies Act, 1956), together with interest due thereon;

(b) wages, salaries and other dues of employees of the Refractory Plant, in respect of any period after the management of such plant had been taken over by the Central Government,

shall, on and from the appointed day, be the liability of the Central Government and shall be discharged by that Government or, for and on behalf of that Government, by the Government company, as and when repayment of such amount becomes due or as and when such wages, salaries and other dues become due and payable.

(3) For the removal of doubts, it is hereby declared that,—

(a) save as otherwise expressly provided in this section or in any other section of this Act, no liability other than the liability specified in sub-section (2) in relation to the Refractory Plant, in respect of any period prior to the appointed day shall be enforceable against the Central Government or the Government company, as the case may be;

(b) no award, decree or order of any court, tribunal or other authority in relation to the Refractory Plant, passed after the appointed day in respect of any matter, claim or dispute in relation to any matter, not being a matter referred to in sub-section (2), which arose before that date, shall be enforceable against the Central Government or the Government company, as the case may be;

(c) no liability incurred by the Company before the appointed day, for the contravention, in relation to the Refractory Plant, of any provision of law for the time being in force, shall be enforceable against the Central Government or the Government company, as the case may be.

### CHAPTER III

#### PAYMENT OF AMOUNT

9. (1) The Company shall be given by the Central Government in cash and in the manner specified in Chapter VI, an amount of one crore seven lakhs and seventeen thousand rupees for the transfer to, and vesting in, it, under section 3, of the Refractory Plant.

(2) The amount payable under sub-section (1) shall carry simple interest at the rate of four per cent. per annum for the period commencing on the appointed day and ending on the date on which payment of such amount is made by the Central Government to the Commissioner.

(3) For the removal of doubts, it is hereby declared that the liabilities of the Company in relation to the Refractory Plant, other than those referred to in sub-section (2) of section 8, shall be met from the amount referred to in sub-section (1), in accordance with the rights and interests of the creditors of the Company.

10. (1) In addition to the amounts specified in section 9, there shall also be given to the Company, in cash, by the Central Government an amount computed at the rate of rupees two thousand and five hundred per mensem for the deprivation of the Company of the management of its Refractory Plant during the period commencing on the 2nd day of November, 1972, and ending on the appointed day.

(2) In addition to the amount referred to in sub-section (1), there shall be given by the Central Government, in cash, to the Company, simple interest at the rate of four per cent. per annum on the amount computed at the rate specified in sub-section (1), for the period commencing on the appointed day and ending on the date on which payment of such amount is made by the Central Government to the Commissioner.

Amount  
to be  
paid  
for  
transfer  
and  
vesting  
of Refrac-  
tory  
Plant.

Pay-  
ment of  
other  
amount.

## CHAPTER IV

## MANAGEMENT, ETC., OF REFRACTORY PLANT

Manage-  
ment,  
etc., of  
Refractory  
Plant.

11. On the commencement of this Act, the general superintendence, direction, control and management of the affairs and business of the Refractory Plant shall,—

(a) where a direction has been made by the Central Government under section 4, vest in the Government company specified in such direction, or

(b) where no such direction has been made, vest in such person or body of persons as may be appointed by the Central Government in this behalf,

and thereupon the Government company so specified or the person or body of persons so appointed, as the case may be, shall be entitled to exercise all such powers and do all such things as the Company is authorised to exercise and do in relation to the Refractory Plant.

## CHAPTER V

## PROVISIONS RELATING TO EMPLOYEES OF REFRACTORY PLANT

Employ-  
ment of  
employees  
to  
continue.

12. (1) Every person, who has been, immediately before the appointed day, employed by the Company, shall, if employed in connection with the Refractory Plant, become, as from the appointed day, an employee of the Central Government or the Government company in which the Refractory Plant has vested, as the case may be, and shall hold his office or service therein by the same tenure, on the same remuneration and upon the same terms and conditions and same rights and privileges as to pension and gratuity and other like matters as he would have held the same under the Company if the Refractory Plant had not vested in the Central Government or the Government company, and shall continue to do so unless and until his employment in the Central Government or the Government company is duly terminated or until his remuneration, terms and conditions of employment are duly altered by the Central Government or the Government company, as the case may be.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947, or in any other law for the time being in force, the transfer of the services of any employee of the Company to the Central Government or the Government company shall not entitle such employee to any compensation under this Act or under any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

14 of 1947.

(3) Where, under the terms of any contract of service or otherwise, any person, whose services become terminated or whose services become transferred to the Central Government or a Government company by reason of the provisions of this Act, is entitled to arrears of salary or wages or any payment for any leave not availed of or other payment, not being payment by way of gratuity or pension, such person may, except to the extent such liability has been taken over by the Central Government under sub-section (2) of section 8, enforce his claim against the Company but not against the Central Government or the Government company.

13. (1) Where the Company has established a provident fund, superannuation, welfare or other fund for the benefit of the persons employed in the Refractory Plant, the monies relatable to the employees whose services have become transferred by or under this Act to the Central Government or a Government company shall, out of the monies standing, on the appointed day, to the credit of such provident fund, superannuation, welfare or other fund, stand transferred to, and vested in, the Central Government or the Government company, as the case may be.

Provident  
and other  
funds.

(2) The monies which stand transferred, under sub-section (1), to the Central Government or a Government company, shall be dealt with by that Government or Government company, as the case may be, in such manner as may be prescribed.

## CHAPTER VI

### COMMISSIONER OF PAYMENTS

14. (1) For the purpose of disbursing the amount payable to the Company, the Central Government shall, by notification in the Official Gazette, appoint such person as it may think fit to be the Commissioner of Payments.

Appoint-  
ment of  
Commis-  
sioner of  
Pay-  
ments.

(2) The Central Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons also to exercise all or any of the powers exercisable by him under this Act, and different persons may be authorised to exercise different powers.

(3) Any person authorised by the Commissioner to exercise any powers may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Act and not by way of authorisation.

(4) The salaries and allowances of the Commissioner and other persons appointed under this section shall be defrayed out of the Consolidated Fund of India.

15. (1) The Central Government shall, within thirty days from the specified date, pay, in cash, to the Commissioner, for payment to the Company, an amount equal to the amount specified in section 9 and shall also pay to the Commissioner such amounts as may be payable to the Company under sub-sections (1) and (2) of section 10.

Payment  
by the  
Central  
Govern-  
ment to  
the  
Commis-  
sioner.

(2) A deposit account shall be opened by the Central Government in favour of the Commissioner in the Public Account of India, and every amount paid under this Act to the Commissioner shall be deposited by him to the credit of the said deposit account in the Public Account of India, and thereafter the said deposit account shall be operated by the Commissioner.

(3) Interest accruing on the amount standing to the credit of the deposit account referred to in sub-section (2) shall accrue to the benefit of the Company.

Priority  
of  
claims  
in  
relation  
to  
arrears  
of  
provident  
fund,  
etc.

16. (1) Out of the amount paid to him under sub-section (1) of section 15, the Commissioner shall deduct in the first instance, all sums equal to the amount of arrears due to the persons who were in employment of the Company, in connection with the Refractory Plant, on the 1st day of July, 1973,—

(a) in relation to a provident fund, pension fund or any other fund established for the welfare of such persons,

(b) as wages.

(2) All sums deducted under sub-section (1) shall, in accordance with such rules as may be made under this Act, be credited by the Commissioner to the relevant fund or paid by him to the persons to whom the said sums are due and on such credit or payment, the liability of the Company in respect of the amount of arrears due as aforesaid shall, to the extent of such credit or payment, stand discharged.

(3) Every deduction made under sub-section (1) shall have priority over all other debts, whether secured or unsecured.

Priority  
in  
relation  
to other  
claims.

17. (1) Save as otherwise provided in section 16, every secured debt due from the Company shall have priority over all other debts and shall be paid in accordance with the rights and interests of the secured creditors:

Provided that where the secured debts are due to different creditors by reason of the hypothecation of different assets to them, such debts shall be repaid in full in accordance with the rights and interests of such creditors, unless the balance of the amount left after meeting the liabilities referred to in section 16 is insufficient to meet them, in which case they shall abate in equal proportions and be paid accordingly.

(2) Notwithstanding anything contained in any other law for the time being in force, there shall be paid in priority to all other unsecured debts,—

(a) all revenues, taxes, cesses, rates and any other dues payable immediately before the appointed day, to the Central Government, State Governments, local authorities and State Electricity Boards in relation to the Refractory Plant, as the case may be;

(b) all amounts due in respect of any compensation or liability for compensation under the Workmen's Compensation Act, 1923, in respect of the death or disablement of any employee of the Company in relation to the Refractory Plant, unless the Company has, under such a contract with insurers as is mentioned in section 14 of the said Act, rights capable of being transferred to, and vested in, the workmen;

(c) all sums deducted by the Company from the salary or wages of any employee of the Refractory Plant for credit to any provident fund or any other fund established for the welfare of the employees but not deposited to the credit of such funds.

(3) The debts specified in sub-section (2) shall rank equally among themselves and be paid in full, unless the balance of the amount left after meeting the liabilities referred to in section 16, and sub-section (1) of this section, is insufficient to meet them, in which case they shall abate in equal proportions and be paid accordingly.

18. Every person having a claim against the Company in relation to the Refractory Plant shall prefer such claim before the Commissioner within thirty days from the specified date:

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the said period of thirty days, he may entertain the claim within a further period of thirty days, but not thereafter.

19. (1) The Commissioner shall fix a certain date on or before which every claimant shall file the proof of his claim or be excluded from the benefit of the deductions or disbursements made by the Commissioner.

(2) Not less than fourteen days' notice of the date so fixed shall be given by advertisement in one issue of the daily newspaper in the English language and in one issue of such daily newspaper in the regional language as the Commissioner may consider suitable, and every such notice shall call upon the claimants to file the proof of their claims with the Commissioner within the time specified in the advertisement.

(3) Every claimant who fails to file the proof of his claim within the time specified by the Commissioner shall be excluded from the deductions or disbursements made by the Commissioner.

(4) The Commissioner shall, after such investigation as may, in his opinion, be necessary and after giving the Company an opportunity of refuting the claim and after giving the claimant a reasonable opportunity of being heard, in writing, admit or reject the claim in whole or in part.

(5) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge of his functions including the place or places at which he will hold his sittings and shall, for the purpose of making an investigation under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:—

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

(b) the discovery and production of any document or other material object producible as evidence;

(c) the reception of evidence on affidavits;

(d) the issuing of any commission for the examination of witnesses.

(6) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the Commissioner shall be deemed to be a civil court for the purpose of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

(7) A claimant who is dissatisfied with the decision of the Commissioner may prefer an appeal against the decision to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the Refractory Plant is situated:

Claims  
to be  
made  
to the  
Commis-  
sioner.

Proof of  
claims.

5 of 1908.

45 of 1860.

2 of 1974.

Provided that where a person who is a Judge of a High Court is appointed to be the Commissioner, such appeal shall lie to the High Court for the State in which the Refractory Plant is situated, and such appeal shall be heard and disposed of by not less than two Judges of that High Court.

Disbursement of money by the Commissioner to claimants.

20. Where, after meeting the claims admitted by him of secured creditors, and unsecured creditors having priority under sub-section (2) of section 17, the total amount of the claims of other unsecured creditors admitted by the Commissioner does not exceed the balance of the amount left after meeting the liabilities referred to in section 16, and sub-sections (1) and (2) of section 17, every admitted claim of such other unsecured creditors, shall rank equally among themselves and be paid in full, and the balance, if any, shall be paid to the Company; but where such amount is insufficient to meet in full the total amount of such admitted claims, all such claims shall abate in equal proportions and be paid accordingly.

Undisbursed or unclaimed amount to be deposited to the general revenue account.

21. Any money paid to the Commissioner which remains undisbursed or unclaimed for a period of three years from the first day on which the disbursement was made, shall be transferred by the Commissioner to the general revenue account of the Central Government; but a claim to any money so transferred may be preferred to the Central Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, the order, if any, for payment of the claim being treated as an order for the refund of the revenue.

## CHAPTER VII

### MISCELLANEOUS

Penalties.

22. Any person, who,—

(a) having in his possession, custody or control any property forming part of the Refractory Plant, wrongfully withholds such property from the Central Government or the Government company, as the case may be; or

(b) wrongfully obtains possession of, or retains any property forming part of, the Refractory Plant or wilfully withholds or fails to furnish to the Central Government or the Government company or any person or body of persons specified by that Government or the Government company, as the case may be, any document relating to such Refractory Plant which may be in his possession, custody or control or fails to deliver to the Central Government or the Government company or any person or body of persons specified by that Government or the Government company any assets, books of account, registers or other documents in his custody or control, relating to the Refractory Plant; or

(c) wrongfully removes or destroys any property forming part of the Refractory Plant or prefers any claim under this Act which he knows or has reasonable cause to believe to be false or grossly inaccurate,

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



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

Offences  
by  
compa-  
nies.

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

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

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

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

Act to  
have  
over-  
riding  
effect.

25. (1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any of its officers or other employees for anything which is in good faith done or intended to be done under this Act.

Protec-  
tion of  
action  
taken

(2) No suit or other legal proceeding shall lie against the Central Government or any of its officers or other employees for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

in good  
faith.

26. (1) Every contract entered into by the Company in relation to the Refractory Plant for any service, sale or supply, and in force immediately before the appointed day, shall, on and from the expiry of one hundred and eighty days from the appointed day, cease to have effect unless such contract is, before the expiry of that period, ratified, in writing, by the Central Government or the Government company, and, in ratifying such contract, the Central Government or the Government company may make such alteration or modification therein as it may think fit:

Contracts  
to cease  
to have  
effect  
unless  
ratified  
by the  
Central  
Govern-  
ment or  
Govern-  
ment  
company.

Provided that a Government company shall not make any alteration or modification in a contract without the previous approval of the Central Government:

Provided further that the Central Government or the Government company shall not omit to ratify a contract, and shall not make any

alteration or modification in a contract, unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith or is detrimental to the interests of the Refractory Plant.

(2) The Central Government or the Government company shall not omit to ratify a contract, and, shall not make any alteration or modification therein, except after giving to the parties to the contract a reasonable opportunity of being heard and except after recording, in writing, its reasons for refusal to ratify the contract or for making any alteration or modification therein.

Delegation of powers.

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

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

Power to make rules.

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

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

(a) the manner in which monies in any provident or other fund referred to in section 13 shall be dealt with;

(b) any other matter which is required to be, or may be, prescribed.

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

Power to remove difficulties.

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

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

Declaration as to the policy of the State.

30. It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles specified in clause (b) of article 39 of the Constitution.

*Explanation.*—In this section, "State" has the same meaning as in article 12 of the Constitution.

THE PAYMENT OF BONUS (AMENDMENT) ACT, 1976

No. 23 OF 1976

[11th February, 1976.]

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

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

1. (1) This Act may be called the Payment of Bonus (Amendment) Act, 1976. Short title and commencement.

(2) It shall be deemed to have come into force on the 25th day of September, 1975. Amendment of long title.

21 of 1968.

2. In the Payment of Bonus Act, 1965 (hereinafter referred to as the principal Act), for the long title, the following long title shall be substituted, namely:— Amendment of long title.

“An Act to provide for the payment of bonus to persons employed in certain establishments on the basis of profits or on the basis of production or productivity and for matters connected therewith.”

**Amend-  
ment of  
section 1.**

**3. In section 1 of the principal Act,—**

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

“Provided that the appropriate Government may, after giving not less than two months’ notice of its intention so to do, by notification in the Official Gazette, apply the provisions of this Act with effect from such accounting year as may be specified in the notification, to any establishment or class of establishments [including an establishment being a factory within the meaning of sub-clause (ii) of clause (m) of section 2 of the Factories Act, 1948] employing such number of persons less than twenty as may be specified in the notification; so, however, that the number of persons so specified shall in no case be less than ten.”;

63 of 1948.

(b) in sub-section (4), after the existing proviso, the following proviso shall be inserted, namely:—

“Provided further that when the provisions of this Act have been made applicable to any establishment or class of establishments by the issue of a notification under the proviso to sub-section (3), the reference to the accounting year commencing on any day in the year 1964 and every subsequent accounting year or, as the case may be, the reference to the accounting year commencing on any day in the year 1968 and every subsequent accounting year, shall, in relation to such establishment or class of establishments, be construed as a reference to the accounting year specified in such notification and every subsequent accounting year.”;

(c) in sub-section (5),—

(i) the words, brackets, letter and figure “under clause (b) of sub-section (3)” shall be omitted;

(ii) the words, brackets and figure “or, as the case may be, the number specified in the notification issued under the proviso to sub-section (3)” shall be added at the end.

**Amend-  
ment of  
section 2.**

**4. In section 2 of the principal Act,—**

(a) in clause (4),—

(i) in sub-clause (a), the brackets and words “(other than a banking company)” shall be omitted;

(ii) the words, brackets and figures “and includes any amount treated as such under sub-section (2) of section 34” shall be omitted;

(b) in clause (8), after the words, brackets and figures “any subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959”, the words, brackets, figures and letter “any corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, any co-operative bank as defined in clause (bii) of section 2 of the Reserve Bank of India Act, 1934,” shall be inserted.

38 of 1959

5 of 1970.

2 of 1934.

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

Substitu-  
tion of  
new sec-  
tion for  
section 4.

“4. The gross profits derived by an employer from an establishment in respect of any accounting year shall be calculated in the manner specified in the First Schedule.”

Computa-  
tion of  
gross pro-  
fits.

6. In section 6 of the principal Act, in clause (d), for the words “Third Schedule”, the words “Second Schedule” shall be substituted.

Amend-  
ment of  
section 6.

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

Substitu-  
tion of  
new sec-  
tion for  
section  
10.

10. (1) Subject to the other provisions of this Act, where an employer has any allocable surplus in any accounting year, then, he shall be bound to pay to every employee in respect of that accounting year a minimum bonus which shall not be less than four per cent. of the salary or wage earned by the employee during the accounting year or one hundred rupees whichever is higher, or, in a case where the allocable surplus exceeds the said amount of minimum bonus payable to the employees, an amount in proportion to the salary or wage earned by the employee during the accounting year subject to a maximum of twenty per cent. of such salary or wage:

Amount  
of bonus.

Provided that where an employee has not completed fifteen years of age at the beginning of that accounting year, the provisions of this sub-section shall have effect in relation to such employee as if for the words “one hundred rupees”, the words “sixty rupees” were substituted.

(2) Notwithstanding anything contained in sub-section (1), every employer shall be bound to pay to every employee in respect of the accounting year commencing on any day in the year 1974, a minimum bonus which shall be four per cent. of the salary or wage earned by the employee during that accounting year or one hundred rupees whichever is higher, whether or not the employer has any allocable surplus in that accounting year:

Provided that where an employee has not completed fifteen years of age at the beginning of that accounting year, the provisions of this sub-section shall have effect in relation to such employee as if for the words “one hundred rupees”, the words “sixty rupees” were substituted.

(3) For the purposes of this section, the allocable surplus shall be computed taking into account the amount set on or set off in the three immediately preceding accounting years and in the accounting year in respect of which the bonus is payable, in the manner illustrated in the Third Schedule.

Omission of section 11.

8. Section 11 of the principal Act shall be omitted.

Amendment of section 12.

9. In section 12 of the principal Act, the words and figures "or, as the case may be, under section 11," shall be omitted.

Substitution of new section for section 13.

10. For section 13 of the principal Act, the following section shall be substituted, namely:—

Proportionate deduction in bonus in certain cases.

"13. Where an employee has not worked for all the working days in any accounting year, the bonus payable to him under section 10 shall be proportionately reduced."

Substitution of new section for section 15.

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

Set on and set off of allocable surplus.

"15. (1) Where for any accounting year, the allocable surplus exceeds the amount of bonus payable to the employees in the establishment under section 10, then, the excess shall, subject to a limit of twenty per cent. of the total salary or wage of the employees employed in the establishment in that accounting year, be carried forward for being set on in the succeeding accounting year and so on, to be utilised for the purpose of payment of bonus, in the manner illustrated in the Third Schedule.

(2) Where for any accounting year, there is no allocable surplus or the allocable surplus in respect of that year falls short of the amount of bonus payable to the employees in the establishment under section 10, and there is no sufficient amount carried forward and set on under sub-section (1) which could be utilised for the purpose of payment of bonus, then, so much amount as is necessary for the payment of bonus under this Act shall be carried forward for being set off in the succeeding accounting year and so on, in the manner illustrated in the Third Schedule.

(3) The principal of set on and set off as illustrated in the Third Schedule shall apply to all other cases not covered by sub-section (1) or sub-section (2) for the purpose of payment of bonus under this Act."

Amendment of section 16.

12. In section 16 of the principal Act,—

(a) for sub-section (1) and the *Explanations* thereto, the following sub-sections and *Explanations* shall be substituted, namely:—

"(1) Where an establishment is newly set up, whether before or after the commencement of this Act, the employees of such establishment shall be entitled to be paid bonus under this Act in accordance with the provisions of sub-sections (1A), (1B) and (1C).

Provided that such employees shall not be entitled to be paid such bonus in excess of twenty per cent. of the salary or wage earned by them during the relevant accounting year.”.

20. In section 32 of the principal Act,—

Amend-  
ment of  
section 32.

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

“(vii) employees employed by a banking company;”;

(b) in clause (ix),—

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

“(ff) the Industrial Reconstruction Corporation of India;”;

(ii) in sub-clause (g), the brackets and words “(other than a banking company)” shall be omitted;

(c) clause (x) shall be omitted.

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

Omission  
of section  
33.

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

Substitu-  
tion of  
new  
section  
for  
section 34.

“34. Subject to the provisions of section 31A, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in the terms of any award, agreement, settlement or contract of service.”.

Effect of  
laws  
and agree-  
ments  
inconsis-  
tent with  
the Act.

23. Section 37 of the principal Act shall be omitted.

Omission  
of section  
37.

24. In section 38 of the principal Act, in sub-section (3),—

Amend-  
ment of  
section  
38.

(a) for the words “or in two successive sessions”, the words “or in two or more successive sessions” shall be substituted;

(b) for the words “in which it is so laid or the session immediately following”, the words “immediately following the session or the successive sessions aforesaid” shall be substituted.

25. The First Schedule to the principal Act shall be omitted.

Omission  
of the  
First  
Schedule.

26. In the Second Schedule to the principal Act,—

Amend-  
ment of  
the  
Second  
Schedule.

(a) for the heading “THE SECOND SCHEDULE”, the heading “THE FIRST SCHEDULE” shall be substituted;

(b) for the sub-heading “[See section 4(b)]”, the sub-heading “(See section 4)” shall be substituted;

(c) in Item 3, after sub-item (a), the following sub-item shall be inserted, namely:—

“(aa) The amount debited in respect of gratuity paid or payable to employees in excess of the aggregate of—

(i) the amount, if any, paid to, or provided for payment to, an approved gratuity fund; and

(ii) the amount actually paid to employees on their retirement or on termination of their employment for any reason.”;

(d) in Item 6, for sub-item (g), the following sub-item shall be substituted, namely:—

“(g) Cash subsidy, if any, given by the Government or by any body corporate established by any law for the time being in force or by any other agency through budgetary grants, whether given directly or through any agency for specified purposes and the proceeds of which are reserved for such purposes.”;

(e) before the foot-notes, the following *Explanation* shall be inserted, namely:—

‘*Explanation.*—In sub-item (aa) of Item 3, “approved gratuity fund” has the same meaning assigned to it in clause (5) of section 2 of the Income-tax Act.’

Amend-  
ment of  
the Third  
Schedule.

27. In the Third Schedule to the principal Act,—

(a) for the heading “THE THIRD SCHEDULE”, the heading “THE SECOND SCHEDULE” shall be substituted;

(b) in Item 1, in column (2), the words “, other than a banking company” shall be omitted;

(c) Item 2 and the entries relating thereto shall be omitted;

(d) in the *Explanation*, the figures and brackets “, 2(iii)” shall be omitted.

Substitu-  
tion of  
new  
Schedule  
for the  
Fourth  
Schedule.

28. For the Fourth Schedule to the principal Act, the following Schedule shall be substituted, namely:—

‘THE THIRD SCHEDULE  
(See sections 10, 15 and 16)

The illustration in this Schedule has been worked out with reference to an establishment which has an annual salary or wage bill of rupees one lakh, twenty per cent. of which amounts to Rs. 20,000 and four per cent. of which amounts to Rs. 4,000.

| Year | Amount equal to sixty per cent. or sixty-seven per cent., as the case may be, of available surplus allocable as bonus | ‘Set on’ or ‘set off’ of the preceding year | Amount paid or payable as bonus | Balance of ‘set on’ or ‘set off’ |
|------|---|---|---------------------------------|----------------------------------|
| (1)  | (2)   | (3)   | (4)                             | (5)                              |
|      | (Rs.)   | (Rs.)                                       | (Rs.)                           | (Rs.)                            |
| 1.   | 42,000  | + 3,000(a)                                  | 20,000                          | + 23,000                         |
| 2.   | Nil   | + 23,000                                    | 20,000                          | + 3,000                          |



| (1) | (2)    | (3)    | (4)    | (5)    |
|-----|--------|--------|--------|--------|
| 3.  | 10,000 | +3,000 | 13,000 | Nil    |
| 4.  | 10     | Nil    | 4,000  | -3,990 |
| 5.  | 100    | -3,990 | Nil    | -3,890 |
| 6.  | Nil    | -3,890 | Nil    | -3,890 |
| 7.  | 23,890 | -3,890 | 20,000 | Nil    |
| 8.  | Nil    | Nil    | Nil    | Nil    |
| 9.  | 25,000 | Nil    | 20,000 | +5,000 |
| 10. | 15,100 | +5,000 | 20,000 | +100   |
| 11. | Nil    | +100   | 4,000  | -3,900 |

Notes.—1. The notation “+” denotes ‘set on’ and the notation “-” denotes ‘set off’.

2. “a” represents the amount ‘set on’ as calculated under the provisions of this Act as it stood immediately before the commencement of the Payment of Bonus (Amendment) Act, 1976.’.

43 of 1961.

29. In sub-section (1) of section 36 of the Income-tax Act, 1961, in the proviso to clause (ii), for the words “Provided that the amount of the bonus or commission”, the words and brackets “Provided further that the amount of the bonus (not being bonus referred to in the first proviso) or commission” shall be substituted and before that proviso as so amended, the following proviso shall be inserted, namely:—

Amendment of section 36 of the Income-tax Act, 1961.

“Provided that the deduction in respect of bonus paid to an employee employed in a factory or other establishment to which the provisions of the Payment of Bonus Act, 1965 apply shall not exceed the amount of bonus payable under that Act.”.

21 of 1965.

30. For the removal of doubts, it is hereby declared that notwithstanding the amendments made to the principal Act by this Act, the provisions of the principal Act as they stood from time to time before the commencement of this Act shall apply and continue to apply to and in relation to the payment of bonus in respect of any accounting year preceding the accounting year commencing on any day in the year 1974.

Saving.

11 of 1975.

31. (1) The Payment of Bonus (Amendment) Ordinance, 1975 is hereby repealed.

Repeal and saving.

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

THE PRESS COUNCIL (REPEAL) ACT, 1976

No. 24 OF 1976.

[11th February, 1976.]

An Act to repeal the Press Council Act, 1965 and to provide for certain matters incidental thereto.

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

Short title and commencement.

1. (1) This Act may be called the Press Council (Repeal) Act, 1976.

(2) It shall be deemed to have come into force on the 1st day of January, 1976.

Definitions.

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

(a) "appointed day" means the 1st day of January, 1976;

(b) "Press Council" means the Press Council of India established under section 3 of the Press Council Act, 1965.

Repeal of Act 34 of 1965 and dissolution of Press Council.

3. On the appointed day, the Press Council Act, 1965, shall stand repealed, and the Press Council shall stand dissolved.

34 of 1965.

4. On the dissolution of the Press Council,—

Conse-  
quential  
provi-  
sions.

(a) all monies and other property of whatever kind (including the Fund of the Press Council) owned by, or vested in, the Press Council, immediately before the appointed day shall, on the appointed day, stand transferred to and vest in the Central Government;

(b) subject to the provisions of clause (d), any suit, appeal or other proceeding of whatever nature pending immediately before the appointed day before any court or other authority in which the Press Council is a party shall, on the appointed day, abate;

(c) any proceeding of whatever nature pending immediately before the appointed day before the Press Council shall, on the appointed day, abate;

(d) all liabilities and obligations of the Press Council of whatever kind and subsisting immediately before the appointed day, shall, on and from the appointed day, be deemed to be the liabilities or obligations, as the case may be, of the Central Government, and any proceeding or cause of action pending or existing immediately before the appointed day by or against the Press Council in relation to such liability or obligation may, as from the appointed day, be continued and enforced by or against the Central Government;

(e) any thing, or any action, which ought to have been done or taken by the Press Council before the appointed day with respect to the termination of service of its employees or with respect to any matter in relation thereto or arising therefrom, but not so done or taken by that Council, may, on and from the appointed day, be done or taken by the Central Government.

26 of 1975.

5. (1) The Press Council (Repeal) Ordinance, 1975, is hereby repealed.

Repeal  
and  
saving.

(2) Notwithstanding such repeal, anything done or any action taken under section 4 of the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

# THE EQUAL REMUNERATION ACT, 1976

No. 25 OF 1976

[11th February, 1976.]

An Act to provide for the payment of equal remuneration to men and women workers and for the prevention of discrimination, on the ground of sex, against women in the matter of employment and for matters connected therewith or incidental thereto.

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

## CHAPTER I

### PRELIMINARY

Short title, extent and commencement.

1. (1) This Act may be called the Equal Remuneration Act, 1976.

(2) It extends to the whole of India.

(3) It shall come into force on such date, not being later than three years from the passing of this Act, as the Central Government may, by notification, appoint and different dates may be appointed for different establishments or employments.

Definitions.

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

(a) “appropriate Government” means,—

(i) in relation to any employment carried on by or under the authority of the Central Government or a railway administration, or in relation to a banking company, a mine, oilfield or

major port or any corporation established by or under a Central Act, the Central Government, and

(ii) in relation to any other employment, the State Government;

(b) "commencement of this Act" means, in relation to an establishment or employment, the date on which this Act comes into force in respect of that establishment or employment;

39 of 1972.

(c) "employer" has the meaning assigned to it in clause (f) of section 2 of the Payment of Gratuity Act, 1972;

(d) "man" and "woman" mean male and female human beings, respectively, of any age;

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

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

(g) "remuneration" means the basic wage or salary, and any additional emoluments whatsoever payable, either in cash or in kind, to a person employed in respect of employment or work done in such employment, if the terms of the contract of employment, express or implied, were fulfilled;

(h) "same work or work of a similar nature" means work in respect of which the skill, effort and responsibility required are the same, when performed under similar working conditions, by a man or a woman and the differences, if any, between the skill, effort and responsibility required of a man and those required of a woman are not of practical importance in relation to the terms and conditions of employment;

(i) "worker" means a worker in any establishment or employment in respect of which this Act has come into force;

14 of 1947.

(j) words and expressions used in this Act and not defined but defined in the Industrial Disputes Act, 1947, shall have the meanings respectively assigned to them in that Act.

3. 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, or in any instrument having effect under any law for the time being in force.

Act to have overriding effect.

## CHAPTER II

PAYMENT OF REMUNERATION AT EQUAL RATES TO MEN AND WOMEN WORKERS  
AND OTHER MATTERS

Duty of employer to pay equal remuneration to men and women workers for same work or work of a similar nature.

4. (1) No employer shall pay to any worker, employed by him in an establishment or employment, remuneration, whether payable in cash or in kind, at rates less favourable than those at which remuneration is paid by him to the workers of the opposite sex in such establishment or employment for performing the same work or work of a similar nature.

(2) No employer shall, for the purpose of complying with the provisions of sub-section (1), reduce the rate of remuneration of any worker.

(3) Where, in an establishment or employment, the rates of remuneration payable before the commencement of this Act for men and women workers for the same work or work of a similar nature are different only on the ground of sex, then the higher (in cases where there are only two rates), or, as the case may be, the highest (in cases where there are more than two rates), of such rates shall be the rate at which remuneration shall be payable, on and from such commencement, to such men and women workers:

Provided that nothing in this sub-section shall be deemed to entitle a worker to the revision of the rate of remuneration payable to him or her with reference to the service rendered by him or her before the commencement of this Act.

No discrimination to be made while recruiting men and women workers.

5. On and from the commencement of this Act, no employer shall, while making recruitment for the same work or work of a similar nature, make any discrimination against women except where the employment of women in such work is prohibited or restricted by or under any law for the time being in force:

Provided that the provisions of this section shall not affect any priority or reservation for Scheduled Castes or Scheduled Tribes, ex-servicemen, retrenched employees or any other class or category of persons in the matter of recruitment to the posts in an establishment or employment.

Advisory Committee.

6. (1) For the purpose of providing increasing employment opportunities for women, the appropriate Government shall constitute one or more Advisory Committees to advise it with regard to the extent to which women may be employed in such establishments or employments as the Central Government may, by notification, specify in this behalf.

(2) Every Advisory Committee shall consist of not less than ten persons, to be nominated by the appropriate Government, of which one-half shall be women.

(3) In tendering its advice, the Advisory Committee shall have regard to the number of women employed in the concerned establishment or employment, the nature of work, hours of work, suitability of women for employment, as the case may be, the need for providing increasing employment opportunities for women, including part-time employment, and such other relevant factors as the Committee may think fit.

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

(5) The appropriate Government may, after considering the advice tendered to it by the Advisory Committee and after giving to the persons concerned in the establishment or employment an opportunity to make representations, issue such directions in respect of employment of women workers, as the appropriate Government may think fit.

7. (1) The appropriate Government may, by notification, appoint such officers, not below the rank of a Labour Officer, as it thinks fit to be the authorities for the purpose of hearing and deciding—

(a) Complaints with regard to the contravention of any provision of this Act;

(b) claims arising out of non-payment of wages at equal rates to men and women workers for the same work or work of a similar nature;

and may, by the same or subsequent notification, define the local limits within which each such authority shall exercise its jurisdiction.

(2) Every complaint or claim referred to in sub-section (1) shall be made in such manner as may be prescribed.

(3) If any question arises as to whether two or more works are of the same nature or of a similar nature, it shall be decided by the authority appointed under sub-section (1).

(4) Where a complaint or claim is made to the authority appointed under sub-section (1), it may, after giving the applicant and the employer an opportunity of being heard, and after such inquiry as it may consider necessary, direct,—

(i) in the case of a claim arising out of non-payment of wages at equal rates to men and women workers for the same work or work of a similar nature, that payment be made to the worker of the amount by which the wages payable to him exceed the amount actually paid;

(ii) in the case of complaint, that adequate steps be taken by the employer so as to ensure that there is no contravention of any provision of this Act.

(5) Every authority appointed under sub-section (1) shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908, for the purpose of taking evidence and of enforcing the attendance of witnesses and compelling the production of documents, and every such authority shall be deemed to be a Civil Court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

(6) Any employer or worker aggrieved by any order made by an authority appointed under sub-section (1), on a complaint or claim may, within thirty days from the date of the order, prefer an appeal to such authority as the appropriate Government may, by notification, specify in this behalf, and that authority may, after hearing the appeal, confirm, modify or reverse the order appealed against and no further appeal shall lie against the order made by such authority.

(7) The authority referred to in sub-section (6) may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the

Power of appropriate Government to appoint authorities for hearing and deciding claims and complaints.

5 of 1908.

2 of 1974.

appeal within the period specified in sub-section (6), allow the appeal to be preferred within a further period of thirty days but not thereafter.

(8) The provisions of sub-section (1) of section 33C of the Industrial Disputes Act, 1947, shall apply for the recovery of monies due from an employer arising out of the decision of an authority appointed under this section. 14 of 1947

### CHAPTER III

#### MISCELLANEOUS

Duty of employers to maintain registers.

8. On and from the commencement of this Act, every employer shall maintain such registers and other documents in relation to the workers employed by him as may be prescribed.

Inspectors.

9. (1) The appropriate Government may, by notification, appoint such persons as it may think fit to be Inspectors for the purpose of making an investigation as to whether the provisions of this Act, or the rules made thereunder, are being complied with by employers, and may define the local limits within which an Inspector may make such investigation.

(2) Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

(3) An Inspector may, at any place within the local limits of his jurisdiction,—

(a) enter, at any reasonable time, with such assistance as he thinks fit, any building, factory, premises or vessel;

(b) require any employer to produce any register, muster-roll or other documents relating to the employment of workers, and examine such documents;

(c) take, on the spot or otherwise, the evidence of any person for the purpose of ascertaining whether the provisions of this Act are being, or have been, complied with;

(d) examine the employer, his agent or servant or any other person found in charge of the establishment or any premises connected therewith or any person whom the Inspector has reasonable cause to believe to be, or to have been a worker in the establishment;

(e) make copies, or take extracts from, any register or other document maintained in relation to the establishment under this Act.

(4) Any person required by an Inspector to produce any register or other document or to give any information shall comply with such requisition.

Penalties.

10. (1) If after the commencement of this Act, any employer, being required by or under the Act, so to do—

(a) omits or fails to maintain any register or other document in relation to workers employed by him, or



(b) omits or fails to produce any register, muster-roll or other document relating to the employment of workers, or

(c) omits or refuses to give any evidence or prevents his agent, servant, or any other person in charge of the establishment, or any worker, from giving evidence, or

(d) omits or refuses to give any information,

he shall be punishable with fine which may extend to one thousand rupees.

(2) If, after the commencement of this Act, any employer—

(a) makes any recruitment in contravention of the provisions of this Act, or

(b) makes any payment of remuneration at unequal rates to men and women workers, for the same work or work of a similar nature, or

(c) makes any discrimination between men and women workers in contravention of the provisions of this Act, or

(d) omits or fails to carry out any direction made by the appropriate Government under sub-section (5) of section 6,

he shall be punishable with fine which may extend to five thousand rupees.

(3) If any person being required so to do, omits or refuses to produce to an Inspector any register or other document or to give any information, he shall be punishable with fine which may extend to five hundred rupees.

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

Offences  
by  
compa-  
nies.

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

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

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

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

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

12. (1) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

Cogni-  
zance  
and  
trial of  
offences.

(2) No court shall take cognizance of an offence punishable under this Act except upon a complaint made with the sanction of the appropriate Government or an officer authorised by it in this behalf.

(3) No court shall take cognizance of an offence punishable under this Act unless complaint thereof is made within three months from the date on which sanction is granted under this section.

Power to  
make  
rules.

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

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

(a) the manner in which complaint or claim referred to in subsection (1) of section 7 shall be made;

(b) registers and other documents which an employer is required under section 8 to maintain in relation to the workers employed by him;

(c) any other matter which is required to be, or may be, prescribed.

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

Power of  
Central  
Govern-  
ment  
to give  
directions.

14. The Central Government may give directions to a State Government as to the carrying into execution of this Act in the State.

Act  
not  
to apply  
in certain  
special  
cases.

15. In so far as—

(a) the terms and conditions of a woman's employment are, in any respect, affected by compliance with the law regulating the employment of women, or

(b) any special treatment is accorded to women in connection with the birth, or expected birth, of a child,

then to that extent the requirement of equal treatment for men and women as mentioned in this Act shall not apply (but without prejudice to its operation as regards other matters), nor shall that requirement extend to requiring equal treatment as regards terms and conditions relating to retirement, marriage or death or to any provision made in connection with retirement, marriage or death.

16. Where the appropriate Government is, on a consideration of all the circumstances of the case, satisfied that the differences in regard to the remuneration, or a particular species of remuneration, of men and women workers in any establishment or employment is based on a factor other than sex, it may, by notification, make a declaration to that effect, and any act of the employer attributable to such a difference shall not be deemed to be a contravention of any provision of this Act.

Power to make declaration.

17. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by notification, make any order, not inconsistent with the provisions of this Act, which appears to it to be necessary for the purpose of removing the difficulty:

Power to remove difficulties.

Provided that every such order shall, as soon as may be after it is made, be laid before each House of Parliament.

12 of 1975.

18. (1) The Equal Remuneration Ordinance, 1975 is hereby repealed.

Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed (including any notification, nomination, appointment, order or direction made thereunder) shall be deemed to have been done or taken under the corresponding provisions of this Act as if this Act were in force when such thing was done or action was taken.

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THE MOTOR VEHICLES (AMENDMENT) ACT, 1976

No. 26 OF 1976

[11th February, 1976.]

An Act further to amend the Motor Vehicles Act, 1939.

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

Short title  
and com-  
mence-  
ment.

1. (1) This Act may be called the Motor Vehicles (Amendment) Act, 1976.

(2) It shall be deemed to have come into force on the 26th day of September, 1975.

Amend-  
ment of  
section 63.

2. In section 63 of the Motor Vehicles Act, 1939 (hereinafter referred to as the principal Act), after sub-section (10), the following sub-sections shall be inserted, namely:—

4 of 1939

‘(11) Notwithstanding anything contained in sub-section (1), but, subject to the rules that may be made by the Central Government under sub-section (15), the appropriate authority may, for the purpose of encouraging long distance inter-State road transport, grant to the public carriers in a State such number of national permits as the Central Government may specify in this behalf in relation to that State and the provisions of sections 54, 55, 56, 57, 58, 59, 59A, 60, 61 and 64 shall, as far as may be, apply to or in relation to the grant of national permits:

Provided that the number of national permits specified for a State shall not be varied or modified except after consultation with the concerned State Government.

*Explanation.*—In this section—

(a) "national permit" means a permit granted by the appropriate authority to a public carrier authorising him to operate as a public carrier throughout the territory of India or in such contiguous States, not being less than five in number (including the State in which the permit is issued), as may be specified in such permit in accordance with the choice indicated by the public carrier to whom such permit is granted;

(b) "appropriate authority" in relation to a national permit means the authority which is authorised by this Act to grant a public carrier's permit.

(12) Without prejudice to the provisions of sub-section (1) of section 55, the appropriate authority shall, in considering an application for a national permit, also have regard to the following matters, namely:—

(a) no national permit shall be issued—

(i) to an individual owner if he already holds in his own name three or more valid national permits, or, when he holds valid national permits as well as valid inter-State region permits, if the aggregate number of such permits is three or more;

(ii) to a company which already holds in its own name seven or more valid national permits, or, when it holds valid national permits as well as valid inter-State region permits, if the aggregate number of such permits is seven or more;

(b) other conditions being equal, preference shall be given to applicants who are ex-army personnel, or who have valid licences for driving transport vehicles.

*Explanation.*—In this sub-section "company" includes a body corporate.

(13) If, as a result of the acquisition of one or more inter-State region permits by an individual owner or a company after one or more national permits have been granted to him or it, the aggregate number of the permits held by such individual or company exceeds, in the case of the individual, three, or, in the case of a company, seven, the appropriate authority shall, notwithstanding anything contained in section 60, cancel such number of national permits as would bring down the aggregate number of national permit and inter-State region permit held by such individual, to three, or, in the case of a company, to seven:

Provided that before cancelling any national permit, the appropriate authority shall give to the individual owner or the company, as the case may be, an option to indicate which of the national permits held by him or it should be so cancelled.

(14) Nothing contained in sub-sections (12) and (13) shall apply to a State Transport Undertaking.

(15) (a) The Central Government may make rules for carrying out the provisions of sub-section (11).

(b) 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:—

(i) the authorisation fee payable for the issue of a national permit;

(ii) the fixation of the laden weight of the motor vehicle;

(iii) the distinguishing particulars or marks to be carried or exhibited in or on the motor vehicle;

(iv) the colour or colours in which the motor vehicle is to be painted;

(v) any matter, not specified in this Act, which shall be borne in mind by the appropriate authority in granting a national permit.

*Explanation.*—In this sub-section “authorisation fee” means the annual fee, not exceeding seven hundred rupees, which may be charged by the appropriate authority of a State to enable a motor vehicle, covered by the national permit, to be used in other States.

Amend-  
ment of  
section  
133.

3. In section 133 of the principal Act,—

(a) in sub-section (3), the words “by the Central Government or”, the words “Parliament or”, in both the places where they occur, and the words “as the case may be,” shall be omitted;

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

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

Repeal  
and  
saving.

4. (1) The Motor Vehicles (Amendment) Ordinance, 1975 is hereby repealed.

14 of 1975

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

THE PREVENTION OF PUBLICATION OF OBJECTIONABLE  
MATTER ACT, 1976

ARRANGEMENT OF SECTIONS

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2. Definitions and construction.
3. "Objectionable matter" defined.
4. Appointment of competent authorities.

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8. Power to demand security from presses in certain cases.
9. Power to forfeit security or demand further security from presses.
10. Consequences of failure to deposit security as required under section 8 or section 9.
11. Power to demand security from publishers of newspapers and news-sheets in certain cases.
12. Power to forfeit security or demand further security from publishers of newspapers and news-sheets.
13. Consequences of failure by publisher to deposit security as required under section 11 or section 12.
14. Power to demand security from editors of newspapers and news-sheets in certain cases.
15. Power to forfeit security or demand further security from editors of newspapers and news-sheets.
16. Amount of security and manner of deposit.
17. Procedure, etc., to be followed by the competent authority.
18. Revision by and appeals to Central Government.

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20. Power to detain packages containing certain publications when imported.
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25. Application to High Court against orders of forfeiture.
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29. Penalty for publishing newspaper or news-sheet without making deposit.
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31. Penalty for disseminating unauthorised newspapers and unauthorised news-sheets.

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39. Cognizability of offences under this Act.
40. Repeal of sections 6, 7 and 8 of Act 35 of 1969.
41. Repeal of Ordinance 28 of 1975 and saving.



THE PREVENTION OF PUBLICATION OF OBJECTIONABLE  
MATTER ACT, 1976

No. 27 OF 1976

[11th February, 1976.]

An Act to provide against the printing and publication of incitement to crime and other objectionable matter.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Prevention of Publication of Objectionable Matter Act, 1976.

Short  
title,  
extent  
and com-  
mence-  
ment.

(2) It extends to the whole of India.

(3) It shall be deemed to have come into force on the 8th day of December, 1975.

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

Defini-  
tions and  
construc-  
tion.

(a) "book" includes every volume, part or division of a volume, pamphlet and leaflet, in any language, and every sheet of music, map, chart or plan separately printed, lithographed or otherwise mechanically produced;

(b) "Code" means the Code of Criminal Procedure, 1973;

2 of 1974

(c) "competent authority" means a competent authority appointed under section 4;

(d) "document" includes also any painting, drawing or photograph or other visible representation;

(e) "newspaper" means any periodical work containing public news or comments on public news;

(f) "news-sheet" means any document other than a newspaper containing public news or comments on public news;

(g) "press" means a printing press, and includes all plant, machinery, duplicators, types, implements and other materials used for the purpose of, or in connection with, printing or multiplying documents;

(h) "Press Registration Act" means the Press and Registration of Books Act, 1867;

25 of 1867.

(i) "State Government", in relation to a Union territory, means the administrator thereof appointed under article 239 of the Constitution;

(j) "unauthorised newspaper" means—

(i) any newspaper in respect of which security has been required under this Act but has not been furnished as required, or

(ii) any newspaper which is published without conforming to the rules laid down in section 5 of the Press Registration Act;

(k) "unauthorised news-sheet" means any news-sheet in respect of which security has been required from the publisher thereof under this Act but has not been furnished as required or any news-sheet which does not contain the name of the printer and the publisher;

(l) "undeclared press" means any press other than a press in respect of which there is for the time being a valid declaration under section 4 of the Press Registration Act;

(m) any expression used but not defined in this Act shall,—

(i) if such expression is defined in the Code, have the same meaning as in the Code; and

(ii) if such expression is not defined in the Code but defined in the Indian Penal Code, have the same meaning as in the Indian Penal Code.

45 of 1860.

(n) For the purposes of this Act, where different editions of the same newspaper or news-sheet are published, each such edition shall be deemed to be a separate newspaper or news-sheet.

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

(4) Any reference in this Act to any officer or authority shall, in relation to any area in which there is no officer or authority with the same designation, be construed as a reference to such officer or authority as may be specified by the Central Government by notification in the Official Gazette.

3. In this Act, the expression "objectionable matter" means any words, signs or visible representations—

"Objectionable matter" defined.

(a) which are likely to—

(i) bring into hatred or contempt, or excite disaffection towards, the Government established by law in India or in any State thereof and thereby cause or tend to cause public disorder; or

(ii) incite any person to interfere with the production, supply or distribution of food or other essential commodities or with essential services; or

(iii) seduce any member of the Armed Forces or the Forces charged with the maintenance of public order from his allegiance or his duty or prejudice the recruiting of persons to serve in any such Force or prejudice the discipline of any such Force; or

(iv) promote disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities; or

(v) cause fear or alarm to the public or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquillity; or

(vi) incite any person or any class or community of persons to commit murder, mischief or any other offence; or

(b) which—

(i) are defamatory of the President of India, the Vice-President of India, the Prime Minister or the Speaker of the House of the People or the Governor of a State; or

(ii) are grossly indecent, or are scurrilous or obscene or intended for blackmail.

*Explanation 1.*—Comments expressing disapprobation or criticism of any law or of any policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means, and words pointing out, with a view to their removal by lawful means, matters which are producing, or have a tendency to produce disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, shall not be deemed to be objectionable matter within the meaning of this section.

*Explanation II.*—In considering whether any matter is objectionable matter under this Act, the effect of the words, signs or visible representations, and not the intention of the keeper of the press or the publisher or editor of the newspaper or news-sheet, as the case may be, shall be taken into account.

Appoint-  
ment of  
compe-  
tent au-  
thorities.

4. (1) The Central Government may, by notification in the Official Gazette, appoint such officers (being officers of the Central Government, not below the rank of a Deputy Secretary to that Government, or officers of State Governments or Administrations of Union territories not below the rank of a District Magistrate) as it deems fit to be competent authorities for the purposes of this Act and specify the local limits of their jurisdiction.

(2) An officer appointed under sub-section (1) may exercise the powers of a competent authority under this Act in relation to presses situated and newspapers and news-sheets published within the local limits of his jurisdiction, the keepers of such presses and the publishers and editors of such newspapers.

## CHAPTER II

### PROHIBITION OF PREJUDICIAL PUBLICATIONS

Power  
to control  
prejudi-  
cial publi-  
cations.

5. (1) The Central Government or the competent authority, if satisfied that such action is necessary for the purpose of preventing or combating—

(a) any activity prejudicial to the interests of sovereignty and integrity of India, security of the State, friendly relations with foreign States, public order, decency or morality; or

(b) any activity involving, or likely to involve or culminate in incitement to offences,

may, by order in writing, addressed to the keeper of any press or any publisher or editor, prohibit the printing or publication in any document or any class of documents of any matter relating to a particular subject or class of subjects for a specified period (not exceeding two months from the date of communication of the order) or in a particular issue or issues of a newspaper or periodical.

(2) An order made under sub-section (1) shall not take effect until it is communicated to the person against whom it is made.

(3) When any order is made by the competent authority under sub-section (1) against any person, the competent authority shall forthwith report the fact to the Central Government together with the grounds on which the order has been made and such other particulars as in his opinion have a bearing on the matter and the Central Government may, if satisfied after making such inquiry, if any, as it may deem fit, that it is proper so to do, set aside such order or modify such order to the advantage of such person.

(4) Without prejudice to the provisions of sub-section (3), any person aggrieved by an order made under sub-section (1) may, within ten days of the communication of the order to him, make a representation to the Central Government and the Central Government may, after making

such inquiry as it may deem fit and after taking into account the action, if any, taken by it under sub-section (3) in respect of such order, dispose of the matter confirming, modifying or setting aside the order or, as the case may be, confirming such action:

Provided that if the person making the representation makes a request in his representation that he should be given an opportunity to be heard, the Central Government shall not dispose of the matter without giving to such person such opportunity.

(5) If within a period of seven days from the date of receipt of a representation under sub-section (4) the Central Government fails to confirm, modify or set aside the order against which the representation is made, the order shall, unless sooner set aside under sub-section (3), be deemed to have been set aside on the expiry of that period.

*Explanation.*—In computing the said period of seven days,—

(a) public holidays, that is to say, days on which the offices of the Central Government remain closed; and

(b) any time allowed to the person making the representation in compliance with his request to be heard; and

(c) any period during which the representation could not be disposed of by reason of any injunction or order of any court (including the day on which such injunction or order was issued or made and the day on which it was withdrawn),

shall be excluded.

6. In the event of disobedience of an order made under section 5, the Central Government or the competent authority issuing the order may, without prejudice to any other penalty, to which the person guilty of the disobedience of the order is liable under this Act or under any other law for the time being in force, direct that copies of the publication made in disobedience of such order be seized, and that any printing press or other instrument or apparatus used in the publication be closed down for the period such order is in operation.

Forfeiture of publications made in contravention of orders under section 5.

7. Whoever contravenes, disobeys or neglects to comply with any order made under section 5 shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Penalty for contravention of orders under section 5.

### CHAPTER III

#### PREVENTION OF PRINTING AND PUBLICATION OF OBJECTIONABLE MATTER

8. Whenever it appears to the competent authority that any press has been used for the purpose of printing or publishing any newspaper, news-sheet, book or other document containing objectionable matter, and that there are sufficient grounds for demanding security from the keeper of the press under this section, the competent authority shall, by order in writing, direct the keeper of the press to deposit as security, within twenty-one days from the date of the order, such amount as the competent authority may think fit to require:

Power to demand security from presses in certain cases.

Provided that if, having regard to all the circumstances of the case,

the competent authority is satisfied that the requirements of the case will be met by a warning, the competent authority may, instead of demanding security, record, by order in writing, such warning.

Power to  
forfeit  
security or  
demand  
further  
security  
from  
presses.

9. Whenever it appears to the competent authority that any press in respect of which any security has been ordered to be deposited under section 8 or under this section is thereafter used for the purpose of printing or publishing any newspaper, news-sheet, book or other document containing objectionable matter, the competent authority shall, by order in writing, declare such security as has been deposited, or any portion thereof, to be forfeited to the Central Government or direct the keeper of the press to deposit, within twenty-one days from the date of the order, such further security as the competent authority may deem fit to require and may also, in either case, declare all copies of the newspaper, news-sheet, book or other document containing such objectionable matter, wherever found in India, to be forfeited to the Central Government.

Conse-  
quences of  
failure to  
deposit  
security  
as required  
under  
section 8  
or  
section 9.

10. (1) Where the keeper of the press is required under section 8 or section 9 to deposit any amount as security and the deposit is not made within the time allowed—

(a) the declaration made by the keeper of the press under the Press Registration Act shall be deemed to be annulled; and

(b) notwithstanding anything contained in the Press Registration Act, neither the said keeper of the press nor any other person shall make or be allowed to make a fresh declaration before a Magistrate under that Act in respect of the press, unless the amount required to be deposited as security by the keeper of the press under section 8 or section 9 is deposited by the keeper of the press or such other person; and

(c) the press shall not be used for printing or publishing of any newspaper, news-sheet, book or other document until the deposit has been made.

(2) If any press is used in contravention of clause (c) of sub-section (1), any Judicial Magistrate may on a complaint made to him in this behalf by the competent authority direct the keeper of the press to show cause why it should not be forfeited and after hearing him and on being satisfied that there are sufficient grounds for passing the order, declare the press or any part thereof to be forfeited to the Central Government :

Provided that the press or any part thereof so forfeited shall not be disposed of within a period of three months from the date of the order of forfeiture, and if the keeper of the press makes the required deposit within the aforesaid period, the press or the part thereof shall be returned to the keeper of the press.

Power to  
demand  
security  
from  
publishers  
of news-  
papers  
and news-  
sheets in  
certain  
cases.

11. Whenever it appears to the competent authority that a newspaper or news-sheet contains any objectionable matter, and that there are sufficient grounds for demanding security in respect of the newspaper or news-sheet under this section, the competent authority shall, by order in writing, direct the publisher of the newspaper or news-sheet to deposit, within twenty-one days from the date of the order, as security in respect of the newspaper or news-sheet, such amount as the competent authority may think fit to require :

Provided that if, having regard to all the circumstances of the case, the competent authority is satisfied that the requirements of the case will be met by a warning, the competent authority may, instead of demanding security, record, by order in writing, such warning.

12. Whenever it appears to the competent authority that any newspaper or news-sheet in respect of which any security has been ordered to be deposited by the publisher under section 11 or under this section thereafter publishes any objectionable matter, the competent authority shall, by order in writing, declare such security as has been deposited, or any portion thereof, to be forfeited to the Central Government or direct the publisher of the newspaper or news-sheet to deposit, within twenty-one days from the date of the order, such further security as the competent authority may deem fit to require and may also, in either case, declare all copies of the newspaper or news-sheet containing such objectionable matter, wherever found in India, to be forfeited to the Central Government.

Power to forfeit security or demand further security from publishers of newspapers and news-sheets.

13. (1) Where the publisher of a newspaper is required under section 11 or section 12 to deposit any amount as security in respect of any newspaper and the deposit is not made within the time allowed,—

Consequences of failure by publisher to deposit security as required under section 11 of section 12.

(a) the declaration made by the publisher of the newspaper under section 5 of the Press Registration Act shall be deemed to be annulled; and

(b) notwithstanding anything contained in the Press Registration Act, neither the said publisher nor any other person shall make, or be allowed to make, a fresh declaration before a Magistrate under section 5 of that Act as publisher of that newspaper or any other newspaper which is the same in substance as that newspaper, unless the amount required to be deposited by the publisher of the newspaper under section 11 or section 12 is deposited by the said publisher or such other person.

(2) Where a deposit is required from the publisher of a newspaper or news-sheet under section 11 or section 12, no press shall, after the expiry of the time allowed to make the deposit, be used for the printing of such newspaper or news-sheet, until the deposit has been made.

(3) The keeper of any press who knowingly contravenes the provisions of sub-section (2) shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both, and where such keeper is convicted for a second or subsequent contravention of that sub-section in respect of the same newspaper or news-sheet, the court may also direct that the press or any part thereof shall be forfeited to the Central Government :

Provided that the press or part thereof so forfeited shall not be disposed of within a period of three months from the date of the order of forfeiture and, if the keeper of the press makes the required deposit within the aforesaid period, the press or the part thereof, as the case may be, shall be returned to the keeper of the press.

Power to demand security from editors of newspapers and news-sheets in certain cases.

14. Whenever it appears to the competent authority that a newspaper or news-sheet contains any objectionable matter and that there are sufficient grounds for demanding security from the editor of the newspaper or news-sheet under this section, the competent authority shall, by order in writing, direct the editor of the newspaper or news-sheet to deposit, within twenty-one days from the date of the order, such amount as the competent authority may think fit to require:

Provided that if, having regard to all the circumstances of the case, the competent authority is satisfied that the requirements of the case will be met by a warning to the editor, the competent authority may, instead of demanding security, record, by order in writing, such warning.

Power to forfeit security or demand further security from editors of newspapers and news-sheets.

15. Whenever it appears to the competent authority—

(a) that any newspaper or news-sheet contains any objectionable matter, and

(b) that the editor of such newspaper or news-sheet has been ordered to deposit security (whether as editor of the same newspaper or news-sheet or of any other newspaper or news-sheet) under section 14 or this section,

the competent authority shall, by order in writing, declare such security as has been deposited by such editor or any portion thereof to be forfeited to the Central Government or direct such editor to deposit, within twenty-one days from the date of the order, such further security as the competent authority may deem fit to require.

Amount of security and manner of deposit.

16. (1) The amount of security which may be required to be deposited under any of the foregoing sections of this Chapter shall be fixed with due regard to the circumstances of the case and shall not be excessive.

(2) The amount of security directed to be deposited under any of the foregoing sections of this Chapter shall be deposited in money or the equivalent thereof in Government securities in accordance with such order as the Central Government may, by notification in the Official Gazette, make, with such authority or agency as may be specified in such order.

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

Procedure, etc., to be followed by the competent authority.

17. (1) The competent authority shall not make any order under section 8, section 9, section 11, section 12, section 14 or section 15, unless he is satisfied, upon a complaint made to him in writing by the proper officer and inquiry made in the manner provided in this section, that it is necessary to make such order.

*Explanation.*—In this sub-section, “proper officer” means any officer empowered by the Central Government, by general or special order in writing, to make complaints under this section.



(2) Every complaint to the competent authority under sub-section (1) against any person (hereafter in this section referred to as the respondent) shall state or describe the objectionable matter in respect of which the complaint is made and, where it is desired that security should be demanded from the respondent, shall specify the amount of security which, in the opinion of the officer making the complaint, should be so demanded.

(3) On receipt of a complaint under sub-section (1) the competent authority may, after making such preliminary inquiry, if any, as he may deem necessary, issue notice thereof to the respondent.

(4) When the respondent appears before the competent authority in compliance with a notice under sub-section (3), the competent authority shall settle the points for determination and proceed to inquire into the complaint and, after taking such evidence as may be produced and after hearing the parties, make such order as he may deem fit.

(5) The competent authority shall inquire into the complaint, as nearly as practicable, in the manner prescribed for conducting trials in summons-cases by Magistrates under the Code.

(6) If, on the day appointed for the appearance of the respondent or any day subsequent thereto to which the inquiry may be adjourned, the respondent does not appear, the competent authority may proceed to hear the complaint and take all such evidence, if any, as may be produced in support of the complaint and make such orders under this Act as he may deem fit:

Provided that if, on an application made by the respondent within fifteen days of the date of the *ex parte* order, the competent authority is satisfied that there are sufficient grounds, he may set aside the order and make a fresh inquiry into the complaint.

(7) In any inquiry before the competent authority with reference to any newspaper or news-sheet, any previous or subsequent issue of such newspaper or news-sheet may be given in evidence in aid of the proof of the nature and effect of the words, signs or visible representation in respect of which the complaint is made.

(8) For the purpose of hearing and disposing of complaints under this section, the competent authority shall have all the powers of a Judicial Magistrate of the first class under the Code.

18. (1) When any order is made by the competent authority under this Chapter against any person, the competent authority shall forthwith report the fact to the Central Government together with the grounds on which the order has been made and such other particulars as in the opinion of the competent authority have a bearing on the matter and the Central Government may, if satisfied after making such inquiry, if any, as it may deem fit, that it is proper so to do, set aside such order or modify such order to the advantage of such person.

(2) Without prejudice to the provisions of sub-section (1), any person aggrieved by an order of the competent authority under this Chapter may, within thirty days of the making of such order, prefer an appeal to the Central Government and the Central Government may, after making such inquiry as it may deem fit and after taking into account the action, if any, taken by it under sub-section (1) in respect of such order, dispose of the appeal confirming, modifying or setting aside the order or, as the case may be, confirming such action:

Revision  
by and  
appeals  
to Central  
Govern-  
ment.

Provided that before confirming any such order or modifying it to the disadvantage of the appellant, the Central Government shall give an opportunity to the appellant to represent his case.

(3) On the disposal of the appeal, the Central Government shall communicate the order made by it to the appellant and the competent authority.

(4) If within a period of sixty days from the date of receipt of an appeal under sub-section (2), the Central Government fails to confirm, modify or set aside the order appealed against, the order shall, unless sooner set aside under sub-section (1), be deemed to have been set aside on the date of the expiry of the said period.

*Explanation.*—In computing the said period of sixty days, any period during which the Central Government could not dispose of the appeal by reason of any injunction or order of any Court (including the day on which such injunction or order was issued or made and the date on which it was withdrawn) shall be excluded.

#### CHAPTER IV

##### PREVENTION OF CIRCULATION AND DISTRIBUTION OF OBJECTIONABLE MATTER

Power of Central Government to declare certain publications forfeited.

19. Where it appears to the Central Government that any issue of a newspaper or news-sheet or any book or other document, wherever made, contains any objectionable matter, that Government may, by notification in the Official Gazette, stating the grounds for the order, declare that every copy of such issue of the newspaper or news-sheet or of such book or document shall be forfeited to the Central Government.

Power to detain packages containing certain publications when imported.

20. (1) Any officer of customs under the Customs Act, 1962 or any other officer empowered by a general or special order by the Central Government in this behalf may detain any package imported into India in which he suspects there are newspapers, news-sheets, books or other documents containing objectionable matter and shall forthwith forward copies of any such newspaper, news-sheet, book or other document found therein to such officer as the Central Government may appoint in this behalf to be disposed of in such manner as the Central Government may direct.

52 of 1962.

(2) Any person aggrieved by any action taken under sub-section (1) may apply, within fourteen days from the date on which such action is taken, to the Central Government for review and the Central Government may pass such orders thereon as it thinks fit.

Prohibition of transmission by post of certain documents.

21. (1) No newspaper, news-sheet, book or other document which has been declared to be forfeited under any of the provisions of this Act and no unauthorised newspaper or unauthorised news-sheet shall be transmitted by post.

(2) Any officer in charge of a post office authorised by the Central Government in this behalf may detain in course of transmission by post any article other than a letter which he suspects to contain any document as is mentioned in sub-section (1) and shall deliver all such articles to such officer as the Central Government may appoint in this behalf.

(3) If the officer to whom any article is delivered under sub-section (2) is satisfied that the article contains any such document as is mentioned in sub-section (1), he may pass such orders as to the disposal of

the article and its contents as he deems proper, and, if he is not so satisfied, he shall return the article to the post office for transmission to the addressee.

22. (1) Any police officer or any other officer empowered in this behalf by a State Government may seize any unauthorised newspaper or unauthorised news-sheet in the State.

Power to seize and destroy unauthorised newspapers and news-sheets.

(2) Any Metropolitan Magistrate, Chief Judicial Magistrate or a Magistrate of the first class may, by warrant, authorise any police officer, not below the rank of a sub-inspector, to enter upon and search any place where any stock of unauthorised newspapers or news-sheets may be, or may be reasonably suspected to be, and such police officer may seize any documents found in such place which, in his opinion, are unauthorised newspapers or unauthorised news-sheets.

(3) All documents seized under sub-section (1) shall be produced, as soon as may be, before a Metropolitan Magistrate, a Chief Judicial Magistrate or a Magistrate of the first class and all documents seized under sub-section (2) shall be produced, as soon as may be, before the Court of the Magistrate who issued the warrant.

(4) If in the opinion of such Magistrate or Court any of such documents are unauthorised newspapers or unauthorised news-sheets, the Magistrate or Court may cause them to be destroyed, but if, in the opinion of such Magistrate or Court any of such documents are not unauthorised newspapers or unauthorised news-sheets, such Magistrate or Court shall dispose of them in the manner provided in sections 457, 458 and 459 of the Code.

23. (1) Where a Metropolitan Magistrate or a Chief Judicial Magistrate has reason to believe that an unauthorised newspaper or unauthorised news-sheet is being produced from an undeclared press within the local limits of his jurisdiction, he may, by warrant, authorise any police officer, not below the rank of a sub-inspector, to enter upon and search any place where such undeclared press may be, or may be reasonably suspected to be, and if, in the opinion of the police officer, any press found in such place is an undeclared press and is used to produce an unauthorised newspaper or unauthorised news-sheet, he may seize such press and any documents found in the place which, in his opinion, are unauthorised newspapers or unauthorised news-sheets.

Power to seize and forfeit undeclared presses producing unauthorised newspapers and unauthorised news-sheets.

(2) The police officer shall forthwith make a report of the search to the Court which issued the warrant and shall produce before such Court, as soon as may be, all property seized:

Provided that where any press which has been seized cannot be readily removed, the police officer may produce before the Court only such parts thereof as he may think fit.

(3) If such Court, after such inquiry as it may think requisite, is of opinion that a press seized under this section is an unauthorised press

which is used to produce an unauthorised newspaper or news-sheet, it may, by order in writing, declare the press or any part thereof to be forfeited to the Central Government, but if after such inquiry the Court is not of such opinion, it shall dispose of the press in the manner provided in sections 457, 458 and 459 of the Code.

(4) The Court shall deal with the documents produced before it under this section in the manner provided in sub-section (4) of section 22.

## CHAPTER V

### APPEALS AND APPLICATIONS TO HIGH COURT

Appeals.

24. (1) Any person aggrieved by an order passed under section 18 may prefer an appeal to the High Court within the jurisdiction of which such person ordinarily resides or carries on business or personally works for gain.

(2) No appeal shall be entertained under sub-section (1) unless it is made within sixty days of the date of the order appealed against.

(3) Upon any appeal under this section, the High Court may pass such order as it deems fit confirming, varying or setting aside the order appealed from, and may pass such consequential or incidental orders as may be necessary.

Application to High Court against orders of forfeiture.

25. (1) Any person aggrieved by an order of forfeiture passed by a Magistrate under sub-section (2) of section 10 or sub-section (3) of section 13 may, within sixty days of the date of such order, make an application to the High Court to which such Magistrate is subordinate.

(2) Any person aggrieved by an order of forfeiture passed under section 19 or by an order under sub-section (2) of section 20 may, within sixty days of the date of such order, make an application to the High Court within the jurisdiction of which such person ordinarily resides or carries on business or personally works for gain.

(3) The High Court to which any application is made under this section may pass such order as it deems fit confirming, varying or setting aside the order in respect of which such application is made and may pass such consequential or incidental orders as may be necessary.

Appeals and applications to be heard by a Bench of three Judges.

26. Every appeal and every application to a High Court under this Chapter shall, where the High Court consists of three or more Judges, be heard and determined by a Special Bench of the High Court composed of three Judges and where the High Court consists of less than three Judges, such Special Bench shall be composed of all the Judges of the High Court.

Procedure in High Court.

27. Every High Court may frame rules to regulate the procedure in respect of appeals and applications under this Chapter and until such rules are framed, the practice of such High Court in proceedings in respect of appeal and revision shall apply, in so far as may be practicable, to such appeals and applications.

CHAPTER VI

PENALTIES

28. Whoever is the keeper of a press which is used for the printing or publishing of any newspaper, news-sheet, book or other document without making a deposit as required under section 8 or section 9 shall 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.

Penalty for keeping press without making deposit.

29. Whoever publishes any newspaper or news-sheet without making a deposit as required under section 11 or section 12 or publishes such newspaper or news-sheet knowing that such security has not been deposited shall 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.

Penalty for publishing newspaper or news-sheet without making deposit.

30. Whoever acts as an editor of a newspaper or news-sheet without making a deposit as required under section 14 or section 15 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 acting as editor without making deposit.

31. Whoever sells or distributes or keeps for sale or distribution any unauthorised newspaper or unauthorised news-sheet knowing or having reason to believe that it was an unauthorised newspaper or an unauthorised news-sheet shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

Penalty for disseminating unauthorised newspapers and unauthorised news-sheets.

CHAPTER VII

MISCELLANEOUS

32. Every notice under this Act shall be served in the manner provided for the service of summonses under the Code:

Service of notices.

Provided that if service in such manner cannot, by the exercise of due diligence, be effected, the serving officer shall, where the notice is directed to the keeper of the press, affix a copy thereof to some conspicuous part of the place where the press is situated, as described in the keeper's declaration under section 4 of the Press Registration Act, and, where the notice is directed to the publisher or editor of a newspaper, to a conspicuous part of the premises where the publication of such newspaper is conducted, as given in the publisher's declaration under section 5 of that Act and thereupon the notice shall be deemed to have been duly served.

Issue of search-warrants in certain cases.

33. (1) Where any press or any copies of newspaper, news-sheet, book or other document are declared forfeited to the Central Government under this Act, the Central Government may require a Magistrate to issue a warrant empowering any police officer, not below the rank of a sub-inspector, to seize and detain any property ordered to be forfeited and to enter upon and search for such property in any premises—

(a) where any such property may be or may be reasonably suspected to be, or

(b) where any copy of such newspaper, news-sheet, book or other document is kept for sale, distribution, publication or public exhibition or is reasonably suspected to be so kept.

(2) Without prejudice to the provisions contained in sub-section (1), where any newspaper, news-sheet or other document is declared forfeited to the Central Government, it shall be lawful for any police officer to seize the same, wherever found.

Conduct of searches.

34. Every warrant issued under this Act shall, so far as it relates to a search, be executed in the manner provided for the execution of search-warrants under the Code.

Return of security in certain cases.

35. (1) Where any keeper of a press or publisher or editor of a newspaper or news-sheet has deposited any amount as security or further security as required under section 8 or section 9 or section 11 or section 12 or section 14 or section 15 and no further action has been taken in respect of the press or the publisher or the editor under this Act for a period of two years from the date of such deposit, the person who made the deposit or any person claiming under him may apply to the Central Government for the return of the security in deposit.

(2) The Central Government shall, after making such inquiry as it may deem fit and after being satisfied about the claim of the applicant, direct the security to be returned to the applicant.

Application of provisions of Act 36 of 1963.

36. For the purpose of determining any period of limitation prescribed by this Act for any application or appeal, the provisions of sections 4 to 24 of the Limitation Act, 1963 shall apply as they apply for determining the period of limitation prescribed for any application or appeal by the Schedule to that Act.

Bar of jurisdiction and protection of action taken in good faith.

37. Every declaration of forfeiture purporting to be made under this Act shall, as against all persons be conclusive evidence that the forfeiture therein referred to has taken place, and except as provided by this Act—

(a) no proceeding taken or purporting to be taken under this Act shall be called in question by or before any court; and

(b) no civil or criminal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act.

38. Notwithstanding anything contained in this Act, no keeper of a press or publisher of any newspaper or news-sheet or editor of any newspaper or news-sheet shall be prosecuted under section 28, section 29 or section 30, as the case may be, if for the same act or omission such person has been proceeded against under section 8 or section 9 or section 11 or section 12 or section 14 or section 15, as the case may be, nor shall any such person be proceeded against under section 8 or section 9 or section 11 or section 12 or section 14 or section 15, as the case may be, if for the same act or omission such person has been prosecuted under section 28, section 29 or section 30, as the case may be.

Bar of double penalty.

39. Notwithstanding anything contained in the Code, any offence punishable under this Act and any abetment of such offence shall be cognizable and bailable.

Cognizability of offences under this Act.

40. Sections 6, 7 and 8 of the Criminal and Election Laws Amendment Act, 1969 are hereby repealed.

Repeal of sections 6, 7 and 8 of Act 35 of 1969.

41. (1) The Prevention of Publication of Objectionable Matter Ordinance, 1975 is hereby repealed.

Repeal of Ordinance 28 of 1975 and saving.

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

THE PARLIAMENTARY PROCEEDINGS (PROTECTION OF PUBLICATION) REPEAL ACT, 1976

No. 28 OF 1976

[11th February, 1976.]

An Act to repeal the Parliamentary Proceedings (Protection of Publication) Act, 1956.

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

Short title and commencement.

1. (1) This Act may be called the Parliamentary Proceedings (Protection of Publication) Repeal Act, 1976.

(2) It shall be deemed to have come into force on the 8th day of December, 1975.

Repeal of Act 24 of 1956 and saving.

2. The Parliamentary Proceedings (Protection of Publication) Act, 1956, shall stand repealed:

Provided that such repeal shall not affect any proceedings, civil or criminal (whether pending immediately before the commencement of this Act or instituted or taken after such commencement) in respect of—

(a) any publication referred to in sub-section (1) of section 3 of the said Act made before such commencement; or

(b) any report or matter broadcast before such commencement, by the means referred to in section 4 of the said Act,

and accordingly any such proceedings shall be disposed of as if the said Act had continued in force and this Act had not been passed.

Repeal.

3. The Parliamentary Proceedings (Protection of Publication) Repeal Ordinance, 1975, is hereby repealed.

25 of 1975.



# THE PAYMENT OF WAGES (AMENDMENT) ACT, 1976

No. 29 of 1976

[11th February, 1976.]

An Act further to amend the Payment of Wages Act, 1936.

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

1. (1) This Act may be called the Payment of Wages (Amendment) Act, 1976. Short title and commencement.
- (2) It shall be deemed to have come into force on the 12th day of November, 1975.
- 4 of 1936. 2. In the Payment of Wages Act, 1936 (hereinafter referred to as the principal Act), in sub-section (6) of section 1, for the words "four hundred rupees", the words "one thousand rupees" shall be substituted. Amendment of section 1.
3. In section 6 of the principal Act, the following proviso shall be inserted at the end, namely:— Amendment of section 6.
- "Provided that the employer may, after obtaining the written authorisation of the employed person, pay him the wages either by cheque or by crediting the wages in his bank account."
4. In sub-section (2) of section 7 of the principal Act, after clause (o), the following clause shall be inserted, namely:— Amendment of section 7.
- "(p) deductions, made with the written authorisation of the employed person, for contribution to the Prime Minister's National Relief Fund or to such other Fund as the Central Government may, by notification in the Official Gazette, specify."
- 21 of 1975. 5. (1) The Payment of Wages (Amendment) Ordinance, 1975, is hereby repealed. Repeal and saving.
- (2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

THE HOUSE OF THE PEOPLE (EXTENSION OF DURATION)  
ACT, 1976

No. 30 OF 1976

[16th February, 1976.]

An Act to provide for the extension of the duration of the present House of the People.

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

Short  
title.

1. This Act may be called the House of the People (Extension of Duration) Act, 1976.

Extension  
of dura-  
tion of the  
present  
House of  
the  
People.

2. The period of five years [being the period for which the House of the People may, under clause (2) of article 83 of the Constitution, continue from the date appointed for its first meeting] in relation to the present House of the People shall, while the Proclamations of Emergency issued on the 3rd day of December, 1971 and on the 25th day of June, 1975, are both in operation, be extended for a period of one year:

Provided that if both or either of the said Proclamations cease or ceases to operate before the expiration of the said period of one year, the present House of the People shall, unless previously dissolved under clause (2) of article 83 of the Constitution, continue until six months after the cesser of operation of the said Proclamations or Proclamation but not beyond the said period of one year.

THE LEVY SUGAR PRICE EQUALISATION FUND  
ACT, 1976

No. 31 OF 1976

[16th February, 1976.]

An Act to provide for the establishment, in the interest of the general public, of a fund to ensure that the price of levy sugar may be uniform throughout India and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Levy Sugar Price Equalisation Fund Act, 1976.

Short  
title,  
extent  
and com-  
mence-  
ment.

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

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

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

Defini-  
tions.

(a) "controlled price" means the price of the relevant grade of levy sugar, determined from time to time under sub-section (3C) of section 3 of the Essential Commodities Act, 1955, or under the Defence and Internal Security of India Rules, 1971, in relation to any year of production;

(b) "excess realisation", in relation to each grade of levy sugar,—

(i) means the price realised by any producer, on the sale of levy sugar of such grade, in excess of—

(a) the controlled price, or

(b) where any fair price has been fixed by a court for levy sugar of such grade, such fair price, and

(ii) includes any realisation representing the difference between the controlled price and the price allowed by the court by an interim order, if such interim order is set aside, whether by the court which made the order or in appeal or revision;

(c) "fair price", in relation to levy sugar, means the price fixed by the court in excess of the controlled price, and, where an interim price, fixed by the court, is superseded by a price which is finally fixed by the court, the price so finally fixed;

(d) "Fund" means the Levy Sugar Price Equalisation Fund, established under section 3;

(e) "levy sugar" has the meaning assigned to it in the Levy Sugar Supply (Control) Order, 1972, published with the Order of the Government of India, in the late Ministry of Agriculture (Department of Food), No. GSR 310(E)/Ess. Com./Sugar, dated the 15th June, 1972;

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

(g) "producer" means a person carrying on the business of manufacturing sugar by the vacuum pan process.

3. (1) There shall be established a Fund, to be called the Levy Sugar Price Equalisation Fund.

(2) Save as otherwise provided in sub-section (4), there shall be credited to the Fund, in such manner as may be prescribed,—

(a) the amounts representing all excess realisations made by the producers, irrespective of whether such excess realisations were made before or after the commencement of this Act;

(b) the amounts representing any loans which may be advanced, or grants which may be made, by the Central Government for carrying out the objects of the Fund.

(3) Save as otherwise provided in sub-section (4), every producer shall,—

(a) in the case of an excess realisation made before the commencement of this Act, within thirty days from such commencement,

(b) in the case of an excess realisation made after such commencement, within thirty days from the date on which such excess realisation was made,

credit to the Fund, the amount representing such excess realisations, together with interest due thereon at the rate of twelve and a half per cent. per annum, from the date on which such amount was realised by him.

(4) Where, by virtue of any interim order made by any court, whether before or after the commencement of this Act,—

(a) amounts representing the difference between the controlled price and price allowed by any court by an order made in this behalf, have been, or are required to be,—

(i) kept with the producer himself, or

(ii) kept deposited with, or in the custody of, any court, or

(iii) kept deposited with, or in the custody of, any Government, bank, authority or other person; or

(b) any amount in excess of the controlled price has been collected and kept by the producer under the cover of any guarantee given in pursuance of such order,

it shall not be necessary to credit such amounts to the Fund so long as the court which passed the interim order does not so direct.

(5) Where, in pursuance of an interim order referred to in sub-section (4), any amount representing the difference between the controlled price and the interim price allowed by the court is,—

(a) held by any producer either with himself or with any other person or with any court, Government, bank or other authority, or

(b) collected and kept by the producer under the cover of any guarantee,

such producer shall, on the final disposal of the proceedings of the court aforesaid, or in any court of appeal or revision, credit such amount, to the extent it represents any excess realisation, to the Fund.

(6) For the removal of doubts, it is hereby declared that the obligation to credit amounts representing excess realisations to the Fund shall be in addition to any penalty which may be imposed for the contravention of any provision of this Act.

(7) The Fund shall be administered, subject to the provisions of section 8, by the Central Government.

4. If any question arises as to whether any producer has realised, on the sale of levy sugar, any amount in excess of the controlled price, or, as the case may be, the fair price, it shall be decided by the Central Government after giving an opportunity to such producer of being heard and after making such inquiry as that Government may deem fit.

Determi-  
nation of  
questions  
as to mak-  
ing of  
excess  
realisa-  
tions.

5. Where any amount is credited to the Fund under section 3, the producer by whom such amount is credited shall, upon such crediting, be discharged from the liability to make repayment of such amounts to the persons entitled thereto and such discharge from liability to make repayment shall be without any prejudice to any penalty which may be imposed on such producer for each excess realisation made by him.

Discharge  
of per-  
sons of  
liability  
in respect  
of  
amounts  
credited  
to the  
Fund.

Right of  
buyer to  
claim  
refund.

6. (1) Where any amount is credited to the Fund, a refund shall be made from the Fund to the buyer of levy sugar from whom any excess realisation was made by the producer or dealer:

Provided that no buyer shall be entitled to claim a refund under this sub-section if he,—

(a) being a wholesale dealer, had passed on the incidence of such excess over the controlled or fair price of levy sugar to the retail dealer by whom the price of such sugar was paid, or

(b) being a retail dealer, had passed on the incidence of such excess over the controlled or fair price of levy sugar to the consumer by whom the price of such sugar was paid.

(2) Every application for refund under sub-section (1) shall be made to the Central Government within six months from the date on which the excess realisation, in relation to which such refund is claimed, is credited to the Fund, and every such application shall be in such form as may be prescribed and shall be accompanied by such documentary or other evidence as the applicant may furnish to establish that the excess realisation, in relation to which such refund is claimed, was made from him.

(3) The Central Government shall, if satisfied, on a scrutiny of the claim made under sub-section (1), that an excess realisation was made from the claimant, direct that refund be made from the Fund to the claimant to the extent of the excess realisation made from him:

Provided that if the amount standing to the credit of the Fund is not sufficient to enable the Central Government to make the refund, such refund shall be made from the Central revenues.

Excess  
realisa-  
tion not  
to be paid  
to any  
producer  
of sugar.

7. Notwithstanding anything to the contrary contained in any other law for the time being in force or in any contract, no amount, representing excess realisations made by a producer or excess realisations made by a producer under the cover of any guarantee given by any person shall be paid to any producer.

Fund to  
vest  
in the  
Central  
Govern-  
ment.

8. (1) Any money paid into the Fund, which remains unclaimed after the expiry of the period of six months from the date on which it is credited to the Fund, shall vest in the Central Government and such amount shall be utilised by that Government in such manner as may be prescribed having regard to the interests of the consumers of levy sugar as a class and the need to ensure that the retail price of levy sugar throughout India is uniform:

Provided that, notwithstanding the vesting of such money in the Central Government, a claim for the refund of money standing to the credit of the Fund may be made [in the manner specified in sub-section (2) of section 6] at any time by a buyer who is lawfully entitled to make such claim, and every such claim, if admitted, shall be dealt with as if the money relatable to such claim had not vested in the Central Government.

(2) The Central Government shall not grant any loan or give any financial assistance from the Fund except for the purposes of this Act.

(3) The Central Government shall maintain, or if it thinks fit specify the authority which shall maintain, proper and separate account and other relevant records in relation to the Fund in such form as may be

prescribed in consultation with the Comptroller and Auditor General of India.

9. The Central Government may, if it is satisfied that it is expedient or necessary so to do for carrying out the provisions of this Act, by an order, direct any producer to maintain such books of account and other records in relation to levy sugar as it may think fit and to produce such books of account and other records for inspection and may also direct such producer to furnish such information relating to levy sugar as may be specified in the order.

Power to require producers to maintain accounts, etc.

10. (1) Any authority specified by the Central Government in this behalf may, if it is satisfied that any provision of this Act has been, or is being, or is about to be, contravened, authorise any person to enter and search any premises where any accounts, books, registers and other documents relating to levy sugar and belonging to, or under the control of, a producer or his agent, are maintained or kept for safe custody.

Power of entry, search and seizure.

(2) The person so authorised may seize any such accounts, books, registers or other documents if he has any reason to believe that a contravention of this Act has been, or is being, or is about to be, committed:

Provided that the accounts, books, registers or other documents seized under this section shall not be retained in custody of the Central Government for a period exceeding ninety days:

Provided further that where such accounts, books, registers and other documents are required for the purposes of any prosecution, they may be retained in the custody of the Central Government for a further period, not exceeding ninety days, for the purposes of such prosecution.

2 of 1974.

(3) The provisions of the Code of Criminal Procedure, 1973, relating to searches and seizures, shall, so far as may be, apply to searches and seizures made under this Act.

11. If any producer makes any default in crediting to the Fund any excess realisations made by him or any part thereof, such excess realisations or such part, as the case may be, shall be recoverable by the Central Government from such producer as an arrear of land revenue.

Power of Central Government to recover excess realisations as arrears of land revenue.

12. The Central Government may, by notification in the Official Gazette, declare that, with effect from such date as may be specified in the notification, the Fund shall cease to exist and thereupon all the amounts lying to the credit of the Fund shall be credited to the Central revenues and refund, if any, made, by the Central Government, after such cesser, to any buyer of levy sugar shall be treated as an order for the refund of revenue.

Dissolution of the Fund.

13. (1) If any producer—

(a) makes any default in crediting to the Fund any excess realisations made by him or any part thereof, or

Penalties.

(b) having been required by the Central Government so to do, omits or fails to—

(i) maintain any books, accounts or other records in relation to levy sugar, or

(ii) produce any books, accounts or other records for inspection, or

(iii) furnish any information or furnishes any information which is incorrect or false in material particulars,

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

(2) No court shall take cognizance of any offence punishable under this Act except on the complaint in writing made by the Central Government or by any officer or authority authorized, in writing, by that Government in this behalf.

Removal  
of diffi-  
culties.

14. If any difficulty arises in giving effect to any provision of this Act, the Central Government may make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary to remove the difficulty.

Protec-  
tion of  
action  
taken in  
good  
faith.

15. No suit, prosecution or other legal proceeding shall lie against the Central Government or any person authorised by the Central Government for anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder.

Power to  
make  
rules.

16. (1) The Central Government may make rules for carrying out the provisions of this Act.

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

(a) the manner in which amounts shall be credited to the Fund under section 3;

(b) the form in which an application for refund, referred to in section 6, shall be made;

(c) the manner in which amounts standing to the credit of the Fund shall be utilised, as required by section 8;

(d) the form in which the account and the relevant records, referred to in sub-section (3) of section 8, shall be maintained;

(e) any other matter in relation to which such rules are required to be, or may be, made.

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



# THE INDUSTRIAL DISPUTES (AMENDMENT) ACT, 1976

No. 32 OF 1976

[16th February, 1976.]

An Act further to amend the Industrial Disputes Act, 1947.

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

1. (1) This Act may be called the Industrial Disputes (Amendment) Act, 1976.

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.

14 of 1947.

2. In the Industrial Disputes Act, 1947 (hereinafter referred to as the principal Act), in section 25A, in sub-section (1), for the words "shall not apply—", the words, figure and letter "shall not apply to industrial establishments to which Chapter VB applies, or—" shall be substituted.

Amendment of section 25A.

3. After Chapter VA of the principal Act, the following Chapter shall be inserted, namely:—

Insertion of new Chapter VB.

## 'CHAPTER VB

### SPECIAL PROVISIONS RELATING TO LAY-OFF, RETRENCHMENT AND CLOSURE IN CERTAIN ESTABLISHMENTS

25K. (1) The provisions of this Chapter shall apply to an industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which not less than three hundred workmen were employed on an average per working day for the preceding twelve months.

Application of Chapter VB.

(2) If a question arises whether an industrial establishment is of a seasonal character or whether work is performed therein only intermittently, the decision of the appropriate Government thereon shall be final.

25L. For the purposes of this Chapter,—

Definitions.

(a) "industrial establishment" means—

(i) a factory as defined in clause (m) of section 2 of the Factories Act, 1948;

63 of 1948.

(ii) a mine as defined in clause (j) of sub-section (1) of section 2 of the Mines Act, 1952; or

35 of 1952.

(iii) a plantation as defined in clause (f) of section 2 of the Plantations Labour Act, 1951;

69 of 1951.

(b) notwithstanding anything contained in sub-clause (ii) of clause (a) of section 2,—

(i) in relation to any company in which not less than fifty-one per cent. of the paid-up share capital is held by the Central Government, or

(ii) in relation to any corporation [not being a corporation referred to in sub-clause (i) of clause (a) of section 2] established by or under any law made by Parliament,

the Central Government shall be the appropriate Government.

Prohibition  
of lay-off.

25M. (1) No workman (other than a *badli* workman or a casual workman) whose name is borne on the muster rolls of an industrial establishment to which this Chapter applies shall be laid-off by his employer except with the previous permission of such authority as may be specified by the appropriate Government by notification in the Official Gazette, unless such lay-off is due to shortage of power or to natural calamity.

(2) Where the workmen (other than *badli* workmen or casual workmen) of an industrial establishment referred to in sub-section (1) have been laid-off before the commencement of the Industrial Disputes (Amendment) Act, 1976 and such lay-off continues at such commencement, the employer in relation to such establishment shall, within a period of fifteen days from such commencement, apply to the authority specified under sub-section (1) for permission to continue the lay-off.

(3) In the case of every application for permission under sub-section (1) or sub-section (2), the authority to whom the application has been made may, after making such inquiry as he thinks fit, grant or refuse, for reasons to be recorded in writing, the permission applied for.

(4) Where an application for permission has been made under sub-section (1) or sub-section (2) and the authority to whom the application is made does not communicate the permission or the refusal to grant the permission to the employer within a period of two months from the date on which the application is made, the permission applied for shall be deemed to have been granted on the expiration of the said period of two months.

(5) Where no application for permission under sub-section (1) is made, or where no application for permission under sub-section (2) has been made within the period specified therein, or where the permission for the lay-off or the continuance of the lay-off has been refused, such lay-off shall be deemed to be illegal from the date on which the workmen have been laid-off and the workmen shall be entitled to all the benefits under any law for the time being in force as if they had not been laid-off.

(6) The provisions of section 25C (other than the second proviso thereto) shall apply to cases of lay-off referred to in this section.

*Explanation.*--For the purposes of this section, a workman shall not be deemed to be laid-off by an employer if such employer offers any alternative employment (which in the opinion of the employer does not call for any special skill or previous experience and can be done by the workman) in the same establishment from which he has been laid-off or in any other establishment belonging to the same employer, situate in the same town or village, or situate within such distance from the establishment to which he belongs that the transfer will not involve undue hardship to the workman having regard to the facts and circumstances of his case, provided that the wages which would normally have been paid to the workman are offered for the alternative appointment also.

25N. (1) No workman employed in any industrial establishment to which this Chapter applies, who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until,—

Condi-  
tions  
precedent  
to re-  
trench-  
ment of  
workmen.

(a) the workman has been given three months' notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice:

Provided that no such notice shall be necessary if the retrenchment is under an agreement, which specifies a date for termination of service;

(b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months; and

(c) notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the Official Gazette, and the permission of such Government or authority is obtained under sub-section (2).

(2) On receipt of a notice under clause (c) of sub-section (1) the appropriate Government or authority may, after making such inquiry as such Government or authority thinks fit, grant or refuse, for reasons to be recorded in writing, the permission for the retrenchment to which the notice relates.

(3) Where the Government or authority does not communicate the permission or the refusal to grant the permission to the employer within three months of the date of service of the notice under clause (c) of sub-section (1), the Government or authority shall be deemed to have granted permission for such retrenchment on the expiration of the said period of three months.

(4) Where at the commencement of the Industrial Disputes (Amendment) Act, 1976, the period of notice given under clause (a) of section 25F for the retrenchment of any workman has not expired, the employer shall not retrench the workman but shall, within a period of fifteen days from such commencement, apply to the appropriate Government or to the authority specified in sub-section (2) for permission for retrenchment.

(5) Where an application for permission has been made under sub-section (4) and the appropriate Government or the authority, as the case may be, does not communicate the permission or the refusal to grant the permission to the employer within a period of two months from the date on which the application is made, the permission applied for shall be deemed to have been granted on the expiration of the said period of two months.

(6) Where no application for permission under clause (c) of sub-section (1) is made, or where no application for permission under sub-section (4) is made within the period specified therein or where the permission for the retrenchment has been refused, such retrenchment shall be deemed to be illegal from the date on which the notice of retrenchment was given to the workman and the workman shall be entitled to all the benefits under any law for the time being in force as if no notice had been given to him.

(7) Where at the commencement of the Industrial Disputes (Amendment) Act, 1976, a dispute relating, either solely or in addition to other matters, to the retrenchment of any workman or workmen of an industrial establishment to which this Chapter applies is pending before a conciliation officer or the Central Government or the State Government, as the case may be, and—

(a) there is an allegation that such retrenchment is by way of victimisation; or

(b) the appropriate Government is of the opinion that such retrenchment is not in the interests of the maintenance of industrial peace,

the appropriate Government, if satisfied that it is necessary so to do, may, by order, withdraw such dispute or, as the case may be, such dispute in so far as it relates to such retrenchment and transfer the same to an authority (being an authority specified by the appropriate Government by notification in the Official Gazette) for consideration whether such retrenchment is justified and any order passed by such authority shall be final and binding on the employer and the workman or workmen.

Ninety days' notice to be given of intention to close down any undertaking.

25-O. (1) An employer who intends to close down an undertaking of an industrial establishment to which this Chapter applies shall serve, for previous approval at least ninety days before the date on which the intended closure is to become effective, a notice, in the prescribed manner, on the appropriate Government stating clearly the reasons for the intended closure of the undertaking:

Provided that nothing in this section shall apply to an undertaking set up for the construction of buildings, bridges, roads, canals, dams or for other construction work.

(2) On receipt of a notice under sub-section (1) the appropriate Government may, if it is satisfied that the reasons for the intended closure of the undertaking are not adequate and sufficient or such closure is prejudicial to the public interest, by order, direct the employer not to close down such undertaking.

(3) Where a notice has been served on the appropriate Government by an employer under sub-section (1) of section 25FPA and

the period of notice has not expired at the commencement of the Industrial Disputes (Amendment) Act, 1976, such employer shall not close down the undertaking but shall, within a period of fifteen days from such commencement, apply to the appropriate Government for permission to close down the undertaking.

(4) Where an application for permission has been made under sub-section (3) and the appropriate Government does not communicate the permission or the refusal to grant the permission to the employer within a period of two months from the date on which the application is made, the permission applied for shall be deemed to have been granted on the expiration of the said period of two months.

(5) Where no application for permission under sub-section (1) is made, or where no application for permission under sub-section (3) is made within the period specified therein or where the permission for closure has been refused, the closure of the undertaking shall be deemed to be illegal from the date of closure and the workman shall be entitled to all the benefits under any law for the time being in force as if no notice had been given to him.

(6) Notwithstanding anything contained in sub-section (1) and sub-section (3), the appropriate Government may, if it is satisfied that owing to such exceptional circumstances as accident in the undertaking or death of the employer or the like it is necessary so to do, by order, direct that the provisions of sub-section (1) or sub-section (3) shall not apply in relation to such undertaking for such period as may be specified in the order.

(7) Where an undertaking is approved or permitted to be closed down under sub-section (1) or sub-section (4), every workman in the said undertaking who has been in continuous service for not less than one year in that undertaking immediately before the date of application for permission under this section shall be entitled to notice and compensation as specified in section 25N as if the said workman had been retrenched under that section.

25P. If the appropriate Government is of opinion in respect of any undertaking of an industrial establishment to which this Chapter applies and which closed down before the commencement of the Industrial Disputes (Amendment) Act, 1976,—

(a) that such undertaking was closed down otherwise than on account of unavoidable circumstances beyond the control of the employer;

(b) that there are possibilities of restarting the undertaking;

(c) that it is necessary for the rehabilitation of the workmen employed in such undertaking before its closure or for the maintenance of supplies and services essential to the life of the community to restart the undertaking or both; and

(d) that the restarting of the undertaking will not result in hardship to the employer in relation to the undertaking,

it may, after giving an opportunity to such employer and workmen, direct, by order published in the Official Gazette that the under-

Special provision as to restarting of undertakings closed down before commencement of the Industrial Disputes (Amendment) Act, 1976.

taking shall be restarted within such time (not being less than one month from the date of the order) as may be specified in the order.

Penalty for lay-off and retrenchment without previous permission.

25Q. Any employer who contravenes the provisions of section 25M or clause (c) of sub-section (1) or sub-section (4) of section 25N shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

Penalty for closure.

25R. (1) Any employer who closes down an undertaking without complying with the provisions of sub-section (1) of section 25-O shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

(2) Any employer, who contravenes a direction given under sub-section (2) of section 25-O or section 25P, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both, and where the contravention is a continuing one, with a further fine which may extend to two thousand rupees for every day during which the contravention continues after the conviction.

(3) Any employer who contravenes the provisions of sub-section (3) of section 25-O shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

Certain provisions of Chapter VA to apply to an industrial establishment to which this Chapter applies.

25S. The provisions of sections 25B, 25D, 25FF, 25G, 25H and 25J in Chapter VA shall, so far as may be, apply also in relation to an industrial establishment to which the provisions of this Chapter apply.'

Amendment of section 33C.

4. In sub-section (1) of section 33C of the principal Act, for the word, figure and letter "Chapter VA", the words, figures and letters "Chapter VA or Chapter VB" shall be substituted.

Amendment of section 38.

5. In sub-section (5) of section 38 of the principal Act, for the words "two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following", the words "two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.

THE URBAN LAND (CEILING AND REGULATION)  
ACT, 1976

ARRANGEMENT OF SECTIONS

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## SCHEDULE I.

## SCHEDULE II.



THE URBAN LAND (CEILING AND REGULATION)  
ACT, 1976

No. 33 OF 1976

[17th February, 1976.]

An Act to provide for the imposition of a ceiling on vacant land in urban agglomerations, for the acquisition of such land in excess of the ceiling limit, to regulate the construction of buildings on such land and for matters connected therewith, with a view to preventing the concentration of urban land in the hands of a few persons and speculation and profiteering therein and with a view to bringing about an equitable distribution of land in urban agglomerations to subserve the common good.

WHEREAS it is expedient to provide for the imposition of a ceiling on vacant land in urban agglomerations, for the acquisition of such land in excess of the ceiling limit, to regulate the construction of buildings on such land and for matters connected therewith, with a view to preventing the concentration of urban land in the hands of a few persons and speculation and profiteering therein and with a view to bringing about an equitable distribution of land in urban agglomerations to subserve the common good;

AND WHEREAS Parliament has no power to make laws for the States with respect to the matters aforesaid except as provided in articles 249 and 250 of the Constitution;

AND WHEREAS in pursuance of clause (1) of article 252 of the Constitution resolutions have been passed by all the Houses of the Legislatures of the States of Andhra Pradesh, Gujarat, Haryana, Himachal Pradesh, Karnataka, Maharashtra, Orissa, Punjab, Tripura, Uttar Pradesh and West Bengal that the matters aforesaid should be regulated in those States by Parliament by law;

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

## CHAPTER I

### PRELIMINARY

Short title, application and commencement.

1. (1) This Act may be called the Urban Land (Ceiling and Regulation) Act, 1976.

(2) It applies in the first instance to the whole of the States of Andhra Pradesh, Gujarat, Haryana, Himachal Pradesh, Karnataka, Maharashtra, Orissa, Punjab, Tripura, Uttar Pradesh and West Bengal and to all the Union territories and it shall also apply to such other State which adopts this Act by resolution passed in that behalf under clause (1) of article 252 of the Constitution.

(3) It shall come into force in the States of Andhra Pradesh, Gujarat, Haryana, Himachal Pradesh, Karnataka, Maharashtra, Orissa, Punjab, Tripura, Uttar Pradesh and West Bengal and in the Union territories at once and in any other State which adopts this Act under clause (1) of article 252 of the Constitution, on the date of such adoption; and, save as otherwise provided in this Act, any reference in this Act to the commencement of this Act shall, in relation to any State or Union territory, mean the date on which this Act comes into force in such State or Union territory.

## CHAPTER II

### DEFINITIONS

Definitions.

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

(a) "appointed day" means,—

(i) in relation to any State to which this Act applies in the first instance, the date of introduction of the Urban Land (Ceiling and Regulation) Bill, 1976 in Parliament, and

(ii) in relation to any State which adopts this Act under clause (1) of article 252 of the Constitution, the date of such adoption;

(b) "building regulations" means the regulations contained in the master plan, or the law in force, governing the construction of buildings;

(c) "ceiling limit" means the ceiling limit specified in section 4;

(d) "competent authority" means any person or authority authorised by the State Government, by notification in the Official Gazette, to perform the functions of the competent authority under this Act for such area as may be specified in the notification and different persons or authorities may be authorised to perform different functions;

(e) "dwelling unit", in relation to a building or a portion of a building, means a unit of accommodation, in such building or portion, used solely for the purpose of residence;

(f) "family", in relation to a person, means the individual, the wife or husband, as the case may be, of such individual and their unmarried minor children.

*Explanation.*—For the purpose of this clause, “minor” means a person who has not completed his or her age of eighteen years;

(g) “land appurtenant”, in relation to any building, means—

(i) in an area where there are building regulations, the minimum extent of land required under such regulations to be kept as open space for the enjoyment of such building, which in no case shall exceed five hundred square metres; or

(ii) in an area where there are no building regulations, an extent of five hundred square metres contiguous to the land occupied by such building,

and includes, in the case of any building constructed before the appointed day with a dwelling unit therein, an additional extent not exceeding five hundred square metres of land, if any, contiguous to the minimum extent referred to in sub-clause (i) or the extent referred to in sub-clause (ii), as the case may be;

(h) “master plan”, in relation to an area within an urban agglomeration or any part thereof, means the plan (by whatever name called) prepared under any law for the time being in force or in pursuance of an order made by the State Government for the development of such area or part thereof and providing for the stages by which such development shall be carried out;

(i) “person” includes an individual, a family, a firm, a company, or an association or body of individuals, whether incorporated or not;

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

(k) “State” includes a Union territory and “State Government”, in relation to any land or building situated in a Union territory or within the local limits of a cantonment declared as such under section 3 of the Cantonments Act, 1924, means the Central Government;

(l) “to hold” with its grammatical variations, in relation to any vacant land, means—

(i) to own such land; or

(ii) to possess such land as owner or as tenant or as mortgagee or under an irrevocable power of attorney or under a hire-purchase agreement or partly in one of the said capacities and partly in any other of the said capacity or capacities.

*Explanation.*—Where the same vacant land is held by one person in one capacity and by another person in another capacity, then, for the purposes of this Act, such land shall be deemed to be held by both such persons;

(m) “Tribunal” means the Urban Land Tribunal constituted under section 12;

(n) “urban agglomeration”,—

(A) in relation to any State or Union territory specified in column (1) of Schedule I, means,—

(i) the urban agglomeration specified in the corresponding entry in column (2) thereof and includes the peripheral area specified in the corresponding entry in column (3) thereof; and

(ii) any other area which the State Government may, with the previous approval of the Central Government, having regard to its location, population (population being more than one lakh) and such other relevant factors as the circumstances of the case may require, by notification in the

Official Gazette, declare to be an urban agglomeration and any agglomeration so declared shall be deemed to belong to category D in that Schedule and the peripheral area therefor shall be one kilometre;

(B) in relation to any other State or Union territory, means any area which the State Government may, with the previous approval of the Central Government, having regard to its location, population (population being more than one lakh) and such other relevant factors as the circumstances of the case may require, by notification in the Official Gazette, declare to be an urban agglomeration and any agglomeration so declared shall be deemed to belong to category D in Schedule I and the peripheral area therefor shall be one kilometre;

(o) "urban land" means,—

(i) any land situated within the limits of an urban agglomeration and referred to as such in the master plan; or

(ii) in a case where there is no master plan, or where the master plan does not refer to any land as urban land, any land within the limits of an urban agglomeration and situated in any area included within the local limits of a municipality (by whatever name called), a notified area committee, a town area committee, a city and town committee, a small town committee, a cantonment board or a panchayat,

but does not include any such land which is mainly used for the purpose of agriculture.

*Explanation.*—For the purpose of this clause and clause (q),—

(A) "agriculture" includes horticulture, but does not include—

(i) raising of grass,

(ii) dairy farming,

(iii) poultry farming,

(iv) breeding of live-stock, and

(v) such cultivation, or the growing of such plant, as may be prescribed;

(B) land shall not be deemed to be used mainly for the purpose of agriculture, if such land is not entered in the revenue or land records before the appointed day as for the purpose of agriculture:

Provided that where on any land which is entered in the revenue or land records before the appointed day as for the purpose of agriculture, there is a building which is not in the nature of a farm-house, then, so much of the extent of such land as is occupied by the building shall not be deemed to be used mainly for the purpose of agriculture:

Provided further that if any question arises whether any building is in the nature of a farm-house, such question shall be referred to the State Government and the decision of the State Government thereon shall be final;

(C) notwithstanding anything contained in clause (B) of this *Explanation*, land shall not be deemed to be mainly used for the purpose of agriculture if the land has been specified in the master plan for a purpose other than agriculture;

(p) "urbanisable land" means land situated within an urban agglomeration, but not being urban land;

(q) "vacant land" means land, not being land mainly used for the purpose of agriculture, in an urban agglomeration, but does not include—

(i) land on which construction of a building is not permissible under the building regulations in force in the area in which such land is situated;

(ii) in an area where there are building regulations, the land occupied by any building which has been constructed before, or is being constructed on, the appointed day with the approval of the appropriate authority and the land appurtenant to such building; and

(iii) in an area where there are no building regulations, the land occupied by any building which has been constructed before, or is being constructed on, the appointed day and the land appurtenant to such building;

Provided that where any person ordinarily keeps his cattle, other than for the purpose of dairy farming or for the purpose of breeding of live-stock, on any land situated in a village within an urban agglomeration (described as a village in the revenue records), then, so much extent of the land as has been ordinarily used for the keeping of such cattle immediately before the appointed day shall not be deemed to be vacant land for the purposes of this clause.

### CHAPTER III

#### CEILING ON VACANT LAND

3. Except as otherwise provided in this Act, on and from the commencement of this Act, no person shall be entitled to hold any vacant land in excess of the ceiling limit in the territories to which this Act applies under sub-section (2) of section 1.

Persons not entitled to hold vacant land in excess of the ceiling limit.

4. (1) Subject to the other provisions of this section, in the case of every person, the ceiling limit shall be,—

Ceiling limit.

(a) where the vacant land is situated in an urban agglomeration falling within category A specified in Schedule I, five hundred square metres;

(b) where such land is situated in an urban agglomeration falling within category B specified in Schedule I, one thousand square metres;

(c) where such land is situated in an urban agglomeration falling within category C specified in Schedule I, one thousand five hundred square metres;

(d) where such land is situated in an urban agglomeration falling within category D specified in Schedule I, two thousand square metres.

(2) Where any person holds vacant land situated in two or more categories of urban agglomerations specified in Schedule I, then, for the purpose of calculating the extent of vacant land held by him,—

(a) one square metre of vacant land situated in an urban agglomeration falling within category A shall be deemed to be equal to two square metres of vacant land situated in an urban agglomeration falling within category B, three square metres of vacant land situated in an urban agglomeration falling within category C and four square metres of vacant land situated in an urban agglomeration falling within category D;

(b) one square metre of vacant land situated in an urban agglomeration falling within category B shall be deemed to be equal to one and one-half square metres of vacant land situated in an urban agglomeration falling within category C and two square metres of vacant land situated in an urban agglomeration falling within category D; and

(c) one square metre of vacant land situated in an urban agglomeration falling within category C shall be deemed to be equal to one and one-third square metres of vacant land situated in an urban agglomeration falling within category D.

(3) Notwithstanding anything contained in sub-section (1), where in respect of any vacant land any scheme for group housing has been sanctioned by an authority competent in this behalf immediately before the commencement of this Act, then, the person holding such vacant land at such commencement shall be entitled to continue to hold such land for the purpose of group housing:

Provided that not more than one dwelling unit in the group housing shall be owned by one single person:

Provided further, that the extent of vacant land which such person shall be entitled to hold shall, in no case, exceed—

(a) the extent required under any building regulations governing such group housing; or

(b) the extent calculated by multiplying the number of dwelling units in the group housing and the appropriate ceiling limit referred to in sub-section (1),

whichever is less.

*Explanation.*—For the purposes of this sub-section and sub-section (10),—

(i) “group housing” means a building constructed or to be constructed with one or more floors, each floor consisting of one or more dwelling units and having common service facilities;

(ii) “common service facility” includes facility like staircase, balcony and verandah.

(4) (a) In any State to which this Act applies in the first instance, if, on or after the 17th day of February, 1975, but before the appointed day, any person has made any transfer by way of sale, mortgage, gift, lease or otherwise (other than a *bona fide* sale under a registered deed for valuable consideration) of any vacant land held by him and situated in such State to any other person, whether or not for consideration, then, for the purposes of calculating the extent of vacant land held by such

person the land so transferred shall be taken into account, without prejudice to the rights or interests of the transferee in the land so transferred:

Provided that the excess vacant land to be surrendered by such person under this Chapter shall be selected only out of the vacant land held by him after such transfer.

(b) For the purpose of clause (a), the burden of proving any sale to be a *bona fide* one shall be on the transferor.

*Explanation.*—Where in any State aforesaid, there was or is in force any law prohibiting transfer of urban property in that State except under the circumstances, if any, specified therein, then, for the purposes of this sub-section, any transfer by way of sale of such property, being vacant land, made by any person under a registered deed for valuable consideration in accordance with the provisions of such law or in pursuance of any sanction or permission granted under such law, shall be deemed to be a *bona fide* sale.

(5) Where any firm or unincorporated association or body of individuals holds vacant land or holds any other land on which there is a building with a dwelling unit therein or holds both vacant land and such other land, then, the right or interest of any person in the vacant land or such other land or both, as the case may be, on the basis of his share in such firm or association or body shall also be taken into account in calculating the extent of vacant land held by such person.

(6) Where a person is a beneficiary of a private trust and his share in the income from such trust is known or determinable, the share of such person in the vacant land and in any other land on which there is a building with a dwelling unit therein, held by the trust, shall be deemed to be in the same proportion as his share in the total income of such trust bears to such total income and the extent of such land apportionable to his share shall also be taken into account in calculating the extent of vacant land held by such person.

(7) Where a person is a member of a Hindu undivided family, so much of the vacant land and of any other land on which there is a building with a dwelling unit therein, as would have fallen to his share had the entire vacant land and such other land held by the Hindu undivided family been partitioned amongst its members at the commencement of this Act shall also be taken into account in calculating the extent of vacant land held by such person.

(8) Where a person, being a member of a housing co-operative society registered or deemed to be registered under any law for the time being in force, holds vacant land allotted to him by such society, then, the extent of land so held shall also be taken into account in calculating the extent of vacant land held by such person.

(9) Where a person holds vacant land and also holds any other land on which there is a building with a dwelling unit therein, the extent of such other land occupied by the building and the land appurtenant thereto shall also be taken into account in calculating the extent of vacant land held by such person.

(10) Where a person owns a part of a building, being a group housing, the proportionate share of such person in the land occupied by the building and the land appurtenant thereto shall also be taken into account in calculating the extent of vacant land held by such person.

(11) For the removal of doubts it is hereby declared that nothing in sub-sections (5), (6), (7), (9) and (10) shall be construed as empowering the competent authority to declare any land referred to in sub-clause (ii) or sub-clause (iii) of clause (q) of section 2 as excess vacant land under this Chapter.

*Explanation.*—For the purposes of this section and sections 6, 8 and 13 a person shall be deemed to hold any land on which there is a building (whether or not with a dwelling unit therein) if he—

(i) owns such land and the building; or

(ii) owns such land but possesses the building or possesses such land and the building, the possession, in either case, being as a tenant under a lease, the unexpired period of which is not less than ten years at the commencement of this Act, or as a mortgagee or under an irrevocable power of attorney or a hire-purchase agreement or partly in one of the said capacities and partly in any other of the said capacity or capacities; or

(iii) possesses such land but owns the building, the possession being as a tenant under a lease or as a mortgagee or under an irrevocable power of attorney or a hire-purchase agreement or partly in one of the said capacities or partly in any other of the said capacity or capacities.

Trans-  
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vacant  
land.

5. (1) In any State to which this Act applies in the first instance, where any person who had held vacant land in excess of the ceiling limit at any time during the period commencing on the appointed day and ending with the commencement of this Act, has transferred such land or part thereof by way of sale, mortgage, gift, lease or otherwise, the extent of the land so transferred shall also be taken into account in calculating the extent of vacant land held by such person and the excess vacant land in relation to such person shall, for the purposes of this Chapter, be selected out of the vacant land held by him after such transfer and in case the entire excess vacant land cannot be so selected, the balance, or, where no vacant land is held by him after the transfer, the entire excess vacant land, shall be selected out of the vacant land held by the transferee:

Provided that where such person has transferred his vacant land to more than one person, the balance, or, as the case may be, the entire excess vacant land aforesaid, shall be selected out of the vacant land held by each of the transferees in the same proportion as the area of the vacant land transferred to him bears to the total area of the land transferred to all the transferees.

(2) Where any excess vacant land is selected out of the vacant land transferred under sub-section (1), the transfer of the excess vacant land so selected shall be deemed to be null and void.

(3) In any State to which this Act applies in the first instance and in any State which adopts this Act under clause (1) of article 252 of the Constitution, no person holding vacant land in excess of the ceiling limit immediately before the commencement of this Act shall transfer any such land or part thereof by way of sale, mortgage, gift, lease or otherwise until he has furnished a statement under section 6 and a notification regarding the excess vacant land held by him has been published under sub-section (1) of section 10; and any such transfer made in contravention of this provision shall be deemed to be null and void.



6. (1) Every person holding vacant land in excess of the ceiling limit at the commencement of this Act shall, within such period as may be prescribed, file a statement before the competent authority having jurisdiction specifying the location, extent, value and such other particulars as may be prescribed of all vacant lands and of any other land on which there is a building, whether or not with a dwelling unit therein, held by him (including the nature of his right, title or interest therein) and also specifying the vacant lands within the ceiling limit which he desires to retain:

Persons holding vacant land in excess of ceiling limit to file statement.

Provided that in relation to any State to which this Act applies in the first instance, the provisions of this sub-section shall have effect as if for the words "Every person holding vacant land in excess of the ceiling limit at the commencement of this Act", the words, figures and letters "Every person who held vacant land in excess of the ceiling limit on or after the 17th day of February, 1975 and before the commencement of this Act and every person holding vacant land in excess of the ceiling limit at such commencement" had been substituted.

*Explanation.*—In this section, "commencement of this Act" means,—

- (i) the date on which this Act comes into force in any State;
- (ii) where any land, not being vacant land, situated in a State in which this Act is in force has become vacant land by any reason whatsoever, the date on which such land becomes vacant land;
- (iii) where any notification has been issued under clause (n) of section 2 in respect of any area in a State in which this Act is in force, the date of publication of such notification.

(2) If the competent authority is of opinion that—

(a) in any State to which this Act applies in the first instance, any person held on or after the 17th day of February, 1975 and before the commencement of this Act or holds at such commencement; or

(b) in any State which adopts this Act under clause (1) of article 252 of the Constitution, any person holds at the commencement of this Act,

vacant land in excess of the ceiling limit, then, notwithstanding anything contained in sub-section (1), it may serve a notice upon such person requiring him to file, within such period as may be specified in the notice, the statement referred to in sub-section (1).

(3) The competent authority may, if it is satisfied that it is necessary so to do, extend the date for filing the statement under this section by such further period or periods as it may think fit; so, however, that the period or the aggregate of the periods of such extension shall not exceed three months.

(4) The statement under this section shall be filed,—

(a) in the case of an individual, by the individual himself; where the individual is absent from India, by the individual concerned or by some person duly authorised by him in this behalf; and where the individual is mentally incapacitated from attending to his affairs, by his guardian or any other person competent to act on his behalf;

(b) in the case of a family, by the husband or wife and where the husband or wife is absent from India or is mentally incapacitated

from attending to his or her affairs, by the husband or wife who is not so absent or mentally incapacitated and where both the husband and the wife are absent from India or are mentally incapacitated from attending to their affairs, by any other person competent to act on behalf of the husband or wife or both;

(c) in the case of a company, by the principal officer thereof;

(d) in the case of a firm, by any partner thereof;

(e) in the case of any other association, by any member of the association or the principal officer thereof; and

(f) in the case of any other person, by that person or by a person competent to act on his behalf.

*Explanation.*—For the purposes of this sub-section, “principal officer”,—

(i) in relation to a company, means the secretary, manager or managing-director of the company;

(ii) in relation to any association, means the secretary, treasurer, manager or agent of the association,

and includes any person connected with the management of the affairs of the company or the association, as the case may be, upon whom the competent authority has served a notice of his intention of treating him as the principal officer thereof.

Filing of statement in cases where vacant land held by a person is situated within the jurisdiction of two or more competent authorities.

7. (1) Where a person holds vacant land situated within the jurisdiction of two or more competent authorities, whether in the same State or in two or more States to which this Act applies, then, he shall file his statement under sub-section (1) of section 6 before the competent authority within the jurisdiction of which the major part thereof is situated and thereafter all subsequent proceedings shall be taken before that competent authority to the exclusion of the other competent authority or authorities concerned and the competent authority, before which the statement is filed, shall send intimation thereof to the other competent authority or authorities concerned.

(2) Where the extent of vacant land held by any person and situated within the jurisdiction of two or more competent authorities within the same State to which this Act applies is equal, he shall file his statement under sub-section (1) of section 6 before any one of the competent authorities and send intimation thereof in such form as may be prescribed to the State Government and thereupon, the State Government shall, by order, determine the competent authority before which all subsequent proceedings under this Act shall be taken to the exclusion of the other competent authority or authorities and communicate that order to such person and the competent authorities concerned.

(3) Where the extent of vacant land held by any person and situated within the jurisdiction of two or more competent authorities in two or more States to which this Act applies is equal, he shall file his statement under sub-section (1) of section 6 before any one of the competent authorities and send intimation thereof in such form as may be prescribed to the Central Government and thereupon, the Central Government shall, by order, determine the competent authority before which all subsequent proceedings shall be taken to the exclusion of the other competent authority or authorities and communicate that order to such person, the State Governments and the competent authorities concerned.

8. (1) On the basis of the statement filed under section 6 and after such inquiry as the competent authority may deem fit to make the competent authority shall prepare a draft statement in respect of the person who has filed the statement under section 6.

Preparation of draft statement as regards vacant land held in excess of ceiling limit.

(2) Every statement prepared under sub-section (1) shall contain the following particulars, namely:—

- (i) the name and address of the person;
- (ii) the particulars of all vacant lands and of any other land on which there is a building, whether or not with a dwelling unit therein, held by such person;
- (iii) the particulars of the vacant lands which such person desires to retain within the ceiling limit;
- (iv) the particulars of the right, title or interest of the person in the vacant lands; and
- (v) such other particulars as may be prescribed.

(3) The draft statement shall be served in such manner as may be prescribed on the person concerned together with a notice stating that any objection to the draft statement shall be preferred within thirty days of the service thereof.

(4) The competent authority shall duly consider any objection received, within the period specified in the notice referred to in sub-section (3) or within such further period as may be specified by the competent authority for any good and sufficient reason, from the person on whom a copy of the draft statement has been served under that sub-section and the competent authority shall, after giving the objector a reasonable opportunity of being heard, pass such orders as it deems fit.

9. After the disposal of the objections, if any, received under sub-section (4) of section 8, the competent authority shall make the necessary alterations in the draft statement in accordance with the orders passed on the objections aforesaid and shall determine the vacant land held by the person concerned in excess of the ceiling limit and cause a copy of the draft statement as so altered to be served in the manner referred to in sub-section (3) of section 8 on the person concerned and where such vacant land is held under a lease, or a mortgage, or a hire-purchase agreement, or an irrevocable power of attorney, also on the owner of such vacant land.

Final statement.

10. (1) As soon as may be after the service of the statement under section 9 on the person concerned, the competent authority shall cause a notification giving the particulars of the vacant land held by such person in excess of the ceiling limit and stating that—

Acquisition of vacant land in excess of ceiling limit.

(i) such vacant land is to be acquired by the concerned State Government; and

(ii) the claims of all persons interested in such vacant land may be made by them personally or by their agents giving particulars of the nature of their interests in such land,

to be published for the information of the general public in the Official Gazette of the State concerned and in such other manner as may be prescribed.

(2) After considering the claims of the persons interested in the vacant land made to the competent authority in pursuance of the

notification published under sub-section (1), the competent authority shall determine the nature and extent of such claims and pass such orders as it deems fit.

(3) At any time after the publication of the notification under sub-section (1), the competent authority may, by notification published in the Official Gazette of the State concerned, declare that the excess vacant land referred to in the notification published under sub-section (1) shall, with effect from such date as may be specified in the declaration, be deemed to have been acquired by the State Government and upon the publication of such declaration, such land shall be deemed to have vested absolutely in the State Government free from all encumbrances with effect from the date so specified.

(4) During the period commencing on the date of publication of the notification under sub-section (1) and ending with the date specified in the declaration made under sub-section (3)—

(i) no person shall transfer by way of sale, mortgage, gift, lease or otherwise any excess vacant land (including any part thereof) specified in the notification aforesaid and any such transfer made in contravention of this provision shall be deemed to be null and void; and

(ii) no person shall alter or cause to be altered the use of such excess vacant land.

(5) Where any vacant land is vested in the State Government under sub-section (3), the competent authority may, by notice in writing, order any person who may be in possession of it to surrender or deliver possession thereof to the State Government or to any person duly authorised by the State Government in this behalf within thirty days of the service of the notice.

(6) If any person refuses or fails to comply with an order made under sub-section (5), the competent authority may take possession of the vacant land or cause it to be given to the concerned State Government or to any person duly authorised by such State Government in this behalf and may for that purpose use such force as may be necessary.

*Explanation.*—In this section, in sub-section (1) of section 11 and in sections 14 and 23, "State Government", in relation to—

(a) any vacant land owned by the Central Government, means the Central Government;

(b) any vacant land owned by any State Government and situated in a Union territory or within the local limits of a cantonment declared as such under section 3 of the Cantonments Act, 1924, means that State Government.

2 of 1924.

Payment  
of amount  
for vacant  
land  
acquired.

11. (1) Where any vacant land is deemed to have been acquired by any State Government under sub-section (3) of section 10, such State Government shall pay to the person or persons having any interest therein,—

(a) in a case where there is any income from such vacant land, an amount equal to eight and one-third times the net average annual income actually derived from such land during the period of five consecutive years immediately preceding the date of publication of the notification issued under sub-section (1) of section 10; or

(b) in a case where no income is derived from such vacant land, an amount calculated at a rate not exceeding—

(i) ten rupees per square metre in the case of vacant land situated in an urban agglomeration falling within category A or category B specified in Schedule I; and

(ii) five rupees per square metre in the case of vacant land situated in an urban agglomeration falling within category C or category D specified in that Schedule.

(2) The net average annual income referred to in clause (a) of sub-section (1) shall be calculated in the manner and in accordance with the principles set out in Schedule II.

(3) For the purpose of clause (b) of sub-section (1), the State Government shall—

(a) divide, by notification in the Official Gazette, every urban agglomeration situated within the State into different zones, having regard to the location and the general use of the land situated in an urban agglomeration, the utility of the land in that urban agglomeration for the orderly urban development thereof and such other relevant factors as the circumstances of the case may require; and

(b) fix, subject to the maximum rates specified in that clause, the rate per square metre of vacant land in each zone, having regard to the availability of vacant land in the zone, the trend of price rise of vacant land over a period of twenty years in the zone before the commencement of this Act, the amount invested by the Government for the development of the zone, the existing use of vacant land in the zone and such other relevant factors as the circumstances of the case may require.

(4) Different rates may be fixed under clause (b) of sub-section (3) for vacant lands situated in different zones within each urban agglomeration.

(5) Notwithstanding anything contained in sub-section (1) where any vacant land which is deemed to have been acquired under sub-section (3) of section 10 is held by any person under a grant, lease or other tenure from the Central Government or any State Government and—

(i) the terms of such grant, lease or other tenure do not provide for payment of any amount to such person on the termination of such grant, lease or other tenure and the resumption of such land by the Central Government or the State Government, as the case may be; or

(ii) the terms of such grant, lease or other tenure provide for payment of any amount to such person on such termination and resumption,

then,—

(a) in a case falling under clause (i), no amount shall be payable in respect of such vacant land under sub-section (1); and

(b) in a case falling under clause (ii), the amount payable in respect of such vacant land shall be the amount payable to him under the terms of such grant, lease or other tenure on such termination and resumption or the amount payable to him under sub-section (1), whichever is less.

(6) Notwithstanding anything contained in sub-section (1) or sub-section (5), the amount payable under either of the said sub-sections shall, in no case, exceed two lakhs of rupees.

(7) The competent authority may, by order in writing, determine the amount to be paid in accordance with the provisions of this section as also the person, or, where there are several persons interested in the land, the persons to whom it shall be paid and in what proportion, if any.

(8) Before determining the amount to be paid, every person interested shall be given an opportunity to state his case as to the amount to be paid to him.

(9) The competent authority shall dispose of every case for determination of the amount to be paid as expeditiously as possible and in any case within such period as may be prescribed.

(10) Any claim or liability enforceable against any vacant land which is deemed to have been acquired under sub-section (3) of section 10 may be enforced only against the amount payable under this section in respect of such land and against any other property of the owner of such land.

Constitution of Urban Land Tribunal and appeal to Urban Land Tribunal.

12. (1) The State Government may, by notification in the Official Gazette, constitute one or more Urban Land Tribunal or Tribunals.

(2) The Tribunal shall consist of a sole member who shall be an officer of the rank of a Commissioner of a division or a member of the Board of Revenue.

(3) The Tribunal shall have jurisdiction over such area as the State Government may, by notification in the Official Gazette, specify.

(4) If any person is aggrieved by an order of the competent authority under section 11, he may, within thirty days of the date on which the order is communicated to him, prefer an appeal to the Tribunal having jurisdiction over the area in which the vacant land (in relation to which the amount has been determined) is situated or where such land is situated within the jurisdiction of more than one Tribunal to the Tribunal having jurisdiction over the area in which a major part of such land is situated or where the extent of such land situated within the jurisdiction of two or more Tribunals is equal, to any of those Tribunals:

Provided that the Tribunal may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(5) In deciding appeals the Tribunal shall exercise all the powers which a civil court has and follow the same procedure which a civil court follows in deciding appeals against the decree of an original court under the Code of Civil Procedure, 1908.

5 of 1908.

Second appeal to High Court.

13. Subject to the provisions of the Code of Civil Procedure, 1908, applicable to appeals from original decrees, an appeal shall lie to the High Court from the decision of the Tribunal under section 12.

5 of 1908.

Mode of payment of amount.

14. (1) The State Government shall, within a period of six months from the date of the order of the competent authority determining the amount to be paid under section 11, or, in a case where an appeal has been preferred against such order under section 12 or under section 13, within a period of six months from the date of the final appellate order, pay the amount referred to in section 11 to the person or persons entitled thereto.

(2) Twenty-five per cent. of the amount or twenty-five thousand rupees, whichever is less, shall be paid in cash and the balance in negotiable bonds redeemable after the expiry of twenty years carrying an interest at the rate of five per cent. per annum with effect from the date on which the vacant land is deemed to have been acquired by the State Government under sub-section (3) of section 10.

15. (1) If, on or after the commencement of this Act, any person acquires by inheritance, settlement or bequest from any other person or by sale in execution of a decree or order of a civil court or of an award or order of any other authority or by purchase or otherwise, any vacant land the extent of which together with the extent of the vacant land, if any, already held by him exceeds in the aggregate the ceiling limit, then, he shall, within three months of the date of such acquisition, file a statement before the competent authority having jurisdiction specifying the location, value and such other particulars as may be prescribed of all the vacant lands held by him and also specifying the vacant lands within the ceiling limit which he desires to retain.

Ceiling limit on future acquisition by inheritance, bequest or by sale in execution of decrees, etc.

(2) The provisions of sections 6 to 14 (both inclusive) shall, so far as may be, apply to the statement filed under this section and to the vacant land held by such person in excess of the ceiling limit.

16. (1) Where any person holds any vacant land in any State to which this Act does not apply in the first instance but which subsequently adopts this Act under clause (1) of article 252 of the Constitution and the extent of such land together with the extent of the vacant land, if any, already held by him in any other State to which this Act applies in the first instance, exceeds in the aggregate the ceiling limit, then, he shall, within three months of the commencement of this Act in the State first mentioned, file a statement before the competent authority having jurisdiction specifying the location, extent, value and such other particulars as may be prescribed of all vacant lands held by him in that State and in such other State and also specifying the vacant lands within the ceiling limit which he desires to retain.

Certain persons to file statements when the Act is adopted subsequently by any State.

(2) The provisions of sections 6 to 14 (both inclusive) shall, so far as may be, apply to the statement filed under this section and to the vacant land held by such person in excess of the ceiling limit.

17. The competent authority or any person acting under the orders of the competent authority may, subject to any rules made in this behalf and at such reasonable times as may be prescribed, enter upon any vacant land or any other land on which there is a building with such assistance as the competent authority or such person considers necessary and make survey and take measurements thereof and do any other act which the competent authority or such person considers necessary for carrying out the purposes of this Act.

Power to enter upon any vacant land.

18. (1) If the competent authority, in the course of any proceedings under this Act, is satisfied that any person has concealed the particulars of any vacant land or of any other land on which there is a building, whether or not with a dwelling unit therein, held by him or furnished inaccurate particulars of such land or of the user thereof, it may, after giving such person an opportunity of being heard in the matter, by order in writing, direct that, without prejudice to any other penalty to which

Penalty for concealment, etc., of particulars of vacant land.

he may be liable under this Act, such person shall pay, by way of penalty, a sum which shall not be less than, but which shall not exceed twice, the amount representing the value of the vacant land or of such other land or both, as the case may be, in respect of which the particulars have been concealed or in respect of which inaccurate particulars as aforesaid have been furnished.

(2) Any amount payable under this section, if not paid, may be recovered as if it were an arrear of land revenue.

Chapter  
not to  
apply to  
certain  
vacant  
lands.

19. (1) Subject to the provisions of sub-section (2), nothing in this Chapter shall apply to any vacant land held by—

(i) the Central Government or any State Government, or any local authority or any Corporation established by or under a Central or Provincial or State Act or any Government company as defined in section 617 of the Companies Act, 1956;

1 of 1956.

(ii) any military, naval or air force institution;

(iii) any bank.

*Explanation*—In this clause, “bank” means any banking company as defined in clause (c) of section 5 of the Banking Regulation Act, 1949, and includes—

10 of 1949.

(a) the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934;

2 of 1934.

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

23 of 1955.

(c) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959;

38 of 1959.

(d) a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;

5 of 1970.

(e) the Industrial Finance Corporation of India, established under the Industrial Finance Corporation Act, 1948, the Life Insurance Corporation of India, established under the Life Insurance Corporation Act, 1956, the Unit Trust of India, established under the Unit Trust of India Act, 1963, the Industrial Development Bank of India, established under the Industrial Development Bank of India Act, 1964, the Industrial Credit and Investment Corporation of India, the Industrial Reconstruction Corporation of India and any other financial institution which the Central Government or the State Government concerned may, by notification in the Official Gazette, specify in this behalf;

15 of 1948.

31 of 1956.

52 of 1963.

18 of 1964.

(iv) any public charitable or religious trust (including wakf) and required and used for any public charitable or religious purposes:

Provided that the exemption under this clause shall apply only so long as such land continues to be required and used for such purposes by such trust;



(v) any co-operative society, being a land mortgage bank or a housing co-operative society, registered or deemed to be registered under any law relating to co-operative societies for the time being in force:

Provided that the exemption under this clause, in relation to a land mortgage bank, shall not apply to any vacant land held by it otherwise than in satisfaction of its dues;

(vi) any such educational, cultural, technical or scientific institution or club [not being a Corporation established by or under a Central or Provincial or State Act referred to in clause (i) or a society referred to in clause (vii)] as may be approved for the purposes of this clause by the State Government by general or special order, on application made to it in this behalf by such institution or club or otherwise:

Provided that no approval under this clause shall be accorded by the State Government unless that Government is satisfied that it is necessary so to do having regard to the nature and scope of the activities of the institution or club concerned, the extent of the vacant land required *bona fide* for the purposes of such institution or club and other relevant factors;

(vii) any society registered under the Societies Registration Act, 1860, or under any other corresponding law for the time being in force and used for any non-profit and non-commercial purpose;

(viii) a foreign State for the purposes of its diplomatic and consular missions or for such other official purposes as may be approved by the Central Government or for the residence of the members of the said missions;

(ix) the United Nations and its specialised agencies for any official purpose or for the residence of the members of their staff;

(x) any international organisation for any official purpose or for the residence of the members of the staff of such organisation:

Provided that the exemption under this clause shall apply only if there is an agreement between the Government of India and such international organisation that such land shall be so exempted.

(2) The provisions of sub-section (1) shall not be construed as granting any exemption in favour of any person, other than an authority, institution or organisation specified in sub-section (1), who possesses any vacant land which is owned by such authority, institution or organisation or who owns any vacant land which is in the possession of such authority, institution or organisation:

Provided that where any vacant land which is in the possession of such authority, institution or organisation, but owned by any other person, is declared as excess vacant land under this Chapter, such authority, institution or organisation shall, notwithstanding anything contained in any of the foregoing provisions of this Chapter, continue to possess such land under the State Government on the same terms and conditions subject to which it possessed such land immediately before such declaration.

*Explanation.*—For the purposes of this sub-section, the expression “to possess vacant land” means to possess such land either as tenant or as mortgagee or under a hire-purchase agreement or under an irrevocable

power of attorney or partly in one of the said capacities and partly in any other of the said capacity or capacities.

Power to  
exempt.

20. (1) Notwithstanding anything contained in any of the foregoing provisions of this Chapter,—

(a) where any person holds vacant land in excess of the ceiling limit and the State Government is satisfied, either on its own motion or otherwise, that, having regard to the location of such land, the purpose for which such land is being or is proposed to be used and such other relevant factors as the circumstances of the case may require, it is necessary or expedient in the public interest so to do, that Government may, by order, exempt, subject to such conditions, if any, as may be specified in the order, such vacant land from the provisions of this Chapter;

(b) where any person holds vacant land in excess of the ceiling limit and the State Government, either on its own motion or otherwise, is satisfied that the application of the provisions of this Chapter would cause undue hardship to such person, that Government may, by order, exempt, subject to such conditions, if any, as may be specified in the order, such vacant land from the provisions of this Chapter.

Provided that no order under this clause shall be made unless the reasons for doing so are recorded in writing.

(2) If at any time the State Government is satisfied that any of the conditions subject to which any exemption under clause (a) or clause (b) of sub-section (1) is granted is not complied with by any person, it shall be competent for the State Government to withdraw, by order, such exemption after giving a reasonable opportunity to such person for making a representation against the proposed withdrawal and thereupon the provisions of this Chapter shall apply accordingly.

Excess  
vacant  
land not  
to be  
treated  
as excess  
in  
certain  
cases.

21. (1) Notwithstanding anything contained in any of the foregoing provisions of this Chapter, where a person holds any vacant land in excess of the ceiling limit and such person declares within such time, in such form and in such manner as may be prescribed before the competent authority that such land is to be utilised for the construction of dwelling units (each such dwelling unit having a plinth area not exceeding eighty square metres) for the accommodation of the weaker sections of the society, in accordance with any scheme approved by such authority as the State Government may, by notification in the Official Gazette, specify in this behalf, then, the competent authority may, after making such inquiry as it deems fit, declare such land not to be excess land for the purposes of this Chapter and permit such person to continue to hold such land for the aforesaid purpose, subject to such terms and conditions as may be prescribed, including a condition as to the time limit within which such buildings are to be constructed.

(2) Where any person contravenes any of the conditions subject to which the permission has been granted under sub-section (1), the competent authority shall, by order, and after giving such person an opportunity of being heard, declare such land to be excess land and thereupon all the provisions of this Chapter shall apply accordingly.

22. (1) Notwithstanding anything contained in any of the foregoing provisions of this Chapter, where any person demolishes any building on any land held by him or any such building is destroyed or demolished solely due to natural causes and beyond the control of human agency and as a consequence thereof, in either case, the land on which such building has been constructed becomes vacant land and the aggregate of the extent of such land and the extent of any other vacant land held by him exceeds the ceiling limit, then, he shall, within three months from the date of such demolition or destruction file a statement before the competent authority having jurisdiction specifying the location, value and such other particulars as may be prescribed, of all the vacant lands held by him.

Retention of vacant land under certain circumstances.

(2) Where, on receipt of a statement under sub-section (1) and after such inquiry as the competent authority may deem fit to make, the competent authority is satisfied that the land which has become vacant land is required by the holder for the purpose of redevelopment in accordance with the master plan, such authority may, subject to such conditions and restrictions as it may deem fit to impose, permit the holder to retain such land in excess of the ceiling limit for such purpose and where the competent authority is not so satisfied and does not so permit, the provisions of sections 6 to 14 (both inclusive) shall, so far as may be, apply to the statement filed under sub-section (1) and to the vacant land held by such person in excess of the ceiling limit.

23. (1) It shall be competent for the State Government to allot, by order, in excess of the ceiling limit any vacant land which is deemed to have been acquired by the State Government under this Act or is acquired by the State Government under any other law, to any person for any purpose relating to, or in connection with, any industry or for providing residential accommodation of such type as may be approved by the State Government to the employees of any industry and it shall be lawful for such person to hold such land in excess of the ceiling limit.

Disposal of vacant land acquired under the Act.

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

(a) where any land with a building has been acquired by the State Government under any other law and such building has been subsequently demolished by the State Government, then, such land shall be deemed to be vacant land acquired under such other law;

(b) “industry” means any business, profession, trade, undertaking or manufacture.

(2) In making an order of allotment under sub-section (1), the State Government may impose such conditions as may be specified therein including a condition as to the period within which the industry shall be put in operation or, as the case may be, the residential accommodation shall be provided for:

Provided that if, on a representation made in this behalf by the allottee, the State Government is satisfied that the allottee could not put the industry in operation, or provide the residential accommodation, within the period specified in the order of allotment, for any good and sufficient reason, the State Government may extend such period to such further period or periods as it may deem fit.

(3) Where any condition imposed in an order of allotment is not complied with by the allottee, the State Government shall, after giving an opportunity to the allottee to be heard in the matter, cancel the allotment with effect from the date of the non-compliance of such condition and

the land allotted shall revert in the State Government free from all encumbrances.

(4) Subject to the provisions of sub-sections (1), (2) and (3), all vacant lands deemed to have been acquired by the State Government under this Act shall be disposed of by the State Government to subserve the common good on such terms and conditions as the State Government may deem fit to impose.

(5) Notwithstanding anything contained in sub-sections (1) to (4), where the State Government is satisfied that it is necessary to retain or reserve any vacant land, deemed to have been acquired by that Government under this Act, for the benefit of the public, it shall be competent for the State Government to retain or reserve such land for the same.

Special provisions regarding disposal of vacant lands in favour of certain persons.

24. (1) Notwithstanding anything contained in section 23, where any person, being the owner of any vacant land, had leased out or mortgaged with possession such land or had given possession of such land under a hire-purchase agreement to any other person and as a consequence thereof he has no vacant land in his possession or has vacant land in his possession less in extent than the ceiling limit, and where the land so leased or mortgaged or given possession of is deemed to have been acquired by the State Government under this Chapter, then, such person shall be entitled to make an application to the State Government in such form and containing such particulars as may be prescribed within a period of three months from the date of such acquisition for the assignment to him,—

(a) in a case where he has no land in his possession, of so much extent of land as is not in excess of the ceiling limit; or

(b) in a case where he has land in his possession less in extent than the ceiling limit, of so much extent of land as is required to make up the deficiency:

Provided that nothing in this sub-section shall be deemed to entitle a person for the assignment of land in excess of the extent of the land leased or mortgaged with possession or given possession under a hire-purchase agreement as aforesaid by such person.

(2) On receipt of an application under sub-section (1), the State Government shall, after making such inquiry as it deems fit, assign such land to such person on payment of an amount equal to the amount which has been paid by the State Government for the acquisition of the extent of land to be assigned.

#### CHAPTER IV

##### REGULATION OF TRANSFER AND USE OF URBAN PROPERTY

Definition.

25. In this Chapter, "plinth area", in relation to—

(i) a dwelling unit in a building consisting of only one floor, means the area of the dwelling unit at the floor level and includes the thickness of the outer walls thereof;

(ii) a dwelling unit in a building consisting of two or more floors, means the area of the dwelling unit at the floor level where the dwelling unit is proposed to be situated and includes the thickness of the outer walls thereof and the proportionate area intended for any common service facility at the floor level aforesaid.

*Explanation.*—For the purposes of this clause, "common service facility", shall have the same meaning as in sub-clause (ii) of the *Explanation* below sub-section (3) of section 4.

26. (1) Notwithstanding anything contained in any other law for the time being in force, no person holding vacant land within the ceiling limit shall transfer such land by way of sale, mortgage, gift, lease or otherwise except after giving notice in writing of the intended transfer to the competent authority.

Notice to be given before transfer of vacant lands.

(2) Where a notice given under sub-section (1) is for the transfer of the land by way of sale, the competent authority shall have the first option to purchase such land on behalf of the State Government at a price calculated in accordance with the provisions of the Land Acquisition Act, 1894 or of any other corresponding law for the time being in force and if such option is not exercised within a period of sixty days from the date of receipt of the notice, it shall be presumed that the competent authority has no intention to purchase such land on behalf of the State Government and it shall be lawful for such person to transfer the land to whomsoever he may like:

1 of 1894.

Provided that where the competent authority exercises within the period aforesaid the option to purchase such land the execution of the sale deed shall be completed and the payment of the purchase price there-of shall be made within a period of three months from the date on which such option is exercised.

(3) For the purpose of calculating the price of any vacant land under sub-section (2), it shall be deemed that a notification under sub-section (1) of section 4 of the Land Acquisition Act, 1894 or under the relevant provision of any other corresponding law for the time being in force, had been issued for the acquisition of such vacant land on the date on which the notice was given under sub-section (1) of this section.

1 of 1894.

27. (1) Notwithstanding anything contained in any other law for the time being in force, but subject to the provisions of sub-section (3) of section 5 and sub-section (4) of section 10, no person shall transfer by way of sale, mortgage, gift, lease for a period exceeding ten years, or otherwise, any urban or urbanisable land with a building (whether constructed before or after the commencement of this Act) or a portion only of such building for a period of ten years of such commencement or from the date on which the building is constructed, whichever is later, except with the previous permission in writing of the competent authority.

Prohibition on transfer of urban property.

(2) Any person desiring to make a transfer referred to in sub-section (1), may make an application in writing to the competent authority in such form and in such manner as may be prescribed.

(3) On receipt of an application under sub-section (2), the competent authority may, after making such inquiry as it deems fit, by order in writing, grant or refuse to grant the permission applied for:

Provided that the competent authority shall not refuse to grant the permission applied for unless it has recorded in writing the reasons for doing so and a copy of the same has been communicated to the applicant.

(4) Where within a period of sixty days of the date of receipt of an application under this section the competent authority does not refuse to grant the permission applied for or does not communicate the refusal to the applicant, the competent authority shall be deemed to have granted the permission applied for.

(5) (a) Where the permission applied for is for the transfer of the land with the building or, as the case may be, a portion only of such

building referred to in sub-section (1) by way of sale, and the competent authority is of the opinion that such permission may be granted, then, the competent authority shall have the first option to purchase such land with building or a portion only of such building on behalf of the State Government at such price as may be agreed upon between the competent authority and the applicant or, in a case where there is no such agreement, at such price calculated in accordance with the provisions of the Land Acquisition Act, 1894 or of any other corresponding law for the time being in force.

1 of 1894.

(b) If the option referred to in clause (a) is not exercised within a period of sixty days from the date of receipt of the application under this section, it shall be presumed that the competent authority has no intention to purchase such land with building or a portion only of such building on behalf of the State Government and it shall be lawful for such person to transfer the land to whomsoever he may like:

Provided that where the competent authority exercises within the period aforesaid the option to purchase such land with building or a portion only of such building, the execution of the sale deed shall be completed and the payment of the purchase price thereof shall be made within a period of three months from the date on which such option is exercised.

(6) For the purpose of calculating the price of the land and building or, as the case may be, a portion only of such building under clause (a) of sub-section (5), it shall be deemed that a notification under sub-section (1) of section 4 of the Land Acquisition Act, 1894 or under the relevant provision of any other corresponding law for the time being in force, had been issued for the acquisition of that land and building or, as the case may be, a portion only of such building on the date on which the application was made under sub-section (2).

1 of 1894

Regulation of registration of documents in certain cases.

28. Notwithstanding anything contained in any other law for the time being in force, where any document required to be registered under the provisions of clauses (a) to (e) of sub-section (1) of section 17 of the Registration Act, 1908, purports to transfer by way of sale, mortgage, gift, lease or otherwise any land or any building (including any portion thereof),—

16 of 1908.

(a) in the case of any transfer referred to in section 26, no registering officer appointed under that Act shall register any such document unless the transferor produces before such registering officer evidence to show that he has given notice of the intended transfer to the competent authority under that section and, where such transfer is by way of sale, the period of sixty days referred to in sub-section (2) of that section has elapsed;

(b) in the case of any transfer referred to in section 27, no registering officer appointed under that Act shall register any such document unless the transferor produces before such registering officer the permission in writing of the competent authority for such transfer or satisfies the registering officer that the period of sixty days referred to in sub-section (4) of that section has elapsed.

29. No person shall construct any building with a dwelling unit having a plinth area,—

(a) where the building proposed to be constructed is situated in an urban agglomeration falling within category A or category B specified in Schedule I, in excess of three hundred square metres;

(b) where the building proposed to be constructed is situated in an urban agglomeration falling within category C or category D specified in Schedule I, in excess of five hundred square metres.

Regulation of construction of buildings with dwelling units.

30. (1) Where the construction of a building has been commenced on or after the commencement of this Act, and is carried on and completed in contravention of the provisions of section 29, the competent authority having jurisdiction over the area in which the building is situated may make an order directing that such construction shall be demolished, either wholly or partly, or modified by the person at whose instance the construction has been commenced and is being carried on and completed, to the extent such demolition or modification does not contravene the provisions of that section, within such period (not being less than fifteen days and more than thirty days from the date on which a copy of the order of demolition with a brief statement of the reasons therefor has been delivered to that person) as may be specified in the order for the demolition or modification:

Demolition and stoppage of buildings in certain cases and appeal.

Provided that no order for the demolition or modification shall be made unless the person has been given by means of a notice served in such manner as the competent authority may think fit, a reasonable opportunity of showing cause why such order shall not be made:

Provided further that, where the construction has not been completed, the competent authority may, by the same order or by a separate order, whether made at the time of the issue of the notice under the first proviso or at any other time, direct the person to stop the construction until the expiry of the period within which an appeal against the order for the demolition or modification, if made, may be preferred under sub-section (2).

(2) Any person aggrieved by an order of the competent authority made under sub-section (1) may prefer an appeal against the order to the Tribunal having jurisdiction over the area in which the building is situated within the period specified in the order for the demolition or modification of the construction to which it relates.

(3) Where an appeal is preferred under sub-section (2) against the order for the demolition or modification, the Tribunal may stay the enforcement of that order on such terms, if any, and for such period, as it may think fit:

Provided that, where the construction of any building has not been completed at the time of the making of the order for the demolition or modification, no order staying the enforcement of the order for the demolition or modification shall be made by the Tribunal unless security, sufficient in the opinion of the Tribunal, has been given by the appellant for not proceeding with such construction pending the disposal of the appeal.

(4) The provisions of sub-section (5) of section 12 and of section 13 shall apply to or in relation to an appeal preferred under sub-section (2) as they apply to or in relation to an appeal preferred under sub-section (4) of section 12.

(5) Save as provided in this section, no court shall entertain any suit, application or other proceeding for injunction or other relief against the competent authority to restrain him from taking any action or making any order in pursuance of the provisions of this section.

(6) Where no appeal has been preferred against an order for the demolition or modification made by the competent authority under sub-section (1), or where an order for the demolition or modification made by the competent authority under that sub-section has been confirmed on appeal, whether with or without variation, the person against whom the order has been made shall comply with the order within the period specified therein, or, as the case may be, within the period, if any, fixed by the Tribunal or the High Court on appeal and on the failure of the person to comply with the order within such period, the competent authority may himself cause the construction to which the order relates to be demolished or modified and the expenses of such demolition or modification shall be recoverable from such person as an arrear of land revenue.

## CHAPTER V

### MISCELLANEOUS

Powers  
of  
competent  
authority.

31. The competent authority shall have all the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

5 of 1908.

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commissions for the examination of witnesses or documents; and
- (f) any other matter which may be prescribed.

Jurisdic-  
tion of  
competent  
authorities  
and  
Tribunals  
in special  
cases.

32. Where under sub-section (2) or sub-section (3) of section 7, the State Government or the Central Government, as the case may be, determines the competent authority or where, for the reason that the extent of the vacant land situated within the jurisdiction of two or more Tribunals is equal, an appeal has been preferred to any one of the Tribunals under sub-section (4) of section 12, then, such competent authority or Tribunal, as the case may be, shall, notwithstanding that any portion of the vacant land to which the proceedings before the competent authority or the appeal before the Tribunal relates, is not situated within the area of its jurisdiction, exercise all the powers and functions of the competent authority or Tribunal, as the case may be, having jurisdiction over such portion of the vacant land under this Act in relation to such proceedings or appeal.



33. (1) Any person aggrieved by an order made by the competent authority under this Act, not being an order under section 11 or an order under sub-section (1) of section 30, may, within thirty days of the date on which the order is communicated to him, prefer an appeal to such authority as may be prescribed (hereafter in this section referred to as the appellate authority):

Appeal.

Provided that the appellate authority may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant an opportunity of being heard, pass such orders thereon as it deems fit as expeditiously as possible.

(3) Every order passed by the appellate authority under this section shall be final.

34. The State Government may, on its own motion, call for and examine the records of any order passed or proceeding taken under the provisions of this Act and against which no appeal has been preferred under section 12 or section 30 or section 33 for the purpose of satisfying itself as to the legality or propriety of such order or as to the regularity of such procedure and pass such order with respect thereto as it may think fit:

Revision by State Government.

Provided that no such order shall be made except after giving the person affected a reasonable opportunity of being heard in the matter.

35. The State Government may issue such orders and directions of a general character as it may consider necessary in respect of any matter relating to the powers and duties of the competent authority and thereupon the competent authority shall give effect to such orders and directions.

Power of State Government to issue orders and directions to the competent authority.

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

Power to give directions to State Government.

(2) The Central Government may require any State Government to furnish such returns, statistics, accounts and other information, as may be deemed necessary.

37. The competent authority shall furnish to the State Government concerned such returns, statistics, accounts and other information as the State Government may, from time to time, require.

Returns and reports.

Offences  
and  
punish-  
ments.

38. (1) If any person who is under an obligation to file a statement under this Act fails, without reasonable cause or excuse, to file the statement within the time specified for the purpose, he shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to five thousand rupees or with both.

(2) If any person who, having been convicted under sub-section (2) continues to fail, without reasonable cause or excuse, to file the statement, he shall be punishable with fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

(3) If any person who is under an obligation to file a statement under this Act files a statement which he knows or has reasonable belief to be false, he shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

(4) If any person contravenes any of the provisions of this Act for which no penalty has been expressly provided for, he shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

Offences  
by com-  
panies.

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

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

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

Indemnity.

40. No suit or other legal proceeding shall lie against the Government or any officer of Government in respect of anything which is in good faith done or intended to be done by or under this Act.

Cogni-  
zance  
of  
offences.

41. No court shall take cognizance of any offence punishable under this Act except on complaint in writing made by the competent authority or any officer authorised by the competent authority in this behalf and no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any such offence.

42. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith in any other law for the time being in force or any custom, usage or agreement or decree or order of a court, tribunal or other authority.
- 7 of 1870. 43. Notwithstanding anything contained in the Court-fees Act, 1870 every application, appeal or other proceeding under this Act shall bear a court-fee stamp of such value as may be prescribed.
- 45 of 1860. 44. Every officer acting under, or in pursuance of, the provisions of this Act or under the rules made thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.
45. Clerical or arithmetical mistakes in any order passed by any officer or authority under this Act or errors arising therein from any accidental slip or omission may at any time be corrected by such officer or authority either on his or its own motion or on an application received in this behalf from any of the parties.
46. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
- (a) the cultivation or growing of plant which will not be agriculture under clause (A) of the *Explanation* to clause (o) of section 2;
  - (b) the period within which the statement may be filed under section 6;
  - (c) the form of intimation under sub-sections (2) and (3) of section 7;
  - (d) the particulars to be mentioned in the statement referred to in sub-section (1) of section 6, sub-section (2) of section 8, sub-section (1) of section 15 and sub-section (1) of section 16;
  - (e) the manner of serving the draft statement under sub-section (3) of section 8;
  - (f) the manner of publishing the notification under sub-section (1) of section 10;
  - (g) the time within which the competent authority shall dispose of a case under sub-section (9) of section 11;
  - (h) the times during which the competent authority or any person acting under the orders of such authority may enter upon any vacant land under section 17;
  - (i) the time within which and the form and the manner in which a declaration under sub-section (1) of section 21 shall be made before the competent authority;
  - (j) the terms and conditions subject to which a person permitted under sub-section (1) of section 21 may hold land in excess of the ceiling limit;

Act to  
override  
other laws.

Court-fees.

Certain  
officers  
to be  
public  
servants.

Correction  
of clerical  
errors.

Power to  
make  
rules

(k) the particulars to be mentioned in the statement referred to in sub-section (1) of section 22;

(l) the form in which an application under sub-section (1) of section 24 may be made and the particulars to be mentioned in such application;

(m) the form and the manner in which an application for transfer of land may be made under sub-section (2) of section 27;

(n) the powers of the competent authority under clause (f) of section 31;

(o) the appellate authority under sub-section (1) of section 33;

(p) the value of the court-fee stamp to be affixed on an application, appeal or other proceeding under section 43;

(q) any other matter which is to be, or may be, provided for by rules under this Act.

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

Power to  
remove  
difficulties.

47. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, do anything not inconsistent with such provisions which appears to it to be necessary or expedient for the purpose of removing the difficulty.

(2) No order under sub-section (1) shall be made after the expiration of a period of two years from the commencement of this Act

## SCHEDULE I

[See sections 2(n), 4, II and 29]

NOTE I.—An Urban Agglomeration is made up of main town together with the adjoining areas of urban growth and is treated as one urban spread. The population covered by such spreads is categorised as urban. Each such agglomeration may be made up of more than one statutory town, adjoining one another such as a Municipality and the adjoining Cantonment, etc., and also other urban growths such as a Railway Colony, University Campus, etc. Such outgrowth (O.G.) which did not qualify to be treated as individual towns in their own right and have pronounced urban characteristics are shown as constituents of the agglomeration.

NOTE II.—The following abbreviations have been used in this Schedule :—

|            |                         |
|------------|-------------------------|
| C.         | Corporation             |
| Cantt.     | Cantonment              |
| C.B.       | Cantonment Board        |
| C.T.       | Census Town             |
| E.O.       | Estate Office           |
| G.P.       | Gram Panchayat          |
| M.         | Municipality            |
| M.B.       | Municipal Board         |
| M.C.       | Municipal Committee     |
| M. Corp.   | Municipal Corporation   |
| N. or N.C. | Notified Committee      |
| N.A.C.     | Notified Area Committee |
| N.A.       | Notified Area           |
| N.M.       | Non-Municipal           |
| N.P.       | Nagar Panchayat         |
| O.G.       | Outgrowth               |
| P.         | Panchayat               |
| S.B.       | Sanitary Board          |
| S.A.       | Special Area            |
| T.A.       | Town Area               |
| T.B.       | Town Board              |
| T.C.       | Town Committee          |
| T.P.       | Town Panchayat          |
| T.S.       | Township                |
| U.C.       | Union Committee         |
| U.A.       | Urban Agglomeration     |
| V.P.       | Village Panchayat       |

| State/Union territory | Towns                                  | Peripheral area | Category |
|-----------------------|--|-----------------|----------|
| (1)                   | (2)                                    | (3)             | (4)      |
| <b>STATES :</b>       |  |                 |          |
| 1. Andhra Pradesh     | 1. Hyderabad U.A.—                     | 5 Kms.          | B        |
|                       | (a) Hyderabad—                         | M. Corp.        |          |
|                       | (i) Hyderabad Division                 |                 |          |
|                       | (ii) Secunderabad Division             |                 |          |
|                       | (b) Secunderabad Cantonment            | Cantt.          |          |
|                       | (c) Malkajgiri                         | P.              |          |
|                       | (d) Alwal                              | P.              |          |
|                       | (e) Uppal Khalsa                       | P.              |          |
|                       | (f) Balanagar                          | P.              |          |
|                       | (g) Fatehnagar                         | P.              |          |
|                       | (h) Macha Bolaram                      | P.              |          |
|                       | (i) Osmania University                 |                 |          |
|                       | (j) Lalaguda                           |                 |          |
|                       | (k) Kukatpalle                         | P.              |          |
|                       | (l) Moosapet                           | P.              |          |
|                       | (m) Bowenpalle                         |                 |          |
|                       | (n) Zamistanpur                        |                 |          |
|                       | 2. Visakhapatnam U.A.—                 | 5 Kms.          | C        |
|                       | (a) Visakhapatnam—                     |                 |          |
|                       | (i) Visakhapatnam                      | M.              |          |
|                       | (ii) Gajuvaka (O.G.)                   |                 |          |
|                       | (b) Gopalapatnam                       | P.              |          |
|                       | 3. Vijayawada U.A.—                    | 5 Kms.          | C        |
|                       | (a) Vijayawada                         | M.              |          |
|                       | (b) Patamata                           | P.              |          |
|                       | (c) Gunadala                           | P.              |          |
|                       | 4. Guntur                              | M.              | 1 Km. D  |
|                       | 5. Warangal                            | M.              | 1 Km. D  |
| 2. Assam              | Gauhati U.A.—                          | 1 Km.           | D        |
|                       | (a) Gauhati—                           |                 |          |
|                       | (i) Gauhati                            | M.              |          |
|                       | (ii) New Gauhati Railway Colony (O.G.) |                 |          |
|                       | (iii) Bamunimaidan (O.G.)              |                 |          |
|                       | (iv) Japarigog (Part) (O.G.)           |                 |          |
|                       | (v) Noonmati (O.G.)                    |                 |          |
|                       | (vi) Ulubari (O.G.)                    |                 |          |
|                       | (vii) Refinery Colony (O.G.)           |                 |          |
|                       | (viii) Dispur (O.G.)                   |                 |          |
|                       | (ix) Maligoan (O.G.)                   |                 |          |
|                       | (x) Ramchahil Grant (O.G.)             |                 |          |

| State/Union territory | Towns  | Peripheral area | Category |
|-----------------------|--|-----------------|----------|
| (1)                   | (2)  | (3)             | (4)      |
| 2. Assam—contd.       | Gauhati U.A.—contd.  |                 |          |
|                       | (b) Pandu—   |                 |          |
|                       | (i) Pandu  |                 |          |
|                       | (ii) Gauhati University (Uttar Maj and Pachim Jhalukbari) (O.G.) |                 |          |
|                       | (iii) Maligaon (O.G.)  |                 |          |
|                       | (iv) Sadilapu (O.G.)   |                 |          |
|                       | (v) Garpandu Kumarpara (O.G.)                                    |                 |          |
|                       | (c) Kamakhya   | T.C.            |          |
| 3. Bihar              | 1. Patna U.A.—   | 5 Kms.          | C        |
|                       | (a) Patna—   |                 |          |
|                       | (i) Patna  | M. Corp.        |          |
|                       | (ii) Pataliputra Housing Colony                                  |                 |          |
|                       | (b) Phulwari   |                 |          |
|                       | 2. Ranchi U.A.—  | 1 Km.           | D        |
|                       | (a) Ranchi   | M.              |          |
|                       | (b) Jagannathnagar   |                 |          |
|                       | (c) Doranda  | N.              |          |
|                       | 3. Dhanbad U.A.—   | 5 Kms.          | C        |
|                       | (a) Dhanbad  | M.              |          |
|                       | (b) Kerkand  |                 |          |
|                       | (c) Sindri   | N.              |          |
|                       | (d) Jharia   | N.              |          |
|                       | (e) Jorapokhar   |                 |          |
|                       | (f) Tisra  |                 |          |
|                       | (g) Bhowrah  |                 |          |
|                       | (h) Bhuli  |                 |          |
|                       | (i) Loyabad  |                 |          |
|                       | (j) Bhagatdih  |                 |          |
|                       | (k) Jamadoba   |                 |          |
|                       | (l) Sijua  |                 |          |
|                       | (m) Pathardih  |                 |          |
|                       | (n) Kenduadih  |                 |          |
|                       | (o) Bera   |                 |          |
|                       | 4. Jamshedpur U.A.—  | 5 Kms.          | C        |
|                       | (a) Jamshedpur—  |                 |          |
|                       | (i) Jamshedpur Notified Area                                     | N.              |          |
|                       | (ii) Railway Colony (O.G.)                                       |                 |          |
|                       | (b) Adityapur  | N.              |          |
|                       | (c) Bagbera  |                 |          |
|                       | (d) Jugsalai   | N.              |          |
|                       | (e) Kalimati   |                 |          |

| State/Union territory     | Towns                           | Peripheral area | Category |   |
|---------------------------|---------------------------------|-----------------|----------|---|
| (1)                       | (2)                             | (3)             | (4)      |   |
| 4. Gujarat                | 1. Jamnagar U.A.—               | 1 Km.           | D        |   |
|                           | (a) Jamnagar—                   |                 |          |   |
|                           | (i) Jamnagar                    | M.              |          |   |
|                           | (ii) Jamnagar (O.G.)            |                 |          |   |
|                           | (iii) Railway Colony (O.G.)     |                 |          |   |
|                           | (iv) Port Area (O.G.)           |                 |          |   |
|                           | (b) Bedi                        | N.P.            |          |   |
|                           | 2. Rajkot                       | M.              | 5 Kms.   | C |
|                           | 3. Bhavanagar U.A.—             |                 | 1 Km.    | D |
|                           | (i) Bhavanagar                  | M.              |          |   |
|                           | (ii) Ruva (O.G.)                |                 |          |   |
|                           | 4. Ahmedabad U.A.—              |                 | 5 Kms.   | B |
|                           | (a) Ahmedabad—                  |                 |          |   |
|                           | (i) Ahmedabad                   | M. Corp.        |          |   |
|                           | (ii) Rajpur Hirpur (O.G.)       |                 |          |   |
|                           | (iii) Bagefardosh (O.G.)        |                 |          |   |
|                           | (iv) Rakhial (O.G.)             |                 |          |   |
|                           | (v) Asarwa (O.G.)               |                 |          |   |
|                           | (vi) Khokhara Mehmedabad (O.G.) |                 |          |   |
|                           | (b) Sardarnagar                 | N.A.C.          |          |   |
|                           | (c) Sahijpur Bogha              | N.P.            |          |   |
|                           | (d) Naroda                      | N.P.            |          |   |
|                           | (e) Danilimbda                  | V.P.            |          |   |
| (f) Odhav                 | V.P.                            |                 |          |   |
| (g) Ahmedabad Cantonment  | Cantr.                          |                 |          |   |
| (h) Ranip                 | V.P.                            |                 |          |   |
| 5. Vadodara U.A.—         |                                 | 5 Kms.          | C        |   |
| (a) Vadodara              | M. Corp.                        |                 |          |   |
| (b) Makarpura (O.G.)      |                                 |                 |          |   |
| 6. Surat U.A.—            |                                 | 5 Kms.          | C        |   |
| (a) Surat                 | M. Corp.                        |                 |          |   |
| (b) Udhana                | V.P.                            |                 |          |   |
| (c) Katargam              | V.P.                            |                 |          |   |
| 5. Jammu and Kashmir      | Srinagar U.A.—                  | 5 Kms.          | C        |   |
|                           | (a) Srinagar—                   |                 |          |   |
|                           | (i) Srinagar                    | M.C.            |          |   |
|                           | (ii) Natipora (O.G.)            |                 |          |   |
|                           | (iii) Bagat Barzala (O.G.)      |                 |          |   |
|                           | (iv) Bemina (O.G.)              |                 |          |   |
|                           | (v) Kursu Padshahi Bagh (O.G.)  |                 |          |   |
| (b) Badamibagh Cantonment | Cantr.                          |                 |          |   |



| State/Union territory   | Towns   | Peripheral area | Category |   |
|-------------------------|---|-----------------|----------|---|
| (1)                     | (2)   | (3)             | (4)      |   |
| 6. Karnataka            | 1. Bangalore U.A.—                                    | 5 Kms.          | B        |   |
|                         | (a) Bangalore City Corporation and Trust Board Area   | M. Corp.        |          |   |
|                         | (b) H.A.L. Sanitary Board (excluding H.A.L. Township) | S.B.            |          |   |
|                         | (c) Devarajeevanahalli                                | T.P.            |          |   |
|                         | (d) H.A.L. Township                                   | S.A.            |          |   |
|                         | (e) Jalahalli (excluding H.M.T. Township)             | P.              |          |   |
|                         | (f) H.M.T. Township                                   | S.A.            |          |   |
|                         | (g) I.T.I. Notified Area Committee (Duravaninagar)    | N.A.C.          |          |   |
|                         | (h) B.E.L. Township                                   | S.A.            |          |   |
|                         | (i) Kadugondanahalli                                  | P.              |          |   |
|                         | 2. Mysore   | M.              | 5 Kms.   | C |
|                         | 3. Mangalore U.A.—                                    |                 | 1 Km.    | D |
|                         | (a) Mangalore   | M.              |          |   |
|                         | (b) Ullal   | T.P.            |          |   |
|                         | (c) Padavu  | T.P.            |          |   |
|                         | (d) Kankanadi   | P.              |          |   |
|                         | (e) Derebail  | P.              |          |   |
|                         | 4. Belgaum U.A.—                                      |                 | 1 Km.    | D |
|                         | (a) Belgaum   | M.              |          |   |
|                         | (b) Belgaum Cantonment                                | C.B.            |          |   |
| 5. Hubli-Dharwar        | M. Corp.  | 5 Kms.          | C        |   |
| 7. Kerala               | 1. Calicut  | C.              | 5 Kms.   | C |
|                         | 2. Cochin   | C.              | 5 Kms.   | C |
|                         | 3. Trivandrum   | C.              | 5 Kms.   | C |
| 8. Madhya Pradesh       | 1. Gwalior U.A.—                                      |                 | 5 Kms.   | C |
|                         | (i) Gwalior   | M. Corp.        |          |   |
|                         | (ii) Morar (O.G.)                                     |                 |          |   |
|                         | (iii) Jaderua Kalan (O.G.)                            |                 |          |   |
|                         | (iv) Mudia Pahad (O.G.)                               |                 |          |   |
|                         | (v) Girwai (O.G.)                                     |                 |          |   |
|                         | (vi) Ajaipur (O.G.)                                   |                 |          |   |
|                         | (vii) Birpur (O.G.)                                   |                 |          |   |
|                         | (viii) Bhoderi (O.G.)                                 |                 |          |   |
|                         | (ix) Jaderua Khurd (O.G.)                             |                 |          |   |
|                         | (x) Melara (O.G.)                                     |                 |          |   |
| (xi) Sewage Farm (O.G.) |   |                 |          |   |

| State/Union territory | Towns                               | Peripheral area | Category |
|-----------------------|-------------------------------------|-----------------|----------|
| (1)                   | (2)                                 | (3)             | (4)      |
| 8. Madhya Pradesh.—   | 1. Gwalior U.A.— <i>contd.</i>      |                 |          |
|                       | (xii) Kishenbag (O.G.)              |                 |          |
|                       | (xiii) Rajman (O.G.)                |                 |          |
|                       | (xiv) Kalyanbag (O.G.)              |                 |          |
|                       | 2. Ujjain U.A.—                     | 1 Km.           | D        |
|                       | (i) Ujjain                          | M.Corp.         |          |
|                       | (ii) Railway Colony (O.G.)          |                 |          |
|                       | (iii) Nagziri (O.G.)                |                 |          |
|                       | (iv) Panwasa (O.G.)                 |                 |          |
|                       | (v) Malanwasa (O.G.)                |                 |          |
|                       | (vi) Lalpur (O.G.)                  |                 |          |
|                       | (vii) Goyala (O.G.)                 |                 |          |
|                       | 3. Indore U.A.—                     | 5 Kms.          | C        |
|                       | (i) Indore                          | M.Corp.         |          |
|                       | (ii) Piplaya Hana (O.G.)            |                 |          |
|                       | (iii) Sukliya (O.G.)                |                 |          |
|                       | (iv) Bijalpur (O.G.)                |                 |          |
|                       | (v) Khajrana (O.G.)                 |                 |          |
|                       | (vi) Savind Nagar (O.G.)            |                 |          |
|                       | (vii) Sirpur (O.G.)                 |                 |          |
|                       | (viii) Banganga (O.G.)              |                 |          |
|                       | (ix) Hukumkhedi (O.G.)              |                 |          |
|                       | 4. Bhopal U.A.—                     | 5 Kms.          | C        |
|                       | (a) Bhopal—                         |                 |          |
|                       | (i) Bhopal                          | M.Corp.         |          |
|                       | (ii) Sevania Gond (O.G.)            |                 |          |
|                       | (iii) Hatiakheda (O.G.)             |                 |          |
|                       | (iv) Singarcholi (O.G.)             |                 |          |
|                       | (v) Halapur (O.G.)                  |                 |          |
|                       | (vi) Chhola (O.G.)                  |                 |          |
|                       | (vii) Neori (O.G.)                  |                 |          |
|                       | (viii) Kararia urf Sajidabad (O.G.) |                 |          |
|                       | (ix) Nareea Shankri (O.G.)          |                 |          |
|                       | (x) Nishatpura (O.G.)               |                 |          |
|                       | (xi) Bhanpur (O.G.)                 |                 |          |
|                       | (xii) Kolua Khurd (O.G.)            |                 |          |
|                       | (xiii) Nayapura (O.G.)              |                 |          |
|                       | (xiv) Semra Kalan (O.G.)            |                 |          |
|                       | (xv) Kohphija (O.G.)                |                 |          |
|                       | (b) Gobindpura (H.E.L.)             | N.M.            |          |
|                       | (c) Bairagarh—                      |                 |          |
|                       | (i) Bairagarh                       | N.A.            |          |
|                       | (ii) Bairagarh Kalan (O.G.)         |                 |          |

| State/Union territory                                   | Towns   | Peripheral area | Category |
|---|---|-----------------|----------|
| (1)   | (2)   | (3)             | (4)      |
| <b>8. Madhya Pradesh.— 4. Bhopal U.A.—<i>contd.</i></b> |   |                 |          |
|   | (c) Bairagarh— <i>contd.</i>                            |                 |          |
|   | (iii) Gondermau (O.G.)                                  |                 |          |
|   | (iv) Laukhedi (O.G.)                                    |                 |          |
|   | (v) Pipalner (O.G.)                                     |                 |          |
|   | <b>5. Jabalpur U.A.—</b>                                | 5 Kms.          | C        |
|   | (a) Jabalpur—   |                 |          |
|   | (i) Jabalpur  | M.Corp.         |          |
|   | (ii) Heavy Vehicle Factory area (Richhai-Madhai) (O.G.) |                 |          |
|   | (iii) Manegaon (O.G.)                                   |                 |          |
|   | (iv) Maharajpur (O.G.)                                  |                 |          |
|   | (v) Bilpura (O.G.)                                      |                 |          |
|   | (vi) Amkhera (O.G.)                                     |                 |          |
|   | (vii) Suhagi (O.G.)                                     |                 |          |
|   | (viii) Karmeta (O.G.)                                   |                 |          |
|   | (ix) Regwa (O.G.)                                       |                 |          |
|   | (x) Kheri (O.G.)  |                 |          |
|   | (xi) Pipariya (O.G.)                                    |                 |          |
|   | (b) Jabalpur Cantonment                                 | Cantt.          |          |
|   | (c) Khamaria—   |                 |          |
|   | (i) Khamaria (O.F.A.)                                   | N.M.            |          |
|   | (ii) Khamaria (G.C.F.) (O.G.)                           |                 |          |
|   | (iii) Pipariya (O.G.)                                   |                 |          |
|   | (iv) Tighra (O.G.)                                      |                 |          |
|   | (v) Ghana (O.G.)  |                 |          |
|   | <b>6. Durg-Bhilainagar U.A.—</b>                        | 1 Km.           | D        |
|   | (a) Bhilainagar—  |                 |          |
|   | (i) Bhilainagar   | N.M.            |          |
|   | (ii) Bhilaigaon (O.G.)                                  |                 |          |
|   | (iii) Supela (O.G.)                                     |                 |          |
|   | (iv) Kohka (O.G.)                                       |                 |          |
|   | (v) Chhaoni (O.G.)                                      |                 |          |
|   | (b) Durg—   |                 |          |
|   | (i) Durg  | M.              |          |
|   | (ii) Urla (O.G.)  |                 |          |
|   | (iii) Baghera (O.G.)                                    |                 |          |
|   | <b>7. Raipur U.A.—</b>                                  | 1 Km.           | D        |
|   | (i) Raipur  | M.Corp.         |          |
|   | (ii) Railway Colony (O.G.)                              |                 |          |
|   | (iii) Telebandha (O.G.)                                 |                 |          |
|   | (iv) Pandri-Tarai (O.G.)                                |                 |          |
|   | (v) Khamtarai (O.G.)                                    |                 |          |
|   | (vi) Kota (O.G.)  |                 |          |

| State/Union territory                 | Towns   | Peripheral Category area                    |           |
|---------------------------------------|---|---|-----------|
| (1)                                   | (2)   | (3)   | (4)       |
| 8. Madhya Pradesh—<br><i>concl'd.</i> | 7. Raipur U.A.— <i>cont'd.</i><br>(vii) Chirhuldih (O.G.)<br>(viii) Shankar Nagar (O.G.)<br>(ix) Dumartalab (O.G.)<br>(x) Mowa (O.G.)<br>(xi) Dunganfa (O.G.)<br>(xii) ESD Kapa (O.G.)<br>(xiii) Tatibandh (O.G.)<br>(xiv) Hirapur (O.G.)<br>(xv) Lalpur (O.G.) |   |           |
| 9. Maharashtra                        | 1. Greater Bombay   | M.Corp.                                     | 8 Kms.* A |
|                                       | 2. Ulhasnagar U.A.—<br>(a) Ulhasnagar<br>(b) Kalyan<br>(c) Ambarnath<br>(d) Dombivli<br>(e) Mohone<br>(f) Katemanivali  | M.<br>M.<br>M.<br>M.                        | 5 Kms. C  |
|                                       | 3. Poona U.A.—<br>(a) Poona<br>(b) Pimpri-Chinchwad New Township<br>(c) Poona Cantonment<br>(d) Kirkee Cantonment<br>(e) Dehu Road Cantonment<br>(f) Lohagaon<br>(g) Khadakvasla<br>(h) Dehu  | M.Corp.<br>M.<br>Cantt.<br>Cantt.<br>Cantt. | 5 Kms. R  |
|                                       | 4. Thana U.A.—<br>(a) Thana<br>(b) Majivade<br>(c) Kalwa  | M.  | 1 Km. D   |
|                                       | 5. Nasik U.A.—<br>(a) Nasik<br>(b) Nasik Road Deolali<br>(c) Deolali Cantonment<br>(d) Bhagur   | M.<br>M.<br>Cantt.<br>M.                    | 1 Km. D   |
|                                       | 6. Sangli U.A.—<br>(a) Sangli<br>(b) Miraj<br>(c) Madhavnagar   | M.<br>M.                                    | 1 Km. D   |
|                                       | 7. Sholapur   | M.Corp.                                     | 5 Kms. C  |

\* Where any land within the peripheral area of eight kilometres is covered by water (whether by inland waters or sea or creek), the peripheral area shall be extended beyond such water to a further distance equal to the distance measured across and occupied by such water.

| State/Union territory         | Towns   | Peripheral area | Category |
|-------------------------------|---|-----------------|----------|
| (1)                           | (2)   | (3)             | (4)      |
| 9. Maharashtra— <i>contd.</i> | 8. Kolhapur U.A.—   | 1 Km.           | D        |
|                               | (a) Kolhapur  | M.              |          |
|                               | (b) Gandhinagar   |                 |          |
|                               | 9. Nagpur U.A.—   | 5 Kms.          | C        |
|                               | (a) Nagpur  | M.Corp.         |          |
|                               | (b) Kamptee   | M.              |          |
|                               | (c) Kamptee Cantonment  | Cantt.          |          |
| 10. Orissa                    | Cuttack U.A.—   | 1 Km.           | D        |
|                               | (i) Cuttack   | M.              |          |
|                               | (ii) Cuttack Industrial Estate (O.G.)                             |                 |          |
|                               | (iii) Cuttack C.R.R.I. and other Government Colony (O.G.)         |                 |          |
| 11. Punjab                    | I. Amritsar U.A.—   | 5 Kms.          | C        |
|                               | (a) Amritsar—   |                 |          |
|                               | (i) Amritsar  | M.C.            |          |
|                               | (ii) Adarsh Nagar (O.G.)  |                 |          |
|                               | (iii) Rajinder Nagar (O.G.)                                       |                 |          |
|                               | (iv) Batala Road (O.G.)   |                 |          |
|                               | (v) Khanna Nagar (O.G.)   |                 |          |
|                               | (vi) Doluñji (O.G.)   |                 |          |
|                               | (vii) Quarters Rattan Chand and Bihari Lal and Power House (O.G.) |                 |          |
|                               | (viii) Kotmit Singh (O.G.)  |                 |          |
|                               | (ix) Gobind Nagar (O.G.)  |                 |          |
|                               | (x) Mohkamura (O.G.)  |                 |          |
|                               | (xi) Gopal Nagar (O.G.)   |                 |          |
|                               | (xii) Kangra Colony (O.G.)  |                 |          |
|                               | (xiii) Kot Amar Singh (O.G.)                                      |                 |          |
|                               | (xiv) Dhaipai (O.G.)  |                 |          |
|                               | (xv) Jaura Phatik (O.G.)  |                 |          |
|                               | (xvi) Bhawani Nagar (O.G.)  |                 |          |
|                               | (xvii) Mustafabad Tuni Pain (O.G.)                                |                 |          |
|                               | (xviii) Shiv Nagar (O.G.)   |                 |          |
|                               | (xix) Quarter Railway Line Kot Khalsa (O.G.)                      |                 |          |
|                               | (xx) Guru Arjan Nagar (O.G.)                                      |                 |          |
|                               | (xxi) Mustafabad (O.G.)   |                 |          |
|                               | (xxii) Vijay Nagar (O.G.)   |                 |          |
|                               | (xxiii) Anand Nagar (O.G.)  |                 |          |
|                               | (b) Chheharta   | M.C.            |          |
|                               | (c) Amritsar Cantonment   | C.B.            |          |

| State/Union territory     | Towns  | Peripheral area | Category |
|---------------------------|--|-----------------|----------|
| (1)                       | (2)  | (3)             | (4)      |
| 11. Punjab— <i>contd.</i> | 2. Ludhiana U.A.—                              | 5 Kms.          | C        |
|                           | (i) Ludhiana                                   | M.C.            |          |
|                           | (ii) Basti Jodhewal (O.G.)                     |                 |          |
|                           | (iii) Industrial Area A. & C. (O.G.)           |                 |          |
|                           | (iv) Janta Colony (O.G.)                       |                 |          |
|                           | (v) Railway Huts (O.G.)                        |                 |          |
|                           | 3. Jullundur                                   | M.C.            | 1 Km. D  |
| 12. Rajasthan             | 1. Bikaner U.A.—                               |                 | 1 Km. D  |
|                           | (a) Bikaner                                    | M.              |          |
|                           | (b) Gangashahar                                | M.              |          |
|                           | (c) Bhinasar                                   | M.              |          |
|                           | 2. Jaipur U.A.—                                |                 | 5 Kms. C |
|                           | (a) Jaipur                                     | M.              |          |
|                           | (b) Sanganer                                   | C.T.            |          |
|                           | (c) Amber                                      | M.              |          |
|                           | 3. Ajmer U.A.—                                 |                 | 1 Km. D  |
|                           | (i) Ajmer                                      | M.              |          |
|                           | (ii) Subhash Nagar (O.G.)                      |                 |          |
|                           | (iii) Regional College (O.G.)                  |                 |          |
|                           | 4. Jodhpur                                     | M.              | 5 Kms. C |
|                           | 5. Kota  | M.              | 1 Km. D  |
| 13. Tamil Nadu            | 1. Madras U.A.—                                |                 | 8 Kms. A |
|                           | (1) Madras                                     | M.Corp.         |          |
|                           | (2) Thiruvattiyur                              | M.              |          |
|                           | (3) Avadi                                      | T.S.            |          |
|                           | (4) Alandur                                    | M.              |          |
|                           | (5) Tambaram                                   | M.              |          |
|                           | (6) Pallavapuram                               | M.              |          |
|                           | (7) Ambattur                                   | T.S.            |          |
|                           | (8) Villivakkam                                | P.              |          |
|                           | (9) St. Thomas Mount-cum-Pallavaram Cantonment | Canti.          |          |
|                           | (10) Madhavaram                                | P.              |          |
|                           | (11) Poovirundhavalli                          | P.              |          |
|                           | (12) Thiruvanmiyur                             | P.              |          |
|                           | (13) Kunrathur                                 | P.              |          |
|                           | (14) Anakaputhur                               | P.              |          |
|                           | (15) Kodambakkam                               | P.              |          |
|                           | (16) Naravarikuppam                            | P.              |          |

| State/Union territory         | Towns                         | Peripheral area | Category |
|-------------------------------|-------------------------------|-----------------|----------|
| (1)                           | (2)                           | (3)             | (4)      |
| 13. Tamil Nadu— <i>contd.</i> | I. Madras U.A.— <i>contd.</i> |                 |          |
|                               | (17) Thirumazhisai            | P.              |          |
|                               | (18) Pammal                   | P.              |          |
|                               | (19) Saligramam               | P.              |          |
|                               | (20) Velacheri                | P.              |          |
|                               | (21) Virugambakkam            | P.              |          |
|                               | (22) Kodungaiyur              | P.              |          |
|                               | (23) Oragadam                 | P.              |          |
|                               | (24) Thiruninravur            | P.              |          |
|                               | (25) Polal                    | P.              |          |
|                               | (26) Erukkancheri             | P.              |          |
|                               | (27) Thiruneermalai           | P.              |          |
|                               | (28) Chithalapakkam           | P.              |          |
|                               | (29) Nerkundram               | P.              |          |
|                               | (30) Koyambedu                | P.              |          |
|                               | (31) Perungalathur            | P.              |          |
|                               | (32) Vallanur                 | P.              |          |
|                               | (33) Peerkankaranai           | P.              |          |
|                               | (34) Sennirkuppam             | P.              |          |
|                               | (35) Nazarethpettai           | P.              |          |
|                               | (36) Sembarambakkam           | P.              |          |
|                               | (37) Polichalur               | P.              |          |
|                               | (38) Kannapalayam             | P.              |          |
|                               | (39) Meenambakkam             | P.              |          |
|                               | (40) Pallikaranai             | P.              |          |
|                               | (41) Thirusulam               | P.              |          |
|                               | (42) Thirumangalam            | P.              |          |
|                               | (43) Kattupakkam              | P.              |          |
|                               | (44) Kathivakkam              | P.              |          |
|                               | (45) Melmanambedu             | P.              |          |
|                               | (46) Soranjeri                | P.              |          |
|                               | (47) Kathirvedu               | P.              |          |
|                               | (48) Perungudi                | P.              |          |
|                               | (49) Nadukkuthagai            | P.              |          |
|                               | (50) Matthur                  | P.              |          |
|                               | (51) Varadharajapuram         | P.              |          |
|                               | (52) Thiruverkadu             | P.              |          |
|                               | (53) Veeraragavapuram         | P.              |          |
|                               | (54) Vengavasal               | P.              |          |
|                               | (55) Nemilicheri              | P.              |          |
|                               | (56) Sadayankuppam            | P.              |          |
|                               | (57) Mudichur                 | P.              |          |
|                               | (58) Madipakkam               | P.              |          |
|                               | 2. Salem U.A.—                | 5 Kms.          | C        |
|                               | (a) Salem                     | M.              |          |
|                               | (b) Suramangalam              | P.              |          |
|                               | (c) Jarikondalampatti         | P.              |          |

| State/Union territory         | Towns                                 | Peripheral area                 | Category |
|-------------------------------|---------------------------------------|---------------------------------|----------|
| (1)                           | (2)                                   | (3)                             | (4)      |
| 13. Tamil Nadu— <i>contd.</i> |                                       |                                 |          |
| 2. Salem U.A.— <i>contd.</i>  |                                       |                                 |          |
|                               | (d) Annadanapatti                     | P.                              |          |
|                               | (e) Ammapalayam                       | P.                              |          |
|                               | (f) Ammapet                           | P.                              |          |
|                               | (g) Puthur                            | P.                              |          |
|                               | (h) Kondalampatti                     | P.                              |          |
|                               | (i) Thadampatti                       | P.                              |          |
|                               | (j) Alagapuram                        | P.                              |          |
|                               | (k) Neikarapatti                      | P.                              |          |
|                               | (l) Sivadapuram                       | P.                              |          |
|                               | (m) Meyyanur                          | P.                              |          |
|                               | (n) Komarasampatti                    | P.                              |          |
|                               | (o) Kandampatti                       | P.                              |          |
|                               | (p) Reddipatti                        | P.                              |          |
|                               | (q) Narasojipatti                     | P.                              |          |
|                               | (r) Pallapatti                        | P.                              |          |
|                               | 3. Coimbatore U.A.—                   | 5 Kms.                          | C        |
|                               | (a) Coimbatore                        | M.                              |          |
|                               | (b) Singanallur                       | M.                              |          |
|                               | (c) Kurichi                           | P.                              |          |
|                               | (d) Telungupalayam                    | P.                              |          |
|                               | (e) Sanganur                          | P.                              |          |
|                               | (f) Kuniyamuthur                      | P.                              |          |
|                               | (g) Ganapathy                         | P.                              |          |
|                               | (h) Madukkarai                        | T. S.                           |          |
|                               | (i) Komarapalayam                     | P.                              |          |
|                               | (j) Vellalore                         | P.                              |          |
|                               | (k) Sulur                             | P.                              |          |
|                               | (l) Perianaickenpalayam               | P.                              |          |
|                               | (m) Kurudumpalayam                    | P.                              |          |
|                               | (n) Kavundampalayam                   | P.                              |          |
|                               | (o) Vilankuruchi                      | P.                              |          |
|                               | (p) Veerakeralam                      | P.                              |          |
|                               | (q) Perur Chettipalayam               | P.                              |          |
|                               | (r) Perur                             | P.                              |          |
|                               | (s) Chinnavedampatti                  | P.                              |          |
|                               | (t) Narasimhanaickenpalayam           | P.                              |          |
|                               | (u) Pallapalayam                      | P.                              |          |
|                               | (v) Coimbatore                        | N. M.                           |          |
|                               | (w) Muthugounden Pudur Railway Colony | Southern Railway Administration |          |
|                               | 4. Madurai U.A.—                      | 5 Kms.                          | C        |
|                               | (a) Madurai                           | M. C.                           |          |
|                               | (b) Madakulam                         | P.                              |          |
|                               | (c) Avaniapuram                       | P.                              |          |
|                               | (d) Tirupparankundram                 | P.                              |          |



| State/Union territory   | Towns   | Peripheral area                 | Category |
|-------------------------|---|---------------------------------|----------|
| (1)                     | (2)   | (3)                             | (4)      |
| 13. Tamil Nadu—concl'd. | 4. Madurai U.A.—cont'd.                           |                                 |          |
|                         | (e) Thallakkulam                                  | P.                              |          |
|                         | (f) Ponmeni                                       | P.                              |          |
|                         | (g) Paravai                                       | P.                              |          |
|                         | (h) Vilangudi                                     | P.                              |          |
|                         | (i) Samayanallur                                  | P.                              |          |
|                         | (j) Sathamangalam                                 | P.                              |          |
|                         | (k) Beebikulam                                    | P.                              |          |
|                         | (l) Harveypatti                                   | T.S.                            |          |
|                         | (m) Tirunagar                                     | P.                              |          |
|                         | (n) Thathaneri                                    | P.                              |          |
|                         | (o) Thaigarajar Colony                            | P.                              |          |
|                         | 5. Tiruchirapalli U.A.—                           | 5 Kms.                          | C        |
|                         | (a) Tiruchirapalli                                | M.                              |          |
|                         | (b) Srirangam                                     | M.                              |          |
|                         | (c) Ponmalai                                      | P.                              |          |
|                         | (d) Golden Rock Railway Colony                    | Southern Railway Administration |          |
|                         | (e) Ariyamangalam                                 | P.                              |          |
|                         | (f) Alathur                                       | P.                              |          |
|                         | (g) Abishekapuram                                 | P.                              |          |
|                         | (h) Pirattiyur                                    | P.                              |          |
|                         | (i) Ulkadai Ariyamangalam                         | P.                              |          |
|                         | 6. Tirunelveli U.A.—                              | 1 Km.                           | D        |
|                         | (a) Tirunelveli                                   | M.                              |          |
|                         | (b) Palayamkottai                                 | M.                              |          |
|                         | (c) Melapalayam                                   | M.                              |          |
|                         | (d) Thatchanallur                                 | P.                              |          |
|                         | (e) Naranammalpuram                               | P.                              |          |
|                         | (f) Thalaiyuthu                                   | P.                              |          |
|                         | (g) Palayamkottai (N. M.)                         | N.M.                            |          |
|                         | (h) Sankarnagar                                   | T.S.                            |          |
|                         | (i) Alaganeri                                     | P.                              |          |
|                         | (j) Melanatham                                    | P.                              |          |
|                         | (k) Pettai  | P.                              |          |
| 14. Uttar Pradesh       | 1. Moradabad U.A.—                                | 1 Km.                           | D        |
|                         | (a) Moradabad                                     | M.B.                            |          |
|                         | (b) Moradabad Railway Settlement                  | N.A.                            |          |
|                         | 2. Bareilly U.A.—                                 | 5 Kms.                          | C        |
|                         | (a) Bareilly M. B. and Northern Railway Colonies— |                                 |          |
|                         | (i) Bareilly                                      | M.B.                            |          |
|                         | (ii) Northern Railway Colony                      |                                 |          |

| State/Union territory                                   | Towns  | Peripheral area | Category |   |
|---|--|-----------------|----------|---|
| (1)   | (2)  | (3)             | (4)      |   |
| 14. Uttar Pradesh—<br><i>contd.</i>                     | 2. Bareilly U.A.— <i>contd.</i>                                      |                 |          |   |
|   | (b) Bareilly Cantonment  | Cantt.          |          |   |
|   | (c) Izatnagar Railway Settlement                                     | N.A.            |          |   |
|   | 3. Dehra Dun U.A.—   |                 | 1 Km.    | D |
|   | (a) Dehra Dun M.B. & Forest<br>Research Institute & College Area—    |                 |          |   |
|   | (i) Dehra Dun  | M.B.            |          |   |
|   | (ii) Forest Research Institute &<br>College Area                     |                 |          |   |
|   | (b) Dehra Dun Cantonment   | Cantt.          |          |   |
|   | 4. Meerut U.A.—  |                 | 5 Kms.   | C |
|   | (a) Meerut   | M.B.            |          |   |
|   | (b) Meerut Cantonment  | Cantt.          |          |   |
|   | (c) Malyana  |                 |          |   |
|   | 5. Agra U.A.—  |                 | 5 Kms.   | C |
|   | (a) Agra   | M.Corp.         |          |   |
|   | (b) Agra Cantonment  | Cantt.          |          |   |
|   | (c) Dayalbagh  | T.A.            |          |   |
|   | (d) Swamibagh  | T.A.            |          |   |
|   | 6. Kanpur U.A.—  |                 | 5 Kms.   | B |
|   | (a) Kanpur M.C., Rawatpur Stationyard<br>and Central Railway Colony— |                 |          |   |
|   | (i) Kanpur   | M.Corp.         |          |   |
| (ii) Rawatpur Stationyard                               |  |                 |          |   |
| (iii) Central Railway Colony                            |  |                 |          |   |
| (b) Kanpur Cantonment                                   | Cantt.   |                 |          |   |
| (c) Armapur Estate                                      |  |                 |          |   |
| (d) Northern Railway Colony                             |  |                 |          |   |
| (e) Chakeri   |  |                 |          |   |
| (f) I. I. T. Kanpur                                     |  |                 |          |   |
| 7. Allahabad U.A.—                                      |  | 5 Kms.          | C        |   |
| (a) Allahabad (M.C.) and Subedarganj<br>Railway Colony— |  |                 |          |   |
| (i) Allahabad   | M.Corp.  |                 |          |   |
| (ii) Subedarganj Railway Colony                         |  |                 |          |   |
| (b) Allahabad Cantonment                                | Cantt.   |                 |          |   |
| 8. Lucknow U.A.—  |  | 5 Kms.          | C        |   |
| (a) Lucknow   | M.Corp.  |                 |          |   |
| (b) Lucknow Cantonment                                  | Cantt.   |                 |          |   |
| (c) Charbagh Alambagh                                   | N.A.   |                 |          |   |
| 9. Gorakhpur  | M.B.   | 1 Km.           | D        |   |
| 10. Varanasi U.A.—                                      |  | 5 Kms.          | C        |   |
| (a) Varanasi M.C. and Varanasi<br>Railway Colony—       |  |                 |          |   |
| (i) Varanasi  | M.Corp.  |                 |          |   |

| State/Union territory                 | Towns   | Peripheral area | Category |
|---------------------------------------|---|-----------------|----------|
| (1)                                   | (2)   | (3)             | (4)      |
| 14. Uttar Pradesh—<br><i>concl.d.</i> | 10. Varanasi U.A.— <i>concl.d.</i><br>(ii) Varanasi Railway Colony<br>(b) Banaras Hindu University<br>(c) Varanasi Cantonment |                 |          |
|                                       | 11. Aligarh   | M.B.            | 1 Km. D  |
|                                       | 12. Saharanpur  | M.B.            | 1 Km. D  |
| 15. West Bengal                       | 1. Calcutta U.A.—   |                 | 8 Kms. A |
|                                       | (1) Calcutta  | M.Corp.         |          |
|                                       | (2) Howrah  | M.Corp.         |          |
|                                       | (3) South Suburban  | M.              |          |
|                                       | (4) Bhatpara  | M.              |          |
|                                       | (5) South Dum Dum   | M.              |          |
|                                       | (6) Kamarhati   | M.              |          |
|                                       | (7) Garden Reach  | M.              |          |
|                                       | (8) Panihati  | M.              |          |
|                                       | (9) Baranagar   | M.              |          |
|                                       | (10) Hooghly Chinsura   | M.              |          |
|                                       | (11) Serampore  | M.              |          |
|                                       | (12) Barrackpur   | M.              |          |
|                                       | (13) Titagarh   | M.              |          |
|                                       | (14) Naihati  | M.              |          |
|                                       | (15) Kanchrapara  | M.              |          |
|                                       | (16) North Barrackpur   | M.              |          |
|                                       | (17) Chandannagar   | M.Corp.         |          |
|                                       | (18) Halisahar  | M.              |          |
|                                       | (19) Uttarpara-Kotrung  | M.              |          |
|                                       | (20) North Dum Dum  | M.              |          |
|                                       | (21) Rishra   | M.              |          |
|                                       | (22) Bansberia  | M.              |          |
|                                       | (23) Panchur  | N.M.            |          |
|                                       | (24) Champdani  | M.              |          |
|                                       | (25) Baidyabati   | M.              |          |
|                                       | (26) Bhadreswar   | M.              |          |
|                                       | (27) Garulia  | M.              |          |
|                                       | (28) Baly   | N.M.            |          |
|                                       | (29) Konnagar   | M.              |          |
|                                       | (30) Khardaha   | M.              |          |
|                                       | (31) Dum Dum  | M.              |          |
|                                       | (32) Deulpara   | N.M.            |          |
|                                       | (33) Barrackpur Cantonment  | Cantt.          |          |
|                                       | (34) Kasba  | N.M.            |          |
|                                       | (35) Garfa  | N.M.            |          |
|                                       | (36) Sultanpur  | N.M.            |          |
|                                       | (37) Kalyani  | N.M.            |          |
|                                       | (38) Bansdroni  | N.M.            |          |
|                                       | (39) Santoshpur   | N.M.            |          |
|                                       | (40) Rajapur  | N.M.            |          |
|                                       | (41) Jadabpur   | N.M.            |          |

| State/Union territory  | Towns                        | Peripheral area | Category |
|--|------------------------------|-----------------|----------|
| (1)  | (2)                          | (3)             | (4)      |
| 15. West Bengal— <i>contd.</i> 1. Calcutta U.A.— <i>contd.</i> |                              |                 |          |
|  | (42) Bademasar               | N.M.            |          |
|  | (43) Ichhapur Defence Estate | N.M.            |          |
|  | (44) Jagannathgarh           | N.M.            |          |
|  | (45) Sarenga                 | N.M.            |          |
|  | (46) Makhla                  | N.M.            |          |
|  | (47) Nabagram Colony         | N.M.            |          |
|  | (48) Sankrail                | N.M.            |          |
|  | (49) Kolara                  | N.M.            |          |
|  | (50) Bankara                 | N.M.            |          |
|  | (51) Nibra                   | N.M.            |          |
|  | (52) Kambahari               | N.M.            |          |
|  | (53) Manikpur                | N.M.            |          |
|  | (54) Banupur                 | N.M.            |          |
|  | (55) Patulia                 | N.M.            |          |
|  | (56) Chakapara               | N.M.            |          |
|  | (57) Mahiari                 | N.M.            |          |
|  | (58) Dhuiya                  | N.M.            |          |
|  | (59) Garui                   | N.M.            |          |
|  | (60) Gardaha                 | N.M.            |          |
|  | (61) Krishnagar              | N.M.            |          |
|  | (62) Jhorhat                 | N.M.            |          |
|  | (63) Madrail Fingapara       | N.M.            |          |
|  | (64) Chakdaha                | N.M.            |          |
|  | (65) Masila                  | N.M.            |          |
|  | (66) Purba Putiari           | N.M.            |          |
|  | (67) Bisarpara               | N.M.            |          |
|  | (68) Panpur                  | N.M.            |          |
|  | (69) Bandra                  | N.M.            |          |
|  | (70) Kerulia                 | N.M.            |          |
|  | (71) Dum Dum Aerodrome Area  | N.M.            |          |
|  | (72) Podara                  | N.M.            |          |
|  | (73) Andul                   | N.M.            |          |
|  | (74) Narayanpur              | N.M.            |          |
|  | 2. Asansol U.A.—             | 1 Km.           | D        |
|  | (a) Asansol                  | M.              |          |
|  | (b) Outer Burnpur            | N.M.            |          |
|  | (c) Burnpur                  | N.M.            |          |
|  | 3. Durgapur                  | N.A.            | 1 Km. D  |
| UNION TERRITORIES :  |                              |                 |          |
| 1. Chandigarh  | Chandigarh U.A.—             | 1 Km.           | D        |
|  | (a) Chandigarh               | E.O.            |          |
|  | (b) Maunimajra               | P.              |          |
| 2. Delhi   | Delhi U.A.—                  | 8 Kms.          | A        |
|  | (a) Delhi                    | M.Coifp.        |          |
|  | (b) New Delhi                | M.C.            |          |
|  | (c) Delhi Cantonment         | C.B.            |          |

## SCHEDULE II

[See section 11(2)]

## PRINCIPLES FOR DETERMINATION OF THE NET AVERAGE ANNUAL INCOME

1. The competent authority shall first determine the gross income actually derived by the holder of the vacant land acquired during the period of five consecutive years referred to in clause (a) of sub-section (1) of section 11 including any income from any produce derived from cultivation of the land during the said period.

2. For such determination the competent authority may—

(a) hold any local inquiry and obtain, if necessary, certified copies of extracts from the property tax assessment books of the municipal or other local authority concerned showing the rental value of such land;

(b) estimate the income from any produce from such land, after holding such local inquiry and taking such evidence as it thinks fit and after giving an opportunity to the person concerned of being heard in the matter.

3. The net average annual income referred to in clause (a) of sub-section (1) of section 11 shall be sixty per cent. of the average annual gross income which shall be one-fifth of the gross income during the five consecutive years as determined by the competent authority under paragraph 1.

4. Forty per cent. of the gross annual income referred to above shall not be taken into consideration in determining the net average annual income but shall be deducted in lieu of the expenditure which the holder of the vacant land would normally incur for payment of any tax to the municipal or other local authority and for collection and other charges including cultivation charges.

THE PREVENTION OF FOOD ADULTERATION  
(AMENDMENT) ACT, 1976

No. 34 OF 1976

[17th February, 1976.]

An Act further to amend the Prevention of Food Adulteration Act, 1954.

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

Short  
title and  
commen-  
cement.

1. (1) This Act may be called the Prevention of Food Adulteration (Amendment) Act, 1976.

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

Amend-  
ment of  
section 2.

2. In section 2 of the Prevention of Food Adulteration Act, 1954 37 of 1954, (hereinafter referred to as the principal Act),—

(a) clause (i) shall be re-numbered as clause (ia) thereof and before that clause as so re-numbered, the following clause shall be inserted, namely:—

“(i) “adulterant” means any material which is or could be employed for the purposes of adulteration;”;

(b) in clause (ia) as so re-numbered,—

(i) in sub-clause (f), the word “disgusting.” shall be omitted;

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

“(j) if any colouring matter other than that prescribed in respect thereof is present in the article, or if the amounts of the prescribed colouring matter which is present in the article are not within the prescribed limits of variability;”;

(iii) for sub-clause (l), the following sub-clauses and *Explanation* shall be substituted, namely:—

“(l) if the quality or purity of the article falls below the prescribed standard or its constituents are present in quantities not within the prescribed limits of variability, which renders it injurious to health;

(m) if the quality or purity of the article falls below the prescribed standard or its constituents are present in quantities not within the prescribed limits of variability but which does not render it injurious to health:

Provided that, where the quality or purity of the article, being primary food, has fallen below the prescribed standards or its constituents are present in quantities not within the prescribed limits of variability, in either case, solely due to natural causes and beyond the control of human agency, then, such article shall not be deemed to be adulterated within the meaning of this sub-clause.

*Explanation.*—Where two or more articles of primary food are mixed together and the resultant article of food—

(a) is stored, sold or distributed under a name which denotes the ingredients thereof; and

(b) is not injurious to health,

then, such resultant article shall not be deemed to be adulterated within the meaning of this clause;”;

(c) in clause (iv), the following proviso shall be inserted at the end, namely:—

“Provided that no person who has any financial interest in the manufacture, import or sale of any article of food shall be appointed to be a Director under this clause;”;

(d) for clause (v), the following clause shall be substituted, namely:—

“(v) “food” means any article used as food or drink for human consumption other than drugs and water and includes—

(a) any article which ordinarily enters into, or is used in the composition or preparation of, human food,

(b) any flavouring matter or condiments, and

(c) any other article which the Central Government may, having regard to its use, nature, substance or quality, declare, by notification in the Official Gazette, as food for the purposes of this Act;”;

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

‘(vi) “Food (Health) Authority” means the Director of Medical and Health Services or the Chief Officer in charge of Health administration in a State, by whatever designation he is known, and includes any officer empowered by the Central Government or the State Government, by notification in the Official Gazette, to exercise the powers and perform the duties of the Food (Health) Authority under this Act with respect to such local area as may be specified in the notification;’

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

‘(viii a) “Local (Health) Authority”, in relation to a local area, means the officer appointed by the Central Government or the State Government, by notification in the Official Gazette, to be in charge of Health administration in such area with such designation as may be specified therein;

(viii b) “manufacture” includes any process incidental or ancillary to the manufacture of an article of food;’

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

‘(xii a) “primary food” means any article of food, being a produce of agriculture or horticulture in its natural form;’

Amend-  
ment of  
section 3.

3. In section 3 of the principal Act,—

(a) in sub-section (2),—

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

“(b) the Director of the Central Food Laboratory or, in a case where more than one Central Food Laboratory is established, the Directors of such Laboratories, *ex officio*;”

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

“(g) one representative each, nominated by the Central Government, to represent the agricultural, commercial and industrial interests;

(gg) five representatives nominated by the Central Government to represent the consumers’ interests, one of whom shall be from the hotel industry;”

(b) in sub-section (3), for the brackets and letter “(g)”, the brackets and letters “(g), (gg)” shall be substituted.



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

Insertion  
of new  
section  
3A.

“3A. (1) The Central Government shall appoint a Secretary to the Committee who shall, under the control and direction of the Committee, exercise such powers and perform such duties as may be prescribed or as may be delegated to him by the Committee.

Appoint-  
ment of  
Secre-  
tary and  
other  
staff.

(2) The Central Government shall provide the Committee with such clerical and other staff as that Government considers necessary.”

5. In section 4 of the principal Act,—

Amend-  
ment of  
section 4.

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

“(1) The Central Government shall, by notification in the Official Gazette, establish one or more Central Food Laboratory or Laboratories to carry out the functions entrusted to the Central Food Laboratory by this Act or any rules made under this Act:

Provided that the Central Government may, by notification in the Official Gazette, also specify any laboratory or institute as a Central Food Laboratory for the purposes of this Act.”;

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

“(a) the functions of a Central Food Laboratory and the local area or areas within which such functions may be carried out;”.

6. In section 7 of the principal Act,—

Amend-  
ment of  
section 7.

(a) in clause (iv), the word “or” shall be omitted;

(b) in clause (v), the word “or” shall be inserted at the end;

(c) after clause (v) as so amended, the following clause shall be inserted, namely:—

“(vi) any adulterant.”;

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

“*Explanation.*—For the purposes of this section, a person shall be deemed to store any adulterated food or misbranded food or any article of food referred to in clause (iii) or clause (iv) or clause (v) if he stores such food for the manufacture therefrom of any article of food for sale.”.

Amend-  
ment of  
section 8.

7. In section 8 of the principal Act, after the proviso, the following proviso shall be inserted, namely:—

“Provided further that different public analysts may be appointed for different articles of food.”.

Amend-  
ment of  
section 10.

8. In section 10 of the principal Act,—

(a) in sub-section (1),—

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

“(c) with the previous approval of the Local (Health) Authority having jurisdiction in the local area concerned, or with the previous approval of the Food (Health) Authority, to prohibit the sale of any article of food in the interest of public health.”;

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

*Explanation.*—For the purposes of sub-clause (iii) of clause (a), “consignee” does not include a person who purchases or receives any article of food for his own consumption;.

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

“(2) Any food inspector may enter and inspect any place where any article of food is manufactured, or stored for sale, or stored for the manufacture of any other article of food for sale, or exposed or exhibited for sale or where any adulterant is manufactured or kept, and take samples of such article of food or adulterant for analysis:

Provided that no sample of any article of food, being primary food, shall be taken under this sub-section if it is not intended for sale as such food.”;

(c) in sub-section (4), in the opening paragraph, the following shall be inserted at the end, namely:—

“and he shall, in either case, take a sample of such article and submit the same for analysis to a public analyst.”;

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

“(4A) Where any article of food seized under sub-section (4) is of a perishable nature and the Local (Health) Authority is satisfied that such article of food is so deteriorated that it is unfit for human consumption, the said Authority may, after giving notice in writing to the vendor, cause the same to be destroyed.”;

(e) in sub-section (5),—

(i) for the first proviso, the following proviso shall be substituted, namely:—

“Provided that the power to break open the package or door shall be exercised only after the owner or any other person in charge of the package or, as the case may be, in occupation of the premises, if he is present therein, refuses to open the package or door on being called upon to do so, and in either case after recording the reasons for doing so:”;

(ii) in the second proviso, for the words and figures “Code of Criminal Procedure, 1898”, the words and figures “Code of Criminal Procedure, 1973” shall be substituted;

(f) in sub-section (6),—

(i) for the portion beginning with the words “Any material” and ending with the words “for purposes of adulteration”, the following shall be substituted, namely:—

“Any adulterant found in the possession of a manufacturer or distributor of, or dealer in, any article of food or in any of the premises occupied by him as such”;

(ii) for the words “may be seized by the food inspector”, the words “and any books of account or other documents found in his possession or control and which would be useful for, or relevant to, any investigation or proceeding under this Act, may be seized by the food inspector” shall be substituted;

(iii) for the words “if necessary a sample of such material”, the words “a sample of such adulterant” shall be substituted;

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

“Provided that no such books of account or other documents shall be seized by the food inspector except with the previous approval of the authority to which he is officially subordinate.”;

(g) after sub-section (7), the following sub-sections shall be inserted, namely:—

“(7A) Where any books of account or other documents are seized under sub-section (6), the food inspector shall, within a period not exceeding thirty days from the date of seizure, return the same to the person from whom they were seized after copies thereof or extracts therefrom as certified by that person in such manner as may be prescribed have been taken:

Provided that where such person refuses to so certify, and a prosecution has been instituted against him under this Act, such books of account or other documents shall be returned to him only after copies thereof or extracts therefrom as certified by the court have been taken.

(7B) When any adulterant is seized under sub-section (6), the burden of proving that such adulterant is not meant for purposes of adulteration shall be on the person from whose possession such adulterant was seized.”;

(h) in sub-section (8), for the words and figures "under section 57 of the Code of Criminal Procedure, 1898", the words and figures "under section 42 of the Code of Criminal Procedure, 1973" shall be substituted;

5 of 1898.  
2 of 1974.

(i) in sub-section (9),—

(A) in clause (a), after the words "article of food", the words "or adulterant" shall be inserted;

(B) for the words "with fine which may extend to five hundred rupees", the words "with fine which shall not be less than five hundred rupees but which may extend to one thousand rupees" shall be substituted.

Amend-  
ment of  
section  
11.

9. In section 11 of the principal Act,—

(a) for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

"(1) When a food inspector takes a sample of food for analysis, he shall—

(a) give notice in writing then and there of his intention to have it so analysed to the person from whom he has taken the sample and to the person, if any, whose name, address and other particulars have been disclosed under section 14A;

(b) except in special cases provided by rules under this Act, divide the sample then and there into three parts and mark and seal or fasten up each part in such a manner as its nature permits and take the signature or thumb impression of the person from whom the sample has been taken in such place and in such manner as may be prescribed:

Provided that where such person refuses to sign or put his thumb impression the food inspector shall call upon one or more witnesses and take his or their signatures or thumb impressions, as the case may be, in lieu of the signature or thumb impression of such person;

(c) (i) send one of the parts for analysis to the public analyst under intimation to the Local (Health) Authority; and

(ii) send the remaining two parts to the Local (Health) Authority for the purposes of sub-section (2) of this section and sub-sections (2A) and (2E) of section 13.

(2) Where the part of the sample sent to the public analyst under sub-clause (i) of clause (c) of sub-section (1) is lost or damaged, the Local (Health) Authority shall, on a requisition made to it by the public analyst or the food inspector despatch one of the parts of the sample sent to it under sub-clause (ii) of the said clause (c) to the public analyst for analysis."

(b) in sub-section (3),—

(i) after the words "article of food", the words "or adulterant" shall be inserted;

(ii) for the words "the food inspector shall send a sample of it", the words "the food inspector shall, by the immediately

succeeding working day, send a sample of the article of food or adulterant or both, as the case may be," shall be substituted;

(c) in sub-section (4),—

(i) for the opening paragraph, the following paragraph shall be substituted, namely:—

"(4) An article of food seized under sub-section (4) of section 10, unless destroyed under sub-section (4A) of that section, and any adulterant seized under sub-section (6) of that section shall be produced before a magistrate as soon as possible and in any case not later than seven days after the receipt of the report of the public analyst:";

(ii) the first proviso shall be omitted and in the second proviso, the word "further" shall be omitted;

(d) for sub-section (5), the following sub-section shall be substituted, namely:—

"(5) If it appears to the magistrate on taking such evidence as he may deem necessary—

(a) that the article of food produced before him under sub-section (4) is adulterated or misbranded, he may order it—

(i) to be forfeited to the Central Government, the State Government or the local authority, as the case may be; or

(ii) to be destroyed at the cost of the owner or the person from whom it was seized so as to prevent its being used as human food; or

(iii) to be so disposed of as to prevent its being again exposed for sale or used for food under its deceptive name; or

(iv) to be returned to the owner, on his executing a bond with or without sureties, for being sold under its appropriate name or, where the magistrate is satisfied that the article of food is capable of being made to conform to prescribed standards for human consumption after reprocessing, for being sold after reprocessing under the supervision of such officer as may be specified in the order;

(b) that the adulterant seized under sub-section (6) of section 10 and produced before him is apparently of a kind which may be employed for purposes of adulteration and for the possession of which the manufacturer, distributor or dealer, as the case may be, is unable to account satisfactorily, he may order it to be forfeited to the Central Government, the State Government or the local authority, as the case may be.";

(e) in sub-section (6), for the portion beginning with the words "If it appears" and ending with the words "article was taken", the

following shall be substituted, namely:—

“If it appears to the magistrate that any such—

(a) article of food is not adulterated; or

(b) adulterant which is purported to be an adulterant<sup>4</sup> is not an adulterant,

the person from whose possession the article of food or adulterant was taken”.

Amend-  
ment of  
section 13

10. In section 13 of the principal Act,—

(a) for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

“(1) The public analyst shall deliver, in such form as may be prescribed, a report to the Local (Health) Authority of the result of the analysis of any article of food submitted to him for analysis.

(2) On receipt of the report of the result of the analysis under sub-section (1) to the effect that the article of food is adulterated, the Local (Health) Authority shall, after the institution of prosecution against the person from whom the sample of the article of food was taken and the person, if any, whose name, address and other particulars have been disclosed under section 14A, forward, in such manner as may be prescribed, a copy of the report of the result of the analysis to such person or persons, as the case may be, informing such person or persons that if it is so desired, either or both of them may make an application to the court within a period of ten days from the date of receipt of the copy of the report to get the sample of the article of food kept by the Local (Health) Authority analysed by the Central Food Laboratory.

(2A) When an application is made to the court under sub-section (2), the court shall require the Local (Health) Authority to forward the part or parts of the sample kept by the said Authority and upon such requisition being made, the said Authority shall forward the part or parts of the sample to the court within a period of five days from the date of receipt of such requisition.

(2B) On receipt of the part or parts of the sample from the Local (Health) Authority under sub-section (2A), the court shall first ascertain that the mark and seal or fastening as provided in clause (b) of sub-section (1) of section 11 are intact and the signature or thumb impression, as the case may be, is not tampered with, and despatch the part or, as the case may be, one of the parts of the sample under its own seal to the Director of the Central Food Laboratory who shall thereupon send a certificate to the court in the prescribed form within one month from the date of receipt of the part of the sample specifying the result of the analysis.

(2C) Where two parts of the sample have been sent to the court and only one part of the sample has been sent by the court to the Director of the Central Food Laboratory under sub-section (2B), the court shall, as soon as practicable, return the remaining part to the Local (Health) Authority and that Authority shall

destroy that part after the certificate from the Director of the Central Food Laboratory has been received by the court:

Provided that where the part of the sample sent by the court to the Director of the Central Food Laboratory is lost or damaged, the court shall require the Local (Health) Authority to forward the part of the sample, if any, retained by it to the court and on receipt thereof, the court shall proceed in the manner provided in sub-section (2B).

(2D) Until the receipt of the certificate of the result of the analysis from the Director of the Central Food Laboratory, the court shall not continue with the proceedings pending before it in relation to the prosecution.

(2E) If, after considering the report, if any, of the food inspector or otherwise, the Local (Health) Authority is of the opinion that the report delivered by the public analyst under sub-section (1) is erroneous, the said Authority shall forward one of the parts of the sample kept by it to any other public analyst for analysis and if the report of the result of the analysis of that part of the sample by that other public analyst is to the effect that the article of food is adulterated, the provisions of sub-sections (2) to (2D) shall, so far as may be, apply.”;

(b) in sub-sections (3) and (4), for the words, brackets and figure “under sub-section (2)”, the words, brackets, figure and letter “under sub-section (2B)” shall be substituted;

(c) in sub-section (5), for the proviso, the following proviso shall be substituted, namely:—

“Provided that any document purporting to be a certificate signed by the Director of the Central Food Laboratory [not being a certificate with respect to the analysis of the part of the sample of any article of food referred to in the proviso to sub-section (1A) of section 16] shall be final and conclusive evidence of the facts stated therein.”;

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

*Explanation.*—In this section, and in clause (f) of sub-section (1) of section 16, “Director of the Central Food Laboratory” shall include the officer for the time being in charge of any Food Laboratory (by whatever designation he is known) recognised by the Central Government for the purposes of this section.’

**11. In section 14 of the principal Act,—**

(a) for the words “manufacturer, distributor or dealer of”, the words “manufacturer or distributor of, or dealer in,” shall be substituted;

(b) before the *Explanation*, the following proviso shall be inserted, namely:—

“Provided that a bill, cash memorandum or invoice in respect of the sale of any article of food given by a manufacturer or distributor of, or dealer in, such article to the vendor thereof shall be deemed to be a warranty given by such manufacturer, distributor or dealer under this section.”

Amendment of section 14.

Amend-  
ment of  
section  
16.

12. In section 16 of the principal Act,—

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

“(1) Subject to the provisions of sub-section (1A), if any person—

(a) whether by himself or by any other person on his behalf, imports into India or manufactures for sale, or stores, sells or distributes any article of food—

(i) which is adulterated within the meaning of sub-clause (m) of clause (ia) of section 2 or misbranded within the meaning of clause (ix) of that section or the sale of which is prohibited under any provision of this Act or any rule made thereunder or by an order of the Food (Health) Authority;

(ii) other than an article of food referred to in sub-clause (i), in contravention of any of the provisions of this Act or of any rule made thereunder; or

(b) whether by himself or by any other person on his behalf, imports into India or manufactures for sale, or stores, sells or distributes any adulterant which is not injurious to health; or

(c) prevents a food inspector from taking a sample as authorised by this Act; or

(d) prevents a food inspector from exercising any other power conferred on him by or under this Act; or

(e) being a manufacturer of an article of food, has in his possession, or in any of the premises occupied by him, any adulterant which is not injurious to health; or

(f) uses any report or certificate of a test or analysis made by the Director of the Central Food Laboratory or by a public analyst or any extract thereof for the purpose of advertising any article of food; or

(g) whether by himself or by any other person on his behalf, gives to the vendor a false warranty in writing in respect of any article of food sold by him,

he shall, in addition to the penalty to which he may be liable under the provisions of section 6, be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years, and with fine which shall not be less than one thousand rupees:

Provided that—

(i) if the offence is under sub-clause (i) of clause (a) and is with respect to an article of food, being primary food, which is adulterated due to human agency or is with respect to an article of food which is misbranded within the meaning of sub-clause (k) of clause (ix) of section 2; or



(ii) if the offence is under sub-clause (ii) of clause (a), but not being an offence with respect to the contravention of any rule made under clause (a) or clause (g) of sub-section (1A) of section 23 or under clause (b) of sub-section (2) of section 24,

the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term which shall not be less than three months but which may extend to two years, and with fine which shall not be less than five hundred rupees:

Provided further that if the offence is under sub-clause (ii) of clause (a) and is with respect to the contravention of any rule made under clause (a) or clause (g) of sub-section (1A) of section 23 or under clause (b) of sub-section (2) of section 24, the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term which may extend to three months and with fine which may extend to five hundred rupees.”;

(b) sub-section (1A) shall be re-numbered as sub-section (1AA) and before that sub-section as so re-numbered, the following sub-section shall be inserted, namely:—

“(1A) If any person whether by himself or by any other person on his behalf, imports into India or manufactures for sale, or stores, sells or distributes,—

(i) any article of food which is adulterated within the meaning of any of the sub-clauses (e) to (l) (both inclusive) of clause (ia) of section 2; or

(ii) any adulterant which is injurious to health,

he shall, in addition to the penalty to which he may be liable under the provisions of section 6, be punishable with imprisonment for a term which shall not be less than one year but which may extend to six years and with fine which shall not be less than two thousand rupees:

Provided that if such article of food or adulterant, when consumed by any person is likely to cause his death or is likely to cause such harm on his body as would amount to grievous hurt within the meaning of section 320 of the Indian Penal Code, he shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to term of life and with fine which shall not be less than five thousand rupees.”;

45 of 1860.

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

“(1B) If any person in whose safe custody any article of food has been kept under sub-section (4) of section 10, sells or distributes such article which is found by the magistrate before whom it is produced to be adulterated within the meaning of sub-clause (h) of clause (ia) of section 2 and which, when consumed by any person, is likely to cause his death or is

likely to cause such harm on his body as would amount to grievous hurt within the meaning of section 320 of the Indian Penal Code, then, notwithstanding anything contained in sub-section (1AA), he shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to term of life and with fine which shall not be less than five thousand rupees.” 45 of 1860

Insertion of new section 16A. Power of court to try cases summarily.

13. After section 16 of the principal Act, the following section shall be inserted, namely:—

“16A. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under sub-section (1) of section 16 shall be tried in a summary way by a Judicial Magistrate of the first class specially empowered in this behalf by the State Government or by a Metropolitan Magistrate and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial: 2 of 1974.

Provided that in the case of any conviction in a summary trial under this section, it shall be lawful for the Magistrate to pass a sentence of imprisonment for a term not exceeding one year:

Provided further that when at the commencement of, or in the course of, a summary trial under this section, it appears to the Magistrate that the nature of the case is such that a sentence of imprisonment for a term exceeding one year may have to be passed or that it is, for any other reason, undesirable to try the case summarily, the Magistrate shall after hearing the parties, record an order to that effect and thereafter recall any witness who may have been examined and proceed to hear or rehear the case in the manner provided by the said Code.”

Substitution of new section for section 17.

14. For section 17 of the principal Act, the following section shall be substituted, namely:—

Offences by companies.

‘17. (1) Where an offence under this Act has been committed by a company—

(a) (i) the person, if any, who has been nominated under sub-section (2) to be in charge of, and responsible to, the company for the conduct of the business of the company (hereafter in this section referred to as the person responsible), or

(ii) where no person has been so nominated, 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; and

(b) 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 and that he exercised all due diligence to prevent the commission of such offence.

(2) Any company may, by order in writing, authorise any of its directors or managers (such manager being employed mainly in a managerial or supervisory capacity) to exercise all such powers and take all such steps as may be necessary or expedient to prevent the commission by the company of any offence under this Act and may give notice to the Local (Health) Authority, in such form and in such manner as may be prescribed, that it has nominated such director or manager as the person responsible, along with the written consent of such director or manager for being so nominated.

*Explanation.*—Where a company has different establishments or branches or different units in any establishment or branch, different persons may be nominated under this sub-section in relation to different establishments or branches or units and the person nominated in relation to any establishment, branch or unit shall be deemed to be the person responsible in respect of such establishment, branch or unit.

(3) The person nominated under sub-section (2) shall, until—

(i) further notice cancelling such nomination is received from the company by the Local (Health) Authority; or

(ii) he ceases to be a director or, as the case may be, manager of the company; or

(iii) he makes a request in writing to the Local (Health) Authority, under intimation to the company, to cancel the nomination [which request shall be complied with by the Local (Health) Authority],

whichever is the earliest, continue to be the person responsible:

Provided that where such person ceases to be a director or, as the case may be, manager of the company, he shall intimate the fact of such cesser to the Local (Health) Authority:

Provided further that where such person makes a request under clause (iii), the Local (Health) Authority shall not cancel such nomination with effect from a date earlier than the date on which the request is made.

(4) Notwithstanding anything contained in the foregoing sub-sections, 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, [not being a person nominated under sub-section (2)] 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;

(b) "director", in relation to a firm, means a partner in the firm; and

(c) "manager", in relation to a company engaged in hotel industry, includes the person in charge of the catering department of any hotel managed or run by it.

Amend-  
ment of  
section 18.

15. In section 18 of the principal Act, the following proviso shall be inserted at the end, namely:—

"Provided that where the court is satisfied that the article of food is capable of being made to conform to prescribed standards for human consumption after reprocessing, the court may order the article of food to be returned to the owner, on his executing a bond with or without sureties, for being sold, subject to the other provisions of this Act, after reprocessing under the supervision of such officer as may be specified therein."

Amend-  
ment of  
section 20.

16. In section 20 of the principal Act,—

(a) in sub-section (1),—

(i) for the words "No prosecution for an offence under this Act", the words, figures and letter "No prosecution for an offence under this Act, not being an offence under section 14 or section 14A," shall be substituted;

(ii) the words "or a local authority", at both the places where they occur, shall be omitted;

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

"(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence under this Act.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under sub-section (1AA) of section 16 shall be cognizable and non-bailable."

Amend-  
ment  
of  
section  
20A.

17. In section 20A of the principal Act, for the words, brackets and figures "sub-section (1) of section 351 of the Code of Criminal Procedure 1898", the words, brackets and figures "sub-section (3) of section 319 of the Code of Criminal Procedure, 1973" shall be substituted.

Insertion  
of new  
section  
20AA.

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

"20AA. Nothing contained in the Probation of Offenders Act, 1958 or section 360 of the Code of Criminal Procedure, 1973 shall apply to a person convicted of an offence under this Act unless that person is under eighteen years of age."

Applica-  
tion of  
the Pro-  
bation of  
Offenders  
Act, 1958  
and sec-  
tion 360  
of the  
Code of  
Criminal  
Procedure,  
1973.

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

Substitution of new section for section 21.

2 of 1974

“21. Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973, it shall be lawful for any Metropolitan Magistrate or any Judicial Magistrate of the first class to pass any sentence authorised by this Act, except a sentence of imprisonment for life or for a term exceeding six years, in excess of his powers under the said section.”.

Magistrate's power to impose enhanced penalties.

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

Insertion of new section 22A.

“22A. The Central Government may give such directions as it may deem necessary to a State Government regarding the carrying into execution of all or any of the provisions of this Act and the State Government shall comply with such directions.”.

Power of Central Government to give directions.

21. In section 23 of the principal Act,—

Amendment of section 23.

(a) sub-section (1) shall be re-numbered as sub-section (1A) and—

(i) before sub-section (1A) as so re-numbered, the following sub-section shall be inserted, namely:—

“(1) The Central Government may, after consultation with the Committee and after previous publication by notification in the Official Gazette, make rules to carry out the provisions of this Act:

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

(ii) in sub-section (1A) as so re-numbered,—

(A) for the words “The Central Government may, after consultation with the Committee and subject to the condition of previous publication, make rules—”, the words “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:—” shall be substituted;

(B) in clause (d), the words “or to preventing adulteration” shall be inserted at the end;

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

“(ee) defining the laboratories where samples of articles of food or adulterants may be analysed by public analysts under this Act;”;

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

“(hh) defining the methods of analysis;”;

(b) in sub-section (2), for the words “which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following”, the words “which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid” shall be substituted.

Amend-  
ment of  
section  
24.

22. In sub-section (2) of section 24 of the principal Act,—

(i) in clause (a), for the words “and local authority”, the words and brackets , “local authority and Local (Health) Authority under this Act” shall be substituted;

(ii) in clause (b), for the words “may be cancelled or forfeited”, the words “may be suspended, cancelled or forfeited” shall be substituted.

THE HIGH COURT JUDGES (CONDITIONS OF SERVICE)  
AMENDMENT ACT, 1976

No. 35 OF 1976

[18th March, 1976.]

An Act further to amend the High Court Judges (Conditions of Service) Act, 1954.

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

1. (1) This Act may be called the High Court Judges (Conditions of Service) Amendment Act, 1976.

Short  
title and  
commen-  
cement.

(2) Save as otherwise provided, it shall be deemed to have come into force on the 1st day of October, 1974.

28 of 1954.

2. In the High Court Judges (Conditions of Service) Act, 1954 (herein-  
after referred to as the principal Act), section 15 shall be renumbered as  
sub-section (1) thereof and after sub-section (1) as so renumbered, the  
following sub-section shall be inserted, namely:—

Amend-  
ment of  
section 15.

“(2) Notwithstanding anything contained in sub-section (1), any Judge to whom that sub-section applies and who is in service on or after the 1st day of October, 1974, may, if he has elected under the proviso to that sub-section to receive the pension payable to him under Part II or, as the case may be, Part III of the First Schedule before the date on which the High Court Judges (Conditions of Service) Amendment Act, 1976, receives the assent of the President, cancel such election and elect afresh to receive the pension payable to him under Part I of the First Schedule and any such Judge who dies before the date of such assent shall be deemed to have elected afresh to be governed by the provisions of the said Part I if the provisions of that Part are more favourable in his case.”

Amendment of section 17A.

3. Section 17A of the principal Act shall be renumbered as sub-section (1) thereof and,—

(a) in sub-section (1) as so renumbered, after the words “the First Schedule”, the words “retires, or” shall be, and shall be deemed always to have been, inserted;

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

(2) The rules, notifications and orders for the time being in force with respect to the grant of family pension in relation to an officer of the Central Civil Services, Class I, shall apply to the grant of family pension in relation to a Judge who, being in service on or after the 1st day of October, 1974, dies, whether before or after retirement, in circumstances to which section 17 does not apply.

(3) The rules, notifications and orders for the time being in force with respect to the grant of death-cum-retirement gratuity benefit to or in relation to an officer of the Central Civil Services, Class I (including the provisions relating to deductions from pension for the purpose) shall apply to or in relation to the grant of death-cum-retirement gratuity benefit to or in relation to a Judge who, being in service on or after the 1st day of October, 1974, retires, or dies in circumstances to which section 17 does not apply, subject to the modifications that—

(i) the minimum qualifying service for the purpose of entitlement to the gratuity shall be two years and six months;

(ii) the amount of gratuity shall be calculated on the basis of twenty days' salary for each completed year of service as a Judge; and

(iii) the maximum amount of gratuity payable shall be thirty thousand rupees.

*Explanation.*—In sub-sections (2) and (3), the expression “Judge” has the same meaning as in section 14.

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

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

Facility of rent-free houses.

“22A. (1) Every Judge shall be entitled without payment of rent to the use of an official residence in accordance with such rules as may, from time to time, be made in this behalf.

(2) Where a Judge does not avail himself of the use of an official residence, he may be paid every month an allowance of an amount equal to twelve and a half per cent. of his salary.

Conveyance allowance.  
Sumptuary allowance.

22B. Every Judge shall be entitled to a conveyance allowance of three hundred rupees per month subject to the maintenance of a motor car by him.

22C. The Chief Justice of every High Court shall be entitled to a sumptuary allowance of three hundred rupees per mensem.”



5. After section 23C of the principal Act, the following section shall be inserted, namely:—

Insertion  
of new  
section  
23D.  
Medical  
facilities  
for  
retired  
Judges.

“23D. (1) Every retired Judge shall, with effect from the date on which the High Court Judges (Conditions of Service) Amendment Act, 1976 receives the assent of the President, be entitled, for himself and his family, to the same facilities as respects medical treatment and on the same conditions as a retired officer of the Central Civil Services, Class I, and his family, are entitled under any rules and orders of the Central Government for the time being in force.

(2) Notwithstanding anything in sub-section (1) but subject to such conditions and restrictions as the Central Government may impose, a retired Judge of the High Court for a State may avail, for himself and his family, any facilities for medical treatment which the Government of that State may extend to him.”.

6. In section 24 of the principal Act,—

Amend-  
ment of  
section 24.

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

“(ca) use of official residence by a Judge under sub-section (1) of section 22A;”;

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

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

7. In the First Schedule to the principal Act,—

Amend-  
ment of  
the First  
Schedule

(1) in Part I, after paragraph 9, the following paragraph shall be inserted, namely:—

‘10. In the case of a Judge to whom this Part applies and who has retired on or after the 1st day of October, 1974, the foregoing provisions of this Part shall have effect subject to the modifications that—

(i) for paragraph 2, the following paragraph shall be substituted, namely:—

“2. Subject to the other provisions of this Part, the pension payable to a Judge to whom this Part applies

and who has completed not less than seven years of service for pension shall be—

(a) for service as Chief Justice in any High Court, Rs. 2,400 per annum; and

(b) for service as any other Judge in any High Court, Rs. 1,600 per annum:

Provided that the pension shall in no case exceed Rs. 28,000 per annum in the case of a Chief Justice and Rs. 22,400 per annum in the case of any other Judge.”;

(ii) paragraphs 3 to 5 shall be omitted;

(iii) in paragraph 6, for the word and figure “paragraph 5”, the word and figure “paragraph 2” shall be substituted;

(iv) for paragraph 8, the following paragraph shall be substituted, namely:—

“8. Notwithstanding anything contained in the foregoing provisions of this Part, the pension payable to a Judge who has completed fourteen years of service for pension, including not less than six years of service as Chief Justice of one or more of the High Courts, shall be Rs. 28,000 per annum.”;

(v) in paragraph 9, for the figures “6,000”, the figures “8,400” shall be substituted.;

(2) in Part II, after paragraph 3, the following paragraph shall be inserted, namely:—

“4. In the case of a Judge to whom this Part applies and who has retired on or after the 1st day of October, 1974, paragraph 3 shall have effect subject to the modifications that—

for the figures “1,333”, “1,600”, “1,866”, “2,133”, “2,400” and “2,666”, the figures “1,866”, “2,240”, “2,612”, “2,986”, “3,360” and “3,733” shall respectively be substituted.”;

(3) in Part III, after paragraph 2, the following paragraph shall be inserted, namely:—

“3. In the case of a Judge to whom this Part applies and who has retired on or after the 1st day of October, 1974, clause (b) of paragraph 2 shall have effect subject to the modifications that—

for the figures “500” and “2,500”, the figures “700” and “3,500” shall respectively be substituted.”.

THE SUPREME COURT JUDGES (CONDITIONS OF SERVICE) AMENDMENT ACT, 1976

No. 36 OF 1976

[18th March, 1976.]

An Act further to amend the Supreme Court Judges (Conditions of Service) Act, 1958.

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

1. (1) This Act may be called the Supreme Court Judges (Conditions of Service) Amendment Act, 1976.

Short title and commencement.

(2) It shall be deemed to have come into force on the 1st day of October, 1974.

41 of 1958.

2. In the Supreme Court Judges (Conditions of Service) Act, 1958 (hereinafter referred to as the principal Act), section 14 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:—

Amendment of section 14.

“(2) Notwithstanding anything contained in sub-section (1), any Judge to whom that sub-section applies and who is in service on, or after the 1st day of October, 1974, may, if he has elected under the proviso to that sub-section to receive the pension payable to him under Part II or, as the case may be, Part III of the Schedule before the date on which the Supreme Court Judges (Conditions of

Service) Amendment Act, 1976, receives the assent of the President, cancel such election and elect afresh to receive the pension payable to him under Part I of the Schedule and any such Judge who dies before the date of such assent, shall be deemed to have elected afresh to be governed by the provisions of the said Part I if the provisions of that Part are more favourable in his case."

Insertion  
of new  
section  
16A.

3. After section 16 of the principal Act, the following section shall be inserted, namely:—

Family  
pension  
and gra-  
tuity.

'16A. (1) The rules, notifications and orders for the time being in force with respect to the grant of family pension in relation to an officer of the Central Civil Services, Class I, shall apply to the grant of family pension in relation to a Judge who, being in service on or after the 1st day of October, 1974, dies, whether before or after retirement, in circumstances to which section 16 does not apply.

(2) The rules, notifications and orders for the time being in force with respect to the grant of death-cum-retirement gratuity benefit to or in relation to an officer of the Central Civil Services, Class I (including the provisions relating to deductions from pension for the purpose) shall apply to or in relation to the grant of death-cum-retirement gratuity benefit to or in relation to a Judge who, being in service on or after the 1st day of October, 1974, retires, or dies in circumstances to which section 16 does not apply, subject to the modifications that—

(i) the minimum qualifying service for the purpose of entitlement to the gratuity shall be two years and six months;

(ii) the amount of gratuity shall be calculated on the basis of twenty days' salary for each completed year of service as a Judge; and

(iii) the maximum amount of gratuity payable shall be thirty thousand rupees.

*Explanation.*—In this section, the expression "Judge" has the same meaning as in section 13.

4. After section 23 of the principal Act, the following sections shall be inserted, namely:—

Insertion  
of new  
sections  
23A, 23B  
and 23C.

Con-  
veyance  
allowance.

"23A. Every Judge shall be entitled to a conveyance allowance of three hundred rupees per month, subject to the maintenance of a motor car by him.

Sump-  
tuary al-  
lowance.

23B. The Chief Justice and each of the other Judges shall be entitled to a sumptuary allowance of five hundred rupees per month and three hundred rupees per month respectively.

23C. Every retired Judge shall, with effect from the date on which the Supreme Court Judges (Conditions of Service) Amendment Act, 1976 receives the assent of the President, be entitled, for himself and his family, to the same facilities as respects medical treatment and on the same conditions as a retired officer of the Central Civil Services, Class I and his family, are entitled under any rules and orders of the Central Government for the time being in force.”

Medical facilities for retired Judges.

5. In section 24 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

Amendment of section 24.

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

6. In the Schedule to the principal Act,—

Amendment of the Schedule.

(1) In Part I, after paragraph 5, the following paragraph shall be inserted, namely:—

‘6. In the case of a Judge to whom this Part applies and who has retired on or after the 1st day of October, 1974, the foregoing provisions of this Part shall have effect subject to the modifications that—

(a) in paragraph 2,—

(i) in clause (b),—

(A) for the figures “470”, the figures “658” shall be substituted;

(B) for the figures “1,200”, the figures “1,680” shall be substituted;

(ii) in the proviso, for the figures “26,000”, the figures “36,400” shall be substituted;

(b) in paragraph 5, for the figures “7,500”, the figures “10,500” shall be substituted.’

(2) In Part II, after paragraph 2, the following paragraph shall be inserted, namely:—

‘3. In the case of a Judge to whom this Part applies and who has retired on or after the 1st day of October, 1974, the foregoing provisions of this Part shall have effect subject to the modifications that in paragraph 2,—

(i) in clause (b), for the figures “1,400”, the figures “1,960” shall be substituted;

(ii) in the proviso, for the figures “20,000”, the figures “28,000” shall be substituted.’

(3) In Part III, after paragraph 2, the following paragraph shall be inserted, namely:—

‘3. In the case of a Judge to whom this Part applies and who has retired on or after the 1st day of October, 1974, the foregoing provisions of this Part shall have effect subject to the modifications that in clause (b) of paragraph 2, for the figures “500” and “2,500”, the figures “700” and “3,500” shall respectively be substituted.’

# THE INDIAN LIGHTHOUSE (AMENDMENT) ACT, 1976

No. 37 OF 1976

[20th March, 1976.]

An Act further to amend the Indian Lighthouse Act, 1927.

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

1. (1) This Act may be called the Indian Lighthouse (Amendment) Act, 1976.

Short  
title and  
commen-  
cement.

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

17 of 1927.

2. In section 1 of the Indian Lighthouse Act, 1927 (hereinafter referred to as the principal Act), in sub-section (1), the words "Indian" shall be omitted.

Amend-  
ment of  
section 1.

3. Throughout the principal Act, for the expression "Customs-collector", wherever it occurs, the expression "proper officer" shall be substituted.

Substi-  
tution of  
the words  
"Proper  
Officer"  
for the  
word  
"Customs-  
Collector"

Amend-  
ment of  
section 2.

4. In section 2 of the principal Act,—

- (i) clause (a) shall be omitted;
- (ii) in clause (h), the word “and” occurring at the end shall be omitted;
- (iii) after clause (h), the following clause shall be inserted, namely:—

‘(hh) “proper officer”, in relation to any functions to be performed under this Act, means the officer of Customs who is assigned those functions by the Central Board of Excise and Customs constituted under the Central Boards of Revenue Act, 1963, and includes any person appointed by the Central Government to discharge the functions of a proper officer under this Act;’;

54 of 1963.

(iv) in clause (i), for the words and figures “Indian Merchant Shipping Act, 1923”, the words and figures “Merchant Shipping Act, 1958” shall be substituted.

21 of 1923.  
44 of 1958.

Amend-  
ment of  
section  
10.

5. In sub-section (1) of section 10 of the principal Act, for the words “fifty naye paise per ton”, the words “one rupee and fifty paise per ton” shall be substituted.

Amend-  
ment of  
section  
12.

6. In section 12 of the principal Act,—

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

“(1) For the purpose of the levy of light-dues, a ship’s tonnage shall be reckoned as under the Merchant Shipping Act, 1953, for dues payable on a ship’s tonnage.”;

44 of 1958.

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

“(a) if the ship is registered under any law for the time being in force in India or under the law of any country, other than India, being a country the ships of which are recognised or accepted by the Central Government to be of the tonnage denoted in their certificates of registry or other national papers under any order made under any enactment repealed by sub-section (1) of section 461 of the Merchant Shipping Act, 1958, and continued in force under clause (a) of sub-section (3) of that section or under any rule made under clause (b) of sub-section (2) of section 74 of the said Act (any such ship being hereafter in this section referred to as registered ship), require the owner or master or other person having possession of the ship’s register or other papers denoting her tonnage to produce the same for inspection and, if such owner, master or other person refuses or neglects to produce the register or papers, as the case may be, or otherwise to satisfy the proper officer as to the tonnage of the ship, cause the ship to be measured and the tonnage to be ascertained; or”.

44 of 1958.



7. After section 19 of the principal Act and before the heading "ACCOUNTS", the following section shall be inserted, namely:—

Insertion  
of new  
section  
19A.  
Fees.

"19A. Fees may be charged for providing assistance to ships for calibrating their Wireless Direction Finders and for rendering other services to vessels, at such rates as the Central Government may specify in the rules made under this Act."

8. Section 20A of the principal Act and the heading "DELEGATION OF POWERS" occurring before that section shall be omitted.

Omission  
of section  
20A.

9. In section 21 of the principal Act,—

(i) in sub-section (1), for the words "may make rules", the words "may, by notification in the Official Gazette, make rules" shall be substituted;

Amend-  
ment of  
section 21.

(ii) in sub-section (2),—

(a) in clause (c), the word "and" occurring at the end shall be omitted;

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

"(cc) the rates of fees for providing assistance to ships for calibrating their Wireless Direction Finders and for rendering other services to vessels;"

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

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

THE APPROPRIATION (No. 3) ACT, 1976

No. 38 OF 1976

[22nd March, 1976.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1975-76.

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

1. This Act may be called the Appropriation (No. 3) Act, 1976.

Short title.

2. From and out of the Consolidated Fund of India there may be paid Rs. 13,89,88,75,000 and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one thousand three hundred and eighty-nine crores, eighty-eight lakhs and seventy-five thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1975-76, in respect of the services specified in column 2 of the Schedule.

Appropriation

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

**THE SCHEDULE**  
(See sections 2 and 3)

| 1<br>No.<br>of<br>Vote | 2<br>Services and purposes  | 3<br>Sums not exceeding        |  |                                |
|------------------------|---|--------------------------------|--|--------------------------------|
|                        |   | Voted by<br>Parliament         | Charged on<br>the Conso-<br>lidated Fund | Total                          |
|                        |   | Rs.                            | Rs.                                      | Rs.                            |
| 2                      | Agriculture . . . Revenue   | 16,54,11,000                   | ..                                       | 16,54,11,000                   |
| 3                      | Fisheries . . . Revenue<br>Capital  | 35,43,000<br>1,16,00,000       | ..<br>..                                 | 35,43,000<br>1,16,00,000       |
| 4                      | Animal Husbandry and<br>Dairy Development . Revenue                       | 3,94,90,000                    | ..                                       | 3,94,90,000                    |
| 6                      | Department of Food . Revenue<br>Capital                                   | 72,72,80,000<br>1,39,61,81,000 | ..<br>..                                 | 72,72,80,000<br>1,39,61,81,000 |
| 12                     | Foreign Trade and<br>Export Production . Revenue<br>Capital               | 1,000<br>2,000                 | ..<br>..                                 | 1,000<br>2,000                 |
| 13                     | Ministry of Communi-<br>cations . . . Revenue                             | 25,25,000                      | ..                                       | 25,25,000                      |
| 15                     | Posts and Telegraphs<br>Working Expenses . Revenue                        | 46,30,35,000                   | 7,000                                    | 46,30,42,000                   |
| 17                     | Capital Outlay on Posts<br>and Telegraphs . . . Capital                   | 20,00,00,000                   | ..                                       | 20,00,00,000                   |
| 18                     | Ministry of Defence . Revenue<br>Capital                                  | 6,51,000<br>7,70,000           | ..<br>..                                 | 6,51,000<br>7,70,000           |
| 19                     | Defence Services—Army Revenue   | 26,47,28,000                   | 3,25,000                                 | 26,50,53,000                   |
| 20                     | Defence Services—Navy Revenue   | ..                             | 25,000                                   | 25,000                         |
| 21                     | Defence Services—<br>Air Force . . . Revenue                              | 23,32,91,000                   | 50,000                                   | 23,33,41,000                   |
| 25                     | Education . . . Revenue   | 9,41,00,000                    | ..                                       | 9,41,00,000                    |
| 27                     | Ministry of Energy . . Revenue  | 5,93,000                       | ..                                       | 5,93,000                       |
| 28                     | Power Development . . Capital   | 6,16,30,000                    | ..                                       | 6,16,30,000                    |
| 29                     | Coal and Lignite . . . Revenue<br>Capital                                 | 77,11,000<br>3,18,91,000       | ..<br>..                                 | 77,11,000<br>3,18,91,000       |
| 30                     | Ministry of External<br>Affairs . . . Revenue                             | 4,95,25,000                    | ..                                       | 4,95,25,000                    |
| 31                     | Ministry of Finance . . Revenue   | 90,69,000                      | ..                                       | 90,69,000                      |
| 33                     | Union Excise Duties . . Revenue   | 7,87,97,000                    | 33,000                                   | 7,88,30,000                    |
| 34                     | Taxes on Income, Estate<br>Duty, Wealth Tax and<br>Gift Tax . . . Revenue | 6,66,74,000                    | 24,000                                   | 6,66,98,000                    |

| 1<br>No.<br>of<br>Vote | 2<br>Services and purposes   | 3<br>Sums not exceeding |  |              |                |
|------------------------|--|-------------------------|--|--------------|----------------|
|                        |  | Voted by<br>Parliament  | Charged on<br>the Consoli-<br>dated Fund | Total        |                |
|                        |  | Rs.                     | Rs.                                      | Rs.          |                |
| 35                     | Stamps . . . . . Revenue   | 7,27,94,000             | ..                                       | 7,27,94,000  |                |
| 36                     | Audit . . . . . Revenue  | 1,98,06,000             | 8,57,000                                 | 2,06,63,000  |                |
| 37                     | Currency, Coinage and<br>Mint . . . . .                                | Revenue                 | 8,80,68,000                              | ..           | 8,80,68,000    |
|                        |  | Capital                 | 3,32,17,000                              | ..           | 3,32,17,000    |
| 38                     | Pensions . . . . . Revenue   | 3,00,00,000             | ..                                       | 3,00,00,000  |                |
| 39                     | Opium and Alkaloid<br>Factories . . . . . Revenue                      | 3,10,60,000             | ..                                       | 3,10,60,000  |                |
| 40                     | Transfers to State and<br>Union Territory<br>Governments . . . . .     | Revenue                 | 34,20,57,000                             | 77,21,62,000 | 1,11,42,19,000 |
|                        |  | Capital                 | ..                                       | 62,68,50,000 | 62,68,50,000   |
|                        | <i>Interest Payments</i> . . . . . Revenue                             | ..                      | 32,97,97,000                             | 32,97,97,000 |                |
| 41                     | Other Expenditure of<br>the Ministry of Finance . . . . .              | Revenue                 | 52,14,44,000                             | ..           | 52,14,44,000   |
|                        |  | Capital                 | 2,93,75,58,000                           | ..           | 2,93,75,58,000 |
| 43                     | Ministry of Health and<br>Family Planning . . . . . Revenue            | 3,62,000                | ..                                       | 3,62,000     |                |
| 44                     | Medical and Public<br>Health . . . . .                                 | Revenue                 | 15,10,24,000                             | 1,05,000     | 15,11,30,000   |
|                        |  | Capital                 | 7,33,69,000                              | ..           | 7,33,69,000    |
| 45                     | Family Planning . . . . . Revenue                                      | 15,13,27,000            | ..                                       | 15,13,27,000 |                |
| 46                     | Ministry of Home<br>Affairs . . . . . Revenue                          | 15,96,000               | ..                                       | 15,96,000    |                |
| 47                     | Cabinet . . . . . Revenue  | 23,36,000               | ..                                       | 23,36,000    |                |
| 48                     | Department of Person-<br>nel and Administra-<br>tive Reforms . . . . . | Revenue                 | 96,47,000                                | ..           | 96,47,000      |
|                        |  | Capital                 | ..                                       | 1,45,00,000  | 1,45,00,000    |

| I<br>No. of<br>Vote | 2<br>Services and purposes   | 3<br>Sums not exceeding     |  |                             |
|---------------------|--|-----------------------------|--|-----------------------------|
|                     |  | Voted by<br>Parliament      | Charged on<br>the Consoli-<br>dated Fund | Total                       |
|                     |  | Rs                          | Rs.                                      | Rs.                         |
| 49                  | Police . . . . Revenue<br>Capital  | 20,09,91,000<br>35,00,000   | 7,000<br>..                              | 20,09,98,000<br>35,00,000   |
| 50                  | Census . . . . Revenue   | 10,00,000                   | ..                                       | 10,00,000                   |
| 51                  | Other Expenditure of<br>the Ministry of Home<br>Affairs . . . . Revenue<br>Capital | 25,65,65,000<br>3,31,21,000 | 2,60,000<br>..                           | 25,68,25,000<br>3,31,21,000 |
| 52                  | Delhi . . . . Revenue<br>Capital   | 12,25,70,000<br>6,80,63,000 | 7,36,000<br>57,13,000                    | 12,33,06,000<br>7,37,76,000 |
| 53                  | Chandigarh . . . Revenue<br>Capital  | 1,88,52,000<br>27,50,000    | 9,65,000<br>..                           | 1,98,17,000<br>27,50,000    |
| 54                  | Andaman and Nicobar<br>Islands . . . . Revenue<br>Capital                          | 3,31,34,000<br>37,20,000    | ..<br>..                                 | 3,31,34,000<br>37,20,000    |
| 56                  | Dadra and Nagar<br>Haveli . . . . Revenue  | 19,37,000                   | ..                                       | 19,37,000                   |
| 57                  | Lakshadweep . . . Revenue  | 42,94,000                   | ..                                       | 42,94,000                   |
| 58                  | Ministry of Industry<br>and Civil Supplies Revenue                                 | 38,13,000                   | ..                                       | 38,13,000                   |
| 59                  | Industries . . . . Revenue<br>Capital  | 3,88,07,000<br>41,38,84,000 | ..<br>..                                 | 3,88,07,000<br>41,38,84,000 |
| 60                  | Village and Small<br>Industries . . . . Capital                                    | 1,32,32,000                 | ..                                       | 1,32,32,000                 |

| 1<br>No. of<br>Vote | 2<br>Services and purposes                                       | 3<br>Sums not exceeding     |  |                             |
|---------------------|--|-----------------------------|--|-----------------------------|
|                     |  | Voted by<br>Parliament      | Charged on the<br>Consolidated<br>Fund | Total                       |
|                     |  | Rs.                         | Rs.                                    | Rs.                         |
| 62                  | Ministry of Information and Broadcasting . . . Revenue           | 7,54,000                    | ..                                     | 7,54,000                    |
| 64                  | Broadcasting . . . Revenue                                       | 7,41,79,000                 | ..                                     | 7,41,79,000                 |
| 66                  | Labour and Employment . . . Revenue                              | 2,21,10,000                 | 5,000                                  | 2,21,15,000                 |
| 68                  | Administration of Justice . . . Revenue                          | ..                          | 6,00,000                               | 6,00,000                    |
| 69                  | Ministry of Petroleum and Chemicals . . . Revenue                | 9,85,000                    | ..                                     | 9,85,000                    |
| 70                  | Petroleum and Petrochemicals Industries . . . Revenue<br>Capital | 2,46,89,000<br>11,50,01,000 | 11,13,000<br>..                        | 2,58,02,000<br>11,50,01,000 |
| 71                  | Fertilizer and Chemicals Industries . . . Revenue<br>Capital     | 1,37,000<br>18,00,01,000    | ..<br>..                               | 1,37,000<br>18,00,01,000    |
| 75                  | Ministry of Shipping and Transport . . . Revenue                 | 15,60,000                   | ..                                     | 15,60,000                   |
| 76                  | Roads . . . Revenue<br>Capital                                   | 8,65,44,000<br>..           | 1,57,000<br>72,000                     | 8,67,01,000<br>72,000       |
| 77                  | Ports, Lighthouses and Shipping . . . Revenue<br>Capital         | 3,01,89,000<br>20,07,11,000 | ..<br>9,72,000                         | 3,01,89,000<br>20,16,83,000 |
| 78                  | Road and Inland Water Transport . . . Capital                    | ..                          | 9,85,00,000                            | 9,85,00,000                 |
| 79                  | Department of Steel . . . Revenue<br>Capital                     | 29,69,000<br>79,04,00,000   | ..<br>..                               | 29,69,000<br>79,04,00,000   |
| 81                  | Mines and Minerals . . . Revenue<br>Capital                      | 5,12,74,000<br>25,48,00,000 | ..<br>..                               | 5,12,74,000<br>25,48,00,000 |
| 83                  | Supplies and Disposals . . . Revenue                             | 40,00,000                   | ..                                     | 40,00,000                   |
| 84                  | Department of Rehabilitation . . . Revenue<br>Capital            | 2,30,52,000<br>88,34,000    | 1,73,000<br>38,00,000                  | 2,32,25,000<br>1,26,34,000  |
| 86                  | Meteorology . . . Revenue  | 1,40,63,000                 | ..                                     | 1,40,63,000                 |
| 87                  | Aviation . . . Revenue   | 4,04,37,000                 | ..                                     | 4,04,37,000                 |
| 88                  | Tourism . . . Revenue  | 11,00,000                   | ..                                     | 11,00,000                   |
| 89                  | Ministry of Works and Housing . . . Revenue                      | 17,46,000                   | ..                                     | 17,46,000                   |
| 90                  | Public Works . . . Revenue<br>Capital                            | 1,45,62,000<br>1,00,00,000  | ..<br>8,73,000                         | 1,45,62,000<br>1,08,73,000  |
| 92                  | Housing and Urban Development . . . Revenue<br>Capital           | 2,82,86,000<br>3,31,67,000  | 14,43,000<br>14,23,000                 | 2,97,29,000<br>3,45,90,000  |
| 93                  | Stationery and Printing . . . Revenue                            | 4,43,02,000                 | ..                                     | 4,43,02,000                 |

| 1   | 2   | 3                      |                       |                        |  |       |
|-----|---|------------------------|-----------------------|------------------------|--|-------|
|     |   | No. of<br>Vote         | Services and purposes | Sums not exceeding     |  |       |
|     |   |                        |                       | Voted by<br>Parliament | Charged on the<br>Consolidated<br>Fund | Total |
|     |   | Rs.                    | Rs.                   | Rs.                    |  |       |
| 95  | Atomic Energy Research, Development and Industrial Projects . . . Revenue | 1,38,00,000            | ..                    | 1,38,00,000            |  |       |
| 96  | Nuclear Power Schemes . . . Revenue                                       | 5,97,00,000            | ..                    | 5,97,00,000            |  |       |
|     | Capital   | 1,26,00,000            | ..                    | 1,26,00,000            |  |       |
| 101 | Survey of India . . Revenue   | 1,50,00,000            | 42,000                | 1,50,42,000            |  |       |
| 105 | Rajya Sabha . . Revenue   | 7,80,000               | ..                    | 7,80,000               |  |       |
|     | Staff, Household and Allowances of the President . . . Revenue            | ..                     | 4,42,000              | 4,42,000               |  |       |
| 107 | Secretariat of the Vice-President . . Revenue                             | 30,000                 | ..                    | 30,000                 |  |       |
|     | Union Public Service Commission . . Revenue                               | ..                     | 16,85,000             | 16,85,000              |  |       |
|     | <b>TOTAL</b>  | <b>12,03,51,58,000</b> | <b>1,86,37,17,000</b> | <b>13,89,88,75,000</b> |  |       |

THE PONDICHERRY APPROPRIATION (No. 2) ACT, 1976

No. 39 OF 1976

[22nd March, 1976.]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the Union territory of Pondicherry for the services of the financial year 1976-77.

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

1. This Act may be called the Pondicherry Appropriation (No. 2) Act, 1976. Short title.

2. From and out of the Consolidated Fund of the Union territory of Pondicherry 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, thirty-five lakhs and thirty-five thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1976-77 in respect of the services specified in column 2 of the Schedule. Issue of Rs. 24,35,35,000 out of the Consolidated Fund of the Union territory of Pondicherry for the financial year 1976-77.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the Union territory of Pondicherry 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<br>No. of<br>Vote | 2<br>Services and purposes                                    | 3<br>Sums not exceeding    |  |                            |
|---------------------|---|----------------------------|--|----------------------------|
|                     |   | Voted by<br>Parliament     | Charged on<br>the Conso-<br>lidated Fund | Total                      |
|                     |   | Rs.                        | Rs.                                      | Rs.                        |
| 1                   | Legislative Assembly . Revenue                                | 3,32,000                   | 30,000                                   | 3,62,000                   |
| 2                   | Administrator . . Revenue                                     | 10,000                     | 4,65,000                                 | 4,75,000                   |
| 3                   | Council of Ministers . Revenue                                | 1,19,000                   | ..                                       | 1,19,000                   |
| 4                   | Administration of<br>Justice . . . Revenue                    | 16,18,000                  | ..                                       | 16,18,000                  |
| 5                   | Elections . . . Revenue                                       | 1,97,000                   | ..                                       | 1,97,000                   |
| 6                   | Revenue . . . Revenue   | 63,95,000                  | ..                                       | 63,95,000                  |
| 7                   | Sales Tax . . . Revenue                                       | 8,63,000                   | ..                                       | 8,63,000                   |
| 8                   | Taxes on Vehicles . Revenue                                   | 2,10,000                   | ..                                       | 2,10,000                   |
| 9                   | Secretariat . . . Revenue                                     | 25,69,000                  | ..                                       | 25,69,000                  |
| 10                  | District Administration Revenue<br>Capital                    | 60,56,000<br>15,00,000     | ..<br>..                                 | 60,56,000<br>15,00,000     |
| 11                  | Treasury and Accounts<br>Administration . . Revenue           | 15,83,000                  | ..                                       | 15,83,000                  |
| 12                  | Police . . . Revenue  | 94,69,000                  | ..                                       | 94,69,000                  |
| 13                  | Jails . . . . Revenue   | 5,01,000                   | ..                                       | 5,01,000                   |
| 14                  | Stationery and<br>Printing . . . Revenue                      | 17,16,000                  | ..                                       | 17,16,000                  |
| 15                  | Miscellaneous<br>Administrative<br>General Services . Revenue | 23,58,000                  | ..                                       | 23,58,000                  |
| 16                  | Retirement Benefits . Revenue                                 | 31,96,000                  | ..                                       | 31,96,000                  |
| 17                  | Public Works . . . Revenue<br>Capital                         | 2,73,84,000<br>1,52,12,000 | 10,000<br>..                             | 2,73,94,000<br>1,52,12,000 |
| 18                  | Education . . . . Revenue<br>Capital                          | 3,84,51,000<br>50,000      | ..<br>..                                 | 3,84,51,000<br>50,000      |
| 19                  | Medical . . . . Revenue                                       | 2,21,78,000                | ..                                       | 2,21,78,000                |
| 20                  | Information and<br>Publicity . . . Revenue                    | 10,34,000                  | ..                                       | 10,34,000                  |
| 21                  | Labour and<br>Employment . . . Revenue                        | 14,98,000                  | ..                                       | 14,98,000                  |
| 22                  | Social Welfare . . . Revenue<br>Capital                       | 84,27,000<br>1,70,000      | 25,000<br>..                             | 84,52,000<br>1,70,000      |

| 1           | 2   | 3                   |                                  |              |
|-------------|---|---------------------|----------------------------------|--------------|
|             |   | Voted by Parliament | Sums not exceeding               |              |
|             |   |                     | Charged on the Consolidated Fund | Total        |
| No. of Vote | Services and purposes                                 | Rs.                 | Rs.                              | Rs.          |
| 23          | Co-operation . . . Revenue Capital                    | 23,62,000           | ..                               | 23,62,000    |
|             |   | 21,73,000           | ..                               | 21,73,000    |
| 24          | Miscellaneous General Economic Services . . . Revenue | 9,33,000            | ..                               | 9,33,000     |
| 25          | Agriculture . . . Revenue Capital                     | 82,60,000           | ..                               | 82,60,000    |
|             |   | 6,85,000            | ..                               | 6,85,000     |
| 26          | Animal Husbandry . . . Revenue Capital                | 22,41,000           | ..                               | 22,41,000    |
|             |   | 2,50,000            | ..                               | 2,50,000     |
| 27          | Fisheries . . . Revenue Capital                       | 30,78,000           | ..                               | 30,78,000    |
|             |   | 15,000              | ..                               | 15,000       |
| 28          | Community Development . . . Revenue Capital           | 44,58,000           | ..                               | 44,58,000    |
|             |   | 1,00,000            | ..                               | 1,00,000     |
| 29          | Industries . . . Revenue Capital                      | 28,24,000           | ..                               | 28,24,000    |
|             |   | 36,00,000           | ..                               | 36,00,000    |
| 30          | Food and Nutrition . . . Revenue                      | 4,31,000            | ..                               | 4,31,000     |
| 31          | Electricity . . . Revenue Capital                     | 2,29,37,000         | ..                               | 2,29,37,000  |
|             |   | 1,41,85,000         | ..                               | 1,41,85,000  |
| 32          | Ports and Pilotage . . . Revenue Capital              | 4,53,000            | ..                               | 4,53,000     |
|             |   | 1,14,000            | ..                               | 1,14,000     |
| 33          | Public Debt . . . Revenue Capital                     | ..                  | 85,47,000                        | 85,47,000    |
|             |   | ..                  | 92,43,000                        | 92,43,000    |
| 33          | Loans to Government Servants . . . Capital            | 30,20,000           | ..                               | 30,20,000    |
|             |   |                     |                                  |              |
|             | TOTAL   | 22,52,15,000        | 1,83,20,000                      | 24,35,35,000 |

# THE NAGALAND APPROPRIATION (No. 2) ACT, 1976

No. 40 OF 1976

[22nd March, 1976.]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Nagaland for the services of the financial year 1976-77.

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

- |   |   |
|---|---|
| <p>1. This Act may be called the Nagaland Appropriation (No. 2) Act, 1976.</p>  | <p>Short<br/>title.</p>   |
| <p>2. From and out of the Consolidated Fund of the State of Nagaland there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of seventy-four crores, twenty-five lakhs and eighty-one thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1976-77 in respect of the services specified in column 2 of the Schedule.</p> | <p>Issue of<br/>Rs. 74,25,<br/>81,000<br/>out of the<br/>Consoli-<br/>dated<br/>Fund<br/>of the<br/>State of<br/>Nagaland<br/>for the<br/>financial<br/>year<br/>1976-77.</p> |
| <p>3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Nagaland by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.</p>   | <p>Appro-<br/>priation.</p>   |

**THE SCHEDULE**  
(See sections 2 and 3)

| I<br>No. of<br>Vote/<br>Appropriation | 2<br>Services and purposes   | 3<br>Sums not exceeding |                                     |                            |
|---------------------------------------|--|-------------------------|-------------------------------------|----------------------------|
|                                       |  | Voted by<br>Parliament  | Charged on<br>the Consolidated Fund | Total                      |
|                                       |  | Rs.                     | Rs.                                 | Rs.                        |
| 1                                     | State Legislature . . . Revenue  | 20,45,000               | 4,00,000                            | 24,45,000                  |
| 2                                     | Head of State . . . Revenue  | ..                      | 7,53,000                            | 7,53,000                   |
| 3                                     | Council of Ministers . . . Revenue   | 16,88,000               | ..                                  | 16,88,000                  |
| 4                                     | Administration of Justice . . . Revenue  | 12,35,000               | 2,25,000                            | 14,60,000                  |
| 5                                     | Election . . . Revenue   | 17,13,000               | ..                                  | 17,13,000                  |
| 6                                     | Land Revenue, Stamps and Registration . . . Revenue  | 21,45,000               | ..                                  | 21,45,000                  |
| 7                                     | State Excise . . . Revenue   | 7,62,000                | ..                                  | 7,62,000                   |
| 8                                     | Sales Tax . . . Revenue  | 7,18,000                | ..                                  | 7,18,000                   |
| 9                                     | Taxes on vehicles . . . Revenue  | 4,52,000                | ..                                  | 4,52,000                   |
| 10                                    | Servicing of debt . . . Revenue<br>Capital   | ..<br>..                | 1,83,11,000<br>2,78,76,000          | 1,83,11,000<br>2,78,76,000 |
| 11                                    | Public Service Commission . . . Revenue  | ..                      | 5,30,000                            | 5,30,000                   |
| 12                                    | Civil Secretariat . . . Revenue  | 1,17,99,000             | ..                                  | 1,17,99,000                |
| 13                                    | District administration, Special Welfare Scheme and Tribal Council . . . Revenue                                     | 1,86,00,000             | ..                                  | 1,86,00,000                |
| 14                                    | Treasury and Accounts Administration . . . Revenue   | 10,85,000               | ..                                  | 10,85,000                  |
| 15                                    | Special expenditure on maintenance of law and order including contribution for pensions and gratuities . . . Revenue | 48,80,000               | ..                                  | 48,80,000                  |
| 16                                    | Village Guards . . . Revenue   | 46,42,000               | ..                                  | 46,42,000                  |
| 17                                    | Civil Police and Fire Service Unit . . . Revenue<br>Capital  | 6,42,50,000<br>8,00,000 | ..<br>..                            | 6,42,50,000<br>8,00,000    |
| 18                                    | Jails . . . Revenue  | 37,00,000               | ..                                  | 37,00,000                  |
| 19                                    | Stationery and Printing . . . Revenue  | 21,50,000               | ..                                  | 21,50,000                  |
| 20                                    | Vigilance Commission . . . Revenue   | 5,98,000                | ..                                  | 5,98,000                   |

| 1                                | 2   | 3                      |                                     |             |
|----------------------------------|---|------------------------|-------------------------------------|-------------|
|                                  |   | Sums not exceeding     |                                     |             |
| No. of<br>Vote/<br>Appropriation | Services and purposes   | Voted by<br>Parliament | Charged on<br>the Consolidated Fund | Total       |
|                                  |   | Rs.                    | Rs.                                 | Rs.         |
| 21                               | Workshop Organisation . . Revenue                             | 16,00,000              | ..                                  | 16,00,000   |
| 22                               | Nagaland Houses . . Revenue                                   | 6,58,000               | ..                                  | 6,58,000    |
| 23                               | Administrative Training Institute . . Revenue                 | 4,02,000               | ..                                  | 4,02,000    |
| 24                               | State Lotteries . . Revenue                                   | 11,65,000              | ..                                  | 11,65,000   |
| 25                               | Pensions and other Retirement Benefits . Revenue              | 6,64,000               | ..                                  | 6,64,000    |
| 26                               | Education . . Revenue   | 5,92,36,000            | ..                                  | 5,92,36,000 |
| 27                               | Art and Culture and Gazetteers Unit . . Revenue               | 10,01,000              | ..                                  | 10,01,000   |
| 28                               | Medical, Public Health and Family Planning . Revenue          | 3,47,82,000            | ..                                  | 3,47,82,000 |
| 29                               | Urban Development . Revenue                                   | 14,37,000              | ..                                  | 14,37,000   |
| 30                               | Information, Publicity and Tourism . . Revenue                | 33,22,000              | ..                                  | 33,22,000   |
| 31                               | Employment Exchange . Revenue                                 | 2,61,000               | ..                                  | 2,61,000    |
| 32                               | Labour . . Revenue  | 1,09,000               | ..                                  | 1,09,000    |
| 33                               | Tribal Development Blocks, Community Projects, etc. . Revenue | 82,50,000              | ..                                  | 82,50,000   |
| 34                               | Social Welfare . . Revenue                                    | 70,04,000              | ..                                  | 70,04,000   |
| 35                               | Soldiers, Sailors and Airmen's Board . Revenue                | 1,60,000               | ..                                  | 1,60,000    |
| 36                               | Social Security, Welfare and Community Services . . Revenue   | 18,53,000              | ..                                  | 18,53,000   |
| 37                               | Evaluation Unit . . Revenue                                   | 1,77,000               | ..                                  | 1,77,000    |
| 38                               | Co-operation . . Revenue                                      | 28,36,000              | ..                                  | 28,36,000   |
|                                  |   | 31,88,000              | ..                                  | 31,88,000   |
| 39                               | Statistics . . Revenue  | 12,97,000              | ..                                  | 12,97,000   |
| 40                               | Weights and Measures . Revenue                                | 4,08,000               | ..                                  | 4,08,000    |
| 41                               | Supply Office at Calcutta . . Revenue                         | 1,89,000               | ..                                  | 1,89,000    |
| 42                               | Agriculture, Minor Irrigation, Fisheries, etc. . Revenue      | 1,90,81,000            | ..                                  | 1,90,81,000 |
| 43                               | Soil Conservation . . Revenue                                 | 64,97,000              | ..                                  | 64,97,000   |
| 44                               | Grain Supply Scheme . Revenue                                 | 66,62,000              | ..                                  | 66,62,000   |
|                                  |   | 3,00,00,000            | ..                                  | 3,00,00,000 |
| 45                               | Animal Husbandry and Dairy Development . Revenue              | 1,22,76,000            | ..                                  | 1,22,76,000 |
|                                  |   | 6,00,000               | ..                                  | 6,00,000    |

| 1<br>No. of<br>Vote/<br>Ap-<br>pro-<br>pria-<br>tion | 2<br>Services and purposes   | 3<br>Sums not exceeding |  |              |
|--|--|-------------------------|--|--------------|
|  |  | Voted by<br>Parliament  | Charged on<br>the Consoli-<br>dated Fund | Total        |
|  |  | Rs.                     | Rs.                                      | Rs.          |
| 46   | Forest . . . . . Revenue   | 3,28,81,000             | ..                                       | 3,28,81,000  |
| 47   | Industries . . . . . Revenue   | 1,37,23,000             | ..                                       | 1,37,23,000  |
|  | Capital  | 92,75,000               | ..                                       | 92,75,000    |
| 48   | Mineral Development . . Revenue  | 31,96,000               | ..                                       | 31,96,000    |
| 49   | Power Projects] . . . Revenue  | 3,72,16,000             | ..                                       | 3,72,16,000  |
|  | Capital  | 1,06,50,000             | ..                                       | 1,06,50,000  |
| 50   | Road Transport] . . . Revenue  | 76,00,000               | ..                                       | 76,00,000    |
|  | Capital  | 31,00,000               | ..                                       | 31,00,000    |
| 51   | Housing Loans and<br>Loans to Government<br>Servants . . . . . Capital     | 42,00,000               | ..                                       | 42,00,000    |
| 52   | Public Works, Housing,<br>Roads and Bridges . . . Revenue                  | 14,57,27,000            | ..                                       | 14,57,27,000 |
|  | Capital  | 5,45,11,000             | ..                                       | 5,45,11,000  |
| 53   | Functional buildings<br>and other Develop-<br>mental Schemes . . . Capital | 1,71,91,000             | ..                                       | 1,71,91,000  |
| 54   | Water Supply Schemes . Revenue   | 1,55,39,000             | ..                                       | 1,55,39,000  |
|  | Capital  | 1,13,00,000             | ..                                       | 1,13,00,000  |
|  | TOTAL  | 69,44,86,000            | 4,80,95,000                              | 74,25,81,000 |

THE TAMIL NADU STATE LEGISLATURE (DELEGATION OF POWERS) ACT, 1976

**THE TAMIL NADU STATE LEGISLATURE (DELEGATION OF POWERS) ACT, 1976**

**No. 41 of 1976**

[22nd March, 1976.]

**An Act to confer on the President the power of the Legislature of the State of Tamil Nadu to make laws.**

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

1. This Act may be called the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976. Short title.

2. In this Act, "Proclamation" means the Proclamation issued on the 31st day of January, 1976, under article 356 of the Constitution, by the President, and published with the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 55(E) of the said date. Definition.

3. (1) The power of the Legislature of the State of Tamil Nadu to make laws, which has been declared by the Proclamation to be exercisable by or under the authority of Parliament, is hereby conferred on the President. Conferment on the President of the power of the State Legislature to make laws.

(2) In the exercise of the said power, the President may, from time to time, whether Parliament is or is not in session, enact, as a President's Act, a Bill containing such provisions as he considers necessary:

Provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a Committee constituted for the purpose, consisting of forty members of the House of

the People nominated by the Speaker and twenty members of the Council of States nominated by the Chairman.

(3) Every Act enacted by the President under sub-section (2) shall, as soon as may be after enactment, be laid before each House of Parliament.

(4) Either House of Parliament may, by resolution, passed within thirty days from the date on which the Act has been laid before it under sub-section (3), which period may be comprised in one session or in two successive sessions, direct any modifications to be made in the Act and if the modifications are agreed to by the other House of Parliament during the session in which the Act has been so laid before it or the session succeeding, such modifications shall be given effect to by the President by enacting an amending Act under sub-section (2):

Provided that nothing in this sub-section shall affect the validity of the Act or of any action taken thereunder before it is so amended.



THE WAREHOUSING CORPORATIONS (AMENDMENT)  
ACT, 1976

No. 42 OF 1976

[24th March, 1976.]

An Act further to amend the Warehousing Corporations Act, 1962.

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

1. This Act may be called the Warehousing Corporations (Amendment) Act, 1976.

Short title.

2. In section 2 of the Warehousing Corporations Act, 1962 (hereinafter referred to as the principal Act),—

Amendment of section 2.

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

(dd) "nationalised bank" means a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;";

(b) in clause (i), the words "and includes a nationalised bank" shall be inserted at the end.

Amend-  
ment of  
section 4.

3. In section 4 of the principal Act,—

(a) in sub-section (1), the following proviso shall be inserted at the end, namely:—

“Provided that the Central Government may, from time to time, by order notified in the Official Gazette, increase the authorised share capital of the Central Warehousing Corporation to such extent and in such manner as that Government may determine.”;

(b) in sub-section (2), in the opening sentence, for the words “The Central Government shall”, the words “The Central Government shall, after due appropriation made by Parliament by law for the purpose,” shall be substituted;

(c) in sub-section (4), for the words “the State Bank, any scheduled bank”, the words “the State Bank or any other scheduled bank” shall be substituted.

Amend-  
ment of  
section 16.

4. In section 16 of the principal Act, in sub-section (2), after clause (b), the following clauses shall be inserted, namely:—

“(c) for meeting the expenses incurred in relation to the training of personnel, or publicity and propaganda, for the purpose of promoting warehousing and storage of agricultural produce and notified commodities;

(d) for meeting the expenses, including the salary, allowances and other remuneration of the officers and other employees, incurred in relation to the administration of the Warehousing Fund.”.

Amend-  
ment of  
section 17.

5. In section 17 of the principal Act, in sub-section (2), the following proviso shall be inserted at the end, namely:—

“Provided that the General Fund shall not be applied for meeting the expenses referred to in clause (c) or clause (d) of sub-section (2) of section 16.”.

Amend-  
ment of  
section 19.

6. In section 19 of the principal Act, in sub-section (1), the following proviso shall be inserted at the end, namely:—

“Provided that in respect of any State Warehousing Corporation the Central Government may, after consultation with the State Government concerned, from time to time and by order notified in the Official Gazette, increase the maximum limit of the authorised capital aforesaid to such extent and in such manner as the Central Government may determine.”.

Amend-  
ment of  
section 27.

7. In section 27 of the principal Act, in sub-section (2),—

(a) in clause (ii), for the words and figures “the State Bank of India Act, 1955.”, the words and figures “the State Bank of India Act, 1955, or” shall be substituted;

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

“(iii) from any nationalised bank, or

(iv) from such insurance company, investment trust or other

financial institution as may be approved by the Central Government in this behalf.”.

8. In section 28 of the principal Act,—

Amend-  
ment of  
section 28.

(a) after the words “the State Bank”, the words “or any nationalised bank” shall be inserted;

(b) for the words “any scheduled bank”, the words “any other scheduled bank” shall be substituted.

9. In Chapter IV of the principal Act, after section 31, the following section shall be inserted, namely:—

Insertion  
of new  
section  
31A.

“31A. A Warehousing Corporation shall furnish to the appropriate Government such returns, statistics, accounts and other information with respect to its property or activities as that Government may, from time to time, require.”.

Returns  
and  
reports.

10. In section 41 of the principal Act,—

Amend-  
ment of  
section 41.

(a) in sub-section (2),—

(i) in clause (e), for the words, brackets and figures “within the limit specified in sub-section (1) of section 19”, the words, brackets and figures “within the maximum limit specified by or under sub-section (1) of section 19” shall be substituted;

(ii) clause (i) shall be re-lettered as clause (j), and before clause (j) as so re-lettered, the following clause shall be inserted, namely:—

“(i) the form and manner in which returns, statistics, accounts and other information are to be furnished, under section 31A, by a Warehousing Corporation;”;

(b) in sub-section (3), for the words “if, before the expiry of the session in which it is so laid”, the words “if before the expiry of the session immediately following the session” shall be substituted.

THE APPROPRIATION (VOTE ON ACCOUNT) ACT, 1976

No. 43 OF 1976

[27th March, 1976.]

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1976-77.

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

Short  
title.

1. This Act may be called the Appropriation (Vote on Account) Act, 1976.

With-  
drawal of  
Rs. 4569,  
62,36,000  
from  
and out  
of the  
Consoli-  
dated  
Fund of  
India for  
the  
financial  
year  
1976-77.

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 four thousand five hundred and sixty-nine crores, sixty-two lakhs and thirty-six thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1976-77.

Appro-  
priation.

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

**THE SCHEDULE**  
(See sections 2 and 3)

| 1<br>No.<br>of<br>Vote | 2<br>Services and purposes  | 3<br>Sums not exceeding      |  |                               |
|------------------------|---|------------------------------|--|-------------------------------|
|                        |   | Voted by<br>Parliament       | Charged on<br>the Consoli-<br>dated Fund | Total                         |
|                        |   | Rs.                          | Rs.                                      | Rs.                           |
| 1                      | Department of Ag-<br>riculture . . . Revenue                              | 35,83,000                    | ..                                       | 35,83,000                     |
| 2                      | Agriculture . . . Revenue<br>Capital                                      | 10,84,74,000<br>92,74,33,000 | ..<br>13,50,07,000                       | 10,84,74,000<br>106,24,40,000 |
| 3                      | Fisheries . . . Revenue<br>Capital  | 1,95,84,000<br>27,23,000     | 1,000<br>2,00,000                        | 1,95,85,000<br>29,23,000      |
| 4                      | Animal Husbandry<br>and Dairy De-<br>velopment . . . Revenue<br>Capital   | 6,14,51,000<br>64,33,000     | 17,000<br>7,30,000                       | 6,14,68,000<br>71,63,000      |
| 5                      | Forest . . . Revenue<br>Capital   | 1,76,62,000<br>13,33,000     | ..<br>41,67,000                          | 1,76,62,000<br>55,00,000      |
| 6                      | Department of Food<br>Capital   | 62,11,78,000<br>3,91,38,000  | 2,000<br>3,21,000                        | 62,11,80,000<br>3,94,59,000   |
| 7                      | Department of Ru-<br>ral Development . . . Revenue<br>Capital             | 11,75,02,000<br>1,17,56,000  | 1,000<br>46,83,000                       | 11,75,03,000<br>1,64,39,000   |
| 8                      | Department of Ag-<br>ricultural Research<br>and Education . . . Revenue   | 1,26,000                     | ..                                       | 1,26,000                      |
| 9                      | Payments to Indian<br>Council of Agricul-<br>tural Research . . . Revenue | 7,58,44,000                  | ..                                       | 7,58,44,000                   |
| 10                     | Department of Irri-<br>gation . . . Revenue<br>Capital                    | 2,24,71,000<br>1,13,08,000   | ..<br>2,20,83,000                        | 2,24,71,000<br>3,33,91,000    |
| 11                     | Ministry of Chemicals<br>and Fertilizers . . . Revenue                    | 5,34,000                     | ..                                       | 5,34,000                      |
| 12                     | Chemicals and Ferti-<br>lizers Industries . . . Revenue<br>Capital        | 3,29,000<br>81,99,30,000     | ..<br>..                                 | 3,29,000<br>81,99,30,000      |
| 13                     | Ministry of Commerce . . . Revenue  | 16,74,000                    | ..                                       | 16,74,000                     |
| 14                     | Foreign Trade and<br>Export Produc-<br>tion . . . Revenue<br>Capital      | 34,99,48,000<br>64,06,47,000 | ..<br>..                                 | 34,99,48,000<br>64,06,47,000  |
| 15                     | Ministry of Commu-<br>nications . . . Revenue<br>Capital                  | 23,31,000<br>1,39,33,000     | ..<br>..                                 | 23,31,000<br>1,39,33,000      |

| 1<br>No.<br>of<br>Vote | 2<br>Services and purposes  | 3                      |  |             |               |
|------------------------|---|------------------------|--|-------------|---------------|
|                        |   | Sums not exceeding     |  |             |               |
|                        |   | Voted by<br>Parliament | Charged on<br>the Consoli-<br>dated Fund | Total       |               |
|                        |   | Rs.                    | Rs.                                      | Rs.         |               |
| 16                     | Overseas Commu-<br>nications Service . . .  | Revenue                | 1,55,48,000                              | ..          | 1,55,48,000   |
|                        |   | Capital                | 1,20,82,000                              | 2,000       | 1,20,84,000   |
| 17                     | Posts and Telegraphs—<br>Working Expenses . . .   | Revenue                | 92,34,91,000                             | 3,000       | 92,34,94,000  |
| 18                     | Posts and Telegraphs—<br>Dividend to General<br>Revenues, App-<br>ropriations to<br>Reserve Funds and<br>Repayment of Loans<br>from General Re-<br>venues . . . | Revenue                | 25,66,96,000                             | ..          | 25,66,96,000  |
| 19                     | Capital Outlay on<br>Posts and Tele-<br>graphs . . .  | Capital                | 35,34,67,000                             | ..          | 35,34,67,000  |
| 20                     | Ministry of Defence . . .   | Revenue                | 27,79,000                                | ..          | 27,79,000     |
|                        |   | Capital                | 4,77,61,000                              | 49,56,000   | 5,27,17,000   |
| 21                     | Defence Services—<br>Army . . .   | Revenue                | 274,95,96,000                            | 1,50,000    | 274,97,46,000 |
| 22                     | Defence Services—<br>Navy . . .   | Revenue                | 28,03,71,000                             | 6,000       | 28,03,77,000  |
| 23                     | Defence Services—<br>Air Force . . .  | Revenue                | 85,28,41,000                             | 25,000      | 85,28,66,000  |
| 24                     | Defence Services—<br>Pensions . . .   | Revenue                | 19,09,37,000                             | 2,000       | 19,09,39,000  |
| 25                     | Capital Outlay on<br>Defence Services . . .   | Capital                | 43,20,43,000                             | 5,00,000    | 43,25,43,000  |
| 26                     | Department of Edu-<br>cation . . .  | Revenue                | 23,90,000                                | ..          | 23,90,000     |
| 27                     | Education . . .   | Revenue                | 27,16,19,000                             | ..          | 27,16,19,000  |
|                        |   | Capital                | 7,78,000                                 | 78,11,000   | 85,89,000     |
| 28                     | Department of Social<br>Welfare . . .   | Revenue                | 2,26,38,000                              | ..          | 2,26,38,000   |
| 29                     | Ministry of Energy . . .  | Revenue                | 8,87,000                                 | ..          | 8,87,000      |
| 30                     | Power Development . . .   | Revenue                | 9,19,81,000                              | ..          | 9,19,81,000   |
|                        |   | Capital                | 18,20,10,000                             | 1,54,67,000 | 19,74,77,000  |
| 31                     | Coal and Lignite . . .  | Revenue                | 3,72,44,000                              | ..          | 3,72,44,000   |
|                        |   | Capital                | 45,79,00,000                             | ..          | 45,79,00,000  |
| 32                     | Ministry of External<br>Affairs . . .   | Revenue                | 15,85,19,000                             | 4,000       | 15,85,23,000  |
|                        |   | Capital                | 1,79,17,000                              | ..          | 1,79,17,000   |
| 33                     | Ministry of Finance . . .   | Revenue                | 5,63,24,000                              | 7,000       | 5,63,31,000   |
| 34                     | Stamps . . .  | Revenue                | 2,98,82,000                              | ..          | 2,98,82,000   |
|                        |   | Capital                | 30,71,000                                | ..          | 30,71,000     |
| 35                     | Audit . . .   | Revenue                | 10,83,10,000                             | 15,69,000   | 10,98,79,000  |

| I<br>No.<br>of<br>Vote | 2<br>Services and purposes  | 3<br>Sums not exceeding |  |                |
|------------------------|---|-------------------------|--|----------------|
|                        |   | Voted by<br>Parliament  | Charged on<br>the Consoli-<br>dated Fund | Total          |
|                        |   | Rs.                     | Rs.                                      | Rs.            |
| 36                     | Currency, Coinage<br>and Mint . . . . . Revenue<br>Capital                                | 6,78,15,000             | ..                                       | 6,78,15,000    |
|                        |   | 3,98,51,000             | ..                                       | 3,98,51,000    |
| 37                     | Pensions . . . . . Revenue  | 10,50,00,000            | 10,00,000                                | 10,60,00,000   |
| 38                     | Transfers to State<br>and Union Terri-<br>tory Governments . . . . . Revenue<br>Capital   | 125,32,51,000           | 288,26,67,000                            | 413,59,18,000  |
|                        |   | ..                      | 417,86,00,000                            | 417,86,00,000  |
|                        | <b>CHARGED.—</b><br><i>Interest Payments</i> . . . . . Revenue                            | ..                      | 225,30,92,000                            | 225,30,92,000  |
| 39                     | Other Expenditure<br>of the Ministry of<br>Finance . . . . . Revenue<br>Capital           | 33,13,39,000            | 44,000                                   | 33,13,83,000   |
|                        |   | 34,93,56,000            | ..                                       | 34,93,56,000   |
| 40                     | Loans to Government<br>Servants, etc. . . . . Capital                                     | 8,83,33,000             | ..                                       | 8,83,33,000    |
|                        |   | ..                      | 1611,83,60,000                           | 1611,83,60,000 |
| 41                     | Department of Re-<br>venue and Banking . . . . . Revenue<br>Capital                       | 79,71,000               | ..                                       | 79,71,000      |
|                        |   | 13,91,97,000            | 67,000                                   | 13,92,64,000   |
| 42                     | Customs . . . . . Revenue   | 4,14,94,000             | 7,000                                    | 4,15,01,000    |
| 43                     | Union Excise Duties . . . . . Revenue   | 7,14,17,000             | 14,000                                   | 7,14,31,000    |
| 44                     | Taxes on Income,<br>Estate Duty, Weal-<br>th Tax and Gift<br>Tax . . . . . Revenue        | 6,83,33,000             | 22,000                                   | 6,83,55,000    |
|                        |   | ..                      | ..                                       | ..             |
| 45                     | Opium and Alkaloid<br>Factories . . . . . Revenue<br>Capital                              | 19,94,33,000            | 1,000                                    | 19,94,34,000   |
|                        |   | 11,23,000               | ..                                       | 11,23,000      |
| 46                     | Ministry of Health<br>and Family Planning . . . . . Revenue                               | 11,54,000               | ..                                       | 11,54,000      |
| 47                     | Medical and Public<br>Health . . . . . Revenue<br>Capital                                 | 15,22,01,000            | ..                                       | 15,22,01,000   |
|                        |   | 7,22,37,000             | 16,000                                   | 7,22,53,000    |
| 48                     | Family Planning . . . . . Revenue<br>Capital  | 12,70,48,000            | ..                                       | 12,70,48,000   |
|                        |   | 1,67,000                | ..                                       | 1,67,000       |
| 49                     | Ministry of Home<br>Affairs . . . . . Revenue   | 36,10,000               | ..                                       | 36,10,000      |
| 50                     | Cabinet . . . . . Revenue   | 21,07,000               | ..                                       | 21,07,000      |
| 51                     | Department of Per-<br>sonnel and Admi-<br>nistrative Reforms . . . . . Revenue<br>Capital | 1,23,35,000             | 1,000                                    | 1,23,36,000    |
|                        |   | 25,000                  | 4,17,000                                 | 4,42,000       |
| 52                     | Police . . . . . Revenue<br>Capital   | 31,46,80,000            | 3,000                                    | 31,46,83,000   |
|                        |   | 50,00,000               | 1,23,76,000                              | 1,73,76,000    |
| 53                     | Census . . . . . Revenue  | 61,44,000               | ..                                       | 61,44,000      |

| 1<br>No.<br>of<br>Vote | 2<br>Services and purposes   | 3<br>Sums not exceeding |  |              |
|------------------------|--|-------------------------|--|--------------|
|                        |  | Voted by<br>Parliament  | Charged on<br>the Consol-<br>idated Fund | Total        |
|                        |  | Rs.                     | Rs.                                      | Rs.          |
| 54                     | Other Expenditure<br>of the Ministry of<br>Home Affairs . . . Revenue<br>Capital | 22,75,29,000            | 9,61,65,000                              | 32,36,94,000 |
|                        |  | 6,21,87,000             | 11,53,000                                | 6,33,40,000  |
| 55                     | Delhi . . . . Revenue<br>Capital   | 18,70,87,000            | 9,44,000                                 | 18,80,31,000 |
|                        |  | 8,33,05,000             | 41,67,000                                | 8,74,72,000  |
| 56                     | Chandigarh . . . Revenue<br>Capital  | 2,68,91,000             | 9,16,000                                 | 2,78,07,000  |
|                        |  | 1,01,89,000             | 1,00,000                                 | 1,02,89,000  |
| 57                     | Andaman and Nicobar<br>Islands . . . . Revenue<br>Capital                        | 3,53,02,000             | 1,000                                    | 3,53,03,000  |
|                        |  | 1,61,72,000             | ..                                       | 1,61,72,000  |
| 58                     | Dadra and Nagar<br>Haveli . . . . Revenue<br>Capital                             | 31,44,000               | ..                                       | 31,44,000    |
|                        |  | 22,61,000               | ..                                       | 22,61,000    |
| 59                     | Lakshadweep . . . Revenue<br>Capital   | 53,13,000               | ..                                       | 53,13,000    |
|                        |  | 18,05,000               | ..                                       | 18,05,000    |
| 60                     | Ministry of Industry<br>and Civil Supplies . Revenue                             | 56,66,000               | ..                                       | 56,66,000    |
| 61                     | Industries . . . . Revenue<br>Capital  | 3,61,89,000             | ..                                       | 3,61,89,000  |
|                        |  | 24,60,59,000            | ..                                       | 24,60,59,000 |
| 62                     | Village and Small<br>Industries . . . . Revenue<br>Capital                       | 5,46,50,000             | 25,00,000                                | 5,71,50,000  |
|                        |  | 5,61,16,000             | 51,50,000                                | 6,12,66,000  |
| 63                     | Civil Supplies and<br>Co-operation . . . Revenue<br>Capital                      | 1,12,19,000             | ..                                       | 1,12,19,000  |
|                        |  | 4,67,27,000             | 32,60,000                                | 4,99,87,000  |
| 64                     | Ministry of Informa-<br>tion and Broad-<br>casting . . . . Revenue               | 7,16,000                | ..                                       | 7,16,000     |
| 65                     | Information and Pub-<br>licity . . . . Revenue<br>Capital                        | 2,47,98,000             | ..                                       | 2,47,98,000  |
|                        |  | 19,25,000               | ..                                       | 19,25,000    |
| 66                     | Broadcasting . . . Revenue<br>Capital  | 6,73,23,000             | ..                                       | 6,73,23,000  |
|                        |  | 3,55,69,000             | ..                                       | 3,55,69,000  |
| 67                     | Ministry of Labour . Revenue   | 12,00,000               | ..                                       | 12,00,000    |
| 68                     | Labour and Employ-<br>ment . . . . Revenue<br>Capital                            | 7,33,46,000             | 4,000                                    | 7,33,50,000  |
|                        |  | 1,65,000                | ..                                       | 1,65,000     |
| 69                     | Ministry of Law,<br>Justice and Com-<br>pany Affairs . . . Revenue               | 3,65,54,000             | ..                                       | 3,65,54,000  |
| 70                     | Administration of<br>Justice . . . . Revenue                                     | 5,41,000                | 10,34,000                                | 15,75,000    |
| 71                     | Ministry of Petro-<br>leum . . . . Revenue                                       | 7,65,000                | ..                                       | 7,65,000     |
| 72                     | Petroleum and Petro-<br>chemicals Indus-<br>tries . . . . Revenue<br>Capital     | 9,24,35,000             | ..                                       | 9,24,35,000  |
|                        |  | 48,55,05,000            | ..                                       | 48,55,05,000 |



| 1<br>No.<br>of<br>Vote | 2<br>Services and purposes  | 3<br>Sums not exceeding      |  |                              |
|------------------------|---|------------------------------|--|------------------------------|
|                        |   | Voted by<br>Parliament       | Charged on<br>the Consoli-<br>dated Fund | Total                        |
|                        |   | Rs.                          | Rs.                                      | Rs.                          |
| 73                     | Ministry of Planning . Revenue  | 1,17,000                     | ..                                       | 1,17,000                     |
| 74                     | Statistics . . . Revenue  | 1,69,44,000                  | ..                                       | 1,69,44,000                  |
| 75                     | Planning Commission Revenue   | 78,52,000                    | ..                                       | 78,52,000                    |
| 76                     | Department of Science<br>and Technology . Revenue<br>Capital          | 1,80,19,000<br>24,83,000     | ..<br>..                                 | 1,80,19,000<br>24,83,000     |
| 77                     | Survey of India . Revenue   | 2,96,32,000                  | ..                                       | 2,96,32,000                  |
| 78                     | Grants to Council<br>of Scientific and<br>Industrial Research Revenue | 7,40,64,000                  | ..                                       | 7,40,64,000                  |
| 79                     | Ministry of Shipping<br>and Transport . Revenue                       | 40,99,000                    | ..                                       | 40,99,000                    |
| 80                     | Roads . . . Revenue<br>Capital  | 13,44,42,000<br>13,80,14,000 | 2,000<br>1,57,00,000                     | 13,44,44,000<br>15,37,14,000 |
| 81                     | Ports, Lighthouses and<br>Shipping . . . Revenue<br>Capital           | 4,15,13,000<br>34,52,07,000  | 1,000<br>54,35,000                       | 4,15,14,000<br>35,06,42,000  |
| 82                     | Road and Inland<br>Water Transport . Revenue<br>Capital               | 17,91,000<br>2,90,90,000     | ..<br>36,50,000                          | 17,91,000<br>3,27,40,000     |
| 83                     | Department of Steel . Revenue<br>Capital                              | 8,80,88,000<br>88,52,25,000  | ..<br>33,33,000                          | 8,80,88,000<br>88,85,58,000  |
| 84                     | Department of Mines Revenue   | 4,75,000                     | ..                                       | 4,75,000                     |
| 85                     | Mines and Mine-<br>rals . . . Revenue<br>Capital                      | 6,00,93,000<br>16,70,52,000  | ..<br>..                                 | 6,00,93,000<br>16,70,52,000  |
| 86                     | Department of Supply . Revenue  | 3,89,000                     | ..                                       | 3,89,000                     |
| 87                     | Supplies and Dis-<br>posals . . . Revenue                             | 1,33,06,000                  | ..                                       | 1,33,06,000                  |
| 88                     | Department of Re-<br>habilitation . . Revenue<br>Capital              | 4,07,64,000<br>1,57,79,000   | 19,000<br>1,30,56,000                    | 4,07,83,000<br>2,88,35,000   |
| 89                     | Ministry of Tourism<br>and Civil Aviation . Revenue                   | 7,96,000                     | ..                                       | 7,96,000                     |
| 90                     | Meteorology . . . Revenue<br>Capital                                  | 1,87,89,000<br>33,87,000     | ..<br>..                                 | 1,87,89,000<br>33,87,000     |
| 91                     | Aviation . . . Revenue<br>Capital                                     | 4,46,84,000<br>4,23,80,000   | ..<br>1,67,000                           | 4,46,84,000<br>4,25,47,000   |
| 92                     | Tourism . . . Revenue<br>Capital                                      | 64,32,000<br>71,23,000       | ..<br>..                                 | 64,32,000<br>71,23,000       |
| 93                     | Ministry of Works<br>and Housing . . Revenue                          | 9,88,000                     | ..                                       | 9,88,000                     |
| 94                     | Public Works . . . Revenue<br>Capital                                 | 9,51,07,000<br>2,45,86,000   | 3,000<br>1,66,000                        | 9,51,10,000<br>2,47,52,000   |
| 95                     | Water Supply and<br>Sewerage . . . Revenue                            | 22,22,000                    | ..                                       | 22,22,000                    |

| 1<br>No.<br>of<br>Vote | 2<br>Services and purposes  | 3                           |  |                             |
|------------------------|---|-----------------------------|--|-----------------------------|
|                        |   | Sums not exceeding          |  |                             |
|                        |   | Voted by<br>Parliament      | Charged on<br>the Consoli-<br>dated Fund | Total                       |
|                        |   | Rs.                         | Rs.                                      | Rs.                         |
| 96                     | Housing and Urban<br>Development . . . Revenue<br>Capital   | 1,68,41,000<br>3,37,88,000  | 10,43,000<br>5,27,66,000                 | 1,78,84,000<br>8,65,54,000  |
| 97                     | Stationery and Prin-<br>ting . . . Revenue  | 4,76,22,000                 | 1,000                                    | 4,76,23,000                 |
| 98                     | Department of At-<br>omic Energy . . . Revenue  | 7,34,000                    | ..                                       | 7,34,000                    |
| 99                     | Atomic Energy Re-<br>search, Develop-<br>ment and Indus-<br>trial Projects . . . Revenue<br>Capital | 9,46,52,000<br>16,94,48,000 | ..<br>..                                 | 9,46,52,000<br>16,94,48,000 |
| 100                    | Nuclear Power<br>Schemes . . . Revenue<br>Capital   | 6,42,05,000<br>9,18,93,000  | ..<br>..                                 | 6,42,05,000<br>9,18,93,000  |
| 101                    | Department of Cul-<br>ture . . . Revenue  | 1,25,44,000                 | ..                                       | 1,25,44,000                 |
| 102                    | Archaeology . . . Revenue   | 1,00,85,000                 | ..                                       | 1,00,85,000                 |
| 103                    | Department of Elec-<br>tronics . . . Revenue<br>Capital   | 1,29,28,000<br>37,09,000    | ..<br>..                                 | 1,29,28,000<br>37,09,000    |
| 104                    | Department of Space . . . Revenue<br>Capital  | 5,61,88,000<br>1,43,84,000  | ..<br>..                                 | 5,61,88,000<br>1,43,84,000  |
| 105                    | Lok Sabha . . . Revenue   | 76,19,000                   | 17,000                                   | 76,36,000                   |
| 106                    | Rajya Sabha . . . Revenue   | 30,93,000                   | 16,000                                   | 31,09,000                   |
| 107                    | Department of Par-<br>liamentary Affairs . . . Revenue  | 3,29,000                    | ..                                       | 3,29,000                    |
|                        | CHARGED.—Staff, House-<br>hold and Allowances<br>of the President . . . Revenue                     | ..                          | 11,28,000                                | 11,28,000                   |
| 108                    | Secretariat of the<br>Vice-President . . . Revenue  | 95,000                      | ..                                       | 95,000                      |
|                        | CHARGED.—Union Public<br>Service Commission . . . Revenue   | ..                          | 131,68,000                               | 31,68,000                   |
|                        | TOTAL   | 1983,67,70,000              | 2585,94,66,000                           | 4569,62,36,000              |

**THE GUJARAT STATE LEGISLATURE (DELEGATION OF POWERS) ACT, 1976**

**No. 44 OF 1976**

*[30th March, 1976.]*

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

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

1. This Act may be called the Gujarat State Legislature (Delegation of Powers) Act, 1976. **Short title.**

2. In this Act, "Proclamation" means the Proclamation issued on the 12th day of March, 1976, under article 356 of the Constitution, by the President, and published with the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 123 (E) of the said date. **Definition.**

3. (1) The power of the Legislature of the State of Gujarat to make laws, which has been declared by the Proclamation to be exercisable by or under the authority of Parliament, is hereby conferred on the President. **Conferment on the President of the power of the State Legislature to make laws.**

(2) In the exercise of the said power, the President may, from time to time, whether Parliament is or is not in session, enact, as a President's Act, a Bill containing such provisions as he considers necessary:

Provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a Committee constituted

for the purpose, consisting of thirty-four members of the House of the People nominated by the Speaker and seventeen members of the Council of States nominated by the Chairman.

(3) Every Act enacted by the President under sub-section (2) shall, as soon as may be after enactment, be laid before each House of Parliament.

(4) Either House of Parliament may, by resolution passed within thirty days from the date on which the Act has been laid before it under sub-section (3), which period may be comprised in one session or in two successive sessions, direct any modifications to be made in the Act and if the modifications are agreed to by the other House of Parliament during the session in which the Act has been so laid before it or the session succeeding, such modifications shall be given effect to by the President by enacting an amending Act under sub-section (2):

Provided that nothing in this sub-section shall affect the validity of the Act or of any action taken thereunder before it is so amended.

THE CONTEMPT OF COURTS (AMENDMENT) ACT, 1976

No. 45 OF 1976

[30th March, 1976.]

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

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

1. This Act may be called the Contempt of Courts (Amendment) Act, 1976.

Short title.

70 of 1971.

2. In the Contempt of Courts Act, 1971, in section 15, in subsection (1),—

Amendment of section 15.

(i) in clause (b), the word "or" shall be inserted at the end;

(ii) after clause (b) as so amended, the following clause shall be inserted, namely:—

"(c) in relation to the High Court for the Union territory of Delhi, such Law Officer as the Central Government may, by notification in the Official Gazette, specify in this behalf, or any other person, with the consent in writing of such Law Officer."

THE KERALA LEGISLATIVE ASSEMBLY (EXTENSION OF DURATION) AMENDMENT ACT, 1976

No. 46 OF 1976

[31st March, 1976.]

An Act to provide for the extension of the duration of the Legislative Assembly of the State of Kerala and to amend the Kerala Legislative Assembly (Extension of Duration) Act, 1975.

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

Short title.

1. This Act may be called the Kerala Legislative Assembly (Extension of Duration) Amendment Act, 1976.

Further extension of duration of the Kerala Legislative Assembly and amendment of Act 33 of 1975.

2. The period of five years [being the period for which the Legislative Assembly of a State may, under clause (1) of article 172 of the Constitution, continue from the date appointed for its first meeting] in relation to the Legislative Assembly of the State of Kerala, which was extended for a period of six months by the Kerala Legislative Assembly (Extension of Duration) Act, 1975, is hereby extended for a further period of six months and accordingly, in section 2 of that Act,—

(1) for the words "six months", the words "one year" shall be substituted;

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

"Provided that if both or either of the said Proclamations cease or ceases to operate before the expiration of the said period of one year, the present Legislative Assembly of the State of Kerala shall, unless previously dissolved under clause (2) of article 174 of the Constitution, continue until six months after the cesser of operation of the said Proclamations or Proclamation, but not beyond the said period of one year."

# THE APPROPRIATION (RAILWAYS) NO. 2 ACT, 1976

No. 47 of 1976

[31st March, 1976.]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1976-77 for the purposes of Railways.

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

1. This Act may be called the Appropriation (Railways) No. 2 Act, 1976. Short title.
2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of three thousand three hundred and ninety-one crores, seventy-three lakhs and fifty-one thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1976-77, in respect of the services relating to railways specified in column 2 of the Schedule. Issue of Rs. 3,391, 73,51,000 out of the Consolidated Fund of India for the financial year 1976-77.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. Appropriation.

## THE SCHEDULE

(See sections 2 and 3)

| I<br>No. of<br>Vote | 2<br>Services and purposes   | 3<br>Sums not exceeding |  |                 |
|---------------------|--|-------------------------|--|-----------------|
|                     |  | Voted by<br>Parliament  | Charged on<br>the Conso-<br>lidated Fund | Total           |
|                     |  | Rs.                     | Rs.                                      | Rs.             |
| 1                   | Railway Board . . . . .  | 2,59,94,000             | ..                                       | 2,59,94,000     |
| 2                   | Miscellaneous Expenditure . . . . .  | 11,31,49,000            | 3,00,000                                 | 11,34,49,000    |
| 3                   | Payments to Worked Lines and Others . . . . .  | 29,75,000               | ..                                       | 29,75,000       |
| 4                   | Working Expenses—<br>Administration . . . . .  | 158,69,09,000           | 1,00,000                                 | 158,70,09,000   |
| 5                   | Working Expenses—<br>Repairs and Maintenance . . . . .   | 627,72,40,000           | 12,79,000                                | 627,85,19,000   |
| 6                   | Working Expenses—<br>Operating Staff . . . . .   | 333,68,96,000           | 32,96,000                                | 334,01,92,000   |
| 7                   | Working Expenses—<br>Operation (Fuel) . . . . .  | 294,47,26,000           | 44,48,000                                | 294,91,74,000   |
| 8                   | Working Expenses—<br>Operation other than Staff and<br>Fuel . . . . .  | 118,57,61,000           | 1,75,12,000                              | 120,32,73,000   |
| 9                   | Working Expenses—<br>Miscellaneous Expenses . . . . .  | 57,85,48,000            | 7,38,000                                 | 57,92,86,000    |
| 10                  | Working Expenses—<br>Staff Welfare . . . . .   | 54,82,25,000            | 1,00,000                                 | 54,83,25,000    |
| 11                  | Working Expenses—<br>Appropriation to Depreciation<br>Reserve Fund . . . . .                                     | 135,00,00,000           | ..                                       | 135,00,00,000   |
| 11A                 | Working Expenses—<br>Appropriation to Pension Fund . . . . .   | 30,00,00,000            | ..                                       | 30,00,00,000    |
| 12                  | Dividend to General Revenues and<br>Contribution for Grants to States<br>in lieu of Passenger Fare Tax . . . . . | 207,59,82,000           | ..                                       | 207,59,82,000   |
| 13                  | Open Line Works (Revenue) . . . . .  | 8,99,88,000             | 50,000                                   | 9,00,38,000     |
| 14                  | Construction of New Lines—<br>Capital and Depreciation Reserve<br>Fund . . . . .                                 | 42,52,80,000            | 5,00,000                                 | 42,57,80,000    |
| 15                  | Open Line Works—Capital, Depre-<br>ciation Reserve Fund and<br>Development Fund . . . . .                        | 1,086,02,77,000         | 30,00,000                                | 1,086,32,77,000 |
| 16                  | Pensionary Charges—<br>Pension Fund . . . . .  | 25,19,29,000            | ..                                       | 25,19,29,000    |
| 17                  | Repayment of Loans from General<br>Revenues and Interest thereon—<br>Development Fund . . . . .                  | 8,46,70,000             | ..                                       | 8,46,70,000     |



| 1<br>No. of<br>Vote | 2<br>Services and purposes   | 3                      |  |                        |
|---------------------|--|------------------------|--|------------------------|
|                     |  | Sums not exceeding     |  |                        |
|                     |  | Voted by<br>Parliament | Charged on<br>the Conso-<br>lidated Fund | Total                  |
|                     |  | Rs.                    | Rs.                                      | Rs.                    |
| 18                  | Appropriation to Development Fund  | 8,98,48,000            | ..                                       | 8,98,48,000            |
| 19                  | Appropriation to Revenue Reserve Fund  | ..                     | ..                                       | ..                     |
| 20                  | Payments towards Amortisation of Over-capitalisation, Repayment of Loans from General Revenues and Interest thereon—Revenue Reserve Fund | 164,04,64,000          | ..                                       | 164,04,64,000          |
| 21                  | Appropriation to Accident Compensation, Safety and Passenger Amenities Fund  | 8,06,07,000            | ..                                       | 8,06,07,000            |
| 22                  | Accident Compensation, Safety and Passenger Amenities Fund   | 3,63,10,000            | 2,50,000                                 | 3,65,60,000            |
|                     | <b>TOTAL</b>   | <b>3,388,57,78,000</b> | <b>3,15,73,000</b>                       | <b>3,391,73,51,000</b> |

THE APPROPRIATION (RAILWAYS) No. 3 ACT, 1976

No. 48 OF 1976

[31st March, 1976]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1975-76 for the purposes of Railways.

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

Short  
title.

1. This Act may be called the Appropriation (Railways) No. 3 Act, 1976.

Issue of  
Rs. 278,62,  
58,000  
out of the  
Consoli-  
dated  
Fund of  
India for  
the  
financial  
year  
1975-76.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of two hundred and seventy-eight crores, sixty-two lakhs and fifty-eight thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1975-76, in respect of the services relating to Railways specified in column 2 of the Schedule.

Appro-  
priation.

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

**THE SCHEDULE**  
(See sections 2 and 3)

| 1<br>No. of<br>Vote | 2<br>Services and purposes   | 3<br>Sums not exceeding |  |               |
|---------------------|--|-------------------------|--|---------------|
|                     |  | Voted by<br>Parliament  | Charged on<br>the Consoli-<br>dated Fund | Total         |
|                     |  | Rs.                     | Rs.                                      | Rs.           |
| 1                   | Railway Board . . . . .  | 20,16,000               | ..                                       | 20,16,000     |
| 2                   | Miscellaneous expenditure . . . . .  | 89,72,000               | ..                                       | 89,72,000     |
| 3                   | Payments to Worked Lines and<br>Others . . . . .   | 5,94,000                | ..                                       | 5,94,000      |
| 4                   | Working Expenses—<br>Administration . . . . .  | 21,52,46,000            | 96,000                                   | 21,53,42,000  |
| 5                   | Working Expenses—<br>Repairs and Maintenance . . . . .   | 55,87,85,000            | 6,82,000                                 | 55,94,67,000  |
| 6                   | Working Expenses—<br>Operating Staff . . . . .   | 29,73,75,000            | ..                                       | 29,73,75,000  |
| 7                   | Working Expenses—<br>Operation (Fuel) . . . . .  | 15,36,09,000            | 3,000                                    | 15,36,12,000  |
| 8                   | Working Expenses—<br>Operation other than Staff and<br>Fuel . . . . .  | 9,81,41,000             | 38,09,000                                | 10,19,50,000  |
| 9                   | Working Expenses—Miscellaneous<br>Expenses . . . . .   | 5,78,66,000             | ..                                       | 5,78,66,000   |
| 10                  | Working Expenses—Staff Welfare . . . . .   | 5,64,17,000             | 35,000                                   | 5,64,52,000   |
| 11A                 | Working Expenses—Appropriation<br>to Pension Fund . . . . .  | 7,50,00,000             | ..                                       | 7,50,00,000   |
| 12                  | Dividend to General Revenues and<br>Contribution for Grants to States<br>in lieu of Passenger Fare Tax . . . . . | 36,99,000               | ..                                       | 36,99,000     |
| 14                  | Construction of New Lines—Capital<br>and Depreciation Reserve Fund . . . . .                                     | ..                      | 5,65,000                                 | 5,65,000      |
| 15                  | Open Line Works—<br>Capital, Depreciation Reserve<br>Fund and Development Fund . . . . .                         | 116,13,01,000           | 32,38,000                                | 116,45,39,000 |
| 16                  | Pensionary Charges—<br>Pension Fund . . . . .  | 8,01,70,000             | 3,000                                    | 8,01,73,000   |
| 17                  | Repayment of loans from General<br>Revenues and interest thereon—<br>Development Fund . . . . .                  | 53,61,000               | ..                                       | 53,61,000     |

| I<br>No. of<br>Vote | 2<br>Services and purposes  | 3                      |  |                      |
|---------------------|---|------------------------|--|----------------------|
|                     |   | Sums not exceeding     |  |                      |
|                     |   | Voted by<br>Parliament | Charged on<br>the Consoli-<br>dated Fund | Total                |
|                     |   | Rs.                    | Rs.                                      | Rs.                  |
| 21                  | Appropriation to Accident Compensation, Safety and Passenger Amenities Fund | 23,71,000              | ..                                       | 23,71,000            |
| 22                  | Accident Compensation, Safety and Passenger Amenities Fund                  | ..                     | 9,04,000                                 | 9,04,000             |
|                     | <b>TOTAL</b>  | <b>277,69,23,000</b>   | <b>93,35,000</b>                         | <b>278,62,58,000</b> |

THE FOREIGN CONTRIBUTION (REGULATION) ACT, 1976

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY

SECTIONS

1. Short title, extent, application and commencement.
2. Definitions.
3. Application of other laws not barred.

CHAPTER II

REGULATION OF FOREIGN CONTRIBUTION AND FOREIGN HOSPITALITY

4. Candidate for election, etc., not to accept foreign contribution.
5. Organisation of a political nature not to accept foreign contribution except with the prior permission of the Central Government.
6. Certain associations and persons receiving foreign contribution to give intimation to the Central Government.
7. Recipients of scholarships, etc., to give intimation to the Central Government.
8. Persons to whom section 4 shall not apply.
9. Restrictions on acceptance of foreign hospitality.
10. Power of Central Government to prohibit receipt of foreign contribution, etc., in certain cases.
11. Application to be made in prescribed form for obtaining prior permission to accept foreign contribution or hospitality.

CHAPTER III

MISCELLANEOUS

12. Power to prohibit payment of currency received in contravention of the Act.
13. Recipients of foreign contribution to maintain accounts, etc.
14. Inspection of accounts or records.

## SECTIONS

15. Seizure of accounts or records.
16. Seizure of article or currency received in contravention of the Act.
17. Seizure to be made in accordance with the Code of Criminal Procedure, 1973.
18. Confiscation of article or currency obtained in contravention of the Act.
19. Adjudication of confiscation.
20. Opportunity to be given before adjudication of confiscation.
21. Appeal.
22. Penalty for article or currency obtained in contravention of section 12.
23. Punishment for the contravention of any provision of the Act.
24. Power to impose additional fine where article or currency is not available for confiscation.
25. Penalty for offences where no separate punishment has been provided.
26. Offences by companies.
27. Bar to the prosecution of offences under the Act.
28. Investigation into cases under the Act.
29. Protection of action taken in good faith.
30. Power to make rules.
31. Power to exempt.
32. Act not to apply to Government transactions.

# THE FOREIGN CONTRIBUTION (REGULATION) ACT, 1976

No. 49 OF 1976

[31st March, 1976.]

An Act to regulate the acceptance and utilisation of foreign contribution or foreign hospitality by certain persons or associations, with a view to ensuring that parliamentary institutions, political associations and academic and other voluntary organisations as well as individuals working in the important areas of national life may function in a manner consistent with the values of a sovereign democratic republic, and for matters connected therewith or incidental thereto.

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

## CHAPTER I

### PRELIMINARY

1. (1) This Act may be called the Foreign Contribution (Regulation) Act, 1976.

(2) It extends to the whole of India, and it shall also apply to—

(a) citizens of India outside India; and

(b) associates, branches or subsidiaries, outside India, of companies or bodies corporate, registered or incorporated in India.

Short  
title,  
extent,  
appli-  
cation  
and  
com-  
mence-  
ment.

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

Defini-  
tions.

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

(a) "association" means an association of individuals, whether incorporated or not, having an office in India and includes a society, whether registered under the Societies Registration Act, 1860, or not, and any other organisation, by whatever name called;

21 of 1860.

(b) "candidate for election" means a person who has been duly nominated as a candidate for election to any Legislature;

(c) "foreign contribution" means the donation, delivery or transfer made by any foreign source,—

(i) of any article, not being an article given to a person as a gift for his personal use, if the market value, in India, of such article, on the date of such gift, does not exceed one thousand rupees;

(ii) of any currency, whether Indian or foreign;

(iii) of any foreign security as defined in clause (i) of section 2 of the Foreign Exchange Regulation Act, 1973;

46 of 1973.

(d) "foreign hospitality" means any offer, not being a purely casual one, made by a foreign source for providing a person with the costs of travel to any foreign country or territory or with free board, lodging, transport or medical treatment;

(e) "foreign source" includes—

(i) the Government of any foreign country or territory and any agency of such Government,

(ii) any international agency, not being the United Nations or any of its specialised agencies, the World Bank, International Monetary Fund or such other agency as the Central Government may, by notification in the Official Gazette, specify in this behalf,

(iii) a foreign company within the meaning of section 591 of the Companies Act, 1956, and also includes—

1 of 1956.

(a) a company which is a subsidiary of a foreign company, and

(b) a multi-national corporation within the meaning of this Act,

(iv) a corporation, not being a foreign company, incorporated in a foreign country or territory,

(v) a multi-national corporation within the meaning of this Act,

(vi) a company within the meaning of the Companies Act, 1956, if more than one-half of the nominal value of its share

1 of 1956.



capital is held, either singly or in the aggregate, by one or more of the following, namely:—

- (a) Government of a foreign country or territory,
- (b) citizens of a foreign country or territory,
- (c) corporations incorporated in a foreign country or territory,
- (d) trusts, societies or other associations of individuals (whether incorporated or not), formed or registered in a foreign country or territory,
- (vii) a trade union in any foreign country or territory, whether or not registered in such foreign country or territory,
- (viii) a foreign trust by whatever name called, or a foreign foundation which is either in the nature of trust or is mainly financed by a foreign country or territory,
- (ix) a society, club or other association of individuals formed or registered outside India,
- (x) a citizen of a foreign country,

but does not include any foreign institution which has been permitted by the Central Government, by notification in the Official Gazette, to carry on its activities in India;

(f) "Legislature" means—

- (i) either House of Parliament,
- (ii) the Legislative Assembly of a State, or in the case of a State having a Legislative Council, either House of the Legislature of that State,
- (iii) Legislative Assembly of a Union territory constituted under the Government of Union Territories Act, 1963,
- (iv) the Metropolitan Council of Delhi constituted under section 3 of the Delhi Administration Act, 1966,
- (v) Municipal Corporations in metropolitan areas as defined in the Code of Criminal Procedure, 1973,
- (vi) District Councils and Regional Councils in the States of Assam and Meghalaya and in the Union territory of Mizoram as provided in the Sixth Schedule to the Constitution, or
- (vii) any other elective body as may be notified by the Central Government,

as the case may be;

(g) "political party" means an association or body of individual citizens of India which is, or is deemed to be, registered with the

20 of 1963.

19 of 1966.

2 of 1974.

Election Commission of India as a political party under the Election Symbols (Reservation and Allotment) Order, 1968 as in force for the time being;

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

(i) "registered newspaper" means a newspaper registered under the Press and Registration of Books Act, 1867;

25 of 1867.

(j) "subsidiary" and "associate" have the meanings, respectively, assigned to them in the Companies Act, 1956;

1 of 1956.

(k) "trade union" means a trade union registered under the Trade Unions Act, 1926.

16 of 1926.

*Explanation.*—For the purposes of this Act, a corporation incorporated in a foreign country or territory shall be deemed to be a multi-national corporation if such corporation—

(a) has a subsidiary or a branch or a place of business in two or more countries or territories; or

(b) carries on business, or otherwise operates, in two or more countries or territories.

(2) Words and expressions used herein and not defined but defined in the Foreign Exchange Regulation Act, 1973, have the meanings respectively assigned to them in that Act.

46 of 1973.

(3) Words and expressions used herein and not defined in this Act or in the Foreign Exchange Regulation Act, 1973, but defined in the Representation of the People Act, 1950, or the Representation of the People Act, 1951, have the meanings respectively assigned to them in such Act.

46 of 1973.

43 of 1950.

43 of 1951.

Applica-  
tion of  
other  
laws not  
barred.

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

## CHAPTER II

### REGULATION OF FOREIGN CONTRIBUTION AND FOREIGN HOSPITALITY

Candi-  
date for  
election,  
etc., not to  
accept  
foreign  
contri-  
bution.

4. (1) No foreign contribution shall be accepted by any—

(a) candidate for election,

(b) correspondent, columnist, cartoonist, editor, owner, printer or publisher of a registered newspaper,

(c) Government servant or employee of any corporation,

(d) member of any Legislature,

(e) political party or office-bearer thereof.

1 of 1956.

*Explanation.*—In clause (c) and in section 9, “corporation” means a corporation owned or controlled by Government and includes a Government company as defined in section 617 of the Companies Act, 1956.

(2) (a) No person, resident in India, and no citizen of India resident outside India, shall accept any foreign contribution, or acquire or agree to acquire any currency from a foreign source, on behalf of any political party, or any person referred to in sub-section (1), or both.

(b) No person, resident in India, shall deliver any currency, whether Indian or foreign, which has been accepted from any foreign source, to any person if he knows or has reasonable cause to believe that such other person intends, or is likely, to deliver such currency to any political party or any person referred to in sub-section (1), or both.

(c) No citizen of India resident outside India shall deliver any currency, whether Indian or foreign, which has been accepted from any foreign source, to—

(i) any political party or any person referred to in sub-section (1), or both, or

(ii) any other person, if he knows or has reasonable cause to believe that such other person intends, or is likely, to deliver such currency to a political party or to any person referred to in sub-section (1), or both.

(3) No person receiving any currency, whether Indian or foreign, from a foreign source on behalf of any association, referred to in sub-section (1) of section 6, shall deliver such currency—

(i) to any association or organisation other than the association for which it was received, or

(ii) to any other person, if he knows or has reasonable cause to believe that such other person intends, or is likely, to deliver such currency to an association other than the association for which such currency was received.

5. (1) No organisation of a political nature, not being a political party, shall, accept any foreign contribution except with the prior permission of the Central Government.

*Explanation.*—For the purposes of this section, “organisation of a political nature, not being a political party” means such organisation as the Central Government may, having regard to the activities of the organisation or the ideology propagated by the organisation or the programme of the organisation or the association of the organisation with the activities of any political party, by an order published in the Official Gazette, specify in this behalf.

(2) (a) Except with the prior permission of the Central Government, no person, resident in India, and no citizen of India, resident outside India, shall accept any foreign contribution, or acquire or agree to acquire any foreign currency, on behalf of an organisation referred to in sub-section (1).

Organisa-  
tion of  
a poli-  
tical  
nature  
not to  
accept  
foreign  
contri-  
bution  
except  
with  
the  
prior  
permis-  
sion of  
the  
Central  
Govern-  
ment.

(b) Except with the prior permission of the Central Government, no person, resident in India, shall deliver any foreign currency to any person if he knows or has reasonable cause to believe that such other person intends, or is likely, to deliver such currency to an organisation referred to in sub-section (1).

(c) Except with the prior approval of the Central Government, no citizen of India, resident outside India, shall deliver any currency, whether Indian or foreign, which has been accepted from any foreign source, to—

(i) any organisation referred to in sub-section (1), or

(ii) any person, if he knows or has reasonable cause to believe that such person intends, or is likely, to deliver such currency to an organisation referred to in sub-section (1).

Certain associations and persons receiving foreign contribution to give intimation to the Central Government.

6. (1) Every association [not being an organisation referred to in sub-section (1) of section 5] having a definite cultural, economic, educational, religious or social programme shall give, within such time and in such manner as may be prescribed, an intimation to the Central Government as to the amount of foreign contribution received by it, the source from which and the manner in which such foreign contribution was received and the purposes for which and the manner in which, such foreign contribution was utilised by it.

(2) Every candidate for election, who had received any foreign contribution, at any time within one hundred and eighty days immediately preceding the date on which he is duly nominated as such candidate, shall give, within such time and in such manner as may be prescribed, an intimation to the Central Government as to the amount of foreign contribution received by him, the source from which and the manner in which such foreign contribution was received and the purposes for which, and the manner in which, such foreign contribution was utilised by him.

Recipients of scholarships, etc., to give intimation to the Central Government.

7. (1) Every citizen of India receiving any scholarship, stipend or any payment of a like nature from any foreign source shall give, within such time and in such manner as may be prescribed, an intimation to the Central Government as to the amount of the scholarship, stipend or other payment received by him and the foreign source from which, and the purpose for which, such scholarship, stipend or other payment has been, or is being, received by him.

(2) Where any recurring payments are being received by any citizen of India from any foreign source by way of scholarship, stipend or other payment, it shall be sufficient if the intimation referred to in sub-section (1) includes a precise information as to the intervals at which, and the purpose for which, such recurring payments will be received by such citizen of India.

(3) It shall not be necessary to give such intimation as is referred to in sub-section (1) or sub-section (2) in relation to scholarships, stipends or payments of a like nature, if the annual value of such

scholarships, stipends or other payments does not exceed such limits as the Central Government may, by rules made under this Act, specify in this behalf.

8. Nothing contained in section 4 shall apply to the acceptance, by any person specified in that section, of any foreign contribution, where such contribution is accepted by him, subject to the provisions of section 10.—

Persons to whom section 4 shall not apply.

(a) by way of salary, wages or other remuneration due to him or to any group of persons working under him, from any foreign source or by way of payment in the ordinary course of business transacted in India by such foreign source; or

(b) by way of payment, in the course of international trade or commerce, or in the ordinary course of business transacted by him outside India; or

(c) as an agent of a foreign source in relation to any transaction made by such foreign source with Government; or

(d) by way of a gift or presentation made to him as a member of any Indian delegation, provided that such gift or present was accepted in accordance with the regulations made by the Central Government with regard to the acceptance or retention of such gift or presentation; or

(e) from his relative when such foreign contribution has been received with the previous permission of the Central Government:

Provided that no such permission shall be required if the amount of foreign contribution received by him from his relative does not exceed, in value, eight thousand rupees per annum and an intimation is given by him to the Central Government as to the amount received, the source from which and the manner in which it was received and the purpose for which and the manner in which it was utilised by him;

(f) by way of remittance received, in the ordinary course of business, through any official channel, post office, or any authorised dealer in foreign exchange under the Foreign Exchange Regulation Act, 1973.

46 of 1973.

1 of 1956.

*Explanation.*—In this Act, the expression “relative” has the meaning assigned to it in the Companies Act, 1956.

9. No member of a Legislature, office-bearer of a political party, Government servant or employee of any corporation shall, while visiting any country or territory outside India, accept, except with the prior permission of the Central Government, any foreign hospitality:

Provided that it shall not be necessary to obtain any such permission for an emergent medical aid needed on account of sudden illness contracted during a visit outside India, but, where such foreign hospitality has been received, the person receiving such hospitality shall give, within one month from the date of receipt of such hospitality an intimation to the Central Government as to the receipt of such hospitality, and the source from which, and the manner in which, such hospitality was received by him.

Restrictions on acceptance of foreign hospitality.

Power of Central Government to prohibit receipt of foreign contribution, etc., in certain cases.

10. The Central Government may—

(a) prohibit any association, not specified in section 4, or any person, from accepting any foreign contribution;

(b) require any association, specified in section 6, to obtain prior permission of the Central Government before accepting any foreign contribution;

(c) require any person or class of persons or any association, not being an association specified in section 6, to furnish intimation within such time and in such manner as may be prescribed as to the amount of any foreign contribution received by such person or class of persons or association, as the case may be, and the source from which and the manner in which such contribution was received and the purpose for which and the manner in which such foreign contribution was utilised;

(d) require any person or class of persons, not specified in section 9, to obtain prior permission of the Central Government before accepting any foreign hospitality;

(e) require any person or class of persons, not specified in section 9, to furnish intimation, within such time and in such manner as may be prescribed, as to the receipt of any foreign hospitality, the source from which and the manner in which such hospitality was received:

Provided that no such prohibition or requirement shall be made unless the Central Government is satisfied that the acceptance of foreign contribution by such association or person or class of persons, as the case may be, the acceptance of foreign hospitality by such person, is likely to affect prejudicially—

(i) the sovereignty and integrity of India; or

(ii) the public interest; or

(iii) freedom or fairness of election to any Legislature; or

(iv) friendly relations with any foreign State; or

(v) harmony between religious, racial, linguistic or regional groups, castes or communities.

Application to be made in prescribed form for obtaining prior permission to accept foreign contribution or hospitality.

11. (1) Every individual, association, organisation or other person, who is required by or under this Act to obtain the prior permission of the Central Government to accept any foreign contribution or foreign hospitality, shall, before the acceptance of any such contribution or hospitality, make an application for such permission to the Central Government in such form and in such manner as may be prescribed.

(2) If an application referred to in sub-section (1) is not disposed of within ninety days from the date of receipt of such application, the permission prayed for in such application shall, on the expiry of the said period of ninety days, be deemed to have been granted by the Central Government:

Provided that, where, in relation to an application, the Central Government has informed the applicant the special difficulties by reason of which his application cannot be disposed of within the said period of ninety days, such application shall not, until the expiry of a further period of thirty days, be deemed to have been granted by the Central Government.

### CHAPTER III

#### MISCELLANEOUS

12. Where the Central Government is satisfied, after making such inquiry as it may deem fit, that any person has in his custody or control any article or currency, whether Indian or foreign, which has been accepted by such person in contravention of any of the provisions of this Act, it may, by order in writing, prohibit such person from paying, delivering, transferring or otherwise dealing with, in any manner whatsoever, such article or currency save in accordance with the written orders of the Central Government and a copy of such order shall be served upon the person so prohibited in the prescribed manner, and thereupon the provisions of sub-sections (2), (3), (4) and (5) of section 7 of the Unlawful Activities (Prevention) Act, 1967 shall, so far as may be, apply to, or in relation to, such article or currency and references in the said sub-sections to moneys, securities or credits shall be construed as references to such article or currency.

Power to prohibit payment of currency received in contravention of the Act.

37 of 1967.

13. Every association, referred to in section 6, shall maintain, in such form and in such manner as may be prescribed,—

Recipients of foreign contribution to maintain accounts, etc.

- (a) an account of any foreign contribution received by it, and
- (b) a record as to the manner in which such contribution has been utilised by it.

14. If the Central Government has, for any reason, to be recorded in writing, any ground to suspect that any provision of this Act has been, or is being, contravened by—

Inspection of accounts or records.

- (a) any political party, or
- (b) any person, or
- (c) any organisation, or
- (d) any association,

it may, by general or special order, authorise such gazetted officer, holding a class I post, as it may think fit (hereinafter referred to as the authorised officer), to inspect any account or record maintained by such political party, person, organisation or association, as the case may be, and thereupon every such authorised officer shall have the right to enter in or upon any premises at any reasonable hour, before sunset and after sunrise, for the purpose of inspecting the said account or record:

Provided that no gazetted officer shall be authorised to inspect the account or record maintained by a political party, unless he has been holding a class I post in connection with the affairs of the Union, or a State, for not less than ten years.

Seizure  
of  
accounts  
or re-  
cords.

15. If, after inspection of an account or record referred to in section 14, the authorised officer has any reasonable cause to believe that any provision of this Act or of any other law relating to foreign exchange has been, or is being, contravened, he may seize such account or record and produce the same before the court in which any proceeding is brought for such contravention:

Provided that the authorised officer shall return such account or record to the person from whom it was seized if no proceeding is brought within six months from the date of such seizure for the contravention disclosed by such account or record.

Seizure  
of  
article  
or  
currency  
receiv-  
ed in  
contra-  
vention  
of the  
Act.

16. If any gazetted officer, authorised in this behalf by the Central Government, by general or special order, has any reason to believe that any person has in his possession or control any article exceeding rupees one thousand in value, or currency, whether Indian or foreign, in relation to which any provision of this Act has been, or is being, contravened, he may seize such article or currency.

Seizure  
to be  
made in  
accor-  
dance  
with the  
Code of  
Criminal  
Proce-  
dure,  
1973.

17. Every seizure made under this Act shall be made in accordance with the provision of section 100 of the Code of Criminal Procedure, 1973.

2 of 1974.

Confisca-  
tion of  
article or  
currency  
obtained  
in  
contra-  
vention  
of the  
Act.

18. Any article or currency which is seized under section 16 shall be liable to confiscation if such article or currency has been adjudged under section 19 to have been received or obtained in contravention of this Act.

Adjudica-  
tion of  
confisca-  
tion.

19. Any confiscation referred to in section 18 may be adjudged—

(a) without limit, by the Court of Session within the local limits of whose jurisdiction the seizure was made; and

(b) subject to such limits as may be prescribed, by such officer, not below the rank of an Assistant Sessions Judge, as the Central Government may, by notification in the Official Gazette, specify in this behalf.



20. No order of adjudication of confiscation shall be made unless a reasonable opportunity of making a representation against such confiscation has been given to the person from whom any article or currency has been seized.

Opportunity to be given before adjudication of confiscation.

21. (1) Any person aggrieved by any order made under section 19 may prefer an appeal,—

Appeal.

(a) where the order has been made by the Court of Session, to the High Court to which such Court is subordinate; or

(b) where the order has been made by any officer specified under clause (b) of section 19, to the Court of Session within the local limits of whose jurisdiction such order of adjudication of confiscation was made,

within one month from the date of communication to such person of the order:

Provided that the appellate court may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of one month, allow such appeal to be preferred within a further period of one month, but not thereafter.

(2) Any organisation referred to in section 5, or any person or association referred to in section 9 or section 10, aggrieved by an order made in pursuance of the *Explanation* to sub-section (1) of section 5 or by an order of the Central Government refusing to give permission, or by any order made by the Central Government, under section 5 or section 9 or section 10, as the case may be, may within sixty days from the date of such order prefer an appeal against such order to the High Court within the local limits of whose jurisdiction the appellant ordinarily resides or carries on business or personally works for gain, or, where the appellant is an organization or association, the principal office of such organization or association is located.

(3) Every appeal preferred under this section shall be deemed to be an appeal from an original decree and the provisions of Order XLI of the First Schedule to the Code of Civil Procedure, 1908, shall, as far as may be, apply thereto as they apply to an appeal from an original decree.

5 of 1908.

22. If any person, on whom any prohibitory order has been served under section 12, pays, delivers, transfers or otherwise deals with, in any manner whatsoever, any article or currency, whether Indian or foreign, in contravention of such prohibitory order, he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both; and notwithstanding anything contained in the Code of Criminal Procedure, 1973, the court trying such contravention may also impose on the person convicted an additional fine equivalent to the market value of the article or the amount of the currency in respect of which the prohibitory order has been contravened by him or such part thereof as the court may deem fit.

Penalty for article or currency obtained in contravention of section 12

2 of 1974.

Punishment for the contravention of any provision of the Act.

23. (1) Whoever accepts, or assists any person, political party or organisation in accepting, any foreign contribution or any currency from a foreign source, in contravention of any provision of this Act or any rule made thereunder, shall be punished with imprisonment for a term which may extend to five years, or with fine, or with both.

(2) Whoever accepts any foreign hospitality in contravention of any provision of this Act or any rule made thereunder shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

Power to impose additional fine where article or currency is not available for confiscation.

24. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Court trying a person, who, in relation to any article or currency, whether Indian or foreign, does or omits to do any act which act or omission would render such article or currency liable to confiscation under this Act, may, in the event of the conviction of such person for the act or omission aforesaid, impose on such person a fine not exceeding five times the value of the article or currency or one thousand rupees, whichever is more, if such article or currency is not available for confiscation, and the fine so imposed shall be in addition to any other fine which may be imposed on such person under this Act.

2 of 1974.

Penalty for offences where no separate punishment has been provided.

25. Whoever fails to comply with any provision of this Act for which no separate penalty has been provided in this Act shall be punished with imprisonment for a term which may extend to one year, or with fine not exceeding one thousand rupees, or with both.

Offences by companies.

26. (1) Where an offence under this Act or any rule made thereunder has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act or any rule made thereunder 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, society, trade union or other association of individuals; and

(b) "director", in relation to a firm, society, trade union or other association of individuals, means a partner in the firm or a member of the governing body of such society, trade union or other association of individuals.

27. No court shall take cognizance of any offence under this Act, except with the previous sanction of the Central Government or any officer authorised by that Government in this behalf.

Bar to the prosecution of offences under the Act.

28. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Act may also be investigated into by such authority as the Central Government may specify in this behalf and the authority so specified shall have all the powers which an officer-in-charge of a police station has while making an investigation into a cognizable offence.

Investigation into cases under the Act.

29. No suit or other legal proceedings shall lie against the Central Government in respect of any loss or damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or, any rule or order made thereunder.

Protection of action taken in good faith.

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

Power to make rules.

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

(a) the time within which, and the manner in which, intimation is to be given by an association referred to in section 6, with regard to the foreign contributions received by it;

(b) the limits up to which receipt of scholarships, stipends or payments of a like nature need not be intimated to the Central Government;

(c) the time within which, and the manner in which, intimation is to be given by persons receiving any scholarship, stipend or any payment of a like nature from a foreign source;

(d) the time within which, and the manner in which a candidate for election should give intimation as to the amount of foreign contribution received by him at any time within one hundred and eighty days from the date when he became such candidate;

(e) the form and manner in which an application shall be made for obtaining prior permission of the Central Government to receive foreign contribution or foreign hospitality;

(f) the manner of service of the prohibitory order made under section 12;

(g) the form and manner in which account or record referred to in section 13 shall be maintained;

(h) the limits up to which an officer, not below the rank of an Assistant Sessions Judge, may make adjudication of confiscation;

(i) any other matter which is required to be, or may be prescribed.

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

Power to exempt,

31. If the Central Government is of opinion that it is necessary or expedient in the interests of the general public so to do, it may, by order and subject to such conditions as may be specified in the order, exempt any association (not being a political party), organisation or any individual (not being a candidate for election) from the operation of all or any of the provisions of this Act and may, as often as may be necessary, revoke or modify such order.

to Government transactions,

32. Nothing contained in this Act shall apply to any transaction between the Government of India and the Government of any foreign country or territory.

# THE TAMIL NADU APPROPRIATION ACT, 1976

No. 50 OF 1976

[31st March, 1976.]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Tamil Nadu for the services of the financial year 1976-77.

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

1. This Act may be called the Tamil Nadu Appropriation Act, 1976.

Short  
title.

2. From and out of the Consolidated Fund of the State of Tamil Nadu 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 hundred and eighty-five crores, sixty-four lakhs and sixty-eight thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1976-77 in respect of the services specified in column 2 of the Schedule.

Issue of  
Rs. 9,85,  
64,68,000  
out of  
the Con-  
solidated  
Fund of  
the State  
of Tamil  
Nadu for  
the finan-  
cial year  
1976-77.

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

Appro-  
priation.

**THE SCHEDULE**  
(See sections 2 and 3)

| I<br>No.<br>of<br>Vote | 2<br>Services and purposes  | 3<br>Sums not exceeding |  |                |
|------------------------|---|-------------------------|--|----------------|
|                        |   | Voted by<br>Parliament  | Charged on the<br>Consolidated<br>Fund | Total          |
|                        |   | Rs.                     | Rs.                                    | Rs.            |
| 1                      | Land Revenue Department Revenue   | 3,90,79,000             | ..                                     | 3,90,79,000    |
| 2                      | State Excise Department Revenue   | 53,65,000               | ..                                     | 53,65,000      |
| 3                      | Motor Vehicles Acts—<br>Administration Revenue  | 78,95,000               | 11,000                                 | 79,06,000      |
| 4                      | General Sales Tax and—<br>Other Taxes and Duties<br>—Administration Revenue                             | 4,53,99,000             | 1,000                                  | 4,54,00,000    |
| 5                      | Stamps Administration Revenue   | 55,61,000               | ..                                     | 55,61,000      |
| 6                      | Registration Revenue  | 1,89,56,000             | 1,000                                  | 1,89,57,000    |
|                        | Debt Charges Revenue  | ..                      | 67,84,89,000                           | 67,84,89,000   |
| 7                      | State Legislature Revenue   | 31,10,000               | 50,000                                 | 31,60,000      |
| 8                      | Election Revenue  | 37,81,000               | ..                                     | 37,81,000      |
| 9                      | Head of State, Ministers<br>and Headquarters Staff Revenue  | 10,89,92,000            | 65,97,000                              | 11,55,89,000   |
| 10                     | Milk Supply Schemes Revenue   | 92,38,000               | ..                                     | 92,38,000      |
| 11                     | District Administration Revenue   | 15,24,18,000            | 39,000                                 | 15,24,57,000   |
| 12                     | Administration of the Tamil<br>Nadu Hindu Religious<br>and Charitable Endow-<br>ments Act, 1959 Revenue | 1,23,59,000             | 4,000                                  | 1,23,63,000    |
| 13                     | Administration of Justice Revenue   | 4,10,09,000             | 64,90,000                              | 4,74,99,000    |
| 14                     | Jails Revenue   | 5,29,56,000             | ..                                     | 5,29,56,000    |
| 15                     | Police Revenue  | 28,79,09,000            | 1,000                                  | 28,79,10,000   |
| 16                     | Fire Services Revenue   | 2,09,08,000             | ..                                     | 2,09,08,000    |
| 17                     | Education Revenue   | 1,27,36,48,000          | ..                                     | 1,27,36,48,000 |
| 18                     | Medical Revenue   | 38,06,26,000            | 1,000                                  | 38,06,27,000   |
| 19                     | Public Health Revenue   | 19,42,65,000            | ..                                     | 19,42,65,000   |
| 20                     | Agriculture Revenue   | 33,32,34,000            | 2,000                                  | 33,32,36,000   |
| 21                     | Fisheries Revenue   | 1,83,56,000             | ..                                     | 1,83,56,000    |
| 22                     | Animal Husbandry Revenue  | 7,01,62,000             | ..                                     | 7,01,62,000    |

| I           | 2  | 3                   |                                  |              |
|-------------|--|---------------------|----------------------------------|--------------|
|             |  | Sums not exceeding  |                                  |              |
|             |  | Voted by Parliament | Charged on the Consolidated Fund | Total        |
| No. of Vote | Services and purposes  | Rs.                 | Rs.                              | Rs.          |
| 23          | Co-operation . . . . Revenue   | 4,89,27,000         | ..                               | 4,89,27,000  |
| 24          | Industries . . . . Revenue   | 3,13,75,000         | ..                               | 3,13,75,000  |
| 25          | Cinchona . . . . Revenue   | 86,83,000           | ..                               | 86,83,000    |
| 26          | Handlooms and Textiles . Revenue   | 2,19,98,000         | ..                               | 2,19,98,000  |
| 27          | Khadi . . . . Revenue  | 60,50,000           | ..                               | 60,50,000    |
| 28          | Community Development Projects, etc. . . . Revenue                           | 30,31,12,000        | ..                               | 30,31,12,000 |
| 29          | Labour including Factories Revenue   | 3,47,57,000         | 1,000                            | 3,47,58,000  |
| 30          | Social Welfare . . . . Revenue   | 3,40,67,000         | ..                               | 3,40,67,000  |
| 31          | Welfare of the Scheduled Tribes and Castes, etc. . Revenue                   | 12,90,09,000        | 1,000                            | 12,90,10,000 |
| 32          | Welfare of the Backward Classes, etc. . . . Revenue                          | 5,90,77,000         | 1,000                            | 5,90,78,000  |
| 33          | Housing . . . . Revenue  | 5,22,35,000         | ..                               | 5,22,35,000  |
| 34          | Urban Development . . Revenue  | 7,82,42,000         | ..                               | 7,82,42,000  |
| 35          | Civil Supplies . . . . Revenue   | 3,47,44,000         | ..                               | 3,47,44,000  |
| 36          | Irrigation . . . . Revenue   | 20,96,43,000        | ..                               | 20,96,43,000 |
| 37          | Public Works—Buildings . Revenue   | 2,86,25,000         | 1,73,000                         | 2,87,98,000  |
| 38          | Public Works—Establishment and Tools and Plant Revenue                       | 4,56,56,000         | ..                               | 4,56,56,000  |
| 39          | Roads and Bridges . . . Revenue  | 23,72,86,000        | 1,000                            | 23,72,87,000 |
| 40          | Road Transport Services and Shipping . . . . Revenue                         | 1,89,81,000         | 3,000                            | 1,89,84,000  |
| 41          | Relief on account of Natural Calamities . . . . Revenue                      | 8,34,000            | 1,52,00,000                      | 1,60,34,000  |
| 42          | Pensions and other Retirement Benefits . . . . Revenue                       | 14,36,38,000        | 47,75,000                        | 14,84,13,000 |
| 43          | Miscellaneous . . . . Revenue  | 44,57,70,000        | 15,15,000                        | 44,72,85,000 |
| 44          | Stationery and Printing . Revenue  | 6,11,97,000         | 1,53,000                         | 6,13,50,000  |
| 45          | Forest Department . . . Revenue  | 3,96,68,000         | 2,000                            | 3,96,70,000  |
| 46          | Compensation and Assignments . . . . Revenue                                 | 11,27,39,000        | 22,53,000                        | 11,49,92,000 |
| 47          | Compensation to Zamindars Capital  | 1,67,70,000         | ..                               | 1,67,70,000  |
| 48          | Capital Outlay on Public Health, Sanitation and Water-Supply . . . . Capital | 1,59,76,000         | ..                               | 1,59,76,000  |
| 49          | Capital Outlay on Agriculture . . . . Capital                                | 43,20,61,000        | 1,000                            | 43,20,62,000 |
| 50          | Capital Outlay on Industrial Development . . . . Capital                     | 5,98,16,000         | 2,000                            | 5,98,18,000  |

| 1           | 2  | 3                  |                                  |                |
|-------------|--|--------------------|----------------------------------|----------------|
|             |  | Sums not exceeding |                                  |                |
| No. of Vote | Services and purposes  | Vote by Parliament | Charged on the Consolidated Fund | Total          |
|             |  | Rs.                | Rs.                              | Rs.            |
| 51          | Capital Outlay on Irrigation Capital                           | 27,31,31,000       | ..                               | 27,31,31,000   |
| 52          | Capital Outlay on Public Works—Buildings Capital               | 7,99,78,000        | ..                               | 7,99,78,000    |
| 53          | Capital Outlay on Roads and Bridges Capital                    | 5,45,29,000        | ..                               | 5,45,29,000    |
| 54          | Capital Outlay on Road Transport Services and Shipping Capital | 64,82,000          | ..                               | 64,82,000      |
| 55          | Capital Outlay on Forests Capital                              | 2,51,26,000        | ..                               | 2,51,26,000    |
| 56          | Miscellaneous Capital Outlay Capital                           | 8,05,43,000        | 1,000                            | 8,05,44,000    |
| 57          | Loans and Advances by the State Government Capital             | 53,62,28,000       | ..                               | 53,62,28,000   |
|             | Public Debt—Repayment Capital                                  | ..                 | 2,28,85,20,000                   | 2,28,85,20,000 |
|             | TOTAL  | 6,85,21,79,000     | 3,00,42,89,000                   | 9,85,64,68,000 |



# THE TAMIL NADU APPROPRIATION (No. 2) ACT, 1976

No. 51 of 1976

[31st March, 1976.]

**An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Tamil Nadu for the services of the financial year 1975-76.**

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

1. This Act may be called the Tamil Nadu Appropriation (No. 2) Act, 1976.

Short  
title.

2. From and out of the Consolidated Fund of the State of Tamil Nadu 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 sixty-nine crores, seventy-two lakhs and ninety-five thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1975-76, in respect of the services specified in column 2 of the Schedule.

Issue of  
Rs. 69,72,  
95,000  
out of  
the  
Consoli-  
dated  
Fund of  
the State  
of Tamil  
Nadu for  
the  
financial  
year  
1975-76.

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

Appro-  
priation.

**THE SCHEDULE**  
(See sections 2 and 3)

| 1<br>No.<br>of<br>Vote | 2<br>Services and purposes   | 3<br>Sums not exceeding |  |             |
|------------------------|--|-------------------------|--|-------------|
|                        |  | Voted by<br>Parliament  | Charged on<br>the Consoli-<br>dated Fund | Total       |
|                        |  | Rs.                     | Rs.                                      | Rs.         |
| 1                      | Land Revenue Department . . . Revenue  | 13,08,000               | ..                                       | 13,08,000   |
| 4                      | General Sales Tax and<br>Other Taxes and<br>Duties—Administra-<br>tion . . . Revenue                             | 36,31,000               | 48,000                                   | 36,79,000   |
|                        | <i>Debt Charges</i> . . . Revenue  | ..                      | 80,95,000                                | 80,95,000   |
| 7                      | State Legislature . . . Revenue  | ..                      | 15,000                                   | 15,000      |
| 9                      | Head of State, Ministers<br>and Headquarters staff Revenue   | 92,76,000               | 10,43,000                                | 1,03,19,000 |
| 10                     | Milk Supply Schemes . Revenue  | 5,56,000                | ..                                       | 5,56,000    |
| 11                     | District Administration Revenue  | 2,000                   | ..                                       | 2,000       |
| 12                     | Administration of the<br>Tamil Nadu Hindu<br>Religious and Charit-<br>able Endowments Act,<br>1959 . . . Revenue | 5,00,000                | 8,000                                    | 5,08,000    |
| 14                     | Jails . . . . . Revenue  | 1,33,26,000             | 2,000                                    | 1,33,28,000 |
| 15                     | Police . . . . . Revenue   | 18,46,000               | 1,500                                    | 18,47,000   |
| 16                     | Fire Services . . . . . Revenue  | 3,57,000                | ..                                       | 3,57,000    |
| 17                     | Education . . . . . Revenue  | 5,15,08,000             | ..                                       | 5,15,08,000 |
| 18                     | Medical . . . . . Revenue  | 4,52,13,000             | ..                                       | 4,52,13,000 |
| 19                     | Public Health . . . . . Revenue  | 1,92,45,000             | ..                                       | 1,92,45,000 |
| 20                     | Agriculture . . . . . Revenue  | 12,000                  | ..                                       | 12,000      |
| 21                     | Fisheries . . . . . Revenue  | 7,99,000                | ..                                       | 7,99,000    |
| 22                     | Animal Husbandry . . . Revenue   | 1,33,15,000             | ..                                       | 1,33,15,000 |
| 23                     | Co-operation . . . . . Revenue   | 26,58,000               | ..                                       | 26,58,000   |
| 24                     | Industries . . . . . Revenue   | 1,000                   | 2,08,000                                 | 2,09,000    |
| 25                     | Cinchona . . . . . Revenue   | 20,73,000               | ..                                       | 20,73,000   |
| 26                     | Handlooms and Textiles Revenue   | 10,91,000               | ..                                       | 10,91,000   |
| 27                     | Khadi . . . . . Revenue  | 7,00,000                | ..                                       | 7,00,000    |

| I<br>No.<br>of<br>Vote | 2<br>Services and purposes   | 3<br>Sums not exceeding |  |             |
|------------------------|--|-------------------------|--|-------------|
|                        |  | Voted by<br>Parliament  | Charged on<br>the Consoli-<br>dated Fund | Total       |
|                        |  | Rs.                     | Rs.                                      | Rs.         |
| 28                     | Community Development<br>Projects, etc. . . . Revenue                            | 1,000                   | ..                                       | 1,000       |
| 30                     | Social Welfare . . . Revenue   | 41,00,000               | ..                                       | 41,00,000   |
| 31                     | Welfare of the Scheduled<br>Tribes and Castes,<br>etc. . . . Revenue             | 2,75,46,000             | ..                                       | 2,75,46,000 |
| 32                     | Welfare of Backward<br>Classes, etc. . . . Revenue                               | 1,000                   | ..                                       | 1,000       |
| 33                     | Housing . . . . Revenue  | 9,76,000                | ..                                       | 9,76,000    |
| 34                     | Urban Development . . Revenue  | 40,85,000               | ..                                       | 40,85,000   |
| 35                     | Civil Supplies . . . Revenue   | 1,35,60,000             | 14,000                                   | 1,35,74,000 |
| 36                     | Irrigation . . . . Revenue   | 1,45,76,000             | ..                                       | 1,45,76,000 |
| 37                     | Public Works—Buildings Revenue   | 5,11,000                | 10,83,000                                | 15,94,000   |
| 38                     | Public Works—Establish-<br>ment and Tools and<br>Plant . . . . Revenue           | 2,000                   | ..                                       | 2,000       |
| 39                     | Roads and Bridges . . Revenue  | 2,71,25,000             | ..                                       | 2,71,25,000 |
| 40                     | Road Transport Services Revenue  | ..                      | 1,23,000                                 | 1,23,000    |
| 41                     | Relief on Account of<br>Natural Calamities . . Revenue                           | 4,000                   | ..                                       | 4,000       |
| 42                     | Pensions and other Re-<br>tirement Benefits . . Revenue                          | 3,22,11,000             | ..                                       | 3,22,11,000 |
| 43                     | Miscellaneous . . . Revenue  | 1,000                   | ..                                       | 1,000       |
| 44                     | Stationery and Printing . Revenue  | 4,45,000                | 56,000                                   | 5,01,000    |
| 45                     | Forest Department . . Revenue  | 48,95,000               | ..                                       | 48,95,000   |
| 48                     | Capital Outlay on Public<br>Health, Sanitation and<br>Water-supply . . . Capital | 6,73,000                | ..                                       | 6,73,000    |
| 49                     | Capital Outlay on Agri-<br>culture . . . . Capital                               | 1,000                   | 1,68,000                                 | 1,69,000    |
| 50                     | Capital Outlay on In-<br>dustrial Development Capital                            | 26,02,000               | ..                                       | 26,02,000   |
| 51                     | Capital Outlay on Irri-<br>gation . . . . Capital                                | 2,36,61,000             | ..                                       | 2,36,61,000 |
| 52                     | Capital Outlay on Public<br>Works—Buildings . . Capital                          | 1,18,44,000             | ..                                       | 1,18,44,000 |
| 53                     | Capital Outlay on Roads<br>and Bridges . . . . Capital                           | 1,00,02,000             | ..                                       | 1,00,02,000 |

| I<br>No.<br>of<br>Vote | 2<br>Services and purposes                    |         | 3                      |  |              |
|------------------------|---|---------|------------------------|--|--------------|
|                        |   |         | Sums not exceeding     |  |              |
|                        |   |         | Voted by<br>Parliament | Charged on<br>the Consoli-<br>dated Fund | Total        |
|                        |   | Rs.     | Rs.                    | Rs.                                      |              |
| 55                     | Capital Outlay on Forest                      | Capital | 24,78,000              | ..                                       | 24,78,000    |
| 56                     | Miscellaneous Capital<br>Outlay               | Capital | 4,09,78,000            | 48,000                                   | 4,10,26,000  |
| 57                     | Loans and Advances by<br>the State Government | Capital | 29,66,88,000           | ..                                       | 29,66,88,000 |
|                        | TOTAL   |         | 68,63,83,000           | 1,09,12,000                              | 69,72,95,000 |

# THE GUJARAT APPROPRIATION ACT, 1976

No. 52 OF 1976

[31st March, 1976.]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year 1976-77.

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

1. This Act may be called the Gujarat Appropriation Act, 1976.

Short  
title.

2. From and out of the Consolidated Fund of the State of Gujarat 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 eight hundred and forty-seven crores, twenty-eight lakhs and ninety-four thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1976-77 in respect of the services specified in column 2 of the Schedule.

Issue of  
Rs. 8,47,  
28,94,000  
out of  
the Con-  
solidated  
Fund of  
the State  
of Guja-  
rat for  
the finan-  
cial year  
1976-77.

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

Appro-  
priation.

**THE SCHEDULE**  
(See sections 2 and 3)

| I  | 2  | 3                   |                                  |                |
|----|--|---------------------|----------------------------------|----------------|
|    |  | Sums not exceeding  |                                  |                |
|    |  | Voted by Parliament | Charged on the Consolidated Fund | Total          |
|    |  | Rs.                 | Rs.                              | Rs.            |
| 1  | Governor . . . Revenue   | ..                  | 10,94,000                        | 10,94,000      |
| 2  | Council of Ministers . Revenue   | 10,79,000           | ..                               | 10,79,000      |
| 3  | Elections . . . Revenue  | 1,42,17,000         | ..                               | 1,42,17,000    |
| 4  | Public Service Commission Revenue  | ..                  | 8,73,000                         | 8,73,000       |
| 5  | General Administration Department . Revenue                                    | 74,47,000           | ..                               | 74,47,000      |
| 6  | Economic Advice and Statistics Revenue   | 58,69,000           | ..                               | 58,69,000      |
| 7  | Other Expenditure pertaining to General Administration Department Revenue      | 30,79,000           | 38,000                           | 31,17,000      |
|    | Capital  | 10,90,000           | ..                               | 10,90,000      |
| 8  | Finance Department . Revenue   | 38,22,000           | ..                               | 38,22,000      |
| 9  | Tax Collection Charges (Finance Department). Revenue                           | 3,99,64,000         | 1,03,75,000                      | 5,03,39,000    |
| 10 | Treasury and Accounts Administration . Revenue                                 | 2,27,10,000         | ..                               | 2,27,10,000    |
| 11 | Pensions and Other Retirement Benefits . Revenue                               | 7,19,00,000         | 69,40,000                        | 7,88,40,000    |
| 12 | Other Expenditure pertaining to Finance Department . Revenue                   | 51,38,000           | ..                               | 51,38,000      |
|    | Capital  | 26,93,000           | 2,00,000                         | 28,93,000      |
| 13 | Repayment of Debt pertaining to Finance Department and its servicing . Revenue | ..                  | 34,24,17,000                     | 34,24,17,000   |
|    | Capital  | ..                  | 1,44,46,32,000                   | 1,44,46,32,000 |
| 14 | Legal Department . Revenue   | 22,81,000           | ..                               | 22,81,000      |
| 15 | Administration of Justice Revenue  | 3,88,30,000         | 36,00,000                        | 4,24,30,000    |
| 16 | Other Expenditure pertaining to Legal Department . Revenue                     | 24,17,000           | ..                               | 24,17,000      |
|    | Capital  | 18,97,000           | ..                               | 18,97,000      |

| 1                          | 2  | 3                   |                                  |              |
|----------------------------|--|---------------------|----------------------------------|--------------|
|                            |  | Sums not exceeding  |                                  |              |
|                            |  | Voted by Parliament | Charged on the Consolidated Fund | Total        |
| No. of Vote/ Appropriation | Services and purposes  | Rs.                 | Rs.                              | Rs.          |
| 17                         | Food and Civil Supplies Department . Revenue   | 8,75,000            | ..                               | 8,75,000     |
| 18                         | Civil Supplies . . . Revenue   | 23,76,000           | ..                               | 23,76,000    |
| 19                         | Food . . . Revenue   | 2,28,46,000         | ..                               | 2,28,46,000  |
|                            | Capital  | 60,15,00,000        | ..                               | 60,15,00,000 |
| 20                         | Other Expenditure pertaining to Food and Civil Supplies Department . Capital                   | 9,74,000            | ..                               | 9,74,000     |
| 21                         | Repayment of Debt pertaining to Food and Civil Supplies Department and its servicing . Revenue | ..                  | 75,00,000                        | 75,00,000    |
|                            | Capital  | ..                  | 55,00,00,000                     | 55,00,00,000 |
| 22                         | State Legislature . Revenue  | 41,22,000           | 33,000                           | 41,55,000    |
| 23                         | Loans and Advances to Government Servants in Gujarat Legislature Secretariat . Capital         | 1,72,000            | ..                               | 1,72,000     |
| 24                         | Agriculture, Forests and Co-operation Department . . . Revenue                                 | 23,55,000           | ..                               | 23,55,000    |
| 25                         | Co-operation . . . Revenue   | 4,06,94,000         | ..                               | 4,06,94,000  |
|                            | Capital  | 5,55,12,000         | ..                               | 5,55,12,000  |
| 26                         | Agriculture . . . Revenue  | 15,02,51,000        | ..                               | 15,02,51,000 |
|                            | Capital  | 4,89,33,000         | ..                               | 4,89,33,000  |
| 27                         | Minor Irrigation, Soil Conservation and Area Development . Revenue                             | 6,66,80,000         | ..                               | 6,66,80,000  |
|                            | Capital  | 35,19,000           | ..                               | 35,19,000    |
| 28                         | Animal Husbandry and Dairy Development . Revenue   | 5,64,18,000         | ..                               | 5,64,18,000  |
|                            | Capital  | 15,75,000           | ..                               | 15,75,000    |
| 29                         | Fisheries . . . Revenue  | 1,70,76,000         | ..                               | 1,70,76,000  |
|                            | Capital  | 6,75,000            | ..                               | 6,75,000     |
| 30                         | Forests . . . Revenue  | 2,79,55,000         | ..                               | 2,79,55,000  |
|                            | Capital  | 1,47,14,000         | ..                               | 1,47,14,000  |
| 31                         | Other Expenditure pertaining to Agriculture, Forests and Co-operation Department . Capital     | 61,81,000           | ..                               | 61,81,000    |

| 1<br>No. of<br>Vote/<br>Appropriation | 2<br>Services and purposes  | 3<br>Sums not exceeding |  |                |
|---------------------------------------|---|-------------------------|--|----------------|
|                                       |   | Voted by<br>Parliament  | Charged on<br>the Consol-<br>idated Fund | Total          |
|                                       |   | Rs.                     | Rs.                                      | Rs.            |
| 32                                    | Repayment of Debt<br>pertaining to Agriculture,<br>Forests and Co-operation<br>Department and its servicing |                         |  |                |
|                                       | Revenue   | ..                      | 86,08,000                                | 86,08,000      |
|                                       | Capital   | ..                      | 98,63,000                                | 98,63,000      |
| 33                                    | Education and Labour<br>Department  |                         |  |                |
|                                       | Revenue   | 24,82,000               | ..                                       | 24,82,000      |
| 34                                    | State Excise  |                         |  |                |
|                                       | Revenue   | 34,66,000               | ..                                       | 34,66,000      |
| 35                                    | Education   |                         |  |                |
|                                       | Revenue   | 1,13,64,53,000          | 6,00,000                                 | 1,13,70,53,000 |
|                                       | Capital   | 40,00,000               | ..                                       | 40,00,000      |
| 36                                    | Labour and Employment   |                         |  |                |
|                                       | Revenue   | 2,23,40,000             | ..                                       | 2,23,40,000    |
| 37                                    | Social Security and<br>Welfare  |                         |  |                |
|                                       | Revenue   | 9,90,89,000             | ..                                       | 9,90,89,000    |
|                                       | Capital   | 18,26,000               | ..                                       | 18,26,000      |
| 38                                    | Other Expenditure per-<br>taining to Education<br>and Labour Department                                     |                         |  |                |
|                                       | Revenue   | 64,00,000               | ..                                       | 64,00,000      |
|                                       | Capital   | 56,67,000               | ..                                       | 56,67,000      |
| 39                                    | Tribal Area Sub-Plan  |                         |  |                |
|                                       | Revenue   | 12,90,73,000            | ..                                       | 12,90,73,000   |
|                                       | Capital   | 5,20,57,000             | ..                                       | 5,20,57,000    |
| 40                                    | Home Department   |                         |  |                |
|                                       | Revenue   | 19,91,000               | ..                                       | 19,91,000      |
| 41                                    | Tax Collection Charges<br>(Home Department)   |                         |  |                |
|                                       | Revenue   | 20,56,10,000            | ..                                       | 20,56,10,000   |
| 42                                    | Police  |                         |  |                |
|                                       | Revenue   | 34,12,58,000            | 14,000                                   | 34,12,72,000   |
| 43                                    | Jails   |                         |  |                |
|                                       | Revenue   | 1,15,90,000             | ..                                       | 1,15,90,000    |
| 44                                    | Information, Publicity<br>and Tourism   |                         |  |                |
|                                       | Revenue   | 1,14,09,000             | ..                                       | 1,14,09,000    |
| 45                                    | Other Expenditure per-<br>taining to Home De-<br>partment   |                         |  |                |
|                                       | Revenue   | 1,45,05,000             | ..                                       | 1,45,05,000    |
|                                       | Capital   | 2,06,10,000             | ..                                       | 2,06,10,000    |
| 46                                    | Industries, Mines and<br>Power Department   |                         |  |                |
|                                       | Revenue   | 15,80,000               | ..                                       | 15,80,000      |
| 47                                    | Tax Collection Charges<br>(Industries, Mines and<br>Power Department)                                       |                         |  |                |
|                                       | Revenue   | 29,04,000               | ..                                       | 29,04,000      |
| 48                                    | Stationery and Printing   |                         |  |                |
|                                       | Revenue   | 4,58,45,000             | ..                                       | 4,58,45,000    |
| 49                                    | Industries  |                         |  |                |
|                                       | Revenue   | 2,51,45,000             | ..                                       | 2,51,45,000    |
|                                       | Capital   | 2,36,92,000             | ..                                       | 2,36,92,000    |



| I<br>No. of<br>Vote/<br>Appro-<br>pria-<br>tion | 2<br>Services and purposes  | 3                      |  |              |
|---|---|------------------------|--|--------------|
|   |   | Sums not exceeding     |  |              |
|   |   | Voted by<br>Parliament | Charged on<br>the Conso-<br>lidated Fund | Total        |
|   |   | Rs.                    | Rs.                                      | Rs.          |
| 50  | Mines and Minerals . Revenue  | 76,61,000              | ..                                       | 76,61,000    |
|   | Capital   | 55,00,000              | ..                                       | 55,00,000    |
| 51  | Power Projects . Revenue  | 75,00,000              | ..                                       | 75,00,000    |
|   | Capital   | 32,62,00,000           | ..                                       | 32,62,00,000 |
| 52  | Other Expenditure per-<br>taining to Industries,<br>Mines and Power De-<br>partment . Revenue           | 30,36,000              | ..                                       | 30,36,000    |
|   | Capital   | 34,88,000              | ..                                       | 34,88,000    |
| 53  | Panchayats and Health<br>Department . Revenue   | 30,62,000              | ..                                       | 30,62,000    |
| 54  | Community Development Revenue   | 10,99,12,000           | ..                                       | 10,99,12,000 |
| 55  | Medical . Revenue   | 24,37,41,000           | ..                                       | 24,37,41,000 |
| 56  | Family Planning . Revenue   | 5,74,90,000            | ..                                       | 5,74,90,000  |
| 57  | Public Health . Revenue   | 14,82,99,000           | ..                                       | 14,82,99,000 |
|   | Capital   | 4,59,17,000            | ..                                       | 4,59,17,000  |
| 58  | Urban Development . Revenue   | 2,61,78,000            | ..                                       | 2,61,78,000  |
|   | Capital   | 50,000                 | ..                                       | 50,000       |
| 59  | Panchayati Raj] . Revenue   | 3,04,08,000            | 1,03,000                                 | 3,05,11,000  |
| 60  | Other Expenditure per-<br>taining to Panchayats<br>and Health Department Revenue                        | 5,16,40,000            | ..                                       | 5,16,40,000  |
|   | Capital   | 1,06,22,000            | ..                                       | 1,06,22,000  |
| 61  | Repayment of Debt per-<br>taining to Panchayats<br>and Health Department<br>and its servicing . Revenue | ..                     | 11,96,000                                | 11,96,000    |
|   | Capital   | ..                     | 5,44,000                                 | 5,44,000     |
| 62  | Public Works Department Revenue   | 36,56,000              | ..                                       | 36,56,000    |
| 63  | Non-Residential Buildings Revenue   | 10,15,91,000           | 52,000                                   | 10,16,43,000 |
|   | Capital   | 1,32,05,000            | ..                                       | 1,32,05,000  |
| 64  | Housing . Revenue   | 2,20,29,000            | ..                                       | 2,20,29,000  |
|   | Capital   | 1,50,87,000            | ..                                       | 1,50,87,000  |
| 65  | Irrigation and Soil Con-<br>servation . Revenue   | 35,65,52,000           | ..                                       | 35,65,52,000 |
|   | Capital   | 48,85,62,000           | ..                                       | 48,85,62,000 |
| 66  | Ports . Revenue   | 5,66,79,000            | ..                                       | 5,66,79,000  |
|   | Capital   | 4,51,76,000            | ..                                       | 4,51,76,000  |

| 1                                | 2   | 3                      |                                     |              |
|----------------------------------|---|------------------------|-------------------------------------|--------------|
|                                  |   | Sums not exceeding     |                                     |              |
| No. of<br>Vote/<br>Appropriation | Services and purposes   | Voted by<br>Parliament | Charged on<br>the Consolidated Fund | Total        |
|                                  |   | Rs.                    | Rs.                                 | Rs.          |
| 67                               | Roads and Bridges . Revenue   | 12,69,91,000           | ..                                  | 12,69,91,000 |
|                                  | Capital   | 2,57,12,000            | ..                                  | 2,57,12,000  |
| 68                               | Gujarat Capital Construction Scheme . Capital                                       | 80,00,000              | ..                                  | 80,00,000    |
| 69                               | Other Expenditure pertaining to Public Works Department . Revenue                   | 27,13,000              | ..                                  | 27,13,000    |
|                                  | Capital   | 79,55,000              | ..                                  | 79,55,000    |
| 70                               | Repayment of Debt pertaining to Public Works Department and its servicing . Revenue | ..                     | 67,06,000                           | 67,06,000    |
|                                  | Capital   | ..                     | 27,66,000                           | 27,66,000    |
| 71                               | Revenue Department . Revenue  | 60,13,000              | ..                                  | 60,13,000    |
| 72                               | Tax Collection Charges (Revenue Department) . Revenue                               | 3,22,27,000            | 1,00,30,000                         | 4,22,57,000  |
| 73                               | District Administration . Revenue   | 4,80,09,000            | ..                                  | 4,80,09,000  |
| 74                               | Relief on account of Natural Calamities . Revenue                                   | 4,55,00,000            | ..                                  | 4,55,00,000  |
|                                  | Capital   | 5,00,000               | ..                                  | 5,00,000     |
| 75                               | Dangs District . Revenue  | 3,03,17,000            | ..                                  | 3,03,17,000  |
|                                  | Capital   | 6,74,000               | ..                                  | 6,74,000     |
| 76                               | Compensations and Assignments . Revenue   | 89,41,000              | 3,26,000                            | 92,67,000    |
|                                  | Capital   | 20,00,000              | ..                                  | 20,00,000    |
| 77                               | Other Expenditure pertaining to Revenue Department . Revenue                        | 75,50,000              | ..                                  | 75,50,000    |
|                                  | Capital   | 65,03,000              | 10,000                              | 65,13,000    |

| 1                          | 2  | 3                   |                                  |                |
|----------------------------|--|---------------------|----------------------------------|----------------|
| No. of Vote/ Appropriation | Services and purposes  | Sums not exceeding  |                                  |                |
|                            |  | Voted by Parliament | Charged on the Consolidated Fund | Total          |
|                            |  | Rs.                 | Rs.                              | Rs.            |
| 78                         | Repayment of Debt pertaining to Revenue Department and its servicing | ..                  | 7,00,000                         | 7,00,000       |
|                            | Revenue  | ..                  | 7,00,000                         | 7,00,000       |
|                            | Capital  | ..                  | 20,00,000                        | 20,00,000      |
|                            | TOTAL  | 6,06,16,74,000      | 2,41,12,20,000                   | 8,47,28,94,000 |

# THE MATERNITY BENEFIT (AMENDMENT) ACT, 1976

No. 53 of 1976

[3rd April, 1976.]

## An Act further to amend the Maternity Benefit Act, 1961.

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

Short  
title and  
com-  
mence-  
ment.

1. (1) This Act may be called the Maternity Benefit (Amendment) Act, 1976.

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

Amend-  
ment of  
section 2.

2. In section 2 of the Maternity Benefit Act, 1961 (hereinafter referred to as the principal Act), in sub-section (2), for the word, figure and letter "section 5A", the words, figures and letters "sections 5A and 5B" shall be substituted. 53 of 1961.

Insertion of  
new  
section  
5B.

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

Pay-  
ment of  
mater-  
nity bene-  
fit in  
certain  
cases.

"5B. Every woman—

(a) who is employed in a factory or other establishment to which the provisions of the Employees' State Insurance Act, 1948, 34 of 1948, apply;

(b) whose wages (excluding remuneration for overtime work) for a month exceed the amount specified in sub-clause (b) of clause (9) of section 2 of that Act; and

(c) who fulfils the conditions specified in sub-section (2) of section 5,

shall be entitled to the payment of maternity benefit under this Act."

THE INDIAN STANDARDS INSTITUTION (CERTIFICATION  
MARKS) AMENDMENT ACT, 1976

No. 54 OF 1976

[3rd April, 1976.]

An Act further to amend the Indian Standards Institution (Certification Marks) Act, 1952.

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

1. This Act may be called the Indian Standards Institution (Certification Marks) Amendment Act, 1976. Short title.

2. In section 20 of the Indian Standards Institution (Certification Marks) Act, 1952 (hereinafter referred to as the principal Act),— Amendment of section 20.

(i) in sub-section (2), clause (e) shall be omitted;

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

3. In section 21 of the principal Act, in sub-section (2), after the word and figures "section 20", the words "and may also provide for the levy of fees for the grant or renewal of any licence" shall be inserted. Amendment of section 21.

4. In the principal Act, after section 21, the following section shall be inserted, namely:— Insertion of new section 22.

"22. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive Rules and regulations to

be laid  
before  
Parlia-  
ment.

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

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THE IRON ORE MINES AND MANGANESE ORE MINES  
LABOUR WELFARE CESS ACT, 1976

No. 55 of 1976

[7th April, 1976.]

An Act to provide for the levy and collection of a cess on iron ore and manganese ore for the financing of activities to promote the welfare of persons employed in the iron ore mines and manganese ore mines and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Iron Ore Mines and Manganese Ore Mines Labour Welfare Cess Act, 1976.

Short  
title,  
extent  
and com-  
mence-  
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, and different dates may be appointed for different States:

Provided that the Central Government may, by notification in the Official Gazette, apply in the first instance the provisions of this Act, only to iron ore mines, or only to manganese ore mines, in a State with effect from such date as may be specified in the notification, and if that Government is satisfied that it is necessary or expedient so to do, it may extend this Act to all iron ore mines and manganese ore mines in that State, with effect from such date as may be specified in the notification published in the Official Gazette.

## Definitions.

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

(a) "export" means taking out of India to a place outside India;

(b) "Fund" means the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund formed under section 3 of the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Act, 1976;

(c) "prescribed" means prescribed by rules made under this Act.

(2) Words and expressions used but not defined in this Act and defined in the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Act, 1976, shall have the meanings respectively assigned to them in that Act.

## Levy and collection of cess on iron ore and manganese ore.

3. With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be levied and collected as a cess for the purposes of the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Act, 1976—

(i) on all iron ore produced in any mine,—

(a) a duty of customs, where such iron ore is exported; or

(b) a duty of excise, where such iron ore is sold or otherwise disposed of to the occupier of any metallurgical factory, or to any person who in turn sells it to a metallurgical factory, or is used by the owner of the mine in any metallurgical factory,

at such rate not exceeding one rupee per metric tonne of iron ore as the Central Government may, from time to time, fix by notification in the Official Gazette;

(ii) on all manganese ore produced in any mine,—

(a) a duty of customs, where such manganese ore is exported; or

(b) a duty of excise, where such manganese ore is sold or otherwise disposed of to the occupier of any metallurgical factory, or to any person who in turn sells it to a metallurgical factory, or is used by the owner of the mine in any metallurgical factory,

at such rate not exceeding six rupees per metric tonne of manganese ore as the Central Government may, from time to time, fix by notification in the Official Gazette.

*Explanation.*—Where the owner of any iron ore mine or manganese ore mine is also the occupier of a metallurgical factory, then, for the purposes of sub-clause (b) of clause (i) or sub-clause (b) of clause (ii), all the iron ore or manganese ore, as the case may be, produced in the mine and not sold or otherwise disposed of to the occupier of any other metallurgical factory or to any other person shall be deemed, unless the contrary is proved, to have been used by such owner for his own metallurgical factory.



4. (1) Every duty of customs leviable under this Act on any iron ore or manganese ore shall be payable to the Central Government by the person by whom the iron ore or, as the case may be, manganese ore is exported.

Payment of duty of customs and duty of excise.

(2) Every duty of excise leviable under this Act on any iron ore or manganese ore shall be payable—

(a) to the occupier of the metallurgical factory by the person by whom such iron ore or manganese ore is sold or otherwise disposed of to such occupier,

(b) to the Central Government, by the owner of the iron ore mine or manganese ore mine where the iron ore or manganese ore is used by such owner in any metallurgical factory,

within such period as may be prescribed.

(3) All amounts referred to in clause (a) of sub-section (2) shall be collected by the occupier of the metallurgical factory in such manner, and paid by him to the Central Government within such period, as may be prescribed.

5. The proceeds of duty of customs and duty of excise levied under section 3 shall be credited to the Consolidated Fund of India.

Crediting proceeds of duty to Consolidated Fund of India.

6. Notwithstanding anything contained in this Act, if the Central Government is of opinion that in respect of any metallurgical factory or class of metallurgical factories the levy of the duty of customs or duty of excise on iron ore or manganese ore under this Act is disproportionate to the cost of collection of such duty of customs or duty of excise from such metallurgical factory or class of metallurgical factories, it may, by notification in the Official Gazette and subject to such exceptions and modifications as may be specified in the said notification, exempt such metallurgical factory or class of metallurgical factories from all or any of the provisions of this Act.

Power of Central Government to exempt.

7. If any occupier of a factory or any owner of an iron ore mine or a manganese ore mine fails to pay any amount payable by him to the Central Government under section 4 within the period prescribed thereunder, such occupier or owner, as the case may be, shall be liable to pay simple interest at twelve per cent. per annum on the amount to be paid from the date on which such payment is due till such amount is actually paid.

Interest payable by occupiers of factories and owners of mines.

8. If any duty of excise payable by the occupier of the metallurgical factory or the owner of the iron ore mine or manganese ore mine to the Central Government under section 4 is not paid to that Government within the period prescribed thereunder, it shall be deemed to be in arrears and the authority prescribed in this behalf may, after such inquiry as it deems fit, impose on the occupier of the metallurgical factory or, as the case may be, on the owner of the iron ore mine or manganese ore mine a penalty not exceeding the amount of duty of excise in arrears:

Penalty for non-payment of duty of excise within the prescribed period.

Provided that before imposing any such penalty such occupier or such owner, as the case may be, shall be given a reasonable opportunity of being heard and, if after such hearing the said authority is satisfied that the default was for any good and sufficient reason, no penalty shall be imposed under this section.

Recovery of amounts due under the Act.

9. Any amount due under this Act (including the interest or penalty, if any, payable under section 7 or section 8, as the case may be) from any occupier of a metallurgical factory or any owner of an iron ore mine or a manganese ore mine may be recovered by the Central Government in the same manner as an arrear of land revenue.

Penalty for evasion of duty of excise.

10. (1) Whoever wilfully or intentionally evades or attempts to evade the payment of duty of excise payable by him to the Central Government under this Act, shall, on conviction, be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) No court shall take cognizance of an offence punishable under this section, save on a complaint made by, or under the authority of, the Central Government.

Offence by companies.

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

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

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

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

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

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

Protection of action taken in good faith.

12. No suit, prosecution or other legal proceeding shall lie against the Central Government or any officer or other employee of the Central Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

58 of 1961.

13. (1) As from the commencement of this Act, the Iron Ore Mines Labour Welfare Cess Act, 1961, shall stand repealed.

Repeal and saving.

(2) (a) The amount collected as cess, under the Act repealed, by sub-section (1), shall be credited to the Consolidated Fund of India.

(b) The Central Government may, after due appropriation made by Parliament by law in this behalf, credit to the Fund an amount not exceeding the proceeds of cess credited under clause (a), after deducting the cost of collection as determined by that Government.

14. (1) The Central Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules for carrying out the provisions of this Act.

Power to make rules.

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

(a) the assessment and collection of the duty of customs or duty of excise levied under section 3;

(b) the making of refunds, remissions and recoveries of the duty of customs or duty of excise levied under section 3;

(c) the period within which the person selling or otherwise disposing of the iron ore or manganese ore to the occupier of the metallurgical factory shall pay the duty of excise to such occupier under sub-section (2) of section 4;

(d) the period within which the owner of the iron ore mine or manganese ore mine shall pay the duty of excise to the Central Government under sub-section (2) of section 4;

(e) the manner in which the occupier of the metallurgical factory shall collect the duty of excise under sub-section (3) of section 4;

(f) the period within which the occupier of the metallurgical factory shall pay to the Central Government the duty of excise collected by him under sub-section (3) of section 4;

(g) the authority which may impose any penalty under section 8;

(h) any other matter which has to be or may be prescribed, or provided for, by rules under this Act.

(3) In making any rule under clause (c) of sub-section (2), the Central Government may direct that a breach thereof shall be punishable with fine which may extend to five hundred rupees.

(4) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive

sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

# THE BEEDI WORKERS WELFARE CESS ACT, 1976

No. 56 OF 1976

[7th April, 1976.]

An Act to provide for the levy and collection, by way of cess, a duty of excise on tobacco issued for the manufacture of beedi.

*[manufactured beedis]*

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

1. (1) This Act may be called the Beedi Workers Welfare Cess Act, 1976.

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.

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

Definitions.

(a) "Fund" means the Beedi Workers Welfare Fund formed under section 3 of the Beedi Workers Welfare Fund Act, 1976;

(b) "prescribed" means prescribed by rules made under this Act.

~~3. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be levied and collected by way of cess for the purposes of the Beedi Workers Welfare Fund Act, 1976, on so much of the tobacco as is issued to any person from a warehouse for any purpose in connection with the manufacture of beedi, a duty of excise at such rate not exceeding one rupee per~~

Levy and collection of cess on tobacco issued for manufacture of beedi.

V4  
V3  
V2  
V1  
15.2.1977: Vide Notifica. No. G.S.R. 55 [E], dt. 2.2.1977  
Subs. by Act 47 of 1981, S.2 [w.e.f. 1.1.1982]  
Ans. by S.3 ibid [w.e.f. 1.1.1982]  
Subs. by Act 47 of 1981, S.4

kilogram on such tobacco as the Central Government may, from time to time, fix by notification in the Official Gazette.

*Explanation.*—In this sub-section, “warehouse” means any place or premises appointed or licensed under rule 140 of the Central Excise Rules, 1944, made under the Central Excises and Salt Act, 1944.

1 of 1944.

(2) The duty of excise levied under sub-section (1) shall be in addition to any cess or duty leviable on tobacco under any other law for the time being in force.

Crediting of proceeds of duty to the Consolidated Fund of India.

4. The proceeds of the duty of excise levied under sub-section (1) of section 3 shall be credited to the Consolidated Fund of India.

Power to call for information.

5. The Central Government or any other authority specified by it in this behalf may require any person to furnish, for the purposes of this Act, such statistical and any other information as it may think fit.

Protection of action taken in good faith.

6. No suit, prosecution or other legal proceeding shall lie against the Central Government or any officer or other employee of the Central Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Power to make rules.

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

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

(a) the assessment and collection of the duty of excise levied under section 3;

(b) the furnishing to the Central Government or any other authority specified by it in this behalf by any person of such statistical and any other information as may be required to be furnished under section 5;

(c) any other matter which has to be or may be prescribed, or provided for, by rules under this Act.

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

*[Faint, illegible text, likely bleed-through from the reverse side of the page]*

THE HIGH COURT AT PATNA (ESTABLISHMENT OF A  
PERMANENT BENCH AT RANCHI) ACT, 1976

No. 57 OF 1976

[8th April, 1976]

An Act to provide for the establishment of a permanent bench of the High Court at Patna at Ranchi.

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

Short  
title.

1. This Act may be called the High Court at Patna (Establishment of a Permanent Bench at Ranchi) Act, 1976.

Establish-  
ment of  
a perma-  
nent bench  
of High  
Court at  
Patna  
at Ranchi.

2. There shall be established a permanent bench of the High Court at Patna at Ranchi, and such Judges of the High Court at Patna, being not less than three in number, as the Chief Justice of that High Court may, from time to time, nominate, shall sit at Ranchi in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Hazaribagh, Giridih, Dhanbad, Ranchi, Palamau and Singhbhum:

Provided that the Chief Justice of that High Court may, in his discretion, order that any case or class of cases arising in any such district shall be heard at Patna.



THE COMPTROLLER AND AUDITOR-GENERAL'S (DUTIES,  
POWERS AND CONDITIONS OF SERVICE) AMENDMENT  
ACT, 1976

No. 58 OF 1976

[8th April, 1976.]

An Act to amend the Comptroller and Auditor-General's (Duties,  
Powers and Conditions of Service) Act, 1971.

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

1. (1) This Act may be called the Comptroller and Auditor-General's  
(Duties, Powers and Conditions of Service) Amendment Act, 1976.

Short  
title  
and com-  
mence-  
ment.

(2) It shall be deemed to have come into force on the 1st day of  
March, 1976.

2. In section 10 of the Comptroller and Auditor-General's (Duties,  
Powers and Conditions of Service) Act, 1971 (hereinafter referred to as  
the principal Act), in sub-section (1),—

Amend-  
ment of  
section 10.

56 of 1971.

(a) for the first proviso, the following provisos shall be sub-  
stituted, namely:—

“Provided that the President may, after consultation with  
the Comptroller and Auditor-General, by order, relieve him from  
the responsibility for compiling—

(i) the said accounts of the Union (either at once or  
gradually by the issue of several orders); or

(ii) the accounts of any particular services or departments of the Union:

Provided further that the Governor of a State may, with the previous approval of the President and after consultation with the Comptroller and Auditor-General, by order, relieve him from the responsibility for compiling—

(i) the said accounts of the State (either at once or gradually by the issue of several orders); or

(ii) the accounts of any particular services or departments of the State.”;

(b) in the second proviso, for the words “Provided further”, the words “Provided also” shall be substituted.

Amendment of section 11.

3. In section 11 of the principal Act,—

(a) for the words “by any other person responsible in that behalf”, the words “by the Government or any other person responsible in that behalf” shall be substituted;

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

“Provided that the President may, after consultation with the Comptroller and Auditor-General, by order, relieve him from the responsibility for the preparation and submission of the accounts relating to annual receipts and disbursements for the purpose of the Union or of a Union territory having a Legislative Assembly:

Provided further that the Governor of a State may, with the previous approval of the President and after consultation with the Comptroller and Auditor-General, by order, relieve him from the responsibility for the preparation and submission of the accounts relating to annual receipts and disbursements for the purpose of the State.”.

Amendment of section 22.

4. In section 22 of the principal Act,—

(a) in clause (b) of sub-section (2), after the words “the accounts of”, the words “the Union or of a State or of” shall be inserted;

(b) in sub-section (3), for the words “in two successive sessions”, the words “in two or more successive sessions”, and for the words “the session in which it is so laid or the session immediately following”, the words “the session immediately following the session or the successive sessions aforesaid” shall be substituted.

Repeal and saving.

5. (1) The Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Amendment Ordinance, 1976, is hereby repealed.

1 of 1976.

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

THE DEPARTMENTALISATION OF UNION ACCOUNTS  
(TRANSFER OF PERSONNEL) ACT, 1976

No. 59 OF 1976

[8th April 1976.]

An Act to provide for the transfer of officers serving in the Indian Audit and Accounts Department to any Ministry, Department or office of the Central Government for facilitating the efficient discharge by such Ministry, Department or office of the responsibility in connection with compiling the accounts thereof.

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

1. (1) This Act may be called the Departmentalisation of Union Accounts (Transfer of Personnel) Act, 1976.

Short  
title and  
commen-  
cement.

(2) It shall be deemed to have come into force on the 1st day of March, 1976.

2. (1) Where the President has, by order under the first proviso to sub-section (1) of section 10 of the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act, 1971, provided for relieving, with effect from any date (hereinafter referred to as the prescribed date), the Comptroller and Auditor-General from the responsibility for compiling any accounts of the Union or of any services or departments of the Union as may be specified in such order, then, subject to the provisions of this Act, it shall be lawful for the Central Government, on the advice of a Committee established under sub-section (2), to transfer,

Transfer  
of offi-  
cers and  
emplo-  
yees  
of the  
Indian  
Audit and  
Accounts  
Depart-  
ment.

56 of 1971.

by order and with effect from such date or dates (which may be either retrospective to any date not earlier than the prescribed date or prospective) as may be specified in the order, to any Ministry or Department of the Central Government or any of its attached or subordinate offices, any of the officers or employees serving in the Indian Audit and Accounts Department, for the purpose of facilitating the efficient discharge by such Ministry, Department or office of the responsibility of compiling such accounts:

Provided that no order under this sub-section shall be made in relation to any such officer or employee serving in the Indian Audit and Accounts Department who has, in respect of the proposal made on the advice of the Committee to transfer such officer or employee under this sub-section, intimated, within such time as may be specified in this behalf his unwillingness to be so transferred, unless the Central Government is of opinion that it is necessary in the public interest to transfer such officer or employee as aforesaid:

Provided further that nothing in this sub-section shall affect the right of any such officer or employee to resign or retire from service in accordance with the rules applicable to him in the Indian Audit and Accounts Department.

(2) The Central Government may, by order, establish one or more Advisory Committees consisting of such number of members as it thinks fit for the purpose of assisting it in regard to the transfer of officers and employees under sub-section (1).

(3) An officer or other employee transferred to any Ministry, Department or office of the Central Government by an order made under sub-section (1) shall, on and from the date of transfer, cease to be an officer or employee in the Indian Audit and Accounts Department and shall, subject to the provisions of sub-section (4) and of any law or rules made under Chapter I of Part XIV of the Constitution, hold office in such Ministry, Department or office with such designation as the Central Government may specify.

(4) Every officer or employee transferred under sub-section (1) shall be entitled to be appointed to a post carrying a scale of pay not less favourable than that of the post which he held immediately before the date of such transfer and in the same capacity (whether substantive or officiating) in which he held the post last mentioned:

Provided that if immediately before the date of such transfer any such officer or employee is officiating in a higher post in the Indian Audit and Accounts Department either in a leave vacancy or in any other vacancy of a specified duration, his pay, on transfer, shall be protected for the unexpired period of such vacancy.

3. (1) The Departmentalisation of Union Accounts (Transfer of Personnel) Ordinance, 1976, is hereby repealed.

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

Repeal  
and  
saving

# THE STANDARDS OF WEIGHTS AND MEASURES ACT, 1976

## ARRANGEMENT OF SECTIONS

### PART I

#### PROVISIONS APPLICABLE TO EVERY PART

#### SECTIONS

1. Short title, extent and commencement.
2. Definitions.
3. Provisions of this Act to override the provisions of any other law.

### PART II

#### ESTABLISHMENT OF STANDARDS OF WEIGHTS AND MEASURES

#### CHAPTER I

##### *Standard units*

4. Units of weight or measure to be based on metric system.
5. Base unit of length.
6. Base unit of mass.
7. Base unit of time.
8. Base unit of electric current.
9. Base unit of thermodynamic temperature.
10. Base unit of luminous intensity.
11. Base unit of amount of substance.
12. Supplementary, derived, special and other units of weight or measure—their symbols, definitions, etc.
13. Base unit of numeration.
14. Standard unit of weight or measure.

#### CHAPTER II

##### *Physical representation of standard units*

15. National prototypes.
16. National standards.
17. National prototype and national standard how to be kept.
18. Reference, secondary and working standards.
19. Power of Central Government to prescribe physical characteristics, etc., of weights and measures.

#### CHAPTER III

##### *Standard weights and measures*

20. Standard weight or measure.

## SECTIONS

21. Use of non-standard weight or measure prohibited.
22. Manufacture of non-standard weight or measure prohibited.
23. Prohibition with regard to inscriptions, etc.

## CHAPTER IV

*Custody and verification of standard equipments*

24. Supply, etc., of reference standards.
25. Preparation and custody of secondary or working standards.
26. Verification, stamping, etc., of secondary or working standards.
27. Secondary or working standard which may be stamped.

## PART III

*Appointment and powers of Director and other staff*

28. Appointment of Director and other staff.
29. Power of inspection, etc.
30. Forfeiture.

## PART IV

~~INTER-STATE~~ TRADE OR COMMERCE IN WEIGHT, MEASURE OR OTHER GOODS

## CHAPTER I

*Applicability of this Part*

31. Part IV to apply to inter-State trade or commerce only.

## CHAPTER II

*General*

32. Use of weights only or measures only in certain cases.
33. Prohibition of quotations, etc., otherwise than in terms of standard units of weights, measures or numeration.
34. Any custom, usage, etc., contrary to standard weight, measure or numeration to be void.
35. Manufacturers, etc., to maintain records and registers.

## CHAPTER III

*Approval of models*

36. Approval of models.
37. Licence to manufacture weights or measures when to be issued.
38. Weight or measure to contain number of the approved model, etc.

## CHAPTER IV

*Commodities in packaged form intended to be sold or distributed in the course of inter-State trade or commerce*

39. Quantities and origin of commodities in packaged form to be declared.

## CHAPTER V

*Verification and stamping of weights and measures sent from one State to another*

## SECTIONS

40. Definitions.
41. Verification and stamping of weights and measures sent from one State to another.
42. Weight or measure of the first category to be presumed to be correct throughout the territory of India.
43. Weight or measure of the first category not to be sold or used in any State unless it is stamped in the transferor State.
44. Weights or measures of the second category received from transferor State to be produced before the local Inspector of the transferee State.
45. Procedure when any weight or measure is transferred from a transferee State to another State.
46. Manufacturers, etc., who send any weight or measure to any other State to submit return to the Controller.

## PART V

## IMPORT AND EXPORT OF WEIGHTS AND MEASURES

## CHAPTER I

*Registration of exporters and importers*

47. Persons exporting or importing any weight or measure to get themselves registered.

## CHAPTER II

*Export and import of weights, measures and commodities in packaged form*

48. Conditions under which export of non-standard weights and measures and other goods may be made.
49. Non-metric weight or measure not to be imported.

## PART VI

## OFFENCES AND THEIR TRIAL

50. Penalty for use of non-standard weights or measures.
51. Penalty for contravention of section 18.
52. Penalty for contravention of section 22.
53. Penalty for contravention of section 23.
54. Penalty for contravention of section 29.
55. Penalty for contravention of section 32.
56. Penalty for contravention of section 33.
57. Penalty for contravention of section 34.

## SECTIONS

58. Penalty for contravention of section 35.
59. Penalty for contravention of section 36.
60. Penalty for manufacture of weights or measures unless approval of model is in force.
61. Penalty for contravention of section 38.
62. Penalty for sale, etc., of unverified weights or measures in the course of inter-State trade or commerce.
63. Penalty for contravention of section 39.
64. Penalty for contravention of section 47.
65. Penalty for contravention of section 48.
66. Penalty for contravention of section 49.
67. Penalty where no specific penalty is provided.
68. Presumption to be made in certain cases.
69. Penalty for personation of officials.
70. Penalty for giving false information or false returns.
71. Vexatious actions.
72. Cognizance of offences, etc.
73. Compounding of offences.
74. Offences by companies and power of court to publish name, place of business, etc., of companies convicted.
75. Provisions of Indian Penal Code not to apply to any offence punishable under this Act.

## PART VII

## TRAINING INSTITUTE

76. Establishment of a training Institute and provisions for training thereat.
77. Training at other places.

## PART VIII

## MISCELLANEOUS

78. Survey and statistics.
79. Conversion of non-metric weights and measures into standard units of weights or measures.
80. Non-metric weight or measure not to be mentioned in any document, etc., or to form the basis of any contract after the commencement of this Act.
81. Appeals.
82. Levy of fees.
83. Power to make rules.
84. Continuance of certain weights and measures during transitional period.
85. Repeal and savings.

## THE SCHEDULE.



THE STANDARDS OF WEIGHTS AND MEASURES  
ACT, 1976  
No. 60 OF 1976

[8th April, 1976.]

An Act to establish standards of weights and measures, to regulate inter-State trade or commerce in weights, measures and other goods which are sold or distributed by weight, measure or number, and to provide for matters connected therewith or incidental thereto.

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

PART I

PROVISIONS APPLICABLE TO EVERY PART

1. (1) This Act may be called the Standards of Weights and Measures Act, 1976.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification, appoint, and different dates may be appointed for different—

(a) provisions of this Act,

(b) areas,

Short  
title,  
extent  
and com-  
mence-  
ment.

- (c) classes of undertakings,
- (d) classes of goods,
- (e) classes of weights and measures, or
- (f) classes of users of weights and measures,

and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision in such areas, or in respect of such classes of undertakings, goods, weights and measures or users of weights and measures in relation to which this Act has been brought into force:

Provided that the provisions of this Act (including the standards established by or under this Act) shall come into force in the State of Sikkim on such date, not being later than five years from the passing of this Act, as the Central Government may, by notification, appoint, and different dates may be appointed for different provisions of this Act or for different areas or for different classes of undertakings or for different classes of goods, or for different classes of weights and measures or for different classes of users of weights and measures.

Defini-  
tions.

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

(a) "calibration" means all the operations which are necessary for the purpose of determining the values of the errors of a weight or measure and, if necessary, to determine the other metrological properties of such weight or measure, and includes the actual fixing of the positions of the gauge-marks or scale-marks of a weight or measure or in some cases, of certain principal marks only, in relation to the corresponding values of the quantity to be measured.

*Explanation.*—Calibration may also be carried out with a view to permitting the use of a weight or measure as a standard;

(b) "commodity in packaged form" means commodity packaged, whether in any bottle, tin, wrapper or otherwise, in units suitable for sale, whether wholesale or retail;

(c) "dealer" in relation to any weight or measure, means a person who, or a firm or a Hindu undivided family which, carries on, directly or otherwise, the business of buying, selling, supplying or distributing any such weight or measure, whether for cash or for deferred payment or for commission, remuneration or other valuable consideration, and includes—

(i) a commission agent who carries on such business on behalf of any principal,

(ii) an importer who sells, supplies, distributes or otherwise delivers any weight or measure to any user, manufacturer, repairer, consumer or any other person,

but does not include a manufacturer who sells, supplies, distributes or otherwise delivers any weight or measure to any person or category of persons referred to in this clause.

*Explanation.*—For the removal of doubts, it is hereby declared that a manufacturer, who sells, supplies, distributes or otherwise delivers any weight or measure to any person other than a dealer, shall be deemed to be a dealer;

(d) "Director" means the Director of Legal Metrology appointed under section 28;

(e) "export" with its grammatical variations and cognate expressions, means taking out of India to a place outside India;

(f) "false package" means any package which does not conform to the provisions of this Act or any rule or order made thereunder in relation to such package;

(g) "false weight or measure" means any weight or measure which does not conform to the standards established by or under this Act in relation to that weight or measure;

(h) "General Conference on Weights and Measures" means the Conference General des Poids et Mesures established under the Convention du Metre;

(i) "import", with its grammatical variations and cognate expressions, means bringing into India from a place outside India;

(j) "International Bureau of Weights and Measures" means the Bureau International des Poids et Mesures, established under the Convention du Metre, at Sevres in France;

(k) "International Organisation of Legal Metrology" means the Organisation Internationale de Metrologie Legale established under the Convention Constituant Une Organisation Internationale de Metrologie Legale;

(l) "international prototype of the kilogram" means the prototype sanctioned by the First General Conference on Weights and Measures held in Paris in 1889, and deposited at the International Bureau of Weights and Measures;

(m) "inter-State trade or commerce", in relation to any weight or measure or other goods which are bought, sold, supplied, distributed or delivered by weight, measure or number, means the purchase, sale, supply, distribution or delivery which—

(i) occasions the movement of such weight, measure or other goods from one State to another, or

(ii) is effected by a transfer of documents of title to such weight, measure or other goods during its movement from one State to another.

*Explanation I.*—Where any such weight or measure is, or other goods are, delivered to a carrier or other bailee for transmission, the movement of such weight, measure or other goods shall, for the purposes of sub-clause (ii), be deemed to commence at the time of such delivery and terminate at the time when delivery is taken from such carrier or bailee.

*Explanation II.*—Where the movement of any such weight, measure or other goods commences and terminates in the same State, it shall not be deemed to be a movement of such weight, measure or other goods from one State to another merely by reason of the fact that in the course of such movement it passes through the territory of any other State;

(n) "label" means any written, marked, stamped, printed, or graphic matter affixed to, or appearing upon, any commodity or package containing any commodity;

(o) "manufacturer", in relation to any weight or measure, means a person who, or a firm or a Hindu undivided family which,—

(i) makes or manufactures such weight or measure,

(ii) makes or manufactures one or more parts, and acquires the other parts, of such weight or measure and, after assembling those parts, claims the end product to be a weight or measure manufactured by himself or itself, as the case may be.

(iii) does not make or manufacture any part of such weight or measure but assembles parts thereof made or manufactured by others and claims the end product to be a weight or measure manufactured by himself or itself, as the case may be,

(iv) puts, or causes to be put, his own mark on any complete weight or measure made or manufactured by any other person and claims such product to be a weight or measure made or manufactured by himself or itself, as the case may be.

*Explanation.*—Where any manufacturer despatches any weight or measure or any part thereof to any branch office maintained by him or it, such branch office shall not be deemed to be a manufacturer even though the parts so despatched to it are assembled at such branch office;

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

(q) “person” includes—

- (i) every department or office,
- (ii) every organisation established or constituted by Government,
- (iii) every local authority within the territory of India,
- (iv) every co-operative society,
- (v) every other society registered under the Societies Registration Act, 1860;

(r) “premises” includes—

- (i) a place where any business, industry, production or trade is carried on by a person, whether by himself or through an agent, by whatever name called,
- (ii) a warehouse, godown or other place where any weight, measure or other goods are stored or exhibited,
- (iii) a place where any books of account or other documents pertaining to any trade or transaction are kept,
- (iv) a dwelling house, if any part thereof is used for the purpose of carrying on any business, industry, production or trade.

*Explanation.*—“Place” includes a vehicle or vessel or any other mobile device, with the help of which any trade or business is carried on, and also includes any measuring instrument mounted on a vehicle, vessel or other mobile device;

(s) “prescribed” means prescribed by rules made under this Act and “prescribed authority” means such authority as may be specified by such rules;

(t) “reference standard” means the set of standard weight or measure which is made or manufactured by or on behalf of the Central Government for the verification of any secondary standard;

(u) “repairer” includes a person who adjusts, cleans, lubricates or paints any weight or measure or renders any other service to such weight or measure to ensure that such weight or measure conforms to the standards established by or under this Act;

(v) “sale”, with its grammatical variations and cognate expressions, means transfer of property in any weight, measure or other

goods by one person to another for cash or for deferred payment or for any other valuable consideration, and includes a transfer of any weight, measure or other goods on the hire-purchase system or any other system of payment by instalments, but does not include a mortgage or hypothecation of, or a charge or pledge on, such weight, measure or other goods;

(w) "seal" means a device or process by which a stamp is made, and includes any wire or other accessory which is used for ensuring the integrity of any stamp;

(x) "secondary standard" means the set of standard weight or measure which is made or manufactured by or on behalf of the Central or State Government for the verification of any working standard;

(y) "stamp" means a mark, which is made on, or in relation to, any weight or measure with a view to—

(i) certifying that such weight or measure conforms to the standard specified by or under this Act, or

(ii) indicating that any mark which was previously made thereon certifying that such weight or measure conforms to the standards specified by or under this Act, has been obliterated.

*Explanation.*—A stamp may be made by impressing, casting, engraving, etching, branding or any other process;

(z) "transaction" means—

(i) any contract, whether for sale, purchase, exchange or any other purpose, or

(ii) any assessment of royalty, toll, duty or other dues, or

(iii) the assessment of any work done, wages due or services rendered;

(za) "unverified weight or measure" means a weight or measure which, being required to be verified and stamped under this Act, has not been so verified and stamped;

(zb) "verification", with its grammatical variations and cognate expressions, includes, in relation to any weight or measure, the process of comparing, checking, testing or adjusting such weight or measure with a view to ensuring that such weight or measure conforms to the standards established by or under this Act, and also includes re-verification and calibration;

(zc) "weighing or measuring instrument" means any object, instrument, apparatus or device, or any combination thereof, which is, or is intended to be, used, exclusively or additionally, for the purpose of making any weighing or measurement, and includes any appliance, accessory or part associated with any such object, instrument, apparatus or device;

(zd) "weight or measure" means a weight or measure specified by or under this Act, and includes a weighing or measuring instrument;

(ze) "working standard" means the set of standard weight or measure which is made or manufactured by or on behalf of Government for the verification of any standard weight or measure, other than a national prototype or national reference or secondary standard.

Provi-  
sions of  
this Act  
to over-  
ride the  
provisions  
of any  
other  
law.

3. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

## PART II

### ESTABLISHMENT OF STANDARDS OF WEIGHTS AND MEASURES

#### CHAPTER I

##### Standard units

Units of  
weight or  
measure  
to be  
based on  
metric  
system.

4. (1) Every unit of weight or measure shall be based on the units of the metric system.

(2) For the purposes of sub-section (1),—

(a) the international system of units as recommended by the General Conference on Weights and Measures, and

(b) such additional units as may be recommended by the International Organisation of Legal Metrology,

shall be the units of the metric system.

Base  
unit of  
length.

5. (1) The base unit of length shall be the metre.

(2) The "metre" is the length equal to 1650 763.73 wave lengths in vacuum of the radiation corresponding to the transition between the levels  $2p_{10}$  and  $5d_5$  of the krypton-86 atom.

Base  
unit of  
mass.

6. (1) The base unit of mass shall be the kilogram.

(2) The "kilogram" is the unit of mass; it is equal to the mass of the international prototype of the kilogram.

Base  
unit of  
time.

7. (1) The base unit of time shall be the second.

(2) The "second" is the duration of 9 192 631 770 periods of the radiation corresponding to the transition between the two hyperfine levels of the ground state of the caesium-133 atom.

Base  
unit of  
electric  
current.

8. (1) The base unit of electric current shall be the ampere.

(2) The "ampere" is that constant current which if maintained in two straight parallel conductors of infinite length, of negligible circular cross-section, and placed one metre apart in vacuum, would produce between these conductors a force equal to  $2 \times 10^{-7}$  newton per metre of length.

Base  
unit of  
thermo-  
dynamic  
tempera-  
ture.

9. (1) The base unit of thermodynamic temperature shall be the kelvin.

(2) The "kelvin" is the fraction  $1/273.16$  of the thermodynamic temperature of the triple point of water.

(3) The kelvin shall also be used for expressing the interval or difference of temperature.

(4) Zero degree Celsius corresponds to 273.15 kelvin.

(5) The degree Celsius may also be used for expressing the interval or difference of temperature, unit degree Celsius being equal to unit kelvin.

10. (1) The base unit of luminous intensity shall be the candela.

Base  
unit of  
luminous  
intensity.

(2) The "candela" is the luminous intensity, in the perpendicular direction, of a surface of  $1/600,000$  square metre of a black body at the temperature of freezing platinum under a pressure of 101 325 newtons per square metre.

11. (1) The base unit of amount of substance shall be the mole.

Base  
unit of  
amount  
of sub-  
stance.

(2) The "mole" is the amount of substance of a system which contains as many elementary entities as there are atoms in 0.012 kilogram of carbon 12.

(3) When the mole is used, the elementary entities shall invariably be specified and may be atoms, molecules, ions, electrons, other particles, or specified groups of such particles.

12. (1) The Central Government may, by rules made in this behalf, specify, in relation to the base units of weight or measure, such supplementary, derived, or other units or standard symbols or definitions as the General Conference on Weights and Measures or the International Organisation of Legal Metrology may recommend.

Supple-  
mentary,  
derived,  
special  
and  
other  
units of  
weight or  
measure—  
their  
symbols,  
defini-  
tions, etc.

*Explanation.*—"Derived unit" means a unit which is derived from the base, or supplementary, units, or both.

(2) The Central Government may, by rules made in this behalf, specify, such multiples and sub-multiples of, and physical constants, and ratios or co-efficients in relation to, units of weight or measure as the General Conference on Weights and Measures or the International Organisation of Legal Metrology may recommend.

(3) The Central Government may, by notification, declare, for such period as it may consider necessary such special units of weight or measure as the General Conference on Weights and Measures or the International Organisation of Legal Metrology may recommend.

13. (1) The base unit of numeration shall be the unit of the international form of Indian numerals.

Base  
unit of  
numera-  
tion.

(2) Every numeration shall be made in accordance with the decimal system.

(3) The decimal multiples and sub-multiples of the numerals shall be of such denominations and be written in such manner as the Central

Government may, after previous publication, specify by rules made in this behalf:

Provided that no such rule shall be made before the expiry of six months from the date on which the draft of the proposed rules was first published in the Official Gazette.

Standard  
unit of  
weight or  
measure.

14. (1) The base unit of mass specified in section 6 and base units of measures specified in section 5 and sections 7 to 11 (both inclusive) and the supplementary and other units specified by rules made under section 12, shall be the standard units of weight or measure, as the case may be.

(2) The units of numeration specified by or under section 13 shall be the standard units of numeration.

## CHAPTER II

### *Physical representation of standard units*

National  
proto-  
types.

15. (1) For the purpose of deriving the value of the kilogram, the Central Government shall cause to be prepared a national prototype of the kilogram and shall cause its accuracy to be certified by the International Bureau of Weights and Measures in terms of the international prototype of the kilogram and shall deposit the same in such custody and at such place as that Government may think fit.

(2) For the purpose of deriving the value of the metre, the Central Government may cause to be prepared a national prototype of the metre and, where such prototype is caused to be made, shall also cause its accuracy to be certified by the International Bureau of Weights and Measures and deposit the same in such custody and at such place as that Government may think fit.

National  
standards.

16. (1) For the purpose of deriving the value of the base units, other than the base unit of mass, the Central Government shall cause to be prepared such objects or equipments, or both, as may be necessary for the purpose and shall cause the accuracy of such objects or equipments, or both, to be certified by the International Bureau of Weights and Measures at such periodical intervals as may be prescribed, and, shall, after such certification, deposit such objects or equipments, or both, in such custody and at such place as that Government may think fit.

(2) For the purpose of deriving the value of the supplementary and other units specified under section 12, the Central Government shall cause to be prepared such objects or equipments, or both as may be necessary for the purpose and shall cause the accuracy of such objects or equipments, or both, to be certified at such periodical intervals and by such authority as may be prescribed, and, shall after certification, deposit such objects or equipments, or both, in such custody and at such place as that Government may think fit.

National  
prototype  
and  
national  
standard  
how to  
be kept.

17. Every national prototype specified in section 15 and every object or equipment, or both, referred to in section 16, shall be kept in such manner and under such conditions as may be prescribed.



18. (1) Every—

- (a) reference standard,
- (b) secondary standard, and
- (c) working standard,

Reference, secondary and working standards.

shall conform to the standards established by or under this Act and be verified and authenticated at such periodical intervals and in such manner as may be prescribed.

(2) Every reference standard, every secondary standard and every working standard shall be kept in such manner and under such conditions as may be prescribed.

19. (1) The Central Government shall, in relation to any weight or measure, prescribe the physical characteristics, configuration, constructional details, materials, equipment, performance, tolerances, methods or procedures of tests in accordance with the recommendations made by the International Organisation of Legal Metrology:

Power of Central Government to prescribe physical characteristics, etc., of weights and measures.

Provided that where no such recommendation has been made, the Central Government shall prescribe such physical characteristics, configuration, constructional details, materials, equipment, performance, tolerances, methods or procedures of tests in relation to any weight or measure as it may think fit.

(2) Where it is not reasonably practicable to give effect to any recommendation made by the International Organisation of Legal Metrology, the Central Government may make such changes of a minor nature in the recommendation of the International Organisation of Legal Metrology as may appear to it to be necessary.

CHAPTER III

*Standard weights and measures*

20. (1) Any weight or measure which conforms to the standard unit of such weight or measure and also conforms to such of the provisions of sections 15 to 19 (both inclusive) as are applicable to it shall be the standard weight or measure.

Standard weight or measure.

(2) Any numeral which conforms to the provisions of section 13 shall be the standard numeral.

21. No weight, measure or numeral, other than the standard weight, measure or numeral, shall be used as a standard weight, measure or numeral.

Use of non-standard weight or measure prohibited.

22. No weight or measure shall be made or manufactured unless it conforms to the standards of weight or measure established by or under this Act:

Manufacture of non-standard weight or measure prohibited.

Provided that the Central Government may permit the making or manufacturing of any weight or measure which does not conform to the standards established by or under this Act, if such weight or measure is made or manufactured exclusively for the purpose of any scientific investigation or research or for export and is made or manufactured under such conditions and restrictions as may be prescribed.

Prohibition  
with  
regard to  
inscrip-  
tions, etc.

23. No weight, measure or other goods shall bear thereon any inscription or indication of weight, measure or number except in accordance with the standard unit of such weight, measure or numeration established by or under this Act:

Provided that in relation to any weight, measure or other goods which are manufactured for scientific investigation or research or for export, inscription or indication thereon of any weight, measure or number may also be made in accordance with any other system of weight, measure or numeration if such inscription or indication is demanded by the person by whom such scientific investigation or research is to be made or by the person to whom the export is to be made.

#### CHAPTER IV

##### *Custody and verification of standard equipments*

Supply,  
etc., of  
reference  
standards.

24. (1) The Central Government shall cause to be prepared, for the purposes of this Act, as many sets of reference standards as it may think necessary and shall supply to each State Government as many sets of reference standards as it may think fit.

(2) The Central Government shall keep in its custody, for the purposes of this Act, such number of reference standards as may be necessary.

(3) Every reference standard referred to in sub-section (2) shall be kept at such place and in such custody as may be prescribed and no such reference standard shall be deemed to be a reference standard and shall be used as such unless it has been verified and authenticated in accordance with the rules made under this Act.

Preparation  
and custody  
of second-  
ary or  
working  
standards.

25. The Central Government shall cause to be prepared, for the purposes of this Act, as many sets of secondary standard or working standard as it may think necessary and shall keep such sets of secondary standard or working standard at such place and in such custody as may be prescribed.

Verifi-  
cation,  
stamping,  
etc., of  
secondary  
or working  
standards.

26. (1) Every secondary standard referred to in section 25 shall be verified with the reference standard by such authority as may be prescribed and shall, if found on such verification to conform to the standards established by or under this Act, be stamped by that authority.

(2) Every working standard referred to in section 25 shall be verified with the secondary standard which has been stamped in accordance with the provisions of sub-section (1), by such authority as may be prescribed and shall, if found on such verification to conform to the standards established by or under this Act, be stamped by that authority.

(3) Where any secondary standard or working standard is stamped in accordance with the provisions of sub-section (1) or sub-section (2), as the case may be, a certificate shall be separately given showing the date on which such weight or measure was stamped.

(4) Every secondary standard or working standard which is not verified and stamped in accordance with the provisions of sub-section (1) or sub-section (2), as the case may be, shall not be deemed to be a secondary standard or working standard and shall not be used as such.

27. Where the Central Government is of opinion that by reason of the size or nature of any secondary standard or working standard referred to in section 25, it is not desirable or practicable to put a stamp thereon, it may direct that instead of putting a stamp on such secondary standard or working standard, a certificate may be issued to the effect that such secondary standard or working standard conforms to the standards established by or under this Act and every secondary standard or working standard so certified shall be deemed to have been duly stamped under this Act on the date on which such certificate was issued.

Secondary  
or  
working  
standard  
which may  
be  
stamped.

### PART III

#### APPOINTMENT AND POWERS OF DIRECTOR AND OTHER STAFF

28. (1) The Central Government may, by notification, appoint a Director of Legal Metrology and as many Additional, Joint, Deputy or Assistant Directors and other officers and staff as may be necessary for exercising the powers and efficiently discharging the duties conferred or imposed on them by or under this Act.

Appoint-  
ment of  
Director  
and other  
staff.

(2) Every Additional, Joint, Deputy or Assistant Director and other officer, appointed under sub-section (1), shall exercise such powers, and discharge such functions of the Director as the Central Government may, by notification, authorise in this behalf.

(3) The Director may, by general or special order, define the local limits within which each Additional, Joint, Deputy or Assistant Director or other officer, appointed under sub-section (1), shall exercise his powers and discharge the duties conferred or imposed on him by or under this Act.

(4) Subject to the provisions of this Act, every Additional, Joint, Deputy or Assistant Director and every other officer, appointed under sub-section (1), shall exercise his powers and discharge the duties of his office under the general superintendence, direction and control of the Director and shall exercise those powers and discharge those duties in the same manner and with the same effect as if they had been conferred or imposed on him directly by this Act and not by way of authorisation.

(5) The Director and every Additional, Joint, Deputy and Assistant Director and every other officer authorised to perform any duty by or under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

(6) No suit, prosecution or other legal proceeding shall lie against the Director, Additional, Joint, Deputy or Assistant Director or any other officer authorised to perform any duty by or under this Act in respect of anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder.

(7) The Central Government may, with the consent of the State Government and subject to such conditions, limitations and restrictions as it may specify in this behalf, delegate such of the powers of the Director under this Act as it may think fit to the person for the time being

holding the office of the Controller of Legal Metrology, in the State, and such Controller may, if he is of opinion that it is necessary or expedient in the public interest so to do, delegate such of the powers delegated to him as he may think fit to any officer subordinate to him, not being an officer below the rank of an Inspector, and where any such delegation of powers is made by such Controller, the person to whom such powers are delegated shall exercise those powers in the same manner and with the same effect as if they had been conferred on him directly by this Act, and not by way of delegation.

(8) Where any delegation of powers is made under sub-section (7), the powers so delegated shall be exercised under the general superintendence, direction and guidance of the Director.

Power of inspection, etc.

29. (1) The Director, or any person authorised to exercise the powers or discharge the functions of the Director, may, if he has any reason to believe, whether from any information given to him by any person and taken down in writing or from personal knowledge or otherwise, that any weight or measure or other goods in relation to which any inter-State trade or commerce has taken place or is intended to take place and in respect of which an offence punishable under this Act appears to have been, or is likely to be, committed are either kept or concealed in any premises or are in the course of transportation from one State to another,—

(a) enter at any reasonable time into any such premises and search for and inspect any weight, measure or other goods in relation to which inter-State trade or commerce has taken place, or is intended to take place, and any record, register or other document relating thereto;

(b) seize any weight, measure or other goods and any record, register or other document or article which he has reason to believe may furnish evidence indicating that an offence punishable under this Act has been, or is likely to be, committed in the course of, or in relation to, any inter-State trade or commerce.

(2) Where any goods seized under sub-section (1) are subject to speedy or natural decay, the Director or the authorised person may dispose of such goods in such manner as may be prescribed.

(3) Every search or seizure made under this section shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1973, relating to searches and seizures made under that Code.

2 of 1974.

Forfeiture.

30 Every false or unverified weight or measure, and every false package, used in the course of, or in relation to, any inter-State trade or commerce and seized under section 29, shall be liable to be forfeited to the Central Government:

Provided that such unverified weight or measure shall not be forfeited to Government if the person from whom such weight or measure was seized gets the same verified and stamped within such time as may be prescribed.

## PART IV

## INTER-STATE TRADE OR COMMERCE IN WEIGHT, MEASURE OR OTHER GOODS

## CHAPTER I

*Applicability of this Part*

31. The provisions of this Part shall apply to—

(a) every weight or measure which is, or is intended to be,—

(i) made or manufactured for the purpose of inter-State trade or commerce,

(ii) used, sold, distributed, delivered or otherwise transferred in the course of inter-State trade or commerce;

(b) goods which are, or are intended to be, sold, distributed, delivered or otherwise transferred by weight, measure or number in the course of inter-State trade or commerce;

(c) every service which is rendered by weight, measure or number in relation to, or in the course of, inter-State trade or commerce.

Part IV  
to apply to  
inter-State  
trade or  
commerce  
only.

## CHAPTER II

*General*

32. (1) The Central Government may, by rules made in this behalf, direct that in respect of the class of goods or undertakings or users specified therein, no transaction, dealing or contract shall be made or had except by such weight, measure or number as may be specified in the said rules.

Use of  
weights  
only or  
measures  
only in  
certain  
cases.

(2) Any rule made under sub-section (1) shall take effect in such area, from such future date and subject to such conditions, if any, as may be specified therein.

33. No person shall, in relation to any goods, thing or service to which this Part applies,—

(a) quote, or make announcement of, whether by word of mouth or otherwise, any price or charge, or

(b) issue or exhibit any price list, invoice, cash memo or other document, or

(c) prepare or publish any advertisement, poster or other document, or

(d) indicate the contents of any package either on itself or on any label, carton or other thing, or

(e) indicate the contents on any container, or

(f) express any quantity or dimension,

otherwise than in accordance with the standard unit of weight, measure or numeration.

Prohibition  
of quota-  
tions, etc.,  
otherwise  
than in  
terms of  
standard  
units of  
weights,  
measures  
or  
numera-  
tion.

Any custom, usage, etc., contrary to standard weight, measure or numera-tion to be void.

34. Any custom, usage, practice or method of whatever nature which permits a person to demand, receive, or cause to be demanded or received, any quantity of article, thing or service (to which this Part applies) in excess of, or less than, the quantity specified by weight, measure or number in the contract or other agreement in relation to the said article, thing or service, shall be void.

Manufacturers, etc., to maintain records and registers.

35. (1) Every person who—

(a) makes, manufactures, sells, distributes or otherwise disposes of any weight or measure or other goods which are sold, delivered or distributed by weight, measure or number, or

(b) repairs any weight or measure,

to which this Part applies, shall maintain such records and registers as may be prescribed and if required so to do by the Director, shall produce such records and registers before the Director or such other officer as the Director may authorise in this behalf, for inspection.

(2) Notwithstanding anything contained in sub-section (1), if the Director is of opinion that having regard to the nature or volume of the business carried on by any maker, manufacturer, dealer or repairer, it is necessary so to do, he may, by order exempt such maker, manufacturer, dealer or repairer from the operation of that sub-section.

### CHAPTER III

#### Approval of models

Approval of models.

36. (1) Save as otherwise provided in this section, this Chapter shall not apply to—

(a) any weight or measure which, being subject to verification and stamping under the State law as in force immediately before the commencement of this Act, is in use at such commencement;

(b) any cast iron, brass, bullion, or carat weight or any beam-scale, except those specified by rules made in this behalf;

(c) length measures (not being measuring tapes) ordinarily used in retail trade for measuring textiles or timber;

(d) capacity measures, not exceeding twenty litres in capacity, which are ordinarily used in retail trade for measuring kerosene, milk or potable liquors;

(e) any weighing or measuring instrument or device which is made or manufactured exclusively for domestic use:

Provided that such instrument or device is not intended for the use of any member of the medical profession in the course of such profession.

(2) Where any officer of the Central or State Government charged with the duty of implementing the law relating to weights and measures has any reason to believe that the model of any weight or measure referred to in sub-section (1) requires a test by the prescribed authority, he may acquire one such weight or measure from the market and forward it to the prescribed authority for test, the fees for which shall be payable by the Government employing the officer by whom such weight or measure has been forwarded for test.

(3) Every person shall, before making or manufacturing any weight or measure to which this Part applies, submit for approval of the prescribed authority, such number of models, drawings and other information relating to such weight or measure as may be prescribed:

Provided that in relation to any weight or measure, to which this Part applies, which has already been made or manufactured, or which is in the process of being made or manufactured, at the commencement of this Part, models of such weight or measure shall be submitted to the prescribed authority from out of the weights or measures which have already been, or which are in the process of being, made or manufactured:

Provided further that in the case of a weight or measure the model whereof cannot be submitted, whether by reason of its nature or otherwise, it shall be sufficient if the drawings and other prescribed information about the weight or measure is submitted to the prescribed authority and thereupon that authority shall test the models of such weight or measure at the place where it is made or manufactured or at such other place as may be specified by the Director:

Provided also that the prescribed authority may, if it is satisfied that the model of any weight or measure which has been approved in a country outside India conforms to the standards established by or under this Act, approve such model without any test or after such test as it may deem fit.

(4) The prescribed authority shall levy and collect such fees for the testing of any model, submitted under this section for approval, as may be prescribed.

(5) The prescribed authority shall test the models submitted to it with a view to—

(a) ascertaining whether such models conform to the standards established by or under this Act;

(b) finding out the ability of such models to maintain accuracy over periods of sustained use; and

(c) determining the performance of such models under such varied conditions as may be prescribed.

(6) The prescribed authority shall submit to the Central Government a detailed report on the performance of the model submitted to it together with its recommendations with regard to the desirability or otherwise of issuing a certificate of approval in respect of that model.

(7) The Central Government may, if it is satisfied after considering the report submitted to it by the prescribed authority that the aforesaid model is in conformity with the provisions of this Act or any rule made thereunder and is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions, issue a certificate of approval in respect of that model.

(8) Every certificate of approval of a model shall be published in the Official Gazette and shall also be published in such other manner as the Central Government may think fit.

(9) The Central Government may, if it is satisfied that the product made or manufactured in accordance with the model which was approved by it has failed to render the expected performance or to conform to the standards established by or under this Act, revoke the certificate of approval issued by it under sub-section (7):

Provided that no such revocation shall be made except after giving the manufacturer of such weight or measure a reasonable opportunity of being heard:

Provided further that where the Central Government is satisfied that as a result of the alteration made by the manufacturer in the model of the weight or measure, such model has become fit for approval, it may vacate the order of revocation of the certificate of approval issued by it.

(10) If for any reason any material of the approved model of a weight or measure to which this Part applies becomes non-available in India, the manufacturer may continue the manufacture of such weight or measure with such substitute materials as may be, in his opinion, most suitable for the manufacture of such weight or measure but where the manufacturer does so, he shall send such substitute materials to the prescribed authority for test.

(11) If the prescribed authority is of opinion that the substitute material referred to in sub-section (10) is not suitable and that there is available in India any other material which is more suitable, that authority shall intimate its findings to the Central Government and also to the manufacturer, and thereupon the manufacturer shall not manufacture the weight or measure with any material other than the material recommended by the prescribed authority, until the material which was originally approved by the prescribed authority becomes available in India:

Provided that where, in the opinion of the prescribed authority, the substitute material referred to in sub-section (10) is not suitable and no other suitable material is also available in India, the approval in relation to the model shall stand suspended until a suitable material becomes available in India.

(12) Where the model of any weight or measure to which this Part applies has been approved, the models of different denominations of such weight or measure shall not require any approval if such denominations are manufactured in accordance with the same principles according to which, and the same materials with which, the approved model has been manufactured.

Licence  
to manu-  
facture  
weights  
or mea-  
sures  
when to  
be issued.

37. (1) Before issuing a licence to make or manufacture any weight or measure to which this Part applies, the State Government shall satisfy itself that a certificate of approval of the model of such weight or measure has been granted by the Central Government under section 36.

(2) Where any certificate of approval of any model has been revoked by the Central Government, the licence issued by the State Government for the making or manufacturing of any weight or measure in accordance with such model shall stand suspended:

Provided that such suspension shall stand vacated if such model is subsequently approved by the Central Government.



38. Every weight or measure to which this Part applies and for which a model has been approved shall bear thereon, in such manner as may be prescribed, the number of the approved model and the number of the certificate by or under which such model was approved:

Weight or measure to contain number of the approved model, etc.

Provided that where the Central Government is of opinion that inclusion of any such particulars on any weight or measure is not possible by reason of its size or nature, that Government may exempt the inclusion of such particulars on such weight or measure.

#### CHAPTER IV

#### *Commodities in packaged form intended to be sold or distributed in the course of inter-State trade or commerce*

39. (1) No person shall—

- (a) make, manufacture, pack, sell, or cause to be packed or sold; or
- (b) distribute, deliver, or cause to be distributed or delivered; or
- (c) offer, expose or possess for sale,

any commodity in packaged form to which this Part applies unless such package bears thereon or on a label securely attached thereto a definite, plain and conspicuous declaration, made in the prescribed manner, of—

- (i) the identity of the commodity in the package;
- (ii) the net quantity, in terms of the standard unit of weight or measure, of the commodity in the package;
- (iii) where the commodity is packaged or sold by number, the accurate number of the commodity contained in the package;
- (iv) the unit sale price of the commodity in the package; and
- (v) the sale price of the package.

*Explanation.*—In this sub-section, the expression “unit sale price” means the price according to such unit of weight, measure or number as may be prescribed.

(2) Every package to which this Part applies shall bear thereon the name of the manufacturer and also of the packer or distributor.

(3) Where the package of a commodity to which this Part applies or the label thereon bears a representation as to the number of servings, of the commodity contained therein, such package or label shall also bear a statement as to the net quantity (in terms of weight, measure or number) of each such serving.

(4) The statement on a package or label as to the net weight, measure or number of the contents thereof shall not include any expression which tends to qualify such weight, measure or number:

Provided that the Central Government may, by rules, specify the commodities, the weight or measure of which is likely to increase or decrease beyond the prescribed tolerance limits by reason of climatic variations; and it shall be lawful for the manufacturer or packer of the commodity so specified to qualify the statement as to the net content of such commodity by the use of the words “when packed”.

*Explanation.*—The words “when packed” shall not be used in any case except a case to which the proviso to sub-section (4) applies.

Quantities and origin of commodities in packaged form to be declared.

(5) Where the Central Government has reason to believe that there is undue proliferation of weight, measure or number in which any commodity is, or reasonably comparable commodities are, being packed for sale, distribution or delivery and such undue proliferation impairs in the opinion of that Government, the reasonable ability of the consumer to make a comparative assessment of the prices after considering the net quantity or number of such commodity, that Government may direct the manufacturers and also the packers or distributors to sell, distribute or deliver such commodity in such standard quantities or number as may be prescribed.

(6) Whenever the retail price of a commodity in packaged form to which this Chapter applies is stated in any advertisement, there shall be included in the advertisement, a conspicuous declaration as to the net quantity or number of the commodity contained in the package and retail unit sale price thereof.

(7) No person shall sell, distribute or deliver for sale a package containing a commodity which is filled less than the prescribed capacity of such package except where it is proved by such person that the package was so filled with a view to—

(a) giving protection to the contents of such package, or

(b) meeting the requirements of machines used for enclosing the contents of such package.

(8) The Central Government may, by rules, specify such reasonable variations in the net contents of the commodity in a package as may be caused by the method of packing or the ordinary exposure which may be undergone by such commodity after it has been introduced in trade or commerce.

(9) The Central Government may, by rules, specify the classes of commodities or packages in relation to which all or any of the provisions of this section shall not apply or shall apply with such exceptions or modifications as may be specified therein.

#### CHAPTER V

#### *Verification and stamping of weights and measures sent from one State to another*

#### Defini- tions.

40. In this Chapter, unless the context otherwise requires,—

(a) "Controller" means the person appointed as such by the State Government under the State law;

(b) "Inspector" means the person appointed as such by the State Government under the State law;

(c) "local Inspector" means an Inspector within the local limits of whose jurisdiction any weight or measure is made, manufactured, received, delivered or kept for sale or use;

(d) "State law" means the law enacted by the Legislature of a State, and for the time being in force in that State, with regard to the enforcement of the standards of weight or measure established by or under this Act;

(e) "transferee State" means the State in which any weight or measure is delivered or received for sale or use therein from any other State;

(f) "transferor State" means the State from which any weight or measure made or manufactured therein; or kept therein for sale or use, is sent to or delivered in any other State.

41. (1) Where any weight or measure, sent from a transferor State for delivery, sale or use in a transferee State, is such that—

(a) it is not required to be dismantled before its despatch to the transferee State and is not likely to lose its accuracy by reason of such despatch, it shall be known, for the purposes of this Chapter, as a weight or measure of the first category;

(b) it is required to be dismantled before its despatch to the transferee State and re-assembled and installed for use in the transferee State, it shall be known, for the purposes of this Chapter, as a weight or measure of the second category.

(2) Subject to the provisions of sub-section (1), the Central Government may specify, by rules made in this behalf, the classes of weights or measures which would fall in the first category or the second category, and may, from time to time, if the circumstances so require, alter the category in which any class of weight or measure has been specified.

(3) Weight or measure of the first category shall, before it is despatched to any transferee State, be produced before the local Inspector in the transferor State and if such Inspector is, after verification of such weight or measure, satisfied that such weight or measure conforms to the standards established by or under this Act, stamp the same with such special seal as may be specified by rules made under this Act.

(4) A weight or measure of the second category shall not be verified and stamped in the transferor State but shall be verified and stamped, after its re-assembly and installation for use, by the local Inspector in the transferee State.

(5) The fees for the verification and stamping of every weight or measure of—

(a) the first category shall be levied and collected by the transferor State;

(b) the second category shall be levied and collected by the transferee State,

in accordance with such scales as may be specified by rules made under this Act.

(6) A weight or measure, whether of the first or second category, shall not require periodical re-verification if it is exclusively intended for domestic use and is not used by any member of the medical profession in the course of such profession.

(7) No weight or measure, whether of the first or of the second category, shall be verified and stamped unless fees for such verification and stamping have been paid in accordance with the scales specified under sub-section (5).

42. (1) Every weight or measure of the first category which is stamped with the special seal referred to in sub-section (3) of section 41 shall be presumed to be correct throughout the territory of India and shall not be required, until its re-verification in the transferee State becomes due by efflux of time, to be verified or stamped in the transferee State:

Provided that where the local Inspector in the transferee State has any reason to believe that any weight or measure of the first category has lost its accuracy in transit or has, for any other reason, ceased to conform to the standards of weight or measure established by or under this Act, he may, for reasons to be recorded by him in writing, and

Verification and stamping of weights and measures sent from one State to another.

Weight or measure of the first category to be presumed to be correct throughout the territory of India.

communicated to the Controller of the transferor State, through the Controller of the transferee State,—

(a) verify such weight or measure; and

(b) if, on verification, such weight or measure is found to be inaccurate,—

(i) cause such adjustment as is necessary to be made so as to make it conform to the standards established by or under this Act, or

(ii) where he is of opinion that such adjustment is not possible, reject it and obliterate the stamp thereon:

Provided further that where any verification, adjustment or obliteration is made in exercise of the powers conferred by the foregoing proviso, no fee shall be charged for such verification, adjustment or obliteration.

(2) In computing the time when the re-verification of a weight or measure of the first category shall become due in the transferee State, the period during which such weight or measure remains unsold or undistributed in the transferee State, shall be excluded.

Weight or measure of the first category not to be sold or used in any State unless it is stamped in the transferor State.

43. No weight or measure of the first category shall be used, sold, purchased, delivered or otherwise transferred in any transferee State unless such weight or measure bears thereon the stamp made with the special seal referred to in sub-section (3) of section 41.

Weights or measures of the second category received from transferor State to be produced before the local Inspector of the transferee State.

44. (1) Every person in a transferee State who receives or delivers for sale or use therein any weight or measure of the second category shall, after its re-assembly and installation for use, have such weight or measure verified and stamped by the local Inspector in the transferee State.

(2) The local Inspector in the transferee State shall verify every weight or measure of the second category and shall if he is satisfied that such weight or measure conforms to the standards established by or under this Act, stamp the same with the seal prescribed by or under the State law in force in the transferee State.

(3) For the avoidance of doubt, it is hereby declared that where any weight or measure of the second category is delivered or received in a State from any other State, not for the purpose of sale or use therein but for the transmission of such weight or measure to any other State; then, such other State shall be deemed, for the purposes of this Chapter, to be the transferee State in relation to such weight or measure and the provisions of sub-section (1) and sub-section (2) shall apply accordingly.

45. Where any weight or measure, which being in use in a transferee State, is sent to, or delivered in, any other State for sale or use in such other State, then, such other State shall also be deemed to be the transferee State in relation to such weight or measure and the provisions of this Chapter shall, so far as may be, apply to the weight or measure sent to, or delivered in, such other State.

Pro-  
cedure  
when any  
weight  
or mea-  
sure is  
transfer-  
red from  
a trans-  
feree  
State to  
another  
State.

46. Every manufacturer, dealer or other person in a transferor State, who sends to, or delivers in, any transferee State any weight or measure, whether of the first or of the second category, shall—

Manu-  
facturers,  
etc., who  
send any  
weight  
or mea-  
sure to  
any other  
State to  
submit  
return to  
the Con-  
troller.

(a) submit such periodical returns as may be prescribed, to the Controller of the transferor State with regard to such despatch, delivery or transfer and specify in such returns the particulars of the weight or measure which has been sent to, or delivered in, the transferee State;

(b) specify in such periodical returns the particulars of the person to whom such weight or measure has been sent, or delivered in the transferee State; and

(c) forward a copy of such periodical returns to the Controller of the transferee State.

## PART V

### IMPORT AND EXPORT OF WEIGHTS AND MEASURES

#### CHAPTER I

##### *Registration of exporters and importers*

47. (1) No dealer or manufacturer shall export or import any weight or measure unless he is registered under this section as such exporter or importer, as the case may be.

Persons  
exporting  
or im-  
porting  
any  
weight  
or mea-  
sure to  
get  
them-  
selves  
register-  
ed.

(2) Every person who intends to commence or continue business as an exporter or importer of any weight or measure shall make, within such time from the commencement of this Act as may be prescribed, an application for the inclusion of his name in the register to be maintained for the purpose.

(3) The application referred to in sub-section (2) shall be made to the Director and every such application shall be made in such form, in such manner and on payment of such fees, not exceeding ten rupees, as may be prescribed.

(4) On receipt of an application referred to in sub-section (2), the Director shall, if he is satisfied after such inquiry as he may think fit, that it is expedient in the public interest so to do, include the name of the applicant in the register referred to in sub-section (2) and issue to the applicant a certificate to the effect that his name has been so included and send a copy of the said certificate to the Controller of Legal Metrology in the State in which such exporter or importer is carrying on his business.

(5) A certificate granted under sub-section (4) shall be valid for the period specified therein and may be renewed, from time to time, for such further period as may be prescribed.

## CHAPTER II

*Export and import of weights, measures and commodities  
in packaged form*

Condi-  
tions  
under  
which  
export of  
non-  
standard  
weights  
and  
measures  
and other  
goods  
may be  
made.

48. (1) Subject to such conditions, limitations and restrictions as may be prescribed, the Central Government may allow the export of any weight or measure which has been made or manufactured exclusively for export with the previous permission of that Government notwithstanding that such weight or measure does not conform to the standards established by or under this Act.

(2) Where any commodity in packaged form is exported and the person to whom such export is to be made so requires, the exporter may, in addition to specifying the net contents of such package in terms of the standards unit of weight or measure established by or under this Act, also specify the weight or the net contents thereof in terms of such units of weight or measure as may be specified by the person to whom such commodity is to be exported.

(3) Notwithstanding anything contained elsewhere in this Act, in relation to any goods which are exported—

(a) quotation of any price;

(b) issue of any price list, invoice or cash memo;

(c) indication of the weight or measure or number of net contents of any package on any label, carton or other thing;

(d) expression of any dimension,

may be made in accordance with any other system of weight, measure or numeration if the person to whom the export is to be made so requires.

Non-  
metric  
weight  
or  
measure  
not to be  
imported.

49. (1) Save as otherwise provided in sub-section (2), no weight or measure, whether singly or as a part or component of any machine or machinery, shall be imported unless it conforms to the standards of weight or measure established by or under this Act.

(2) Where any commodity, machinery or any part or component of any machinery is imported from a country in which the metric system of weight or measure is not in force, or in which such system being in force, such commodity, machinery, part or component of any machinery has not been made or manufactured in accordance with such system, the importer shall, before making such import, make an endeavour to obtain, on such commodity, machinery, part or component, and also on the drawings thereof, the weight or measurement thereof expressed in terms of the standard unit of weight or measure established by or under this Act:

Provided that where any weight or measure has not been expressed in terms of the standard unit of weight or measure established by or under this Act, on any commodity, machinery, part or component or on any drawings thereof the importer shall, within six months from the date of import, get the weight or measure thereof expressed on such commodity, machinery, part or component and on the drawings thereof in terms of the standard unit of weight or measure established by or under this Act.

## PART VI

## OFFENCES AND THEIR TRIAL

50. Whoever uses any weight or measure or makes any numeration otherwise than in accordance with the standards of weight or measure or the standards of numeration, as the case may be, established by or under this Act, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both, and, for the second or subsequent offence, with imprisonment for a term which may extend to two years and also with fine.

Penalty for use of non-standard weights or measures.

51. Whoever tampers with, or alters, in any way, any reference standard, secondary standard, or working standard except where such alteration is made for the correction of any error noticed therein on verification, shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to five thousand rupees, or with both.

Penalty for contravention of section 18.

52. Except where any weight or measure is made or manufactured, with the permission of the Central Government, exclusively for export, every person who makes or manufactures any weight or measure which does not conform to the standards of weight or measure established by or under this Act, shall, where such offence is not punishable under any other law relating to weights and measures for the time being in force, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both, and, for the second or subsequent offence with imprisonment for a term which may extend to three years and also with fine.

Penalty for contravention of section 22.

53. Except where any weight or measure is made or manufactured, with the permission of the Central Government, exclusively for export, every person who makes or manufactures any weight or measure which bears thereon any inscription of weight, measure or number which does not conform to the standards of weight or measure or numeration established by or under this Act, shall, where such offence is not punishable under any other law relating to weights and measures for the time being in force, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both, and, for the second or subsequent offence, with imprisonment for a term which may extend to three years and also with fine.

Penalty for contravention of section 23.

54. Whoever obstructs the Director or any person authorised to exercise the powers or discharge the functions of the Director (hereafter, in this Part, referred to as the "authorised officer") in the exercise of his powers or discharge of his functions as such Director or authorised officer, or with intent to prevent or deter the Director or such authorised officer from exercising his powers or discharging his functions, or in consequence of any thing done or attempted to be done by the Director or such authorised officer in the lawful exercise of his powers or discharge of his functions as such, shall be punished with imprisonment for a term which may extend to two years, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years.

Penalty for contravention of section 29.

Penalty  
for contra-  
vention of  
section 32.

55. Whoever in the course of any inter-State trade or commerce, makes any transaction, deal or contract in contravention of the provisions of section 32 shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

Penalty  
for contra-  
vention of  
section 33.

56. Whoever, in the course of any inter-State trade or commerce, contravenes the provisions of section 33 shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to three years and also with fine.

Penalty  
for contra-  
vention of  
section 34.

57. Whoever, in the course of any inter-State trade or commerce,—

(i) sells, delivers, or causes to be sold or delivered, to the purchaser any quantity or number of any article or thing, less than the quantity or number contracted for or paid for; or

(ii) renders any service by weight, measure or number, less than the service contracted for or paid for; or

(iii) demands, or causes to be demanded, or receives, or causes to be received, while buying any article or thing, any quantity or number of goods in excess of the quantity or number contracted for or paid for; or

(iv) obtains any service in excess of the service contracted for or paid for,

shall be punished with fine which may extend to five thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

Penalty  
for contra-  
vention of  
section 35.

58. Whoever, being required by or under this Act so to do, without any reasonable excuse, omits or fails to maintain any record or register, or being required by the Director or the authorised officer, to produce any record or register for his inspection, omits or fails, without any reasonable excuse, so to do, shall be punished with fine which may extend to one thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to six months and also with fine.

Penalty  
for contra-  
vention of  
section 36.

59. Whoever, being required by section 36 to submit the model of any weight or measure for approval, omits, or fails, without any reasonable excuse, so to do, shall be punished with fine which may extend to five thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

Penalty  
for manufac-  
ture  
of  
weights  
or  
measures  
unless  
approval  
of model  
is in  
force.

60. (1) Whoever makes or manufactures any weight or measure which is, or is intended to be, sold, distributed, delivered or otherwise transferred in the course of inter-State trade or commerce, shall, unless a certificate of approval of the model of such weight or measure granted under section 36 is in force, be punished with imprisonment for a term which may extend to two years and shall also be liable to fine, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

(2) Whoever, without any reasonable excuse, manufactures any weight or measure in accordance with an approved model with any



material other than the material approved or recommended by the prescribed authority, shall be punished with imprisonment for a term which may extend to five years and also with fine.

61. Whoever makes or manufactures any weight or measure without complying with the requirements of section 38 shall be punished with fine which may extend to five thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

Penalty for contravention of section 38.

62. Whoever, in the course of inter-State trade or commerce, sells, distributes, delivers or otherwise transfers any weight or measure which does not conform to the standards of weight or measure established by or under this Act or which has not been duly verified under any other law relating to weights and measures for the time being in force, shall be punished with fine which may extend to ten thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to seven years and also with fine.

Penalty for sale, etc., of unverified weights or measures in the course of inter-State trade or commerce.

63. Whoever, in the course of inter-State trade or commerce, sells, distributes, delivers or otherwise transfers, or causes to be sold, distributed, delivered or otherwise transferred any commodity in a packaged form which does not conform to the provisions of this Act or any rule made thereunder, shall be punished with fine which may extend to five thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

Penalty for contravention of section 38.

64. Whoever exports or imports any weight or measure without being registered under this Act shall be punished with fine which may extend to one thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to six months and also with fine.

Penalty for contravention of section 47.

65. Every person who exports any weight or measure or commodity in packaged form which does not conform to the standards of weight or measure established by or under this Act shall, except where such export has been made with the previous approval of the Central Government, be punished with fine which may extend to five thousand rupees, and, for the second or subsequent offence with imprisonment for a term which may extend to five years and also with fine.

Penalty for contravention of section 48.

66. Whoever contravenes, without any reasonable excuse, the provisions of section 49, shall be punished with fine which may extend to five thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

Penalty for contravention of section 49.

67. Whoever contravenes any provisions of this Act for the contravention of which no punishment has been separately provided in any of the provisions of this Act, shall be punished with fine which may extend to two thousand rupees.

Penalty where no specific penalty is provided.

Presump-  
tion to  
be made  
in certain  
cases.

68. (1) If any person, in the course of inter-State trade or commerce, uses, or causes to be used, sells, distributes, delivers or otherwise transfers, or causes to be sold, distributed, delivered or otherwise transferred, any false or unverified weight or measure, it shall be presumed, until the contrary is proved, that he had done so with the knowledge that the weight or measure was a false or unverified weight or measure.

(2) If any person makes or manufactures or has in his possession, custody or control any false or unverified weight or measure in such circumstances as to indicate that such weight or measure is likely to be used in the course of inter-State trade or commerce, it shall be presumed, until the contrary is proved, that such false or unverified weight or measure was made, manufactured, possessed, held or controlled by such person with the knowledge that the same would be, or is intended to be, used in the course of inter-State trade or commerce.

Penalty  
for per-  
sonation  
of offi-  
cials.

69. Whoever personates, in any way, the Director, or any authorised officer, shall be punished with imprisonment for a term which may extend to three years.

Penalty  
for giv-  
ing false  
informa-  
tion or  
false  
returns.

70. (1) Whoever gives information to the Director or the authorised officer which he may require or ask for in the course of his duty and which such person either knows or has reason to believe to be false shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) Whoever, being required by or under this Act so to do, submits a return which is false in material particulars, shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

Vexatious  
actions.

71. (1) An authorised officer who knows that there are no reasonable grounds for so doing, and yet—

(a) searches, or causes to be searched, any house, conveyance or place; or

(b) searches any person; or

(c) seizes any weight, measure or other movable property,

shall, for every such offence, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

(2) If a local Inspector, as defined in section 40,—

(a) without any reasonable cause verifies any weight or measure of first category, within the meaning of section 41,

(b) without any reasonable cause obliterates any stamp on any such weight or measure,

in contravention of the provisions of the first proviso to section 42, he shall, for every such offence be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

72. Notwithstanding anything contained in the Code of Criminal Procedure, 1973,—

(a) no court shall take cognizance of an offence punishable under this Act except upon a complaint, in writing, made by the Director or any other authorised officer;

(b) no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence under this Act;

(c) an offence punishable under section 50, section 52, section 53, section 56, section 58, section 60, section 61, section 63, section 64, section 65 or section 66, may be tried summarily by a Magistrate and no sentence of imprisonment for a term exceeding one year shall be passed in the case of any conviction for an offence which is summarily tried under this section.

Cogni-  
zance of  
offences,  
etc.

73. (1) Any offence punishable under section 50, section 55, section 56, section 57, section 58, section 59, section 60, section 63, section 64, section 65, section 66 or section 67 may, either before or after the institution of the prosecution, be compounded by the Director or such other officer as may be specially authorised by him in this behalf, on payment for credit to the Government of such sum as the Director or such other officer may specify:

Com-  
pounding  
of  
offences.

Provided that such sum shall not, in any case, exceed the maximum amount of the fine which may be imposed under this Act for the offence so compounded.

(2) Nothing in sub-section (1) shall apply to a person who commits the same or similar offence within a period of three years from the date on which the first offence, committed by him, was compounded.

*Explanation.*—For the purposes of this sub-section, any second or subsequent offence committed after the expiry of a period of three years from the date on which the offence was previously compounded, shall be deemed to be a first offence.

(3) Where an offence has been compounded under sub-section (1), no proceeding or further proceeding, as the case may be, shall be taken against the offender in respect of the offence so compounded, and the offender, if in custody, shall be discharged forthwith.

(4) No offence under this Act shall be compounded except as provided by this section.

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

Offences  
by com-  
panies  
and  
power of  
court to  
publish  
name,  
place of  
business.  
etc., of  
com-  
panies  
convicted.

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

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

(3) Where any company is convicted under this Act for contravention of any of the provisions thereof, it shall be competent for the court convicting the company to cause the name and place of business of the company, nature of the contravention, the fact that the company has been so convicted and such other particulars as the court may consider to be appropriate in the circumstances of the case, to be published at the expense of the company in such newspapers or in such other manner as the court may direct.

(4) No publication under sub-section (3) shall be made until the period for preferring an appeal against the orders of the court has expired without any appeal having been preferred, or such an appeal, having been preferred, has been disposed of.

(5) The expenses of any publication under sub-section (3) shall be recoverable from the company as if it were a fine imposed by the court.

*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.

Provi-  
sions of  
Indian  
Penal  
Code not  
to ap-  
ply to  
any  
offence  
punishable  
under  
this  
Act.

75. The provisions of the Indian Penal Code, in so far as such provisions relate to offences with regard to weights and measures, shall not apply to any offence which is punishable under this Act.

45 of 1860.

## PART VII

### TRAINING INSTITUTE

Establish-  
ment of a  
training  
Institute  
and pro-  
visions for  
training  
thereat.

76. (1) There shall be established by the Central Government, at such place as it may think fit, an Institute to be known as the “Indian Institute of Legal Metrology” (hereafter referred to as the “Institute”) for imparting training in legal metrology and other allied branches of knowledge.

(2) The management and control of the Institute, which shall vest in the Central Government, shall be carried on in accordance with such regulations as may be made by the Central Government.

(3) The Central Government shall provide the Institute with such teaching staff and other employees, and with such equipments and other facilities as it may think fit to enable the Institute to function effectively as an institution for imparting adequate training in legal metrology and other allied branches of knowledge.

(4) The courses and curricula for training at the Institute and the period for which the training may be imparted thereat for each course shall be such as may be prescribed.

(5) The Central Government shall prescribe the minimum qualifications which a person shall possess in order to be eligible for admission to the Institute for receiving training thereat and different qualifications may be prescribed for different courses of training imparted at the Institute.

(6) The Central Government and every State Government may depute, in such batches as may be convenient to the Institute, employees of, or above, the rank of an Inspector for receiving training at the Institute and the Central Government may also arrange for the training, at the Institute, of such other persons as it may think fit.

(7) The Institute may,—

(a) carry out such researches in legal metrology and other allied branches of knowledge as may be entrusted to it by the Central Government, and

(b) hold such seminars, meetings or other gatherings as it may think fit.

77. Where the Central Government is of opinion that in addition to the training imparted at the Institute, it is necessary to impart to an employee, not below the rank of an Inspector, further specialised training which is not provided for at the Institute, it may send such employee to such other place, authority or institution as it may think fit for receiving such specialised training.

Training  
at other  
places.

## PART VIII

### MISCELLANEOUS

78. The Central Government shall make, or cause to be made, such surveys and collect, or cause to be collected, such statistics as it may consider necessary with a view to ascertaining the extent to which any standard of weight, measure or numeration established by or under this Act has been implemented in any area or in relation to any class of undertakings, users or goods and it shall be the duty of every person using weight or measure or making any numeration to render such assistance as the person making such survey or collecting such statistics may require.

Survey  
and sta-  
tistics.

79. (1) The value expressed in terms of any unit of weight or measure other than in terms of the standard units of weight or measure may be converted into the value expressed in terms of a standard unit of weight or measure at the rate specified in the Schedule.

Conver-  
sion of  
non-  
metric  
weights  
and  
mea-  
sures into  
standard  
units of  
weights  
or mea-  
sures.

(2) All references in any enactment or in any notification, rule or order made under any enactment, or in any contract, deed or other instrument, for the time being in force, to a value expressed in terms of any unit of weight, measure or numeration other than that of a standard unit of weight, measure or numeration shall be construed as references to that value expressed in terms of standard units of weight, measure or numeration, as the case may be, converted at the rates specified in the Schedule.

Non-metric weight or measure not to be mentioned in any document, etc., or to form the basis of any contract after the commencement of this Act.

80. (1) No unit of weight, measure or numeration shall, after the commencement of this Act, be stated in any enactment, notification, rule, order, contract, deed or other instrument in terms of any unit of weight, measure or numeration other than that of a standard unit of weight, measure or numeration.

(2) On and from the commencement of this Act, no weight, measure or number other than the standard weight, measure or number shall be used in, or form the basis of, any contract or other agreement in relation to any inter-State or international trade or commerce:

Provided that in relation to any goods which are exported, the weight, measure or number of such goods may be indicated thereon, or in any contract, in addition to the standard units of weight, measure or numeration, in accordance with any other system of weight, measure or numeration if the person to whom the export is to be made so requires.

(3) Any contract or other agreement in contravention of the provisions of sub-section (2) shall be void.

(4) No written record of the results of any measurement shall be maintained in any unit other than the standard unit of weight, measure or numeration established by or under this Act.

Appeals.

81. (1) Subject to the provisions of sub-section (2), any person aggrieved by an order made under section 30 or section 36 may prefer an appeal against such order to the Director, or where the order has been made by the Director, to the Central Government.

(2) Every such appeal shall be preferred within sixty days from the date on which the impugned order was made:

Provided that the appellate authority may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of sixty days, permit the appellant to prefer the appeal within a further period of sixty days.

(3) On receipt of any such appeal, the appellate authority shall, after giving the parties to the appeal a reasonable opportunity of being heard and after making such inquiry as it deems proper, make such order, as it may think fit, confirming, modifying or reversing the order appealed against or may send back the case with such direction as it may think fit for a fresh order after taking additional evidence, if necessary.

(4) Every appeal shall be preferred on payment of such fee, as may be prescribed.

(5) The Central Government may, on its own motion or otherwise, call for and examine the record of any proceeding (including a proceeding in appeal) in which any decision or order has been made, for the purpose of satisfying itself as to the correctness, legality or propriety of such decision or order and may pass such order thereon as it may think fit:

Provided that no decision or order shall be varied under this sub-section so as to prejudicially affect any person unless such person has been given a reasonable opportunity of showing cause against the proposed action.

82. (1) The Central Government may, by rules made under section 33, specify such fees, not exceeding— Levy of fees.

(a) five thousand rupees, for the approval of the model of any weight or measure intended to be made or manufactured for sale, purchase, distribution or delivery in the course of any inter-State trade or commerce;

(b) one thousand rupees, for the verification and stamping of a weight or measure of the first category within the meaning of section 41;

(c) five thousand rupees, for the verification and stamping of a weight or measure of the second category, within the meaning of section 41;

(d) one rupee for every 100 words or less, for the grant of copies of any document, not being a document of a confidential nature;

(e) ten rupees, for the registration of exporters or importers of weights and measures;

(f) twenty-five rupees for any appeal preferred under this Act.

(2) No approval, verification or stamping shall be made, copy granted, registration made or appeal entertained unless the fee prescribed therefor under sub-section (1) has been paid.

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

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

(a) supplementary, derived, special or other units of weight or measure, standard symbols or definitions, as recommended by the General Conference on Weights and Measures or the International Organisation of Legal Metrology;

(b) multiples and sub-multiples of, and physical constants, ratios or co-efficients in relation to units of weight or measure, as recommended by the General Conference on Weights and Measures or the International Organisation of Legal Metrology;

(c) denominations of decimal multiples and sub-multiples of numerals and the manner in which they shall be written;

(d) periodical intervals at which the accuracy of the objects or equipments referred to in sub-section (1) or sub-section (2) of section 16 shall be certified;

(e) the manner in which and the conditions under which every national prototype, referred to in section 15, and every object or equipment referred to in section 16, shall be kept;

(f) the manner in which and the conditions under which every reference standard, secondary standard or working standard shall be kept;

(g) the place at which, the authority by which, the manner in which, and the periodical intervals at which, every reference standard, secondary standard and working standard shall be verified and authenticated;

(h) the custody in which every reference standard, secondary standard or working standard shall be kept;

(i) the physical characteristics, configuration, constructional details, materials, equipment, performance, tolerances, methods or procedures of tests, in relation to weights or measures;

(j) the conditions, limitations and restrictions under which non-standard weights or measures may be manufactured for export or may be exported;

(k) the manner of disposal of any commodity which is subject to speedy or natural decay;

(l) class of goods or undertakings in relation to which, or class of users in relation to whom, no transaction, dealing or contract shall be made or had except by specified weight, measure or number;

(m) registers and records to be maintained by persons referred to in section 35;

(n) the authority to whom models are to be submitted for approval;

(o) the number of models, drawings and other information which are to be submitted for the approval of the model;

(p) the conditions under which the performance of any model is to be tested;

(q) the manner in which the number of model and certificate shall be inscribed on every weight or measure;

(r) the manner of declaration of the contents of a package and specification of the unit of weight, measure or number in accordance with which the retail sale price shall be declared on the package;

(s) the standard quantities or number in which commodities may be packed;

(t) the capacity up to which a package shall be filled;

(u) the reasonable variations in the net contents of a packaged commodity which may be caused by the method of packing or ordinary exposure;

(v) the classes of weights or measures which would fall in the first category or the second category;

(w) the special seal by which weights or measures of the first category shall be stamped;

(x) periodical returns to be submitted by every manufacturer dealer or other person in a transferor State;

(y) the form and manner in which, and the time within which, applications for inclusion of a name in the register of exporters and importers of weights and measures shall be made;



(z) the period for which certificate of registration of an exporter or importer of weights or measures may be renewed;

(za) the courses and curricula for, and the period of, training at the Institute;

(zb) the minimum qualifications for admission to the Institute;

(zc) the scales in accordance with which fees may be collected under section 82;

(zd) any other matter which is required to be, or may be, prescribed.

(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 two thousand rupees.

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

84. (1) Notwithstanding that this Act has come into force in respect of any area or class of goods or undertakings or class of weights and measures or users of weights and measures in the State of Sikkim, the Central Government may, by notification, permit the continuance of the use, after such commencement, in respect of that area or class of goods or undertakings, or for classes of users of weights and measures, of such weights and measures, in addition to the standard weights or measures, and for such period, not exceeding five years, as may be specified in the notification.

Continuance of certain weights and measures during transitional period.

(2) Nothing in sub-section (1) shall be deemed to empower the Central Government to issue any notification in respect of any weight or measure which was not in use in the State of Sikkim immediately before the commencement of this Act.

85. (1) The Standards of Weights and Measures Act, 1956, is hereby repealed.

Repeal and savings.

(2) Without prejudice to the provisions contained in the General Clauses Act, 1897, with respect to repeals, any notification, rule or order made under the Standards of Weights and Measures Act, 1956, shall, if in force, at the commencement of this Act, continue to be in force and have effect as if made under the corresponding provision of this Act.

89 of 1956.

10 of 1897.  
89 of 1956.

## THE SCHEDULE

(See section 79)

## (1) Length :

|                      |                    |
|----------------------|--------------------|
| 1 inch               | = 0.025 4 metre    |
| 1 foot               | = 0.304 8 metre    |
| 1 yard               | = 0.914 4 metre    |
| 1 mile               | = 1 609.344 metres |
| 1 nautical mile (UK) | = 1 853.18 metres  |

*For Survey of India only*

|        |                     |
|--------|---------------------|
| 1 foot | = 0.304 799 6 metre |
|--------|---------------------|

## (2) Area :

|               |                                   |
|---------------|-----------------------------------|
| 1 square inch | = 0.000 645 16 square metre       |
| 1 square foot | = 0.092 903 04 square metre       |
| 1 square yard | = 0.836 127 36 square metre       |
| 1 square mile | = 2 589 988.110 336 square metres |

*For Survey of India only*

|               |                            |
|---------------|----------------------------|
| 1 square foot | = 0.092 903 square metre   |
| 1 acre        | = 4046.856 1 square metres |
|               | = 0.404 685 61 hectare     |

## (3) Volume :

|   |                                 |
|---|---------------------------------|
| 1 cubic inch                              | = 0.000 016 387 064 cubic metre |
| 1 cubic foot                              | = 0.028 316 846 592 cubic metre |
| 1 cubic yard                              | = 0.764 554 857 984 cubic metre |
| 1 gallon (UK)                             | = 0.004 546 087 cubic metre     |
| 1 gallon (USA)                            | = 0.003 785 411 784 cubic metre |
| 1 bushel (USA)<br>(2 150.42 cubic inches) | = 0.035 239 070 17 cubic metre  |
| 1 barrel (for petroleum)                  | = 0.158 987 294 928 cubic metre |
| 1 acre-foot                               | = 1 233 482 cubic metres        |

## (4) Mass :

|         |                             |
|---------|-----------------------------|
| 1 grain | = 0.000 064 798 91 kilogram |
| 1 tola  | = 0.011 663 803.8 kilogram  |
| 1 seer  | = 0.933 104 304 kilogram    |
| 1 maund | = 37.324 172 16 kilograms   |

|                       |                             |
|-----------------------|-----------------------------|
| 1 ounce (troy)        | = 0.031 103 476 8 kilogrām  |
| 1 pound (avoirdupois) | = 0.453 592 37 kilogram     |
| 1 hundredweight (UK)  | = 50.802 345 44 kilograms   |
| 1 hundredweight (USA) | = 45.359 237 kilograms      |
| 1 ton (UK)            | = 1 016.046 908 8 kilograms |
| 1 ton (USA)           | = 907.184 74 kilograms      |

(5) *Temperature* :

|                                   |                                  |
|-----------------------------------|----------------------------------|
| 1 degree Fahrenheit (unit)        | = 5/9 kelvin or degree (celsius) |
| temperature in degrees Fahrenheit | = 5/9 (t° F + 459.67) kelvins    |
| (t° F)                            | = 5/9 (t° F - 32) degree celsius |

(6) *Force* :

|               |                               |
|---------------|-------------------------------|
| 1 pound-force | = 4.448 221 615 260 5 newtons |
| 1 poundal     | = 0.138 254 954 376 newton    |

(7) *Pressure* :

|                              |                             |
|------------------------------|-----------------------------|
| 1 barometric inch of mercury | = 3 386.388 640 341 pascals |
| 1 inch of water              | = 249.088 91 pascals        |

(8) *Energy* :

|                        |                                  |
|------------------------|----------------------------------|
| 1 British thermal unit | = 1 055.055 852 62 joules        |
| 1 foot-pound-force     | = 1.355 817 948 331 400 4 joules |

(9) *Power* :

|                          |                                |
|--------------------------|--------------------------------|
| 1 horse-power (UK)       | = 745.699 871 582 270 22 watts |
| 1 horse-power (European) | = 735.498 75 watts             |
| 1 ton of refrigeration   | = 3516.852 842 67 watts.       |

THE IRON ORE MINES AND MANGANESE ORE MINES  
LABOUR WELFARE FUND ACT, 1976

No. 61 OF 1976



[10th April, 1976]

An Act to provide for the financing of activities to promote the welfare of persons employed in the iron ore mines and manganese ore mines.

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

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Act, 1976.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different States:

Provided that the Central Government may, by notification in the Official Gazette, apply in the first instance the provisions of this Act, only to iron ore mines, or only to manganese ore mines, in a State with effect from such date as may be specified in the notification, and if that Government is satisfied that it is necessary or expedient so to do, it may extend this Act to all iron ore mines and manganese ore mines in that State with effect from such date as may be specified in the notification published in the Official Gazette.

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

- 35 of 1952. (a) “agent” and “owner” have the meanings respectively assigned to them in clauses (c) and (l) of sub-section (1) of section 2 of the Mines Act, 1952;
- 37 of 1970. (b) “contractor” has the meaning assigned to it in clause (c) of sub-section (1) of section 2 of the Contract Labour (Regulation and Abolition) Act, 1970;
- 63 of 1948. (c) “factory” and “occupier” have the meanings respectively assigned to them in clauses (m) and (n) of section 2 of the Factories Act, 1948;
- (d) “Fund” means the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund formed under section 3;
- 35 of 1952. (e) “manager” means the manager referred to in section 17 of the Mines Act, 1952;
- (f) “manganese ore” includes ferrogenous manganese ore or ferro-manganese ore;
- (g) “metallurgical factory” means—
- (i) a factory in which iron or steel or manganese is being processed or manufactured;
- (ii) any other factory, being a factory in which iron ore or manganese ore is used for any purpose which the Central Government may, by notification in the Official Gazette, declare to be a metallurgical factory for the purposes of this Act;
- (h) a person is said to be employed in an iron ore mine or manganese ore mine,—
- (1) if he is employed within the premises or in the vicinity of such mine by the owner, agent or manager of such mine or by a contractor or any other agency exclusively in any one or more of the following, namely:—
- (i) any iron ore or manganese ore mining operation;
- (ii) the operation, servicing, maintenance or repair of any machinery or any part thereof used in or about such mine;
- (iii) the loading, unloading or despatch of iron ore or manganese ore or any other material connected with the mining of iron ore or manganese ore;
- (iv) any work in any office, canteen or creche situated within the precincts of such mine;
- (v) any welfare, health, sanitary or conservancy services or any watch and ward duties at any place situated within such premises or vicinity, not being a place occupied by any residential building; or
- (2) if, in any such area as may be notified by the Central Government in the Official Gazette in this behalf, he is employed

by the owner, agent or manager of such mine or by a contractor or any other agency exclusively in the loading, unloading or despatch of iron ore or manganese ore or any other material connected with the mining of iron ore or manganese ore;

(i) "prescribed" means prescribed by rules made under this Act.

3. There shall be formed a Fund, to be called the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund, and there shall be credited thereto—

(a) an amount which the Central Government may, after due appropriation made by Parliament by law in this behalf, provide from and out of the proceeds of duty of customs and duty of excise credited under section 5 of the Iron Ore Mines and Manganese Ore Mines Labour Welfare Cess Act, 1976, after deducting therefrom, the cost of collection as determined by the Central Government under this Act;

(b) any income from investment of the amount credited under the Act referred to in clause (a) and any other moneys received by the Central Government for the purposes of this Act.

4. The Fund shall be applied by the Central Government to meet the expenditure incurred in connection with the measures which, in the opinion of that Government, are necessary or expedient to promote the welfare of persons employed in the iron ore mines and manganese ore mines, and in particular—

(a) to defray the cost of measures for the benefit of persons employed in the iron ore mines or manganese ore mines directed towards—

(i) the provision and improvement of public health and sanitation, the prevention of disease and the provision and improvement of medical facilities;

(ii) the provision and improvement of water supplies and facilities for washing;

(iii) the provision and improvement of educational facilities;

(iv) the provision and improvement of housing and recreational facilities including standards of living, nutrition and amelioration of social conditions;

(v) the provision of transport to and from the place of work;

(b) to grant loan or subsidy to a State Government, a local authority or the owner of an iron ore mine or of a manganese ore mine, in aid of any scheme approved by the Central Government for any purpose connected with the welfare of persons employed in iron ore mines or manganese ore mines;

(c) to pay annually grants-in-aid to such of the owners of iron ore mines or manganese ore mines who provide to the satisfaction of the Central Government welfare measures of the prescribed standard for the benefit of persons employed in their mines, so, however, that

Iron Ore  
Mines and  
Manganese  
Ore Mines  
Labour  
Welfare  
Fund.

Appli-  
cation  
of Fund.

the amount payable as grants-in-aid to such owners shall not exceed—

(i) the amount spent by them in the provision of welfare measures as determined by the Central Government or any person specified by it in this behalf, or

(ii) such amount as may be prescribed,

whichever is less:

Provided that no grant-in-aid shall be payable in respect of any welfare measures provided by the owner of an iron ore mine or of a manganese ore mine where the amount spent thereon determined as aforesaid is less than the amount prescribed in this behalf;

(d) to meet the allowances, if any, of the members of the Advisory Committee and the Central Advisory Committee constituted under section 5 and section 6 respectively and the salaries and allowances, if any, of persons appointed under section 8;

(e) any other expenditure which the Central Government may direct to be defrayed from the Fund.

5. (1) The Central Government may,—

(a) constitute for each State which produces iron ore or manganese ore an Advisory Committee, or

(b) where both iron ore and manganese ore are produced in a State, constitute, for such State, an Advisory Committee in respect of iron ore only or manganese ore only, or in respect of both,

to advise the Central Government on such matters arising out of the administration of this Act as may be referred to it by that Government, including matters relating to the application of the Fund.

(2) Each Advisory Committee shall consist of such number of persons as may be appointed to it by the Central Government of whom one shall be a woman and the members shall be chosen in such manner as may be prescribed:

Provided that each Advisory Committee shall include an equal number of members representing Government, the owners of iron ore mines and manganese ore mines and the persons employed in the iron ore mines and manganese ore mines.

(3) The Chairman of each Advisory Committee shall be appointed by the Central Government.

(4) The Central Government shall publish in the Official Gazette the names of the members of every Advisory Committee.

6. (1) The Central Government may constitute a Central Advisory Committee to co-ordinate the work of the Advisory Committees constituted under section 5 and to advise the Central Government on any matter arising out of the administration of this Act.

Advisory  
Commit-  
tees.

Central  
Advisory  
Com-  
mittee.

(2) The Central Advisory Committee shall consist of such number of persons as may be appointed by the Central Government of whom one shall be a woman and the members shall be chosen in such manner as may be prescribed:

Provided that the Central Advisory Committee shall include an equal number of members representing the Government, the owners of iron ore mines and manganese ore mines and the persons employed in the iron ore mines and manganese ore mines.

(3) The Chairman of the Central Advisory Committee shall be appointed by the Central Government.

(4) The Central Government shall publish in the Official Gazette the names of the members of the Central Advisory Committee.

Power to  
co-opt, etc.

7. (1) The Advisory Committee or the Central Advisory Committee may, at any time and for such period as it thinks fit, co-opt any person or persons to the Advisory Committee.

(2) A person co-opted under sub-section (1) shall exercise all the powers and functions of a member under this Act but shall not be entitled to vote.

(3) The Advisory Committee or the Central Advisory Committee may, if it considers it necessary or expedient so to do, invite any person to attend its meeting and when such person attends any meeting, he shall not be entitled to vote thereat.

Appoint-  
ment of  
Welfare  
Commis-  
sioners,  
etc.,  
and their  
powers.

8. (1) The Central Government may appoint as many Welfare Commissioners, Welfare Administrators, Inspectors and such other officers and staff as it thinks necessary for the purposes of this Act and the Iron Ore Mines and Manganese Ore Mines Labour Welfare Cess Act, 1976.

(2) The Central Government may, by general or special order, direct a Welfare Commissioner to appoint such staff as is considered necessary for the purposes of this Act and the Iron Ore Mines and Manganese Ore Mines Labour Welfare Cess Act, 1976.

(3) Every person so appointed shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

(4) Any Welfare Commissioner, Welfare Administrator or Inspector may,—

(a) with such assistance, if any, as he may think fit, enter at any reasonable time, any place which he considers it necessary to enter for carrying out the purposes of this Act;

(b) do within such place anything necessary for the proper discharge of his duties; and

(c) exercise such other powers as may be prescribed.

Power of  
Central  
Govern-  
ment to  
exempt.

9. Notwithstanding anything contained in this Act, if the Central Government is satisfied that there is in force in any State or part thereof a law making adequate provision for the financing of activities to promote the welfare of persons employed in the iron ore mines or manganese ore



mines, it may, by notification in the Official Gazette, direct that all or any of the provisions of this Act shall not apply or shall apply to such State or part thereof subject to such exceptions and modifications as may be specified in the notification.

10. The Central Government shall, as soon as may be after the end of each financial year, cause to be published in the Official Gazette a report giving an account of its activities financed under this Act during the previous financial year, together with a statement of accounts.

Annual report of activities financed under the Act.

11. The Central Government may require an occupier of a metallurgical factory or the owner, agent or manager of an iron ore mine or of a manganese ore mine to furnish, for the purposes of this Act, such statistical and other information in such form and within such period as may be prescribed.

Power to call for information.

12. (1) The Central Government may, by notification in the Official Gazette and subject to the condition of previous publication, make rules for carrying out the provisions of this Act.

Power to make rules.

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

(a) the manner in which the Fund may be applied for the measures specified in section 4;

(b) the conditions governing the grant of loan or subsidy under clause (b) of section 4;

(c) the standard of welfare measures to be provided by owners of iron ore mines or manganese ore mines for the purposes of clause (c) of section 4;

(d) the determination of the amount referred to in sub-clause (ii) of clause (c) of section 4 and in the proviso to that clause;

(e) the composition of the Advisory Committees and the Central Advisory Committee constituted under section 5 and section 6 respectively, the manner in which the members thereof shall be chosen, the term of office of such members, the allowances, if any, payable to them including co-opted members and invitees, and the manner in which the said Advisory Committees and the Central Advisory Committee shall conduct their business;

(f) the recruitment, conditions of service and the duties of all persons appointed under section 8;

(g) the powers that may be exercised by a Welfare Commissioner, Welfare Administrator or an Inspector under section 8;

(h) the furnishing to the Central Government by the occupiers of metallurgical factories and the owners, agents or managers of iron ore mines or of manganese ore mines, of such statistical and other information as may be required to be furnished, from time to time, by that Government under section 11;

(i) the form in which and the period within which statistical and other information are to be furnished under clause (h);

(j) any other matter which has to be or may be prescribed, or provided for, by rules under this Act.

(3) In making any rule under clause (h) or clause (i) of sub-section (2), the Central Government may direct that a breach thereof shall be punishable with fine which may extend to five hundred rupees.

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

# THE BEEDI WORKERS WELFARE FUND ACT, 1976

No. 62 OF 1976

[10th April, 1976]

An Act to provide for the financing of measures to promote the welfare of persons engaged in beedi establishments.

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

1. (1) This Act may be called the Beedi Workers Welfare Fund Act, 1976. Short title, extent and commencement.
  - (2) It extends to the whole of India.
  - (3) It shall come into force in a State on such date, as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different areas in the State and for different provisions of this Act.
2. In this Act, unless the context otherwise requires,— Definitions.
- (a) "Fund" means the Beedi Workers Welfare Fund formed under section 3;
  - (b) a person is said to be engaged in an establishment if he is engaged in that establishment, directly or through any agency, whether for wages or not, for doing any work, skilled, unskilled, manual or clerical and includes—
    - (i) any person who is given raw materials by an employer or a contractor for being made into beedi at home; and

(ii) any person not engaged by an employer or a contractor but working with the permission of, or under agreement with, the employer or contractor;

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

(d) words and expressions used but not defined in this Act and defined in the Beedi and Cigar Workers (Conditions of Employment) Act, 1966, shall have the meanings respectively assigned to them in that Act in so far as they relate to a person engaged in beedi establishments.

32 of 1966.

Beedi  
Workers  
Welfare  
Fund.

3. There shall be formed a Fund to be called the Beedi Workers Welfare Fund and there shall be credited thereto—

(a) an amount which the Central Government may, after due appropriation made by Parliament by law in this behalf, provide from and out of the proceeds of cess credited under section 4 of the Beedi Workers Welfare Cess Act, 1976, after deducting the cost of collection as determined by the Central Government under this Act;

(b) any income from investment of the amount credited under the Act referred to in clause (a) and any other moneys received by the Central Government for the purposes of this Act.

Applica-  
tion of  
Fund.

4. (1) The Fund shall be applied by the Central Government to meet the expenditure incurred in connection with measures and facilities which, in the opinion of that Government, are necessary or expedient to promote the welfare of persons engaged in beedi establishments; and in particular—

(a) to defray the cost of measures for the benefit of such persons directed towards—

(i) the improvement of public health and sanitation, the prevention of disease and the provision and improvement of medical facilities;

(ii) the provision and improvement of water supplies and facilities for washing;

(iii) the provision and improvement of educational facilities;

(iv) the provision and improvement of housing and recreational facilities including standards of living, nutrition and amelioration of social conditions;

(v) the provision and improvement of such other welfare measures and facilities as may be prescribed;

(b) to grant loan or subsidy to a State Government, a local authority or an employer in aid of any scheme approved by the Central Government for the purpose connected with the welfare of persons engaged in beedi establishments;

(c) to pay annually grants-in-aid to a State Government or a local authority or to an employer who provides to the satisfaction of the Central Government welfare measures and facilities of the prescribed standard for the benefit of persons engaged in beedi establishments, so, however, that the amount payable as grants-in-aid to

any such State Government, local authority or employer shall not exceed—

(i) the amount spent in providing welfare measures and facilities as determined by the Central Government or any person specified by it in this behalf, or

(ii) such amount as may be prescribed,

whichever is less:

Provided that no grant-in-aid shall be payable in respect of any such welfare measures and facilities where the amount spent thereon determined as aforesaid is less than the amount prescribed in this behalf;

(d) to meet the allowances, if any, of the members of the Advisory Committees and the Central Advisory Committee constituted under sections 5 and 6 respectively and the salaries and allowances, if any, of persons appointed under section 8;

(e) any other expenditure which the Central Government may direct to be defrayed from the Fund.

(2) The Central Government shall have power to decide whether any particular expenditure is or is not debitable to the Fund, and its decision shall be final.

5. (1) The Central Government may constitute as many Advisory Committees as it thinks fit, but not exceeding one for each of the principal beedi producing States, to advise the Central Government on such matters arising out of the administration of this Act as may be referred to it by that Government, including matters relating to the application of the Fund.

Advisory  
Commit-  
tees.

(2) Each Advisory Committee shall consist of such number of persons as may be appointed to it by the Central Government and the members shall be chosen in such manner as may be prescribed:

Provided that each Advisory Committee shall include an equal number of members representing Government, the employers and persons engaged in beedi establishments and that at least one member of such Committee shall be a woman.

(3) The Chairman of each Advisory Committee shall be appointed by the Central Government.

(4) The Central Government shall publish in the Official Gazette the names of all members of every Advisory Committee.

6. (1) The Central Government may constitute a Central Advisory Committee to co-ordinate the work of the Advisory Committees constituted under section 5 and to advise the Central Government on any matter arising out of the administration of this Act.

Central  
Com-  
mittee.  
Advisory

(2) The Central Advisory Committee shall consist of such number of persons as may be appointed to it by the Central Government and the members shall be chosen in such manner as may be prescribed:

Provided that the Central Advisory Committee shall include an equal number of members representing the Government, the employers and persons engaged in beedi establishments and that at least one member of such Committee shall be a woman.

(3) The Chairman of the Central Advisory Committee shall be appointed by the Central Government.

(4) The Central Government shall publish in the Official Gazette the names of all members of the Central Advisory Committee.

Power  
to co-  
opt.

7. (1) An Advisory Committee or the Central Advisory Committee may, at any time and for such period as it thinks fit, co-opt any person or persons to the Advisory Committee.

(2) A person co-opted under sub-section (1) shall exercise all the powers and functions of a member under this Act but shall not be entitled to vote.

(3) The Advisory Committee or the Central Advisory Committee may, if it considers it necessary or expedient so to do, invite any person to attend its meeting and when such person attends any meeting, he shall not be entitled to vote thereat.

Appoint-  
ment of  
Welfare  
Commis-  
sioners,  
etc., and  
their  
powers.

8. (1) The Central Government may appoint as many Welfare Commissioners, Welfare Administrators, Inspectors and such other officers and staff as it thinks necessary for the purposes of this Act and the Beedi Workers Welfare Cess Act, 1976.

(2) The Central Government may, by general or special order, direct a Welfare Commissioner to appoint such staff as is considered necessary for the purposes of this Act and the Beedi Workers Welfare Cess Act, 1976.

(3) Every person appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1880.

(4) Any Welfare Commissioner, Welfare Administrator or Inspector may,—

(a) with such assistance, if any, as he may think fit, enter at any reasonable time, any place which he considers it necessary to enter for carrying out the purposes of this Act;

(b) do within such place anything necessary for the proper discharge of his duties; and

(c) exercise such other powers as may be prescribed.

Power  
of Cen-  
tral  
Govern-  
ment to  
exempt.

9. Notwithstanding anything contained in this Act, if the Central Government is satisfied that there is in force in any State or part thereof a law making adequate provision for the financing of activities to promote the welfare of persons engaged in beedi establishments, it may, by notification in the Official Gazette, direct that all or any of the provisions

of this Act shall not apply or shall apply to such State or part thereof subject to such exemptions and modifications as may be specified in the notification.

10. The Central Government shall, as soon as may be, after the end of each financial year, cause to be published in the Official Gazette, a report giving an account of its activities financed under this Act during the previous financial year together with a statement of accounts.

Annual report of activities financed under the Act.

11. The Central Government may require a State Government or a local authority or an employer to furnish, for the purposes of this Act, such statistical and other information in such form and within such period as may be prescribed.

Power to call for information.

12. (1) The Central Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules for carrying out the provisions of this Act.

Power to make rules.

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

(a) the manner in which the Fund may be applied for the measures and facilities specified in sub-section (1) of section 4;

(b) the conditions governing the grant of loan or subsidy under clause (b) of sub-section (1) of section 4;

(c) the conditions governing grant-in-aid under clause (c) of sub-section (1) of section 4;

(d) the standard of welfare measures and facilities to be provided under clause (c) of sub-section (1) of section 4;

(e) the determination of the amounts referred to in sub-clause (ii) of clause (c) of sub-section (1) of section 4 and the proviso to that clause;

(f) the composition of the Advisory Committees and the Central Advisory Committee constituted under sections 5 and 6 respectively, the manner in which the members thereof shall be chosen, the term of office of such members, the allowances, if any, payable to them, and the manner in which the Advisory Committees and the Central Advisory Committee shall conduct their business;

(g) the recruitment, conditions of service and the duties of all persons appointed under section 8;

(h) the power that may be exercised by a Welfare Commissioner, a Welfare Administrator or an Inspector under section 8;

(i) the furnishing to the Central Government by a State Government or a local authority or an employer of such statistical and other information as may be required to be furnished under section 11;

(j) the forms in which and the period within which statistical and other information are to be furnished under clause (i);

(k) any other matter which has to be or may be prescribed, or provided for, by rules under this Act.

(3) In making any rule under clause (i) or clause (j) of sub-section (2), the Central Government may direct that a breach thereof shall be punishable with fine which may extend to five hundred rupees.

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



# THE BETWA RIVER BOARD ACT, 1976

No. 63 OF 1976

[10th April, 1976]

An Act to provide for the establishment of a Board for the creation of a reservoir at Rajghat by construction, on behalf of the Governments of Madhya Pradesh and Uttar Pradesh, of a dam on the Betwa river at Rajghat and for the regulation of such reservoir.

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

## CHAPTER I

### PRELIMINARY

1. (1) This Act may be called the Betwa River Board Act, 1976.

(2) It shall come into force on such date as the Central Government may, after consultation with the Governments of Madhya Pradesh and Uttar Pradesh, by notification in the Official Gazette, appoint.

2. It is hereby declared that it is expedient in the public interest that the Central Government should take under its control the regulation and development of the inter-State Betwa River and River Valley to the extent hereinafter provided.

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

(a) "Board" means the Betwa River Board established under section 4;

(b) "Chairman" means the Chairman of the Board;

Short  
title and  
com-  
mence-  
ment.

Declara-  
tion as  
to expedi-  
ency of  
control by  
the  
Union.  
Defini-  
tions.

(c) "Executive Committee" means the Executive Committee constituted under section 5;

(d) "member" means a member of the Board and includes the Chairman;

(e) "prescribed" means prescribed by rules made by the Central Government under section 22;

(f) "Rajghat Dam" means the Dam described in the Schedule;

(g) "Rajghat Reservoir" means the reservoir created by the construction of the Rajghat Dam;

(h) "regulations" means regulations made by the Board under section 23;

(i) "rules" means rules made by the Central Government under section 22.

## CHAPTER II

### ESTABLISHMENT OF THE BOARD

Establishment and incorporation of the Betwa River Board.

4. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established for the purposes of this Act, a Board to be called the Betwa River Board.

(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name sue and be sued.

(3) The Union Minister in charge of Irrigation shall be the Chairman of the Board and the other members of the Board shall be the following, namely:—

(a) the Chief Ministers of Madhya Pradesh and Uttar Pradesh;

(b) the Ministers of Madhya Pradesh and Uttar Pradesh incharge of Finance and Irrigation:

Provided that when a proclamation made under article 356 of the Constitution is in force in relation to the State of Madhya Pradesh or Uttar Pradesh, the Central Government may appoint three persons to represent such State on the Board and the persons so appointed shall vacate their offices upon the revocation or cesser of operation of such proclamation.

(4) The Board may permit any officer of the Central Government or the Government of Madhya Pradesh or Uttar Pradesh to attend any of its meetings and take part in the proceedings but such officer shall not be entitled to vote.

(5) The Board may associate with itself, in such manner and for such purposes as may be determined by regulations, any person whose assistance or advice it may desire in complying with any of the provisions of this Act and a person so associated shall have the right to take part in the discussions of the Board relevant to the purpose for which he has been associated, but shall not be entitled to vote.

5. (1) The Central Government may, by notification in the Official Gazette, constitute an Executive Committee consisting of officers of that Government and officers of the Governments of Madhya Pradesh and Uttar Pradesh.

Executive  
Commit-  
tee.

(2) The composition of the Executive Committee shall be such as may be prescribed:

Provided that—

(a) an officer of the Central Government shall be the Chairman of the Committee;

(b) the Governments of Madhya Pradesh and Uttar Pradesh shall have equal representation.

(3) Subject to the general superintendence and control of the Board, the management of the affairs of the Board shall vest in the Executive Committee and the Chairman and other members of the Committee shall assist the Board in such manner as the Board may require.

(4) Subject to the rules, and to the directions of the Board, the Executive Committee may exercise any power and do any act or thing which may be exercised or done by the Board.

(5) The procedure to be followed by the Executive Committee and all other matters relating to the Executive Committee shall be such as may be prescribed.

6. No act or proceeding of the Board or the Executive Committee shall be invalidated by reason of—

Vacancies,  
etc., not  
to invali-  
date pro-  
ceedings  
of the  
Board  
or the  
Execu-  
tive Com-  
mittee.

(a) any vacancy in the Board or the Executive Committee;

(b) any defect in the composition of, or in any appointment to, the Board or the Executive Committee;

(c) any irregularity in the procedure of the Board or the Executive Committee not affecting the merits of the case.

7. (1) The Central Government may, after consultation with the Governments of Madhya Pradesh and Uttar Pradesh, appoint an Engineer (to be the Chief Engineer of the Board and to be known as the Chief Engineer, Rajghat Dam Project), and a Financial Adviser, and a Secretary, to the Board from amongst the officers of the Governments of Madhya Pradesh and Uttar Pradesh:

Chief  
Engineer  
and  
Financial  
Adviser.

Provided that the Central Government shall, so far as practicable, ensure that officers from the same State do not hold the posts of Chief Engineer and Secretary at the same time.

(2) Subject to the general superintendence and control of the Board and the Executive Committee, the Chief Engineer of the Board appointed under sub-section (1) shall be the Chief Executive Officer of the Board and shall exercise and discharge—

(a) such powers and duties as may be prescribed or as may be delegated to him by the Board;

(b) such other powers and duties as may be determined by regulations.

(3) The Financial Adviser appointed under sub-section (1) shall be the Chief Accounts Officer of the Board.

(4) The terms and conditions of service of the Chief Engineer of the Board, and of the Financial Adviser, and the Secretary, to the Board shall be such as may be prescribed.

Other officers and employees of the Board.

8. (1) Subject to the rules, the Board may appoint such officers and employees as it may deem necessary for the efficient discharge of its functions:

Provided that the Board shall, as far as practicable, utilise the services of the officers and employees offered by the Governments of Madhya Pradesh and Uttar Pradesh in such a manner that equal representation is given to the two States.

(2) The terms and conditions of service of the officers and employees of the Board shall be such as may be determined by regulations.

Advisory Committees.

9. Subject to the rules, the Board may from time to time, constitute one or more Advisory Committees to assist the Board and the Executive Committee in the efficient discharge of their functions.

### CHAPTER III

#### FUNCTIONS AND POWERS OF THE BOARD

Functions of the Board.

10. Subject to the other provisions of this Act and the rules, the Board may, if satisfied that the Governments of Madhya Pradesh and Uttar Pradesh have complied with or arranged to comply with the conditions specified in section 11,—

(a) carry out surveys and investigations in the Betwa Inter-State river valley and prepare a comprehensive project report for the construction of Rajghat Dam and appurtenant works and finalise the same after consulting the Governments of Madhya Pradesh and Uttar Pradesh and taking into account the suggestions if any made by those Governments;

(b) prepare detailed reports and estimates in respect of the Project and allocate the cost among the Governments of Madhya Pradesh and Uttar Pradesh;

(c) draw up standards and specifications for implementation of the project and for the maintenance thereof;

(d) construct the Rajghat Dam and the common carrier from the dam to irrigate areas in Madhya Pradesh and Uttar Pradesh;

(e) lay down rules of operation and management of Rajghat Dam;

(f) perform any other function which is supplemental, incidental, or consequential to all or any of the functions specified in clauses (a) to (e).

11. (1) The exercise by the Board of the functions specified in section 10 shall be subject to the following conditions, namely:—

(i) that the Governments of Madhya Pradesh and Uttar Pradesh shall at all times make, to the satisfaction of the Board, suitable provisions as to the moneys, land facilities and electrical power for construction and all other things required by the Board;

(ii) that the liability for the entire expenditure on the Rajghat Dam including appurtenant works and all other expenditure incurred by the Board in the discharge of its functions shall be shared by the Governments of Madhya Pradesh and Uttar Pradesh in such proportion as may be specified by the Board:

Provided that the Board may specify different proportions for different works or matters having regard to the benefits which may accrue to the States and other relevant factors;

(iii) that the Governments of Madhya Pradesh and Uttar Pradesh shall extend full co-operation to the Board and shall in particular make available to the Board the land and electric power required by it for construction purposes as expeditiously as possible.

(2) For the purposes of clause (ii) of sub-section (1), the expenditure on the Rajghat Dam shall include the expenditure incurred by the Government of Uttar Pradesh on the Rajghat Dam Project before the establishment of the Board and the Board shall determine the amount of expenditure so incurred by the Government of Uttar Pradesh and the extent to which it shall be reimbursed by the Government of Madhya Pradesh.

12. (1) Subject to the provisions of this Act and the rules, the Board shall have the power to do anything which may be necessary or expedient for the purpose of carrying out its functions under this Act.

(2) Without prejudice to the generality of the foregoing provision, such power shall include the powers—

(a) to acquire, hold and dispose of such properties both movable and immovable as the Board deems necessary;

(b) to publish statistics or other information relating to the various aspects of flood control and drainage in the Betwa River Valley and the regulation of Rajghat Reservoir;

(c) to require the Governments of Uttar Pradesh and Madhya Pradesh to furnish such information as the Board may require in the discharge of its functions.

#### CHAPTER IV

##### FINANCE, ACCOUNTS AND AUDIT

13. (1) There shall be constituted a Fund to be called the Betwa River Board Fund and there shall be credited thereto the sums paid to the Board by the Governments of Madhya Pradesh and Uttar Pradesh and all other sums received by the Board.

Condi-  
tions  
subject  
to  
which  
the  
Board  
may exer-  
cise its  
functions.

Powers  
of the  
Board.

Betwa  
River  
Board  
Fund.

(2) The Fund shall be applied—

(a) for meeting the salaries, allowances and other remuneration of the officers and other employees of the Board and other administrative expenses of the Board;

(b) for meeting the expenditure on surveys and investigations undertaken by the Board;

(c) for meeting the cost of construction of the Rajghat Dam and appurtenant works;

(d) for meeting the other expenses of the Board in the discharge of its functions under this Act.

Budget.

14. The Board shall prepare in such form and at such time each year as may be prescribed its budget for the next financial year showing the estimated expenditure, the amount of expenditure which the State Governments of Madhya Pradesh and Uttar Pradesh have undertaken to provide for and forward the same to the Central Government and the said State Governments.

Annual report.

15. (1) The Board shall prepare in such form and at such time each year as may be prescribed its annual report giving a full account of its activities during the previous year and forward copies thereof to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

(2) The Board shall forward copies of its annual reports to the Governments of Madhya Pradesh and Uttar Pradesh.

Accounts and audit.

16. The accounts of the Board shall be maintained and audited in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed.

## CHAPTER V

### MISCELLANEOUS

Directions by Central Government.

17. In the discharge of its functions, the Board shall be guided by such directions and instructions on questions of policy as may be given to it by the Central Government.

Disputes between the Board and the State Governments.

18. If any dispute arises between the Board and the Government of Madhya Pradesh or Uttar Pradesh or both regarding any matter covered by this Act or touching or arising out of it, it shall be referred to the Central Government and the decision of the Central Government shall be final and binding on the Board and the said Governments.

Power to enter.

19. Subject to any rules made in this behalf, any officer of the Board generally or specially authorised by the Board in this behalf may, at all reasonable times, enter upon any land or premises and there do such things as may be reasonably necessary for the purpose of lawfully carrying out any works or of making any surveys, examination or investigation, preliminary or incidental to the exercise of any power or the performance of any function by the Board under this Act;

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house, unless with the consent of the occupier thereof, without previously giving such occupier at least seven days' notice in writing of his intention to do so.

20. All members of the Board and the Executive Committee and all officers and employees of the Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act to be public servants within the meaning of section 21 of the Indian Penal Code.

Members,  
officers  
and em-  
ployees of  
the  
Board to  
be public  
servants.

45 of 1860,

21. (1) No suit, prosecution or other legal proceedings shall lie against the Central Government or the Government of Madhya Pradesh or Uttar Pradesh or any member of the Board or the Executive Committee or any officer or employee of the Board for anything which is in good faith done or intended to be done under this Act or the rules or regulations.

Protection  
of action  
taken in  
good  
faith.

(2) No suit or other legal proceedings shall lie against the Board for any damage caused or likely to be caused by anything in good faith done or purported to be done under this Act or the rules or regulations and, in particular, it shall not be the responsibility of the Board to provide for relief measures necessitated by floods or by breaches and failure of works.

22. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to  
make  
rules.

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

(a) the composition of, and the procedure to be followed, by the Executive Committee and all other matters relating to the Executive Committee, under sub-sections (2) and (5) of section 5;

(b) the powers and duties which may be exercised or discharged by the Chief Engineer of the Board, under clause (a) of sub-section (2) of section 7;

(c) the terms and conditions of service of the Chief Engineer of, and the Financial Adviser and the Secretary to, the Board, under sub-section (4) of section 7;

(d) appointment of officers and employees of the Board, under sub-section (1) of section 8;

(e) the form in which and the time at which the budget and annual report of the Board shall be prepared, under section 14, and sub-section (1) of section 15;

(f) the manner in which the accounts of the Board shall be maintained and audited, under section 16;

(g) the form and manner in which disputes may be referred under section 18 to the Central Government and the procedure to be followed by the Central Government for the settlement of such disputes.

Power to  
make  
regula-  
tions.

23. (1) The Board may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations not inconsistent with this Act and the rules, for enabling it to discharge its functions under this Act.

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

(a) the manner in which and the purposes for which the Board may associate with itself any persons, under sub-section (5) of section 4;

(b) the powers which may be exercised and the duties which may be discharged by the Chief Engineer of the Board, under sub-section (2) (b) of section 7;

(c) the terms and conditions of service of the officers (other than the Chief Engineer of the Board, Financial Adviser and Secretary to the Board) and other employees of the Board, under sub-section (2) of section 8.

Rules  
and  
regula-  
tions  
to be  
laid  
before  
Parlia-  
ment.

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

#### THE SCHEDULE

[See section 3(f)]

##### DESCRIPTION OF RAJGHAT DAM

The Dam is to be built across the Betwa river about one furlong upstream of Lalitpur Chanderi Causeway at Rajghat on the river Betwa, District Lalitpur of Uttar Pradesh. The Dam will comprise a masonry section in the river bed and earthen flanks on both sides. It will also include the earth dam to be constructed in the saddles on either side for creating a reservoir.



THE APPROPRIATION (No. 4) ACT, 1976

No. 64 OF 1976

[20th May, 1976]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1976-77.

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

1. This Act may be called the Appropriation (No. 4) Act, 1976.

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, 1976] to the sum of twenty-five thousand two hundred and forty-five crores, sixty-two lakhs and sixty-four thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1976-77 in respect of the services specified in column 2 of the Schedule.

Issue of  
Rs. 25,245,  
62,64,000  
out of  
the Con-  
solidated  
Fund of  
India for  
the year  
1976-77.

43 of 1976.

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

Appro-  
priation.

THE SCHEDULE  
(See sections 2 and 3)

| 1<br>No.<br>of<br>Vote | 2<br>Services and purposes                                  | 3<br>Sums not exceeding |  |               |
|------------------------|---|-------------------------|--|---------------|
|                        |   | Voted by<br>Parliament  | Charged on the<br>Consolidated<br>Fund | Total         |
|                        |   | Rs.                     | Rs.                                    | Rs.           |
| 1                      | Department of Agriculture Revenue                           | 2,14,99,000             | ..                                     | 2,14,99,000   |
| 2                      | Agriculture Revenue   | 65,08,47,000            | ..                                     | 65,08,47,000  |
|                        | Capital   | 556,45,95,000           | 81,00,40,000                           | 637,46,35,000 |
| 3                      | Fisheries Revenue   | 11,75,02,000            | 5,000                                  | 11,75,07,000  |
|                        | Capital   | 1,63,35,000             | 12,00,000                              | 1,75,35,000   |
| 4                      | Animal Husbandry and Dairy Development Revenue              | 36,87,08,000            | 1,00,000                               | 36,88,08,000  |
|                        | Capital   | 3,85,99,000             | 43,80,000                              | 4,29,79,000   |
| 5                      | Forest Revenue  | 10,59,74,000            | ..                                     | 10,59,74,000  |
|                        | Capital   | 80,00,000               | 2,50,00,000                            | 3,30,00,000   |
| 6                      | Department of Food Revenue                                  | 372,58,70,000           | 10,000                                 | 372,58,80,000 |
|                        | Capital   | 23,48,30,000            | 19,25,000                              | 23,67,55,000  |
| 7                      | Department of Rural Development Revenue                     | 70,50,11,000            | 5,000                                  | 70,50,16,000  |
|                        | Capital   | 7,05,36,000             | 2,81,00,000                            | 9,86,36,000   |
| 8                      | Department of Agricultural Research and Education Revenue   | 7,53,000                | ..                                     | 7,53,000      |
| 9                      | Payments to Indian Council of Agricultural Research Revenue | 45,50,63,000            | ..                                     | 45,50,63,000  |
| 10                     | Department of Irrigation Revenue                            | 13,48,25,000            | ..                                     | 13,48,25,000  |
|                        | Capital   | 6,78,50,000             | 13,25,00,000                           | 20,03,50,000  |
| 11                     | Ministry of Chemicals and Fertilizers Revenue               | 32,01,000               | ..                                     | 32,01,000     |
| 12                     | Chemicals and Fertilizers Industries Revenue                | 19,75,000               | ..                                     | 19,75,000     |
|                        | Capital   | 491,95,79,000           | ..                                     | 491,95,79,000 |
| 13                     | Ministry of Commerce Revenue                                | 1,00,41,000             | ..                                     | 1,00,41,000   |

| 1           | 2   | 3                   |                                  |             |                |
|-------------|---|---------------------|----------------------------------|-------------|----------------|
|             |   | Sums not exceeding  |                                  |             |                |
| No. of Vote | Services and purposes   | Voted by Parliament | Charged on the Consolidated Fund | Total       |                |
|             |   | Rs.                 | Rs.                              | Rs.         |                |
| 14          | Foreign Trade and Export Production   | Revenue             | 209,96,87,000                    | ..          | 209,96,87,000  |
|             |   | Capital             | 384,38,84,000                    | ..          | 384,38,84,000  |
| 15          | Ministry of Communications . . . .  | Revenue             | 1,39,88,000                      | ..          | 1,39,88,000    |
|             |   | Capital             | 8,36,00,000                      | ..          | 8,36,00,000    |
| 16          | Overseas Communications Service . . . .   | Revenue             | 9,32,90,000                      | ..          | 9,32,90,000    |
|             |   | Capital             | 7,24,90,000                      | 10,000      | 7,25,00,000    |
| 17          | Posts and Telegraphs—Working Expenses   | Revenue             | 554,09,49,000                    | 17,000      | 554,09,66,000  |
| 18          | Posts and Telegraphs—Dividend to General Revenues, Appropriations to Reserve Funds and Repayment of loans from General Revenues . . . . | Revenue             | 154,01,73,000                    | ..          | 154,01,73,000  |
| 19          | Capital Outlay on Posts and Telegraphs  | Capital             | 212,08,00,000                    | ..          | 212,08,00,000  |
| 20          | Ministry of Defence . . . .   | Revenue             | 1,66,76,000                      | .           | 1,66,76,000    |
|             |   | Capital             | 28,65,66,000                     | 2,97,44,000 | 31,63,10,000   |
| 21          | Defence Services—Army . . . .   | Revenue             | 1649,75,74,000                   | 9 00,000    | 1649,84,74,000 |
| 22          | Defence Services—Navy . . . .   | Revenue             | 168,22,24,000                    | 40,000      | 168,22,64,000  |
| 23          | Defence Services—Air Force . . . .  | Revenue             | 511,70,45,000                    | 1,50,000    | 511,71,95,000  |
| 24          | Defence Services—Pensions . . . .   | Revenue             | 114,56,24,000                    | 10,000      | 114,56,34,000  |
| 25          | Capital Outlay on Defence Services  | Capital             | 259,22,60,000                    | 30,00,000   | 259,52,60,000  |
| 26          | Department of Education . . . .   | Revenue             | 1,43,41,000                      | ..          | 1,43,41,000    |
| 27          | Education . . . .   | Revenue             | 162,97,13,000                    | ..          | 162,97,13,000  |
|             |   | Capital             | 46,71,000                        | 4,68,64,000 | 5,15,35,000    |
| 28          | Department of Social Welfare . . . .  | Revenue             | 13,58,28,000                     | ..          | 13,58,28,000   |
| 29          | Ministry of Energy . . . .  | Revenue             | 53,22,000                        | ..          | 53,22,000      |
| 30          | Power Development . . . .   | Revenue             | 55,18,86,000                     | ..          | 55,18,86,000   |
|             |   | Capital             | 100,20,60,000                    | 9,28,00,000 | 118,48,60,000  |

| 1  | 2   | 3                   |                                  |                |
|----|---|---------------------|----------------------------------|----------------|
|    |   | Sums not exceeding  |                                  |                |
|    |   | Voted by Parliament | Charged on the Consolidated Fund | Total          |
|    |   | Rs.                 | Rs.                              | Rs.            |
| 31 | Coal and Lignite . . . Revenue  | 22,34,54,000        | ..                               | 22,34,64,000   |
|    | Capital   | 274,74,01,000       | ..                               | 274,74,01,000  |
| 32 | Ministry of External Affairs . . . Revenue                                  | 95,11,14,000        | 25,000                           | 95,11,39,000   |
|    | Capital   | 10,75,00,000        | ..                               | 10,75,00,000   |
| 33 | Ministry of Finance . . . Revenue   | 33,79,41,000        | 40,000                           | 33,79,81,000   |
| 34 | Stamps . . . . . Revenue  | 17,92,93,000        | ..                               | 17,92,93,000   |
|    | Capital   | 1,84,25,000         | ..                               | 1,84,25,000    |
| 35 | Audit . . . . . Revenue   | 64,98,60,000        | 94,13,000                        | 65,92,73,000   |
| 36 | Currency, Coinage and Mint . . . . . Revenue                                | 40,68,88,000        | ..                               | 40,68,88,000   |
|    | Capital   | 23,91,07,000        | ..                               | 23,91,07,000   |
| 37 | Pensions . . . . . Revenue  | 63,00,00,000        | 40,00,000                        | 63,40,00,000   |
| 38 | Transfers to State and Union Territory Governments . . . Revenue            | 391,94,00,000       | 1474,38,00,000                   | 1866,32,00,000 |
|    | Capital   | ..                  | 1217,14,00,000                   | 1217,14,00,000 |
|    | <b>CHARGED—</b><br><i>Interest Payments</i> . . . Revenue                   | ..                  | 1351,85,54,000                   | 1351,85,54,000 |
| 39 | Other Expenditure of the Ministry of Finance . . . . . Revenue              | 170,55,96,000       | 2,64,000                         | 170,58,60,000  |
|    | Capital   | 209,61,33,000       | ..                               | 209,61,33,000  |
| 40 | Loans to Government Servants, etc. . . . . Capital                          | 47,00,00,000        | ..                               | 47,00,00,000   |
|    | <b>CHARGED—</b><br><i>Repayment of Debt</i> . . . Capital                   | ..                  | 9671,01,58,000                   | 9671,01,58,000 |
|    | Department of Revenue and Banking . . . . . Revenue                         | 4,78,25,000         | ..                               | 4,78,25,000    |
|    | Capital   | 83,51,83,000        | 4,00,000                         | 83,55,83,000   |
| 42 | Customs . . . . . Revenue   | 24,89,65,000        | 43,000                           | 24,90,08,000   |
| 43 | Union Excise Duties . . . Revenue   | 42,85,00,000        | 83,000                           | 42,85,83,000   |
| 44 | Taxes on Income, Estate Duty, Wealth Tax and Gift Tax etc . . . . . Revenue | 41,00,00,000        | 1,36,000                         | 41,01,36,000   |
| 45 | Opium and Alkaloid Factories . . . . . Revenue                              | 25,50,00,000        | 1,000                            | 25,50,01,000   |
|    | Capital   | 67,37,000           | ..                               | 67,37,000      |
| 46 | Ministry of Health and Family Planning . . . . . Revenue                    | 69,22,000           | ..                               | 69,22,000      |

| 1           | 2  | 3                   |                                  |               |
|-------------|--|---------------------|----------------------------------|---------------|
|             |  | Sums not exceeding  |                                  |               |
| No. of Vote | Services and purposes  | Voted by Parliament | Charged on the Consolidated Fund | Total         |
|             |  | Rs.                 | Rs.                              | Rs.           |
| 47          | Medical and Public Health . . . Revenue                          | 88,68,09,000        | ..                               | 88,68,09,000  |
|             | Capital  | 43,34,20,000        | 1,00,000                         | 43,35,20,000  |
| 48          | Family Planning . . . Revenue                                    | 76,22,90,000        | ..                               | 76,22,90,000  |
|             | Capital  | 10,00,000           | ..                               | 10,00,000     |
| 49          | Ministry of Home Affairs . . . Revenue                           | 2,16,63,000         | ..                               | 2,16,63,000   |
| 50          | Cabinet . . . Revenue  | 1,26,42,000         | ..                               | 1,26,42,000   |
| 51          | Department of Personnel and Administrative Reforms . . . Revenue | 7,40,07,000         | 5,000                            | 7,40,12,000   |
|             | Capital  | 1,50,000            | 25,00,000                        | 26,50,000     |
| 52          | Police . . . Revenue   | 188,80,83,000       | 20,000                           | 188,81,03,000 |
|             | Capital  | 3,00,00,000         | 7,42,53,000                      | 10,42,53,000  |
| 53          | Census . . . Revenue   | 3,68,62,000         | ..                               | 3,68,62,000   |
| 54          | Other Expenditure of the Ministry of Home Affairs . . . Revenue  | 136,51,72,000       | 57,69,93,000                     | 194,21,65,000 |
|             | Capital  | 37,31,23,000        | 69,18,000                        | 38,00,41,000  |
| 55          | Delhi . . . Revenue  | 112,25,21,000       | 56,66,000                        | 112,81,90,000 |
|             | Capital  | 49,98,29,000        | 2,50,00,000                      | 52,48,29,000  |
| 56          | Chandigarh . . . Revenue   | 16,13,45,000        | 54,97,000                        | 16,68,42,000  |
|             | Capital  | 6,11,37,000         | 6,00,000                         | 6,17,37,000   |
| 57          | Andaman and Nicobar Islands . . . Revenue                        | 21,18,10,000        | 8,000                            | 21,18,18,000  |
|             | Capital  | 9,70,30,000         | ..                               | 9,70,30,000   |
| 58          | Dadra and Nagar Haveli . . . Revenue                             | 1,88,66,000         | ..                               | 1,88,66,000   |
|             | Capital  | 1,35,65,000         | ..                               | 1,35,65,000   |
| 59          | Lakshadweep . . . Revenue  | 3,18,81,000         | ..                               | 3,18,81,000   |
|             | Capital  | 1,08,30,000         | ..                               | 1,08,30,000   |
| 60          | Ministry of Industry and Civil Supplies . . . Revenue            | 3,39,97,000         | ..                               | 3,39,97,000   |
| 61          | Industries . . . Revenue   | 21,71,36,000        | ..                               | 21,71,36,000  |
|             | Capital  | 147,63,52,000       | ..                               | 147,63,52,000 |
| 62          | Village and Small Industries . . . Revenue                       | 32,78,98,000        | 1,50,00,000                      | 34,28,98,000  |
|             | Capital  | 33,66,95,000        | 3,09,00,000                      | 36,75,95,000  |
| 63          | Civil Supplies and Cooperation . . . Revenue                     | 6,73,17,000         | ..                               | 6,73,17,000   |
|             | Capital  | 28,63,60,000        | 1,95,60,000                      | 29,99,20,000  |

| 1<br>No.<br>of<br>Vote | 2<br>Services and purposes  | 3<br>Sums not exceeding |  |               |
|------------------------|---|-------------------------|--|---------------|
|                        |   | Voted by<br>Parliament  | Charged on<br>the Consolida-<br>ted Fund | Total         |
|                        |   | Rs.                     | Rs.                                      | Rs.           |
| 64                     | Ministry of Informa-<br>tion and Broad-<br>casting . . . Revenue            | 42,94,000               | ..                                       | 42,94,000     |
| 65                     | Information and<br>Publicity . . . Revenue                                  | 14,87,87,000            | ..                                       | 14,87,87,000  |
|                        | Capital   | 1,15,50,000             | ..                                       | 1,15,50,000   |
| 66                     | Broadcasting . . . Revenue  | 40,39,39,000            | ..                                       | 40,39,39,000  |
|                        | Capital   | 21,34,13,000            | ..                                       | 21,34,13,000  |
| 67                     | Ministry of Labour . Revenue  | 72,00,000               | ..                                       | 72,00,000     |
| 68                     | Labour and Employ-<br>ment . . . Revenue                                    | 44,00,77,000            | 25,000                                   | 44,01,02,000  |
|                        | Capital   | 9,88,000                | ..                                       | 9,88,000      |
| 69                     | Ministry of Law, Jus-<br>tice and Company<br>Affairs . . . Revenue          | 21,93,24,000            | ..                                       | 21,93,24,000  |
| 70                     | Administration of<br>Justice . . . Revenue                                  | 32,47,000               | 62,06,000                                | 94,53,000     |
| 71                     | Ministry of Petro-<br>leum . . . Revenue                                    | 45,92,000               | ..                                       | 45,92,000     |
| 72                     | Petroleum and Petro-<br>chemicals Industries Revenue                        | 55,46,01,000            | ..                                       | 55,46,01,000  |
|                        | Capital   | 288,10,32,000           | ..                                       | 288,10,32,000 |
| 73                     | Ministry of Planning . Revenue  | 7,05,000                | ..                                       | 7,05,000      |
| 74                     | Statistics . . . Revenue  | 10,16,63,000            | ..                                       | 10,16,63,000  |
| 75                     | Planning Commission Revenue   | 4,71,11,000             | ..                                       | 4,71,11,000   |
| 76                     | Department of Science<br>and Technology . Revenue                           | 10,81,12,000            | ..                                       | 10,81,12,000  |
|                        | Capital   | 1,49,00,000             | ..                                       | 1,49,00,000   |
| 77                     | Survey of India . . Revenue   | 17,77,89,000            | ..                                       | 17,77,89,000  |
| 78                     | Grants to Council of<br>Scientific and Indus-<br>trial Research . . Revenue | 44,43,87,000            | ..                                       | 44,43,87,000  |
| 79                     | Ministry of Shipping<br>and Transport . Revenue                             | 2,45,92,000             | ..                                       | 2,45,92,000   |
| 80                     | Roads . . . Revenue   | 80,66,54,000            | 10,000                                   | 80,66,64,000  |
|                        | Capital   | 82,80,82,000            | 9,42,00,000                              | 92,22,82,000  |
| 81                     | Ports, Lighthouses<br>and Shipping . . Revenue                              | 24,90,80,000            | 4,000                                    | 24,90,84,000  |
|                        | Capital   | 207,12,43,000           | 3,26,14,000                              | 210,38,57,000 |

| 1<br>No.<br>of<br>Vote | 2<br>Services and purposes   | 3<br>Sums not exceeding |  |               |
|------------------------|--|-------------------------|--|---------------|
|                        |  | Voted by<br>Parliament  | Charged on<br>the Consolida-<br>ted Fund | Total         |
|                        |  | Rs.                     | Rs.                                      | Rs.           |
| 82                     | Road and Inland<br>Water Transport . . . Revenue                                       | 1,07,44,000             | ..                                       | 1,07,44,000   |
|                        | Capital  | 13,05,43,000            | 2,19,00,000                              | 15,24,43,000  |
| 83                     | Department of Steel . . . Revenue  | 52,85,29,000            | ..                                       | 52,85,29,000  |
|                        | Capital  | 414,88,50,000           | 2,00,00,000                              | 416,88,50,000 |
| 84                     | Department of Mines . . . Revenue  | 28,50,000               | ..                                       | 28,50,000     |
| 85                     | Mines and Minerals . . . Revenue   | 36,05,61,000            | ..                                       | 36,05,61,000  |
|                        | Capital  | 100,23,14,000           | ..                                       | 100,23,14,000 |
| 86                     | Department of Supply . . . Revenue   | 23,36,000               | ..                                       | 23,36,000     |
| 87                     | Supplies and Dis-<br>posals . . . Revenue  | 7,98,36,000             | ..                                       | 7,98,36,000   |
| 88                     | Department of Re-<br>habilitation . . . Revenue  | 24,45,86,000            | 1,15,000                                 | 24,47,01,000  |
|                        | Capital  | 9,46,77,000             | 7,83,33,000                              | 17,30,10,000  |
| 89                     | Ministry of Tourism<br>and Civil Aviation . . . Revenue                                | 47,74,000               | ..                                       | 47,74,000     |
| 90                     | Meteorology . . . Revenue  | 11,27,32,000            | ..                                       | 11,27,32,000  |
|                        | Capital  | 2,03,20,000             | ..                                       | 2,03,20,000   |
| 91                     | Aviation . . . Revenue   | 26,81,03,000            | ..                                       | 26,81,03,000  |
|                        | Capital  | 25,42,82,000            | 10,00,000                                | 25,52,82,000  |
| 92                     | Tourism . . . Revenue  | 3,85,89,000             | ..                                       | 3,85,89,000   |
|                        | Capital  | 4,27,40,000             | ..                                       | 4,27,40,000   |
| 93                     | Ministry of Works<br>and Housing . . . Revenue   | 59,30,000               | ..                                       | 59,30,000     |
| 94                     | Public Works . . . Revenue   | 57,06,42,000            | 21,000                                   | 57,06,63,000  |
|                        | Capital  | 14,75,16,000            | 10,00,000                                | 14,85,16,000  |
| 95                     | Water Supply and<br>Sewerage . . . Revenue   | 1,33,35,000             | ..                                       | 1,33,35,000   |
| 96                     | Housing and Urban<br>Development . . . Revenue   | 10,10,44,000            | 62,56,000                                | 10,73,00,000  |
|                        | Capital  | 20,27,28,000            | 31,66,00,000                             | 51,93,28,000  |
| 97                     | Stationery and Print-<br>ing . . . Revenue   | 28,57,31,000            | 4,000                                    | 28,57,35,000  |
| 98                     | Department of At-<br>omic Energy . . . Revenue   | 44,02,000               | ..                                       | 44,02,000     |
| 99                     | Atomic Energy Re-<br>search, Development<br>and Industrial Pro-<br>jects . . . Revenue | 53,59,98,000            | ..                                       | 53,59,98,000  |
|                        | Capital  | 94,52,77,000            | ..                                       | 94,52,77,000  |

| 1<br>No.<br>of<br>Vote | 2<br>Services and purposes                               | 3<br>Sums not exceeding |  |                      |
|------------------------|--|-------------------------|--|----------------------|
|                        |  | Voted by<br>Parliament  | Charged on the<br>Consolidated<br>Fund | Total                |
|                        |  | Rs.                     | Rs.                                    | Rs.                  |
| 100                    | Nuclear Power Schemes Revenue                            | 38,52,30,000            | ..                                     | 38,52,30,000         |
|                        | Capital  | 55,13,59,000            | ..                                     | 55,13,59,000         |
| 101                    | Department of Culture Revenue                            | 7,52,61,000             | ..                                     | 7,52,61,000          |
| 102                    | Archaeology Revenue                                      | 6,05,09,000             | ..                                     | 6,05,09,000          |
| 103                    | Department of Electronics Revenue                        | 7,75,72,000             | ..                                     | 7,75,72,000          |
|                        | Capital  | 2,22,50,000             | ..                                     | 2,22,50,000          |
| 104                    | Department of Space Revenue                              | 33,71,25,000            | ..                                     | 33,71,25,000         |
|                        | Capital  | 7,43,00,000             | ..                                     | 7,43,00,000          |
| 105                    | Lok Sabha Revenue  | 4,43,33,000             | 1,04,000                               | 4,46,37,000          |
| 106                    | Rajya Sabha Revenue                                      | 1,85,58,000             | 95,000                                 | 1,86,53,000          |
| 107                    | Department of Parliamentary Affairs Revenue              | 19,72,000               | ..                                     | 19,72,000            |
|                        | <b>CHARGED—</b>  |                         |  |                      |
|                        | Staff, Household and allowances of the President Revenue | ..                      | 67,67,000                              | 67,67,000            |
| 108                    | Secretariat of the Vice-President Revenue                | 5,72,000                | ..                                     | 5,72,000             |
|                        | <b>CHARGED—</b>  |                         |  |                      |
|                        | Union Public Service Commission Revenue                  | ..                      | 1,90,10,000                            | 1,90,10,000          |
|                        | <b>TOTAL</b>   | <b>112753863,000</b>    | <b>139702461,000</b>                   | <b>252456264,000</b> |



**THE WORKMEN'S COMPENSATION (AMENDMENT)  
ACT, 1976**

NO. 65 OF 1976

[21st May, 1976]

**An Act further to amend the Workmen's Compensation Act, 1923**

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

1. (1) This Act may be called the Workmen's Compensation (Amendment) Act, 1976.

Short  
title and  
com-  
mence-  
ment.

(2) Sections 2 and 4 shall be deemed to have come into force on the 1st day of October, 1975 and the remaining provisions shall come into force at once.

8 of 1923.

2. In section 2 of the Workmen's Compensation Act, 1923 (hereinafter referred to as the principal Act), in sub-section (1), in sub-clause (ii) of clause (n), for the words "five hundred rupees", the words "one thousand rupees" shall be substituted.

Amend-  
ment of  
section 2.

3. In section 36 of the principal Act, for the words "two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following", the words "two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.

Amend-  
ment of  
section 36.

4. For Schedule IV to the principal Act, the following Schedule shall be substituted, namely:—

Substi-  
tution of  
new  
Schedule  
for  
Schedule  
IV.

"SCHEDULE IV

(See section 4)

COMPENSATION PAYABLE IN CERTAIN CASES

| Monthly wages of the workman injured |                   | Amount of compensation for— |                             | Half-monthly payment as compensation for temporary disablement |
|--------------------------------------|-------------------|-----------------------------|-----------------------------|--|
|                                      |                   | Death                       | Permanent total disablement |  |
| 1                                    | 2                 | 3                           | 4                           | 5  |
| More than                            | But not more than |                             |                             |  |
| Rs.                                  | Rs.               | Rs.                         | Rs.                         | Rs. p. m.  |
| 0                                    | 60                | 7,200                       | 10,080                      | Half his monthly wages   |
| 60                                   | 90                | 9,720                       | 14,608                      | 36.00  |
| 90                                   | 120               | 11,520                      | 16,128                      | 42.00  |
| 120                                  | 150               | 13,500                      | 18,900                      | 48.75  |
| 150                                  | 200               | 16,800                      | 23,520                      | 60.00  |
| 200                                  | 300               | 18,000                      | 25,200                      | 82.50  |
| 300                                  | 400               | 19,200                      | 26,880                      | 100.00   |
| 400                                  | 500               | 21,000                      | 29,400                      | 118.75   |
| 500                                  | 600               | 21,600                      | 30,240                      | 135.00   |
| 600                                  | 700               | 23,100                      | 32,340                      | 148.75   |
| 700                                  | 800               | 24,000                      | 33,600                      | 160.00   |
| 800                                  | 900               | 27,000                      | 37,800                      | 168.75   |
| 900                                  | 1000              | 30,000                      | 42,000                      | 175.00   |

... (faint text, likely a schedule or explanatory notes) ...

# THE FINANCE ACT, 1976

## ARRANGEMENT OF SECTIONS

### CHAPTER I

#### PRELIMINARY

#### SECTIONS

1. Short title and commencement.

### CHAPTER II

#### RATES OF INCOME-TAX

2. Income-tax.

### CHAPTER III

#### DIRECT TAXES

##### *Income-tax*

3. Amendment of section 2.
4. Amendment of section 9.
5. Amendment of section 10.
6. Amendment of section 13.
7. Amendment of section 32.
8. Insertion of new section 32A.
9. Amendment of section 37.
10. Insertion of new sections 44C and 44D.
11. Amendment of section 47.
12. Omission of section 54C.
13. Amendment of section 57.
14. Amendment of section 58.
15. Amendment of section 80A.
16. Amendment of section 80C.
17. Amendment of section 80G.
18. Amendment of section 80M.
19. Amendment of section 115.
20. Insertion of new sections 115A and 115B.
21. Amendment of section 155.
22. Amendment of section 195.
23. Amendment of First Schedule.
24. Amendment of Eighth Schedule.

## SECTIONS

25. Amendment of Ninth Schedule.
26. Consequential amendments to certain sections.

*Wealth-tax*

27. Amendment of Act 27 of 1957.

*Gift-tax*

28. Amendment of Act 18 of 1958.

*Surtax*

29. Amendment of Act 7 of 1964.

*Interest-tax*

30. Amendment of Act 45 of 1974.

## CHAPTER IV

## INDIRECT TAXES

31. Amendment of Act 32 of 1934.
32. Auxiliary duties of customs.
33. Amendment of Act 1 of 1949.
34. Amendment of Act 51 of 1975.
35. Amendment of Act 1 of 1944.
36. Auxiliary duties of excise.
37. Amendment of Act 58 of 1957.
38. Discontinuance of salt duty.
39. Amendment of Act 16 of 1955.

## CHAPTER V

## MISCELLANEOUS

40. Amendment of Act 2 of 1899.
41. Amendment of Act 31 of 1956.
42. Amendment of Act 52 of 1963.
43. Amendment of Act 38 of 1974.

THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

THE THIRD SCHEDULE.

THE FOURTH SCHEDULE.

THE FIFTH SCHEDULE.

THE SIXTH SCHEDULE.

# THE FINANCE ACT, 1976

No. 66 of 1976

[27th May, 1976]

An Act to give effect to the financial proposals of the Central Government for the financial year 1976-77.

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

## CHAPTER I

### PRELIMINARY

1. (1) This Act may be called the Finance Act, 1976.
- (2) Save as otherwise provided in this Act, sections 2 to 30 and section 43 shall be deemed to have come into force on the 1st day of April, 1976.

Short  
title and  
com-  
mence-  
ment.

## CHAPTER II

### RATES OF INCOME-TAX

2. (1) Subject to the provisions of sub-sections (2), (3) and (4), for the assessment year commencing on the 1st day of April, 1976, income-tax

Income-  
tax.

shall be charged at the rates specified in Part I of the First Schedule and shall be increased,—

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

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

calculated in each case in the manner provided therein.

(2) In the cases to which Sub-Paragraph I or Sub-Paragraph II of Paragraph A of Part I of the First Schedule applies, where the assessee has, in the previous year, any net agricultural income, in addition to total income, and the total income exceeds eight thousand rupees, then,—

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

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

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

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

(iii) the amount by which income-tax determined in accordance with sub-clause (i) exceeds the amount of income-tax determined in accordance with sub-clause (ii) shall be the income-tax chargeable in respect of the total income.

(3) Where in the case of a company, other than the Life Insurance Corporation of India established under the Life Insurance Corporation

31 of 1956. Act, 1956, the total income includes any profits and gains from life insurance business, the income-tax payable by it shall be the aggregate of the income-tax calculated—

(i) on the amount of profits and gains from life insurance business so included, at the rate applicable in the case of the Life Insurance Corporation of India, in accordance with Paragraph E of Part I of the First Schedule, to that part of its total income which consists of profits and gains from life insurance business; and

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

43 of 1961. (4) In cases to which the provisions of Chapter XII or section 164 of the Income-tax Act, 1961 (hereinafter referred to as the Income-tax Act) apply, the tax chargeable shall be determined as provided in that Chapter or that section, and with reference to the rates imposed by sub-section (1) or the rates as specified in that Chapter or section, as the case may be.

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

(6) Subject to the provisions of sub-section (7), in cases in which income-tax has to be calculated under the first proviso to sub-section (5) of section 132 of the Income-tax Act or charged under sub-section (4) of section 172 or sub-section (2) of section 174 or section 175 or sub-section (2) of section 176 of the said Act or deducted under section 192 of the said Act from income chargeable under the head "Salaries" or deducted under sub-section (9) of section 80E of the said Act from any payment referred to in the said sub-section (9) or in which the "advance tax" payable under Chapter XVII-C of the said Act has to be computed, at the rate or rates in force, such income-tax or, as the case may be, "advance tax" shall be so calculated, charged, deducted or computed at the rate or rates specified in Part III of the First Schedule:

Provided that in cases to which the provisions of Chapter XII or section 164 of the Income-tax Act apply, "advance tax" shall be computed with reference to the rates imposed by this sub-section or the rates as specified in that Chapter or section, as the case may be:

Provided further that an assessee, being a company, may, in lieu of payment of surcharge on income-tax at the rate specified in Paragraph

E of Part III of the First Schedule, make a deposit under the scheme framed under sub-section (8) before the last instalment of advance tax is due in its case, and where it does so,—

(i) in a case where the amount of the deposit so made is equal to or exceeds the amount of surcharge on income-tax payable by it, the amount of surcharge on income-tax payable by it shall be *nil*;

(ii) in a case where the amount of the deposit so made falls short of the amount of surcharge on income-tax payable by it, the amount of surcharge on income-tax payable by it shall stand reduced by the amount of the deposit; and

(iii) any order made by the Income-tax Officer under section 210 of the Income-tax Act and the notice of demand issued in pursuance thereof shall have effect as if the amount of surcharge on income-tax specified therein had been reduced to *nil* or, as the case may be, by the amount of the deposit.

(7) In the cases to which Sub-Paragraph I or Sub-Paragraph II of Paragraph A of Part III of the First Schedule applies, where the assessee has, in the previous year or, if by virtue of any provision of the Income-tax Act, income-tax is to be charged in respect of the income of a period other than the previous year, in such other period, any net agricultural income, in addition to total income, and the total income exceeds eight thousand rupees, then, in calculating income-tax under the first proviso to sub-section (5) of section 132 of the Income-tax Act or in charging income-tax under sub-section (2) of section 174 or section 175 or sub-section (2) of section 176 of the said Act or in computing the "advance tax" payable under Chapter XVII-C of the said Act, at the rate or rates in force,—

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

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

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



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

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

18 of 1964. (8) Where an assessee, being a company, makes, during the financial year commencing on the 1st day of April, 1976, any deposit with the Industrial Development Bank of India established under the Industrial Development Bank of India Act, 1964 under any such scheme as the Central Government may, by notification in the Official Gazette, frame in this behalf, then, the surcharge on income-tax payable by the company for the assessment year commencing on the 1st day of April, 1977,—

(i) in a case where the amount of deposit so made is equal to or exceeds the amount of surcharge on income-tax payable by it, shall be *nil*; and

(ii) in a case where the amount of the deposit so made falls short of the amount of surcharge on income-tax payable by it, shall be reduced by the amount of the deposit.

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

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

(b) "domestic company" means an Indian company, or any other company which, in respect of its income liable to income-tax under the Income-tax Act for the assessment year commencing on the 1st day of April, 1976, has made the prescribed arrangements for the declaration and payment within India of the dividends (including dividends on preference shares) payable out of such income in accordance with the provisions of section 194 of that Act;

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

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

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

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

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

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

### CHAPTER III

#### DIRECT TAXES

##### *Income-tax*

Amend-  
ment of  
section 2

3. In the Income-tax Act, in section 2, with effect from the 1st day of June, 1976,—

(a) after clause (28), the following clause shall be inserted, namely:—

(28A) “interest” means interest payable in any manner in respect of any moneys borrowed or debt incurred (including a deposit, claim or other similar right or obligation) and includes any service fee or other charge in respect of the moneys borrowed or debt incurred or in respect of any credit facility which has not been utilised;”

(b) in clause (37A), in sub-clause (i),—

(i) for the words and figures “in a case not falling under section 164”, the words, figures and letters “in a case not falling under section 115A or section 115B or section 164” shall be substituted;

(ii) for the words and figures “in a case falling under section 164, the rate specified in that section”, the words, figures and letters “in a case falling under section 115A or section 115B or section 164, the rate or rates specified in section 115A or section 115B or, as the case may be, section 164” shall be substituted.

4. In the Income-tax Act, in section 9, in sub-section (1), with effect from the 1st day of June, 1976,—

Amend-  
ment of  
section 9.

(a) in clause (i), the words “or through or from any money lent at interest and brought into India in cash or in kind” shall be omitted;

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

(v) income by way of interest payable by—

(a) the Government; or

(b) a person who is a resident, except where the interest is payable in respect of any debt incurred, or moneys borrowed and used, for the purposes of a business or profession carried on by such person outside India or for the purposes of making or earning any income from any source outside India; or

(c) a person who is a non-resident, where the interest is payable in respect of any debt incurred, or moneys borrowed and used, for the purposes of a business or profession carried on by such person in India;

(vi) income by way of royalty payable by—

(a) the Government; or

(b) a person who is a resident, except where the royalty is payable in respect of any right, property or information used or services utilised for the purposes of a business or profession carried on by such person outside India or for the purposes of making or earning any income from any source outside India; or

(c) a person who is a non-resident, where the royalty is payable in respect of any right, property or information used or services utilised for the purposes of a business or profession carried on by such person in India or for the purposes of making or earning any income from any source in India;

Provided that nothing contained in this clause shall apply in relation to so much of the income by way of royalty as consists of lump sum consideration for the transfer outside India of, or the imparting of information outside India in respect of, any data, documentation, drawing or specification relating to any patent, invention, model, design, secret formula or process or trade mark or similar property, if such income is payable in pursuance of an agreement made before the 1st day of April, 1976 and the agreement is approved by the Central Government.

*Explanation 1.*—For the purposes of the foregoing proviso, an agreement made on or after the 1st day of April, 1976 shall be deemed to have been made before that date if the agreement is made in accordance with proposals approved by the Central Government before that date; so, however, that, where the recipient of the income by way of royalty is a foreign company, the agreement shall not be deemed to have been made before that date unless, before the expiry of the time allowed under sub-section (1) or sub-section (2) of section 139 (whether fixed originally or on extension) for furnishing the return of income for the assessment year commencing on the 1st day of April, 1977, or the assessment year in respect of which such income first becomes chargeable to tax under this Act, whichever assessment year is later, the company exercises an option by furnishing a declaration in writing to the Income-tax Officer (such option being final for that assessment year and for every subsequent assessment year) that the agreement may be regarded as an agreement made before the 1st day of April, 1976.

*Explanation 2.*—For the purposes of this clause, “royalty” means consideration (including any lump sum consideration but excluding any consideration which would be the income of the recipient chargeable under the head “Capital gains”) for—

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

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

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

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

(v) the transfer of all or any rights (including the granting of a licence) in respect of any copyright, literary, artistic or scientific work including films or video tapes for use in connection with television or tapes for use in connection with radio broadcasting, but not including consideration for the sale, distribution or exhibition of cinematographic films; or

(vi) the rendering of any services in connection with the activities referred to in sub-clauses (i) to (v);

(vii) income by way of fees for technical services payable by—

(a) the Government; or

(b) a person who is a resident, except where the fees are payable in respect of services utilised in a business or profession carried on by such person outside India or for the purposes of making or earning any income from any source outside India; or

(c) a person who is a non-resident, where the fees are payable in respect of services utilised in a business or profession carried on by such person in India or for the purposes of making or earning any income from any source in India.

*Explanation.*—For the purposes of this clause, “fees for technical services” means any consideration (including any lump sum consideration) for the rendering of any managerial, technical or consultancy services (including the provision of services of technical or other personnel) but does not include consideration for any construction, assembly, mining or like project undertaken by the recipient or consideration which would be income of the recipient chargeable under the head “Salaries”.

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

Amend-  
ment of  
section 10.

(a) in clause (6), after sub-clause (x), the following sub-clause shall be inserted, namely:—

“(xi) the remuneration received by him as an employee of the Government of a foreign State during his stay in India in connection with his training in any establishment or office of, or in any undertaking owned by,—

(i) the Government; or

(ii) any company in which the entire paid up share capital is held by the Central Government, or any State Government or Governments, or partly by the Central Government and partly by one or more State Governments; or

(iii) any company which is a subsidiary of a company referred to in item (ii); or

(iv) any corporation established by or under a Central, State or Provincial Act; or

(v) any society registered under the Societies Registration Act, 1860 or under any other corresponding law for the time being in force and wholly financed by the Central Government, or any State Government or State Governments, or partly by the Central Government and partly by one or more State Governments;";

14 of 1860.

(b) in clause (15), after item (e) of sub-clause (iv), the following item shall be inserted with effect from the 1st day of June, 1976, namely:—

(f) by an industrial undertaking in India on any moneys borrowed by it in foreign currency from sources outside India under a loan agreement approved by the Central Government having regard to the need for industrial development in India, to the extent to which such interest does not exceed the amount of interest calculated at the rate approved by the Central Government in this behalf, having regard to the terms of the loan and its repayment.

*Explanation.*—For the purposes of this item, the expression "foreign currency" shall have the meaning assigned to it in the Foreign Exchange Regulation Act, 1973;";

46 of 1973.

(c) in clause (17), for the words "any Committee thereof;"; the words, brackets and figures "any Committee thereof or any allowance received by a member of either House of Parliament under the Members of Parliament (Additional Facilities) Rules, 1975;" shall be substituted.

Amend-  
ment of  
section 13.

6. In section 13 of the Income-tax Act, in sub-section (5) [as directed to be inserted by clause (iii) of section 5 of the Taxation Laws (Amendment) Act, 1975], for clause (a) (iii), the following clause shall be substituted with effect from the 1st day of April, 1977, namely:—

41 of 1975.

"(iii) deposit in any account with the State Bank of India constituted under the State Bank of India Act, 1955 or any subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 or any nationalised bank, that is to say, any corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;";

23 of 1955.

38 of 1959.

5 of 1970.

Amendment of section 32.

7. In section 32 of the Income-tax Act, in sub-section (1),—

(1) in clause (iv), for the words "seven thousand five hundred rupees", the words "ten thousand rupees" shall be substituted with effect from the 1st day of April, 1977;

(2) in clause (vi),—

(a) for the words "any one or more of the articles or things specified in the list in the Ninth Schedule", the words, figures and brackets "any one or more of the articles or things specified in items 1 to 24 (both inclusive) in the list in the Ninth Schedule" shall be substituted;

(b) in the second proviso,—

(i) in clause (a), the word "and" shall be omitted;

(ii) in clause (b), the word "and" shall be inserted at the end;

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

"(c) any ship or aircraft acquired after the 31st day of March, 1976 or any machinery or plant installed after that date."

8. After section 32 of the Income-tax Act, the following section shall be inserted, namely:—

Insertion of new section 32A.

32A. (1) In respect of a ship or an aircraft or machinery or plant specified in sub-section (2), which is owned by the assessee and is wholly used for the purposes of the business carried on by him, there shall, in accordance with and subject to the provisions of this section, be allowed a deduction, in respect of the previous year in which the ship or aircraft was acquired or the machinery or plant was installed or, if the ship, aircraft, machinery or plant is first put to use in the immediately succeeding previous year, then, in respect of that previous year, of a sum by way of investment allowance equal to twenty-five per cent. of the actual cost of the ship, aircraft, machinery or plant to the assessee:

Investment allowance.

Provided that no deduction shall be allowed under this section in respect of—

(a) any machinery or plant installed in any office premises or any residential accommodation, including any accommodation in the nature of a guest-house;

(b) any office appliances or road transport vehicles;

(c) any ship, machinery, or plant in respect of which the deduction by way of development rebate is allowable under section 33; and

(d) any machinery or plant, the whole of the actual cost of which is allowed as a deduction (whether by way of depreciation or otherwise) in computing the income chargeable under the head "Profits and gains of business or profession" of any one previous year.

(2) The ship or aircraft or machinery or plant referred to in sub-section (1) shall be the following, namely:—

(a) a new ship or new aircraft acquired after the 31st day of March, 1976 by an assessee engaged in the business of operation of ships or aircraft;

(b) any new machinery or plant installed after the 31st day of March, 1976—

(i) for the purposes of business of generation or distribution of electricity or any other form of power; or

(ii) for the purposes of business of construction, manufacture or production of any one or more of the articles or things specified in the list in the Ninth Schedule; or

(iii) in a small-scale industrial undertaking for the purposes of business of manufacture or production of any other articles or things.

*Explanation.*—For the purposes of this sub-section and sub-section (4),—

(1) "new ship" or "new aircraft" or "new machinery or plant" shall have the same meanings as in the *Explanation* to clause (vi) of sub-section (1) of section 32;

(2) an industrial undertaking shall be deemed to be a small-scale industrial undertaking, if the aggregate value of the machinery and plant (other than tools, jigs, dies and moulds) installed, as on the last day of the previous year, for the purposes of the business of the undertaking does not exceed ten lakh rupees; and for this purpose the value of any machinery or plant shall be,—

(a) in the case of any machinery or plant owned by the assessee, the actual cost thereof to the assessee; and

(b) in the case of any machinery or plant hired by the assessee, the actual cost thereof as in the case of the owner of such machinery or plant.

(3) Where the total income of the assessee assessable for the assessment year relevant to the previous year in which the ship or aircraft was acquired or the machinery or plant was installed, or, as the case may be, the immediately succeeding previous year [the total income for this purpose being computed after deduction of the allowances under section 33 and section 33A, but without making any deduction under sub-section (1) of this section or any deduction



under Chapter VIA] is *nil* or is less than the full amount of the investment allowance,—

(i) the sum to be allowed by way of investment allowance for that assessment year under sub-section (1) shall be only such amount as is sufficient to reduce the said total income to *nil*; and

(ii) the amount of the investment allowance, to the extent to which it has not been allowed as aforesaid, shall be carried forward to the following assessment year, and the investment allowance to be allowed for the following assessment year shall be such amount as is sufficient to reduce the total income of the assessee assessable for that assessment year, computed in the manner aforesaid, to *nil*, and the balance of the investment allowance, if any, still outstanding shall be carried forward to the following assessment year and so on, so, however, that no portion of the investment allowance shall be carried forward for more than eight assessment years immediately succeeding the assessment year relevant to the previous year in which the ship or aircraft was acquired or the machinery or plant was installed or, as the case may be, the immediately succeeding previous year.

*Explanation.*—Where for any assessment year, investment allowance is to be allowed in accordance with the provisions of this sub-section in respect of any ship or aircraft acquired or any machinery or plant installed in more than one previous year, and the total income of the assessee assessable for that assessment year [the total income for this purpose being computed after deduction of the allowances under section 33 and section 33A, but without making any deduction under sub-section (1) of this section or any deduction under Chapter VIA] is less than the aggregate of the amounts due to be allowed in respect of the assets aforesaid for that assessment year, the following procedure shall be followed, namely:—

(a) the allowance under clause (ii) shall be made before any allowance under clause (i) is made; and

(b) where an allowance has to be made under clause (ii) in respect of amounts carried forward from more than one assessment year, the amount carried forward from an earlier assessment year shall be allowed before any amount carried forward from a later assessment year.

(4) The deduction under sub-section (1) shall be allowed only if the following conditions are fulfilled, namely:—

(i) the particulars prescribed in this behalf have been furnished by the assessee in respect of the ship or aircraft or machinery or plant;

(ii) an amount equal to seventy-five per cent of the investment allowance to be actually allowed is debited to the profit

and loss account of the previous year in respect of which the deduction is to be allowed and credited to a reserve account (to be called the "Investment Allowance Reserve Account") to be utilised—

(a) for the purposes of acquiring, before the expiry of a period of ten years next following the previous year in which the ship or aircraft was acquired or the machinery or plant was installed, a new ship or a new aircraft or new machinery or plant [other than machinery or plant of the nature referred to in clauses (a), (b) and (d) of the proviso to sub-section (1)] for the purposes of the business of the undertaking; and

(b) until the acquisition of a new ship or a new aircraft or new machinery or plant as aforesaid, for the purposes of the business of the undertaking other than for distribution by way of dividends or profits or for remittance outside India as profits or for the creation of any asset outside India:

Provided that this clause shall have effect in respect of a ship as if for the word "seventy-five", the word "fifty" had been substituted.

*Explanation.*—Where the amount debited to the profit and loss account and credited to the Investment Allowance Reserve Account under this sub-section is not less than the amount required to be so credited on the basis of the amount of deduction in respect of investment allowance claimed in the return made by the assessee under section 139, but a higher deduction in respect of the investment allowance is admissible on the basis of the total income as proposed to be computed by the Income-tax Officer under section 143, the Income-tax Officer shall, by notice in writing in this behalf, allow the assessee an opportunity to credit within the time specified in the notice or within such further time as the Income-tax Officer may allow, a further amount to the Investment Allowance Reserve Account out of the profits and gains of the previous year in which such notice is served on the assessee or of the immediately preceding previous year, if the accounts for that year have not been made up; and, if the assessee credits any further amount to such account within the time aforesaid, the amount so credited shall be deemed to have been credited to the Investment Allowance Reserve Account of the previous year in which the deduction is admissible and such amount shall not be taken into account in determining the adequacy of the reserve required to be credited by the assessee in respect of the previous year in which such further credit is made:

Provided that such opportunity shall not be allowed by the Income-tax Officer in a case where the difference in the total income as proposed to be computed by him and the total income as returned by the assessee arises out of the application of the proviso to sub-section (1) of section 145 or sub-section (2) of that section or the omission by the assessee to disclose his income fully and truly.

(5) Any allowance made under this section in respect of any ship, aircraft, machinery or plant shall be deemed to have been wrongly made for the purposes of this Act—

(a) if the ship, aircraft, machinery or plant is sold or otherwise transferred by the assessee to any person at any time before the expiry of eight years from the end of the previous year in which it was acquired or installed; or

(b) if at any time before the expiry of ten years from the end of the previous year in which the ship or aircraft was acquired or the machinery or plant was installed, the assessee does not utilise the amount credited to the reserve account under sub-section (4) for the purposes of acquiring a new ship or a new aircraft or new machinery or plant [other than machinery or plant of the nature referred to in clauses (a), (b) and (d) of the proviso to sub-section (1)] for the purposes of the business of the undertaking; or

(c) if at any time before the expiry of the ten years aforesaid, the assessee utilises the amount credited to the reserve account under sub-section (4) for distribution by way of dividends or profits or for remittance outside India as profits or for the creation of any assets outside India or for any other purpose which is not a purpose of the business of the undertaking,

and the provisions of sub-section (4A) of section 155 shall apply accordingly:

Provided that nothing in clause (a) shall apply—

(i) where the ship, aircraft, machinery or plant is sold or otherwise transferred by the assessee to the Government, a local authority, a corporation established by a Central, State or Provincial Act or a Government company as defined in section 617 of the Companies Act, 1956; or

(ii) where the sale or transfer of the ship, aircraft, machinery or plant is made in connection with the amalgamation or succession, referred to in sub-section (6) or sub-section (7).

(6) Where, in a scheme of amalgamation, the amalgamating company sells or otherwise transfers to the amalgamated company any ship, aircraft, machinery or plant, in respect of which investment allowance has been allowed to the amalgamating company under sub-section (1),—

(a) the amalgamated company shall continue to fulfil the conditions mentioned in sub-section (4) in respect of the reserve created by the amalgamating company and in respect of the period within which such ship, aircraft, machinery or plant shall not be sold or otherwise transferred and in default of any of these conditions, the provisions of sub-section (4A) of section 155, shall apply to the amalgamated company as they would have applied to the amalgamating company had it committed the default; and

(b) the balance of investment allowance, if any, still outstanding to the amalgamating company in respect of such ship, aircraft, machinery or plant, shall be allowed to the amalgamated company in accordance with the provisions of sub-section (3), so, however, that the total period for which the balance of investment allowance shall be carried forward in the assessments of the amalgamating company and the amalgamated company shall not exceed the period of eight years specified in sub-section (3) and the amalgamated company shall be treated as the assessee in respect of such ship, aircraft, machinery or plant for the purposes of this section.

(7) Where a firm is succeeded to by a company in the business carried on by it as a result of which the firm sells or otherwise transfers to the company any ship, aircraft, machinery or plant, the provisions of clauses (a) and (b) of sub-section (6) shall, so far as may be, apply to the firm and the company.

*Explanation.*—The provisions of this sub-section shall apply only where—

(i) all the property of the firm relating to the business immediately before the succession becomes the property of the company;

(ii) all the liabilities of the firm relating to the business immediately before the succession become the liabilities of the company; and

(iii) all the shareholders of the company were partners of the firm immediately before the succession.

(8) The Central Government, if it considers necessary or expedient so to do, may, by notification in the Official Gazette, direct that the deduction allowable under this section shall not be allowed in respect of any ship or aircraft acquired or any machinery or plant installed after such date, not being earlier than three years from the date of such notification, as may be specified therein.

(9) For the removal of doubts, it is hereby declared that the deduction under sub-section (1) shall not be denied by reason only that the amount debited to the profit and loss account of the relevant previous year and credited to the Investment Allowance Reserve Account exceeds the amount of the profit of such previous year (as arrived at without making the debit aforesaid), in accordance with the profit and loss account.

Amend-  
ment of  
section 37.

9. In section 37 of the Income-tax Act,—

(a) in sub-section (2A),—

(i) in clause (i), for the words, figures and letter "section 33 or section 33A", the words, figures and letters "section 32A or section 33 or section 33A" shall be substituted;

(ii) in the *Explanation*, the words, brackets, figure and letter "and sub-section (2B)" shall be omitted with effect from the 1st day of April, 1977;

(b) sub-section (2B) shall be omitted with effect from the 1st day of April, 1977.

10. In the Income-tax Act, in Chapter IV-D, after section 44B, the following sections shall be inserted, with effect from the 1st day of June, 1976, namely:—

Insertion of new sections 44C and 44D.

44C. Notwithstanding anything to the contrary contained in sections 28 to 43A, in the case of an assessee, being a non-resident, no allowance shall be made, in computing the income chargeable under the head "Profits and gains of business or profession", in respect of so much of the expenditure in the nature of head office expenditure as is in excess of the amount computed as hereunder, namely:—

Deduction of head office expenditure in the case of non-residents.

(a) an amount equal to five per cent. of the adjusted total income; or

(b) an amount equal to the average head office expenditure; or

(c) the amount of so much of the expenditure in the nature of head office expenditure incurred by the assessee as is attributable to the business or profession of the assessee in India,

whichever is the least:

Provided that in a case where the adjusted total income of the assessee is a loss, the amount under clause (a) shall be computed at the rate of five per cent. of the average adjusted total income of the assessee.

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

(i) "adjusted total income" means the total income computed in accordance with the provisions of this Act, without giving effect to the allowance referred to in this section or in sub-section (2) of section 32 or the deduction referred to in section 32A or section 33 or section 33A or the first proviso to clause (ix) of sub-section (1) of section 36 or any loss carried forward under sub-section (1) of section 72 or sub-section (2) of section 73 or sub-section (1) of section 74 or sub-section (3) of section 74A or the deductions under Chapter VIA;

(ii) "average adjusted total income" means,—

(a) in a case where the total income of the assessee is assessable for each of the three assessment years immediately preceding the relevant assessment year, one-third of the aggregate amount of the adjusted total income in respect of the previous years relevant to the aforesaid three assessment years;

(b) in a case where the total income of the assessee is assessable only for two of the aforesaid three assessment years, one-half of the aggregate amount of the adjusted total income in respect of the previous years relevant to the aforesaid two assessment years;

(c) in a case where the total income of the assessee is assessable only for one of the aforesaid three assessment years, the amount of the adjusted total income in respect of the previous year relevant to that assessment year;

(iii) "average head office expenditure" means,—

(a) in a case where any expenditure in the nature of head office expenditure has been allowed as a deduction in computing the income of the assessee chargeable under the head "Profits and gains of business or profession" in respect of each of the three previous years relevant to the assessment years commencing on the 1st day of April, 1974, the 1st day of April, 1975 and the 1st day of April, 1976, one-third of the aggregate amount of the expenditure so allowed;

(b) in a case where such expenditure has been so allowed only in respect of two of the aforesaid three previous years, one-half of the aggregate amount of the expenditure so allowed;

(c) in a case where such expenditure has been so allowed only in respect of one of the aforesaid three previous years, the amount of the expenditure so allowed;

(iv) "head office expenditure" means executive and general administration expenditure incurred by the assessee outside India, including expenditure incurred in respect of—

(a) rent, rates, taxes, repairs or insurance of any premises outside India used for the purposes of the business or profession;

(b) salary, wages, annuity, pension, fees, bonus, commission, gratuity, perquisites or profits in lieu of or in addition to salary, whether paid or allowed to any employee or other person employed in, or managing the affairs of, any office outside India;

(c) travelling by any employee or other person employed in, or managing the affairs of, any office outside India; and

(d) such other matters connected with executive and general administration as may be prescribed.

Special provisions for computing income by way of royalties, etc., in the case of foreign companies.

44D. Notwithstanding anything to the contrary contained in sections 28 to 44C, in the case of an assessee, being a foreign company,—

(a) the deductions admissible under the said sections in computing the income by way of royalty or fees for technical services received from an Indian concern in pursuance of an agreement made by the foreign company with the Indian concern before the 1st day of April, 1976, shall not exceed in the aggregate twenty per cent. of the gross amount of such royalty or fees as reduced by so much of the gross amount of such royalty as consists of lump sum consideration for the transfer outside India of, or the imparting of information outside India in respect of, any data, documentation, drawing or specification relating to any patent, invention, model, design, secret formula or process or trade mark or similar property;

(b) no deduction in respect of any expenditure or allowance shall be allowed under any of the said sections in computing the income by way of royalty or fees for technical services received from an Indian concern in pursuance of an agreement made by the foreign company with the Indian concern after the 31st day of March, 1976.

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

(a) “fees for technical services” shall have the same meaning as in the *Explanation* to clause (vii) of sub-section (1) of section 9;

(b) “foreign company” shall have the same meaning as in section 80B;

(c) “royalty” shall have the same meaning as in the *Explanation* to clause (vi) of sub-section (1) of section 9;

(d) royalty received from an Indian concern in pursuance of an agreement made by a foreign company with the Indian concern after the 31st day of March, 1976 shall be deemed to have been received in pursuance of an agreement made before the 1st day of April, 1976 if such agreement is deemed, for the purposes of the proviso to clause (vi) of sub-section (1) of section 9, to have been made before the 1st day of April, 1976.’

11. In section 47 of the Income-tax Act, after clause (viii), the following clause shall be inserted with effect from the 1st day of April, 1977, namely:—

Amendment of section 47.

‘(ix) any transfer of a capital asset, being any work of art, archaeological, scientific or art collection, book, manuscript, drawing, painting, photograph or print, to the Government or a University or the National Museum, National Art Gallery, National Archives or any such other public museum or institution as may be notified by the Central Government in the Official Gazette to be of national importance or to be of renown throughout any State or States.

*Explanation.*—For the purposes of this clause, “University” means a University established or incorporated by or under a Central, State or Provincial Act and includes an institution declared under section 3 of the University Grants Commission Act, 1956 to be a University for the purposes of that Act.’

3 of 1956.

12. Section 54C of the Income-tax Act shall be omitted.

Omission of section 54C.

13. In section 57 of the Income-tax Act, the following proviso and *Explanation* shall be inserted at the end, with effect from the 1st day of June, 1976, namely:—

Amendment of section 57.

‘Provided that nothing contained in clause (i) or clause (iii) shall apply in computing the income by way of dividends in the case of an assessee, being a foreign company.

*Explanation.*—For the purposes of this section and section 58, “foreign company” shall have the same meaning as in section 80B.’

14. In section 58 of the Income-tax Act, after sub-section (2), the following sub-section shall be inserted, with effect from the 1st day of June, 1976, namely:—

Amendment of section 58.

‘(3) In the case of an assessee, being a foreign company, the provisions of section 44D shall, so far as may be, apply in computing the income chargeable under the head “Income from other sources” as they apply in computing the income chargeable under the head “Profits and gains of business or profession”.’

Amend-  
ment of  
section  
80A.

15. In section 80A of the Income-tax Act, after sub-section (3), the following sub-section shall be inserted with effect from the 1st day of April, 1977, namely:—

“(4) Notwithstanding anything contained in sub-section (1), no deduction under section 80G or section 80GG or section 80HH or section 80J or section 80L or section 80QQ shall be allowed in computing the total income of an assessee, being a Hindu undivided family which at any time during the previous year has at least one member whose total income of the previous year exceeds the maximum amount not chargeable to tax.”

Amend-  
ment of  
section  
80C.

16. In section 80C of the Income-tax Act, in clause (d) of sub-section (2), for the words “eight thousand rupees”, the words “ten thousand rupees” shall be substituted with effect from the 1st day of April, 1977.

Amend-  
ment of  
section  
80G.

17. In section 80G of the Income-tax Act,—

(a) for sub-section (1), the following sub-section shall be substituted with effect from the 1st day of April, 1977, namely:—

“(1) In computing the total income of an assessee, there shall be deducted, in accordance with and subject to the provisions of this section,—

(i) in a case where the aggregate of the sums specified in sub-section (2) includes any sum specified in sub-clause (vii) of clause (a) thereof, an amount equal to the whole of such sum plus fifty per cent. of the balance of such aggregate; and

(ii) in any other case, an amount equal to fifty per cent. of the aggregate of the sums specified in sub-section (2).”;

(b) in clause (a) of sub-section (2), with effect from the 1st day of April, 1977,—

(i) in sub-clause (v), for the words “for any charitable purpose;”, the words “for any charitable purpose other than the purpose of promoting family planning; or” shall be substituted;

(ii) after sub-clause (v), the following sub-clauses shall be inserted, namely:—

“(vi) any authority referred to in clause (20A) of section 10; or

(vii) the Government or to any such local authority, institution or association as may be approved in this behalf by the Central Government, to be utilised for the purpose of promoting family planning;”;

(c) in sub-section (4), for the words, brackets and figures “sub-clauses (iv) and (v)”, the words, brackets and figures “sub-clauses (iv), (v), (vi) and (vii)” shall be substituted with effect from the 1st day of April, 1977;

(d) after Explanation 4, the following Explanation shall be inserted, namely:—

“Explanation 5.—For the removal of doubts, it is hereby declared that no deduction shall be allowed under this section in respect of any donation unless such donation is of a sum of money.”

Amend-  
ment of  
section  
80M.

18. In section 80M of the Income-tax Act, for sub-section (1), the following sub-section shall be substituted with effect from the 1st day of April, 1977, namely:—

“(1) Where the gross total income of an assessee, being a domestic company, includes any income by way of dividends from a domestic company, there shall, in accordance with and subject to the



provisions of this section, be allowed, in computing the total income of the assessee, a deduction from such income by way of dividends of an amount equal to—

- (a) in respect of such income by way of the whole of such income; dividends from a company formed and registered under the Companies Act, 1956 after the 28th day of February, 1975 and engaged exclusively or almost exclusively in the manufacture or production of any one or more of the articles or things specified in items 2 and 3, item 4 (excluding alloy, malleable and S. G. iron castings), items 7 to 15 (both inclusive), items 17 and 18, item 23 (excluding refractories) and items 24, 26, 27 and 29 in the list in the Ninth Schedule
- (b) in respect of such income by way of sixty per cent. of such income.”. dividends other than the dividends referred to in clause (a)

of 1956.

19. In section 115 of the Income-tax Act, in clause (i) with effect from the 1st day of April, 1977,—

Amend-  
ment of  
section  
115.

(a) in sub-clause (a) (1), for the words “forty-seven per cent.”, the words “forty per cent.” shall be substituted;

(b) in sub-clause (a) (2), for the words “fifty-five per cent.”, the words “fifty per cent.” shall be substituted; and

(c) in sub-clause (b), for the words “forty-five per cent.”, the words “forty per cent.” shall be substituted.

20. In the Income-tax Act, after section 115, the following sections shall be inserted with effect from the 1st day of June, 1976, namely:—

Insertion  
of new  
sections  
115A and  
115B.

115A. (1) Subject to the provisions of sub-section (2), where the total income of an assessee, being a foreign company, includes any income by way of—

Tax on  
dividends,  
royalty  
and  
technical  
service  
fees in  
the case  
of foreign  
compa-  
nies.

(a) dividends; or

(b) royalty or fees for technical services received from an Indian concern in pursuance of an agreement made by the foreign company with the Indian concern after the 31st day of March, 1976 and approved by the Central Government, the income-tax payable shall be the aggregate of—

(i) the amount of income-tax calculated on the amount of income by way of dividends, if any, included in the total income, at the rate of twenty-five per cent.;

(ii) the amount of income-tax calculated on the income by way of royalty, if any, included in the total income—

(1) on so much of the amount of such income as consists of lump sum consideration for the transfer outside India of, or the imparting of information outside India in respect of, any data, documentation, drawing or specification relating to any patent, invention, model, design, secret formula or process or trade mark or similar property, at the rate of twenty per cent.;

(2) on the balance of such income, if any, at the rate of forty per cent.;

(iii) the amount of income-tax calculated on the income by way of fees for technical services, if any, included in the total income, at the rate of forty per cent.; and

(iv) the amount of income-tax with which it would have been chargeable had its total income been reduced by the amount of income referred to in clause (a) and clause (b).

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

(a) “fees for technical services” shall have the same meaning as in the *Explanation* to clause (vii) of sub-section (1) of section 9;

(b) “foreign company” shall have the same meaning as in section 80B;

(c) “royalty” shall have the same meaning as in the *Explanation* to clause (vi) of sub-section (1) of section 9.

(2) Nothing contained in sub-section (1) shall apply in relation to any income by way of royalty received by a foreign company from an Indian concern in pursuance of an agreement made by it with the Indian concern after the 31st day of March, 1976 if such agreement is deemed, for the purposes of the proviso to clause (vi) of sub-section (1) of section 9, to have been made before the 1st day of April, 1976; and the provisions of the annual Finance Act for calculating, charging, deducting or computing income-tax shall apply in relation to such income as if such income had been received in pursuance of an agreement made before the 1st day of April, 1976.

115B. Where the total income of an assessee includes any profits and gains from life insurance business, the income-tax payable shall be the aggregate of—

(i) the amount of income-tax calculated on the amount of profits and gains of the life insurance business included in the total income, at the rate of twelve and one-half per cent.; and

(ii) the amount of income-tax with which the assessee would have been chargeable had the total income of the assessee been reduced by the amount of profits and gains of the life insurance business.’

Tax on profits and gains of life insurance business.

Amendment of section 155.

21. In section 155 of the Income-tax Act, after sub-section (4), the following sub-section shall be inserted, namely:—

‘(4A) Where an allowance by way of investment allowance has been made wholly or partly to an assessee in respect of a ship or an aircraft or any machinery or plant in any assessment year under section 32A and subsequently—

(a) at any time before the expiry of eight years from the end of the previous year in which the ship or aircraft was acquired or the machinery or plant was installed, the ship, aircraft, machinery or plant is sold or otherwise transferred by the assessee to any person other than the Government, a local authority, a corporation established by a Central, State or Provincial Act or a Government company as defined in section 617 of the Companies Act, 1956, or in connection with any amalgamation or succession referred to in sub-section (6) or sub-section (7) of section 32A; or

(b) at any time before the expiry of ten years from the end of the previous year in which the ship or aircraft was acquired

or the machinery or plant was installed, the assessee does not utilise the amount credited to the reserve account under sub-section (4) of section 32A for the purposes of acquiring a new ship or a new aircraft or new machinery or plant [other than machinery or plant of the nature referred to in clauses (a), (b) and (d) of the proviso to sub-section (1) of section 32A] for the purposes of the business of the undertaking; or

(c) at any time before the expiry of the ten years referred to in clause (b), the assessee utilises the amount credited to the reserve account under sub-section (4) of section 32A—

(i) for distribution by way of dividends or profits; or

(ii) for remittance outside India as profits or for the creation of any asset outside India; or

(iii) for any other purpose which is not a purpose of the business of the undertaking,

the investment allowance originally allowed shall be deemed to have been wrongly allowed, and the Income-tax Officer may, notwithstanding anything contained in this Act, recompute the total income of the assessee for the relevant previous year and make the necessary amendment, and the provisions of section 154 shall, so far as may be, apply thereto, the period of four years specified in sub-section (7) of that section being reckoned,—

(i) in a case referred to in clause (a), from the end of the previous year in which the sale or other transfer took place;

(ii) in a case referred to in clause (b), from the end of the ten years referred to in that clause;

(iii) in a case referred to in clause (c), from the end of the previous year in which the amount was utilised.

*Explanation.*—For the purposes of clause (b), “new ship” or “new aircraft” or “new machinery or plant” shall have the same meanings as in the *Explanation* to clause (vi) of sub-section (1) of section 32.

22. In the Income-tax Act, in section 195, in sub-section (2), for the words “other than interest including interest on securities”, the words “other than interest on securities” shall be substituted with effect from the 1st day of June, 1976.

Amend-  
ment of  
section  
195.

23. In the First Schedule to the Income-tax Act, with effect from the 1st day of April, 1977,—

Amend-  
ment of  
First  
Schedule.

(a) for rule 2, the following rule shall be substituted, namely:—

“2. The profits and gains of life insurance business shall be taken to be the annual average of the surplus arrived at by adjusting the surplus or deficit disclosed by the actuarial valuation made in accordance with the Insurance Act, 1938, in respect of the last inter-valuation period ending before the commencement of the assessment year, so as to exclude from it any surplus or deficit included therein which was made in any earlier inter-valuation period.”;

Computa-  
tion of  
profits of  
life in-  
surance  
business.

(b) rule 3 shall be omitted;

(c) in rule 7, in sub-rule (1), clauses (i) and (iii) shall be omitted.

Amend-  
ment of  
Eighth  
Schedule.

24. In the Eighth Schedule to the Income-tax Act,—

(a) against *Bihar* in column (1), for the existing areas specified in column (2), the following shall be substituted, namely:—

“The districts of Aurangabad, Begusarai, Bhagalpur, Bhojpur, Darbhanga, East Champaran, Gaya, Madhubani, Monghyr, Muzaffarpur, Nalanda, Nawadah, Palamau, Purnea, Saharsa, Samastipur, Santal Parganas, Saran, Sitamarhi, Siwan, Vaishali and West Champaran.”;

(b) against *Punjab* in column (1), for the existing areas specified in column (2), the following shall be substituted, namely:—

“The district of Bhatinda; so much of the district of Faridkot as formed part of the district of Bhatinda on the 31st day of July, 1972; the districts of Ferozepur, Gurdaspur, Hoshiarpur and Sangrur.”;

(c) after *Rajasthan* in column (1) and the entries relating thereto, the following shall be inserted, namely:—

“*Sikkim* The whole of the State.”;

(d) against *Uttar Pradesh* in column (1), for the existing areas specified in column (2), the following shall be substituted, namely:—

“The districts of Almora, Azamgarh, Baharaich, Ballia, Banda, Bara Banki, Basti, Budaun, Bulandshahr, Chamoli, Deoria, Etah, Etawah, Faizabad, Farrukhabad, Fatehpur, Garhwal, Ghazipur, Gonda, Hamirpur, Hardoi, Jalaun, Jaunpur, Jhansi, Mainpuri, Mathura, Moradabad, Pilibhit, Pithoragarh, Pratapgarh, Rae Bareilly, Rampur, Shahjahanpur, Sitapur, Sultanpur, Tehri-Garhwal, Unnao and Uttarkashi.”;

(e) for the *Explanation*, the following *Explanation* shall be substituted, namely:—

“*Explanation*.—Save as otherwise expressly provided, reference to any district in this Schedule shall be construed,—

(i) in the case of the districts of Aurangabad, Begusarai, Bhojpur, Gaya, Monghyr, Nalanda and Nawadah in the State of Bihar; the district of Ferozepur in the State of Punjab; and the district of Rampur in the State of Uttar Pradesh, as a reference to the areas comprised in the district concerned on the 15th day of March, 1976, being the date of introduction of the Finance Bill, 1976 in the House of the People; and

(ii) in the case of any other district, as a reference to the areas comprised in that district on the 3rd day of September, 1973, being the date of introduction of the Direct Taxes (Amendment) Bill, 1973 in the House of the People.”.

Amend-  
ment of  
Ninth  
Schedule.

25. In the Ninth Schedule to the Income-tax Act,—

(a) for item 4, the following item shall be substituted, namely:—

“4. Steel castings and forgings and alloy, malleable and S. G. iron castings.”;

(b) after item 24 and before the *Explanation*, the following items shall be inserted, namely:—

“25. Carbon and graphite products.

26. Inorganic heavy chemicals (other than soda ash and caustic soda mentioned in items 12 and 13 respectively).

27. Organic heavy chemicals.
28. Synthetic rubber and rubber chemicals (including carbon black).
29. Industrial explosives.
30. Basic drugs.
31. Industrial sewing machines.
32. Finished leather and leather goods (including footwear made wholly or mainly of leather)."

26. The following amendments (being amendments of a consequential nature) shall be made in the Income-tax Act, namely:—

Conse-  
quential  
amend-  
ments to  
certain  
sections.

(a) in section 45, the figures and letter “, 54C” shall be omitted;

(b) in clause (iv) of sub-section (2) of section 141A, for the words, brackets and figures “the deduction referred to in clause (ii) of sub-section (2) of section 33”, the words, brackets, figures and letter “the deduction referred to in clause (ii) of sub-section (3) of section 32A or clause (ii) of sub-section (2) of section 33” shall be substituted;

(c) in sub-clause (iv) of clause (b) of sub-section (1) of section 143, for the words, brackets and figures “the deduction referred to in clause (ii) of sub-section (2) of section 33”, the words, brackets, figures and letter “the deduction referred to in clause (ii) of sub-section (3) of section 32A or clause (ii) of sub-section (2) of section 33” shall be substituted;

(d) in clause (i) of sub-section (1) of section 160, the words, brackets and figure “clause (i) of” shall be omitted with effect from the 1st day of June, 1976;

(e) in the Ninth Schedule, for the brackets, words and figures “[See section 32(1)(vi)]”, the brackets, words, figures and letters “[See section 32(1)(vi) and section 32A(2)(b)(ii)]” shall be substituted.

#### Wealth-tax

27. In the Wealth-tax Act, 1957,—

Amend-  
ment of  
Act 27 of  
1957.

(1) in section 3, for the words “at the rate or rates specified in the Schedule”, the words and figure “at the rate or rates specified in Schedule I” shall be substituted with effect from the 1st day of April, 1977;

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

(a) after clause (ivb), the following clause shall be inserted with effect from the 1st day of April, 1977, namely:—

“(ivc) one or more dwelling units (each such dwelling unit having a plinth area not exceeding eighty square metres) and the land appurtenant thereto, belonging to the assessee, where the construction of such dwelling unit or units is begun on or after the 1st day of April, 1976:

Provided that this exemption shall apply in respect of any dwelling unit or units and the land appurtenant thereto

only for a period of five successive assessment years next following the date on which the construction of such dwelling unit or units is completed.

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

(a) “dwelling unit” means a unit of accommodation used solely for the purpose of residence;

(b) “land appurtenant”, in relation to any dwelling unit or units comprising a building, means,—

(i) in an area where there is any law in force providing for the minimum extent of land contiguous to the land occupied by any building to be kept as open space for the enjoyment of such building, the minimum extent of land contiguous to the land occupied by the building comprising such dwelling unit or units required to be kept as open space under such law;

(ii) in any other area, an extent of land not exceeding one-third of the plinth area of the building comprising the dwelling unit or units at the ground level contiguous to the land occupied by such building;”;

(b) after clause (x), the following clause shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1975, namely:—

“(xx) the amount of any fee due to the assessee in respect of services rendered by him as a legal practitioner within the meaning of the Advocates Act, 1961;”;

25 of 1961.

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

“(xxxa) the value of any building belonging to the assessee, where the building is used solely for the purpose of residence of persons employed by the assessee in any plantation or industrial undertaking belonging to the assessee and the income of each such person chargeable under the head “Salaries” under the Income-tax Act is ten thousand rupees or less;”;

(d) in the *Explanation* to clause (xxxi),—

(i) for the words “this clause”, the words, brackets, figures and letter “clause (xxxa), this clause” shall be substituted;

(ii) for the words, brackets and figures “and clause (xxxii)”, the words, brackets and figures “clause (xxxii) and clause (xxxiv)” shall be substituted with effect from the 1st day of April, 1977;

(e) after clause (xxxii), the following clauses shall be inserted with effect from the 1st day of April, 1977, namely:—

“(xxxiii) in the case of an assessee, being a person of Indian origin who was ordinarily residing in a foreign country and who, on leaving such country, has returned to India

with the intention of permanently residing therein, moneys and the value of assets brought by him into India and the value of the assets acquired by him out of such moneys:

Provided that this exemption shall apply only for a period of seven successive assessment years commencing with the assessment year next following the date on which such person returned to India.

*Explanation.*—A person shall be deemed to be of Indian origin if he, or either of his parents or any of his grandparents, was born in undivided India;

(xxxiv) in the case of an individual, being a citizen of India, who is not resident in India during the year ending on the valuation date, the value of any equity shares in any company of the type referred to in clause (d) of section 45 which is engaged in the business of manufacture or production of any one or more of the articles or things specified in Schedule II or which is certified by the prescribed authority to have undertaken the export of such percentage of its total production as may be specified in this behalf by the prescribed authority, where such shares form part of the initial issue of the equity share capital made by the company after the 31st day of March, 1976 or where such shares form part of an issue of equity share capital which is certified by the prescribed authority to have been made by the company after the 31st day of March, 1976 for the purposes of expansion or diversification of its industrial undertaking.

*Explanation.*—An individual shall be deemed to be not resident in India during the year ending on the valuation date if in respect of that year the individual is not resident in India within the meaning of the Income-tax Act.”;

(3) in section 7,—

(a) in sub-section (3), for the words “the valuation date”, the words, brackets and figure “the valuation date, or, in the case of an asset being a house referred to in sub-section (4), the valuation date referred to in that sub-section” shall be substituted;

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

‘(4) Notwithstanding anything contained in sub-section (1), the value of a house belonging to the assessee and exclusively used by him for residential purposes throughout the period of twelve months immediately preceding the valuation date may, at the option of the assessee, be taken to be the price which, in the opinion of the Wealth-tax Officer, it would fetch if sold in the open market on the valuation date next following the date on which he became the owner of the house, or on the valuation date relevant to the assessment year commencing on the 1st day of April, 1971, whichever valuation date is later:

Provided that where more than one house belonging to the assessee is exclusively used by him for residential

purposes, the provisions of this sub-section shall apply only in respect of one of such houses which the assessee may, at his option, specify in this behalf in the return of net wealth.

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

(i) where the house has been constructed by the assessee, he shall be deemed to have become the owner thereof on the date on which the construction of such house was completed;

(ii) "house" includes a part of a house, being an independent residential unit.;

(4) in section 21, in sub-section (4), for the words "the Schedule", at both the places where they occur, the word and figure "Schedule I" shall be substituted with effect from the 1st day of April, 1977;

(5) in section 21A, in clause (a), for the words "the Schedule", the word and figure "Schedule I" shall be substituted with effect from the 1st day of April, 1977;

(6) the Schedule shall be numbered as Schedule I with effect from the 1st day of April, 1977 and with effect from that date—

(a) in the Schedule as so numbered, for Part I, the following Part shall be substituted, namely:—

#### "PART I

(1) In the case of every individual or Hindu undivided family, not being a Hindu undivided family to which item (2) of this Paragraph applies,—

#### Rate of tax

- (a) where the net wealth does not exceed  $\frac{1}{2}$  per cent. of the net wealth;  
Rs. 5,00,000
- (b) where the net wealth exceeds Rs. 2,500 plus  $1\frac{1}{2}$  per cent. of the amount by which the net wealth exceeds Rs. 5,00,000;  
Rs. 5,00,000 but does not exceed Rs. 10,00,000
- (c) where the net wealth exceeds Rs. 10,000 plus 2 per cent. of the amount by which the net wealth exceeds Rs. 10,00,000;  
Rs. 10,00,000 but does not exceed Rs. 15,00,000
- (d) where the net wealth exceeds Rs. 20,000 plus  $2\frac{1}{2}$  per cent. of the amount by which the net wealth exceeds Rs. 15,00,000;  
Rs. 15,00,000

Provided that for the purposes of this item,—

(i) no wealth-tax shall be payable where the net wealth does not exceed Rs. 1,00,000;

(ii) the wealth-tax payable shall, in no case, exceed 5 per cent. of the amount by which the net wealth exceeds Rs. 1,00,000.

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

#### Rate of tax

- (a) where the net wealth does not exceed Rs. 5,00,000  $1\frac{1}{2}$  per cent. of the net wealth,



- (b) where the net wealth exceeds Rs. 7,500 plus 2 per cent. of the amount by which the net wealth exceeds Rs. 5,00,000 but does not exceed Rs. 10,00,000
- (c) where the net wealth exceeds Rs. 17,500 plus 2½ per cent. of the amount by which the net wealth exceeds Rs. 10,00,000

Provided that for the purposes of this item,—

(i) no wealth-tax shall be payable where the net wealth does not exceed Rs. 1,00,000;

(ii) the wealth-tax payable shall, in no case, exceed 5 per cent. of the amount by which the net wealth exceeds Rs. 1,00,000.”;

(b) after the Schedule as so numbered, the following Schedule shall be inserted, namely:—

## SCHEDULE II

[See section 5(1)(xxxiv)]

### LIST OF ARTICLES OR THINGS

1. Ferro alloys; steel castings and forgings; special steels; and non-ferrous metals and their alloys.
2. Boilers and Steam Generating Plants.
3. Prime Movers (other than Electrical Generators), being industrial turbines or internal combustion engines.
4. Equipment for transmission and distribution of electricity; electrical motors; electrical furnaces; X-ray equipment; and electronic components and equipment.
5. Mechanised sailing vessels up to 1000 DWT; ship ancillaries; and commercial vehicles.
6. Industrial machinery.
7. Machine tools.
8. Agricultural machinery, being tractors or power tillers.
9. Earth-moving machinery.
10. Industrial instruments, being indicating, recording and regulating devices for pressure, temperature, rate of flow, weights, levels and the like.
11. Scientific instruments.
12. Nitrogenous and phosphatic fertilisers falling under “(1) Inorganic fertilisers” mentioned under the heading “18. Fertilisers” in the First Schedule to the Industries (Development and Regulation) Act, 1951.
13. Chemicals (other than fertilisers), namely:—
  - (1) Inorganic heavy chemicals.
  - (2) Organic heavy chemicals.
  - (3) Fine chemicals including photographic chemicals.

- (4) Synthetic resins and plastics.
- (5) Synthetic rubbers.
- (6) Man-made fibres.
- (7) Industrial explosives.
- (8) Insecticides, fungicides, weedicides and the like.
- (9) Synthetic detergents.
- (10) Miscellaneous chemicals (for industrial use only).
14. Drugs and pharmaceuticals.
15. Paper and pulp including paper products.
16. Automobile tyres and tubes.
17. Plate glass.
18. Ceramics, being refractories or furnace lining bricks—acidic, basic and neutral.
19. Cement products, being portland cement or asbestos cement.

#### *Gift-tax*

Amend-  
ment of  
Act 18  
of 1958.

28. In section 5 of the Gift-tax Act, 1958, in clause (iv) of sub-section (1), after the words "local authority", the words, brackets, figures and letter "or any authority referred to in clause (20A) of section 10 of the Income-tax Act" shall be inserted with effect from the 1st day of April, 1977.

#### *Surtax*

Amend-  
ment of  
Act 7 of  
1964.

29. In the Companies (Profits) Surtax Act, 1964,—

(a) in section 2, in clause (8), for the words "ten per cent.", at both the places where they occur, the words "fifteen per cent." shall be substituted with effect from the 1st day of April, 1977;

(b) in the First Schedule, in rule 3, for the portion beginning with the words "by the aggregate of—" and ending with the brackets, figures and words "(ii) any expenditure", the words "by the amount of any expenditure" shall be substituted with effect from the 1st day of April, 1977;

(c) in the Second Schedule,—

(i) in rule 1—

(1) in clause (ii), for the words, brackets and figures "sub-section (3) of section 34", the words, brackets, figures and letter "sub-section (4) of section 32A, or sub-section (3) of section 34" shall be substituted with effect from the 1st day of April, 1977; and

(2) clauses (iv) and (v) shall be omitted with effect from the 1st day of April, 1977;

(ii) after rule 1, the following rule shall be inserted, and shall be deemed to have been inserted with effect from the 1st day of April, 1975, namely:—

1A. Where a company has not made any credit in any account in its books as on the first day of the previous year

1 of 1956,

relevant to the assessment year which is of the nature of item (8) or item (9) under the heading "CURRENT LIABILITIES AND PROVISIONS" in the column relating to "LIABILITIES" in the "FORM OF BALANCE-SHEET", given in Part I of Schedule VI to the Companies Act, 1956, or where the Income-tax Officer is of opinion that the amount credited in such account falls short of the amount which should have reasonably been credited by it, the amount of its capital as computed under rule 1 shall be reduced by the amount which has not been so credited or, as the case may be, the amount of such shortfall.

*Explanation.*—For the purposes of this rule, the amount of credit which should have reasonably been made by a company in relation to any account of the nature of item (9) aforesaid, means the amount of dividend declared or paid by the company, on or after the first day of the previous year relevant to the assessment year, for the previous year immediately preceding the first mentioned previous year.;

(iii) in rule 2, in clause (i), the brackets, words and figures "[other than the debentures referred to in clause (iv) or moneys referred to in clause (v) of rule 1]" shall be omitted with effect from the 1st day of April, 1977;

(iv) in rule 3, for the words, brackets and figures "or issue of the debentures referred to in clause (iv), or borrowing of any moneys referred to in clause (v), of rule 1 or is reduced by any amount on account of reduction of paid-up share capital or redemption of such debentures or repayment of any such moneys," the words "or is reduced by any amount on account of reduction of paid-up share capital," shall be substituted with effect from the 1st day of April, 1977.

#### Interest-tax

30. In section 2 of the Interest-tax Act, 1974, in clause (7), with effect from the 1st day of April, 1977,—

(a) in sub-clause (i), the word "and" shall be omitted;

(b) in sub-clause (ii), the word "and" shall be inserted at the end;

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

"(iii) interest on moneys lent for the creation of a capital asset in India where the agreement under which such moneys are lent provides for the repayment thereof during a period of not less than seven years;"

#### CHAPTER IV

##### INDIRECT TAXES

31. 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 45 of 1974

Amendment of Act 32 of 1934

Auxiliary  
duties of  
customs.

32. (1) In the case of goods mentioned in the First Schedule to the Tariff Act, or in that Schedule as amended from time to time, there shall be levied and collected as an auxiliary duty of customs an amount equal to twenty per cent. of the value of the goods as determined in accordance with the provisions of section 14 of the Customs Act, 1962 (hereinafter referred to as the Customs Act):

52 of 1962.

Provided that on and from the date on which the Customs Tariff Act, 1975 comes into force, this sub-section shall have effect subject to the modification that for the words "First Schedule to the Tariff Act", the words and figures "First Schedule to the Customs Tariff Act, 1975" shall be substituted.

51 of 1975.

(2) Sub-section (1) shall cease to have effect after the 30th day of June, 1977, except as respects things done or omitted to be done before such cesser, and section 6 of the General Clauses Act, 1897, shall apply upon such cesser as if the said sub-section had then been repealed by a Central Act.

10 of 1897.

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

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

Amend-  
ment  
of Act 1  
of 1949.

33. In the Indian Tariff (Amendment) Act, 1949, in sections 4 and 5, for the figures "1976", the figures "1977" shall be substituted.

Amend-  
ment of  
Act 51  
of 1975.

34. The Customs Tariff Act, 1975 (hereinafter referred to as the Customs Tariff Act), shall be amended in the manner specified in the Third Schedule.

Amend-  
ment  
of Act 1  
of 1944.

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

Auxiliary  
duties of  
excise.

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

(2) Sub-section (1) shall cease to have effect after the 30th day of June, 1977, except as respects things done or omitted to be done before such cesser, and section 6 of the General Clauses Act, 1897, shall apply upon such cesser as if the said sub-section had then been repealed by a Central Act.

10 of 1897.

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

(4) The auxiliary duties of excise leviable under sub-section (1) in the financial year 1975-76 shall be for the purposes of the Union and the proceeds thereof shall not be distributed among the States.

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

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

Amend-  
ment of  
Act 58  
of 1957.

38. For the year beginning on the 1st day of April, 1976, no duty under the Central Excises Act or the Tariff Act or the Customs Tariff Act shall be levied in respect of salt manufactured in, or imported into, India.

Disconti-  
nuance of  
salt duty.

39. In the Medicinal and Toilet Preparations (Excise Duties) Act, 1955,—

Amend-  
ment of  
Act 16 of  
1955.

(a) for the words "opium, Indian hemp or other narcotic drug or narcotic", wherever they occur, the words "narcotic drug or narcotic" shall be substituted;

(b) in section 2,—

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

'(aa) "coca derivative" means—

(i) crude cocaine, that is, any extract of coca leaf which can be used, directly or indirectly, for the manufacture of cocaine;

(ii) ecgonine, that is, laevo-ecgonine having the chemical formula  $C_9H_{15}NO_3 \cdot H_2O$ , and all the derivatives of laevo-ecgonine from which it can be recovered; and

(iii) cocaine, that is, methyl-benzoyl-laevo-ecgonine having the chemical formula  $C_{17}H_{21}NO_4$ , and its salts;

(ab) "coca leaf" means—

(i) the leaf and young twigs of any coca plant, that is, of the *Erythroxylon coca* (Lamk.) and the *Erythroxylon novo-granatense* (Hiern.) and their varieties, and of any other species of this genus which the Central Government may, by notification in the Official Gazette, declare to be coca plants for the purposes of this Act; and

(ii) any mixture thereof, with or without neutral materials;'

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

'(bb) "derivative of opium" means—

(i) medicinal opium, that is, opium which has undergone the processes necessary to adapt it for medicinal use;

(ii) prepared opium, that is, any product of opium obtained by any series of operations designed to transform opium into an extract suitable for smoking, and the dross or other residue remaining after opium is smoked;

(iii) morphine, that is, the principal alkaloid of opium having the chemical formula  $C_{17}H_{19}NO_3$ , and its salts, and its derivatives;';

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

'(e) "Indian hemp" means—

(i) the leaves, small stalks and flowering or fruiting tops of the Indian hemp plant (*Cannabis sativa* L.), including all forms known as *bhang*, *siddhi* or *ganja*;

(ii) *charas*, that is, the resin obtained from the Indian hemp plant, which has not been submitted to any manipulations other than those necessary for packing and transport;

(iii) any mixture, with or without neutral materials, of any of the above forms of Indian hemp or any drink prepared therefrom; and

(iv) any extract or tincture of any of the above forms of Indian hemp;';

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

'(h) "narcotic drug" or "narcotic" means a substance which is coca leaf, or coca derivative, or opium, or derivative of opium, or Indian hemp and shall include any other substance, capable of causing or producing in human beings dependence, tolerance and withdrawal syndromes and which the Central Government may, by notification in the Official Gazette, declare to be a narcotic drug or narcotic;';

(c) the Schedule shall be amended in the manner specified in the Sixth Schedule.

## CHAPTER V

### MISCELLANEOUS

Amend-  
ment of  
Act 2 of  
1899.

40. In the Indian Stamp Act, 1899, in Schedule I, in the column headed 'Proper Stamp-duty', with effect from the 1st day of June, 1976,—

(a) in article No. 37, for the words "Fifteen naye paise", the words "One rupee" shall be substituted;

(b) in article No. 52, for the words "Fifteen naye paise", the words "Thirty paise" shall be substituted;

(c) in article No. 53, for the words "Ten naye paise", the words "Twenty paise" shall be substituted.

41. After section 43 of the Life Insurance Corporation Act, 1956, the following section shall be inserted with effect from the 1st day of June, 1976, namely:—

Amend-  
ment of  
Act 31  
of 1956.

42 of 1961.

“43A. Notwithstanding anything contained in section 193 or section 194 of the Income-tax Act, 1961, no deduction of income-tax shall be made on any interest or dividend payable to the Corporation in respect of any securities or shares owned by it or in which it has full beneficial interest.”

Deduction of income-tax not to be made on interest or dividend.

42. In section 32 of the Unit Trust of India Act, 1963, in clause (b) of sub-section (1), for sub-clause (ii), the following sub-clause shall be substituted with effect from the 1st day of April, 1977, namely:—

Amend-  
ment of  
Act 52  
of 1963

“(ii) a Hindu undivided family, not being a Hindu undivided family which at any time during the previous year has at least one member whose total income of the previous year exceeds the maximum amount not chargeable to income-tax under the Income-tax Act, 1961, or”.

43 of 1961.

43. In the Compulsory Deposit Scheme (Income-tax Payers) Act, 1974,—

Amend-  
ment of  
Act 38  
of 1974.

(a) in section 3, in sub-section (1), for the words, figures and letters “and the assessment year commencing on the 1st day of April, 1976.”, the words, figures and letters “, the assessment year commencing on the 1st day of April, 1976 and the assessment year commencing on the 1st day of April, 1977.” shall be substituted;

(b) in section 4, in sub-section (1), for the words “a compulsory deposit for that assessment year at the rates specified in the Schedule.”, the following shall be substituted, namely:—

“a compulsory deposit,—

(i) for the assessment year commencing on the 1st day of April, 1975 and the assessment year commencing on the 1st day of April, 1976, at the rates specified in Paragraph A of the Schedule; and

(ii) for the assessment year commencing on the 1st day of April, 1977, at the rates specified in Paragraph B of the Schedule.”;

(c) in the Schedule,—

(i) below the words “RATES OF COMPULSORY DEPOSIT” the word and letter “Paragraph A” shall be inserted; and

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

“Paragraph B

(1) Where the current income exceeds Rs. 15,000 but does not exceed Rs. 25,000 4 per cent. of the current income;

(2) Where the current income exceeds Rs. 25,000 but does not exceed Rs. 70,000 Rs. 1,000 plus 10 per cent. of the amount by which the current income exceeds Rs. 25,000;

- (3) Where the current income exceeds Rs. 5,500 plus 12 per cent. of the amount by which the current income exceeds Rs. 70,000

Provided that in a case (whether falling under Paragraph A or Paragraph B)—

(a) where the current income exceeds Rs. 15,000 but does not exceed Rs. 15,620, the compulsory deposit shall in no case exceed the amount by which the current income exceeds Rs. 15,000;

(b) where the amount of compulsory deposit calculated in accordance with the foregoing provisions is less than Rs. 100, it shall not be necessary for the depositor concerned to make such deposit."



## THE FIRST SCHEDULE

(See section 2)

## PART I

## INCOME-TAX AND SURCHARGE ON INCOME-TAX

## Paragraph A

## Sub-Paragraph I

In the case of every individual or Hindu undivided family or unregistered firm or other association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, not being a case to which Sub-Paragraph II of this Paragraph or any other Paragraph of this Part applies,—

*Rates of income-tax*

- |  |  |
|--|--|
| (1) where the total income does not exceed Rs. 8,000                         | Nil ;  |
| (2) where the total income exceeds Rs. 8,000 but does not exceed Rs. 15,000  | 17 per cent. of the amount by which the total income exceeds Rs. 8,000;                  |
| (3) where the total income exceeds Rs. 15,000 but does not exceed Rs. 20,000 | Rs. 1,190 plus 20 per cent. of the amount by which the total income exceeds Rs. 15,000;  |
| (4) where the total income exceeds Rs. 20,000 but does not exceed Rs. 25,000 | Rs. 2,190 plus 30 per cent. of the amount by which the total income exceeds Rs. 20,000;  |
| (5) where the total income exceeds Rs. 25,000 but does not exceed Rs. 30,000 | Rs. 3,690 plus 40 per cent. of the amount by which the total income exceeds Rs. 25,000;  |
| (6) where the total income exceeds Rs. 30,000 but does not exceed Rs. 50,000 | Rs. 5,690 plus 50 per cent. of the amount by which the total income exceeds Rs. 30,000;  |
| (7) where the total income exceeds Rs. 50,000 but does not exceed Rs. 70,000 | Rs. 15,690 plus 60 per cent. of the amount by which the total income exceeds Rs. 50,000; |
| (8) where the total income exceeds Rs. 70,000                                | Rs. 27,690 plus 70 per cent. of the amount by which the total income exceeds Rs. 70,000. |

*Surcharge on income-tax*

The amount of income-tax computed in accordance with the preceding provisions of this Sub-Paragraph shall be increased by a surcharge for

purposes of the Union calculated at the rate of ten per cent. of such income-tax.

*Sub-Paragraph II*

In the case of every Hindu undivided family which at any time during the previous year has at least one member whose total income of the previous year relevant to the assessment year commencing on the 1st day of April, 1976 exceeds Rs. 8,000,—

*Rates of income-tax*

- |  |  |
|--|--|
| (1) where the total income does not exceed Rs. 8,000                         | does Nil;  |
| (2) where the total income exceeds Rs. 8,000 but does not exceed Rs. 15,000  | 20 per cent. of the amount by which the total income exceeds Rs. 8,000;                  |
| (3) where the total income exceeds Rs. 15,000 but does not exceed Rs. 20,000 | Rs. 1,400 plus 30 per cent. of the amount by which the total income exceeds Rs. 15,000;  |
| (4) where the total income exceeds Rs. 20,000 but does not exceed Rs. 25,000 | Rs. 2,900 plus 40 per cent. of the amount by which the total income exceeds Rs. 20,000;  |
| (5) where the total income exceeds Rs. 25,000 but does not exceed Rs. 30,000 | Rs. 4,900 plus 50 per cent. of the amount by which the total income exceeds Rs. 25,000;  |
| (6) where the total income exceeds Rs. 30,000 but does not exceed Rs. 50,000 | Rs. 7,400 plus 60 per cent. of the amount by which the total income exceeds Rs. 30,000;  |
| (7) where the total income exceeds Rs. 50,000                                | Rs. 19,400 plus 70 per cent. of the amount by which the total income exceeds Rs. 50,000. |

*Surcharge on income-tax*

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

*Paragraph B*

In the case of every co-operative society,—

*Rates of income-tax*

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

*Surcharge on income-tax*

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

*Paragraph C*  
*Sub-Paragraph I*

In the case of every registered firm, not being a case to which Sub-Paragraph II of this Paragraph applies,—

*Rates of income-tax*

- (1) where the total income does *Nil*;  
not exceed Rs. 10,000
- (2) where the total income exceeds 5 per cent. of the amount by  
Rs. 10,000 but does not exceed which the total income exceeds  
Rs. 25,000 Rs. 10,000;
- (3) where the total income exceeds Rs. 750 *plus* 7 per cent. of the  
Rs. 25,000 but does not exceed amount by which the total in-  
Rs. 50,000 come exceeds Rs. 25,000;
- (4) where the total income exceeds Rs. 2,500 *plus* 15 per cent. of the  
Rs. 50,000 but does not exceed amount by which the total in-  
Rs. 1,00,000 come exceeds Rs. 50,000;
- (5) where the total income exceeds Rs. 10,000 *plus* 24 per cent. of the  
Rs. 1,00,000 amount by which the total in-  
come exceeds Rs. 1,00,000.

*Surcharge on income-tax*

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

*Sub-Paragraph II*

In the case of every registered firm whose total income includes income derived from a profession carried on by it and the income so included is not less than fifty-one per cent. of such total income,—

*Rates of income-tax*

- (1) where the total income does not *Nil*;  
exceed Rs. 10,000
- (2) where the total income exceeds 4 per cent. of the amount by  
Rs. 10,000 but does not exceed Rs. 25,000 which the total income exceeds  
Rs. 10,000;
- (3) where the total income exceeds Rs. 600 *plus* 7 per cent. of the  
Rs. 25,000 but does not exceed Rs. 50,000 amount by which the total  
income exceeds Rs. 25,000;
- (4) where the total income exceeds Rs. 2,350 *plus* 13 per cent. of the  
Rs. 50,000 but does not exceed amount by which the total  
Rs. 1,00,000 income exceeds Rs. 50,000;
- (5) where the total income exceeds Rs. 8,850 *plus* 22 per cent. of the  
Rs. 1,00,000 amount by which the total  
income exceeds Rs. 1,00,000.

*Surcharge on income-tax*

The amount of income-tax computed in accordance with the preceding provisions of this Sub-Paragraph shall be increased by a surcharge for

purposes of the Union calculated at the rate of ten per cent. of such income-tax.

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

*Paragraph D*

In the case of every local authority,—

*Rate of income-tax*

On the whole of the total income 50 per cent.

*Surcharge on income-tax*

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

*Paragraph E*

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

31 of 1956.

*Rates of income-tax*

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

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

*Surcharge on income-tax*

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

*Paragraph F*

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

31 of 1956.

*Rates of income-tax*

I. In the case of a domestic company,—

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

(i) in a case where the total income does not exceed Rs. 1,00,000 45 per cent. of the total income;

(ii) in a case where the total income exceeds Rs. 1,00,000 55 per cent. of the total income;

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

(i) in the case of an industrial company,—

(a) where the total income does not exceed Rs. 2,00,000 55 per cent. of the total income;

(b) where the total income exceeds Rs. 2,00,000 60 per cent. of the total income;

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

Provided that—

(i) the income-tax payable by a domestic company, being a company in which the public are substantially interested, the total income of which exceeds Rs. 1,00,000, shall not exceed the aggregate of—

(a) the income-tax which would have been payable by the company if its total income had been Rs. 1,00,000 (the income of Rs. 1,00,000 for this purpose being computed as if such income included income from various sources in the same proportion as the total income of the company); and

(b) eighty per cent. of the amount by which its total income exceeds Rs. 1,00,000;

(ii) the income-tax payable by a domestic company, not being a company in which the public are substantially interested, which is an industrial company and the total income of which exceeds Rs. 2,00,000, shall not exceed the aggregate of—

(a) the income-tax which would have been payable by the company if its total income had been Rs. 1,00,000 (the income of Rs. 2,00,000 for this purpose being computed as if such income included income from various sources in the same proportion as the total income of the company); and

(b) eighty per cent. of the amount by which its total income exceeds Rs. 2,00,000.

II. In the case of a company other than a domestic company—

(i) on so much of the total income as consists of—

(a) royalties received from an Indian concern in pursuance of an agreement made by it with the Indian concern after the 31st day of March, 1961, or

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

and where such agreement has, in either case, been approved by the Central Government 50 per cent.;

(ii) on the balance, if any, of the total income 70 per cent.

*Surcharge on income-tax*

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

PART II

*Rates for deduction of tax at source in certain cases*

In every case in which under the provisions of sections 193, 194, 194A, 194B, 194D and 195 of the Income-tax Act, tax is to be deducted at the rates in force, deduction shall be made from the income subject to deduction at the following rates:—

|  | Income-tax  |                      |
|--|---|----------------------|
|  | Rate of<br>income-tax   | Rate of<br>surcharge |
| 1. In the case of a person other than a company—                             |   |                      |
| (a) where the person is resident in India—                                   |   |                      |
| (i) on income by way of interest other than “Interest on securities”         | 10 per cent.  | <i>Nil</i> ;         |
| (ii) on income by way of winnings from lotteries and cross-word puzzles      | 30 per cent.  | 3 per cent. ;        |
| (iii) on income by way of insurance commission                               | 10 per cent.  | <i>Nil</i> ;         |
| (iv) on any other income (excluding interest payable on a tax-free security) | 21 per cent.  | 2 per cent.;         |
| (b) where the person is not resident in India—                               |   |                      |
| (i) on the whole income (excluding interest payable on a tax-free security)  | income-tax at 30 per cent. and surcharge at 3 per cent. of the amount of the income,<br>or<br>income-tax and surcharge on income-tax in respect of the income at the rates prescribed in Sub-Paragraph I of Paragraph A of Part III of this Schedule, if such income had been the total income,<br><br>whichever is higher; |                      |
| (ii) on income by way of interest payable on a tax-free security             | 15 per cent.  | 1.5 per cent.        |
| 2. In the case of a company—   |   |                      |
| (a) where the company is a domestic company—                                 |   |                      |
| (i) on income by way of interest other than “Interest on securities”         | 20 per cent.  | 1 per cent.;         |

|  | Income-tax            |                      |
|--|-----------------------|----------------------|
|  | Rate of<br>income-tax | Rate of<br>surcharge |
| (ii) on any other income (excluding interest payable on a tax-free security)   | 22 per cent.          | 1 per cent.;         |
| (b) where the company is not a domestic company—   |                       |                      |
| (i) on income by way of dividends payable by any domestic company  | 25 per cent.          | Nil;                 |
| (ii) on income by way of royalties payable by an Indian concern in pursuance of an agreement made by it with the Indian concern and which has been approved by the Central Government,—  |                       |                      |
| (A) where the agreement is made after the 31st day of March, 1961 but before the 1st day of April, 1976  | 50 per cent.          | 2.5 per cent.;       |
| (B) where the agreement is made after the 31st day of March, 1976—   |                       |                      |
| (i) on so much of the amount of such income as consists of lump sum consideration for the transfer outside India of, or the imparting of information outside India in respect of, any data, documentation, drawing or specification relating to any patent, invention, model, design, secret formula or process, or trade mark or similar property | 20 per cent.          | Nil ;                |
| (2) on the balance, if any, of such income   | 40 per cent.          | Nil;                 |
| (iii) on income by way of fees for technical services payable by an Indian concern in pursuance of an agreement made by it with the Indian concern and which has been approved by the Central Government—  |                       |                      |
| (A) where the agreement is made after the 29th day of February, 1964 but before the 1st day of April, 1976   | 50 per cent.          | 2.5 per cent.;       |
| (B) where the agreement is made after the 31st day of March, 1976  | 40 per cent.          | Nil;                 |

|  | Income-tax         |                   |
|--|--------------------|-------------------|
|  | Rate of income-tax | Rate of surcharge |
| (iv) on income by way of interest payable on a tax-free security | 44 per cent.       | 2.2 per cent.;    |
| (v) on any other income  | 70 per cent.       | 3.5 per cent.     |

## PART III

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

In cases in which income-tax has to be calculated under the first proviso to sub-section (5) of section 132 of the Income-tax Act or charged under sub-section (4) of section 172 or sub-section (2) of section 174 or section 175 or sub-section (2) of section 176 of the said Act or deducted under section 192 of the said Act from income chargeable under the head "Salaries" or deducted under sub-section (9) of section 80E of the said Act from any payment referred to in the said sub-section (9) or in which the "advance tax" payable under Chapter XVII-C of the said Act has to be computed, at the rate or rates in force, such income-tax or, as the case may be, "advance tax" (not being "advance tax" in respect of any income chargeable to tax under Chapter XII or section 164 of the Income-tax Act at the rates as specified in that Chapter or section), shall be so calculated, charged, deducted or computed at the following rate or rates:—

## Paragraph A

## Sub-Paragraph I

In the case of every individual or Hindu undivided family or unregistered firm or other association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, not being a case to which Sub-Paragraph II of this Paragraph or any other Paragraph of this Part applies,—

## Rates of income-tax

- (1) where the total income does not exceed Rs. 8,000 *Nil*;
- (2) where the total income exceeds Rs. 8,000 but does not exceed Rs. 15,000 15 per cent. of the amount by which the total income exceeds Rs. 8,000;
- (3) where the total income exceeds Rs. 15,000 but does not exceed Rs. 20,000 Rs. 1,050 plus 18 per cent. of the amount by which the total income exceeds Rs. 15,000;
- (4) where the total income exceeds Rs. 20,000 but does not exceed Rs. 25,000 Rs. 1,950 plus 25 per cent. of the amount by which the total income exceeds Rs. 20,000;



- (5) where the total income exceeds Rs. 25,000 but does not exceed Rs. 30,000 Rs. 3,200 *plus* 30 per cent. of the amount by which the total income exceeds Rs. 25,000;
- (6) where the total income exceeds Rs. 30,000 but does not exceed Rs. 50,000 Rs. 4,700 *plus* 40 per cent. of the amount by which the total income exceeds Rs. 30,000;
- (7) where the total income exceeds Rs. 50,000 but does not exceed Rs. 70,000 Rs. 12,700 *plus* 50 per cent. of the amount by which the total income exceeds Rs. 50,000;
- (8) where the total income exceeds Rs. 70,000 but does not exceed Rs. 1,00,000 Rs. 22,700 *plus* 55 per cent. of the amount by which the total income exceeds Rs. 70,000;
- (9) where the total income exceeds Rs. 1,00,000 Rs. 39,200 *plus* 60 per cent. of the amount by which the total income exceeds Rs. 1,00,000.

#### *Surcharge on income-tax*

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

#### *Sub-Paragraph II*

In the case of every Hindu undivided family which at any time during the previous year has at least one member whose total income of the previous year relevant to the assessment year commencing on the 1st day of April, 1977 exceeds Rs. 8,000,—

#### *Rates of income-tax*

- (1) where the total income does not exceed Rs. 8,000 *Nil*;
- (2) where the total income exceeds Rs. 8,000 but does not exceed Rs. 15,000 18 per cent. of the amount by which the total income exceeds Rs. 8,000;
- (3) where the total income exceeds Rs. 15,000 but does not exceed Rs. 20,000 Rs. 1,260 *plus* 25 per cent. of the amount by which the total income exceeds Rs. 15,000;
- (4) where the total income exceeds Rs. 20,000 but does not exceed Rs. 25,000 Rs. 2,510 *plus* 30 per cent. of the amount by which the total income exceeds Rs. 20,000;
- (5) where the total income exceeds Rs. 25,000 but does not exceed Rs. 30,000 Rs. 4,010 *plus* 40 per cent. of the amount by which the total income exceeds Rs. 25,000;
- (6) where the total income exceeds Rs. 30,000 but does not exceed Rs. 50,000 Rs. 6,010 *plus* 50 per cent. of the amount by which the total income exceeds Rs. 30,000;
- (7) where the total income exceeds Rs. 50,000 but does not exceed Rs. 70,000 Rs. 16,010 *plus* 55 per cent. of the amount by which the total income exceeds Rs. 50,000;
- (8) where the total income exceeds Rs. 70,000 Rs. 27,010 *plus* 60 per cent. of the amount by which the total income exceeds Rs. 70,000.

*Surcharge on income-tax*

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

*Paragraph B*

In the case of every co-operative society,—

*Rates of income-tax*

(1) where the total income does not exceed Rs. 10,000 15 per cent. of the total income;

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

(3) where the total income exceeds Rs. 20,000 Rs. 4,000 plus 40 per cent. of the amount by which the total income exceeds Rs. 20,000.

*Surcharge on income-tax*

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

*Paragraph C**Sub-Paragraph I*

In the case of every registered firm, not being a case to which Sub-Paragraph II of this Paragraph applies,—

*Rates of income-tax*

(1) where the total income does not exceed Rs. 10,000 Nil;

(2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 25,000 5 per cent. of the amount by which the total income exceeds Rs. 10,000;

(3) where the total income exceeds Rs. 25,000 but does not exceed Rs. 50,000 Rs. 750 plus 7 per cent. of the amount by which the total income exceeds Rs. 25,000;

(4) where the total income exceeds Rs. 50,000 but does not exceed Rs. 1,00,000 Rs. 2,500 plus 15 per cent. of the amount by which the total income exceeds Rs. 50,000;

(5) where the total income exceeds Rs. 1,00,000 Rs. 10,000 plus 24 per cent. of the amount by which the total income exceeds Rs. 1,00,000.

*Surcharge on income-tax*

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

*Sub-Paragraph II*

In the case of every registered firm whose total income includes income derived from a profession carried on by it and the income so included is not less than fifty-one per cent. of such total income,—

*Rates of income-tax*

- (1) where the total income does not exceed Rs. 10,000 Nil;
- (2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 25,000 4 per cent. of the amount by which the total income exceeds Rs. 10,000;
- (3) where the total income exceeds Rs. 25,000 but does not exceed Rs. 50,000 Rs. 600 plus 7 per cent. of the amount by which the total income exceeds Rs. 25,000;
- (4) where the total income exceeds Rs. 50,000 but does not exceed Rs. 1,00,000 Rs. 2,350 plus 13 per cent. of the amount by which the total income exceeds Rs. 50,000;
- (5) where the total income exceeds Rs. 1,00,000 Rs. 8,850 plus 22 per cent. of the amount by which the total income exceeds Rs. 1,00,000.

*Surcharge on income-tax*

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

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

*Paragraph D*

In the case of every local authority,—

*Rate of income-tax*

On the whole of the total income 50 per cent.

*Surcharge on income-tax*

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

*Paragraph E*

In the case of a company,—

*Rates of income-tax*

1. In the case of a domestic company,—

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

(i) in a case where the total income does not exceed Rs. 1,00,000 45 per cent. of the total income;

(ii) in a case where the total income exceeds Rs. 1,00,000 55 per cent. of the total income;

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

(i) in the case of an industrial company,---

(a) where the total income does not exceed Rs. 2,00,000 55 per cent. of the total income;

(b) where the total income exceeds Rs. 2,00,000 60 per cent. of the total income;

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

Provided that---

(i) the income-tax payable by a domestic company, being a company in which the public are substantially interested, the total income of which exceeds Rs. 1,00,000, shall not exceed the aggregate of—

(a) the income-tax which would have been payable by the company if its total income had been Rs. 1,00,000 (the income of Rs. 1,00,000 for this purpose being computed as if such income included income from various sources in the same proportion as the total income of the company); and

(b) eighty per cent. of the amount by which its total income exceeds Rs. 1,00,000;

(ii) the income-tax payable by a domestic company, not being a company in which the public are substantially interested, which is an industrial company and the total income of which exceeds Rs. 2,00,000, shall not exceed the aggregate of—

(a) the income-tax which would have been payable by the company if its total income had been Rs. 2,00,000 (the income of Rs. 2,00,000 for this purpose being computed as if such income included income from various sources in the same proportion as the total income of the company); and

(b) eighty per cent. of the amount by which its total income exceeds Rs. 2,00,000.

II. In the case of a company other than a domestic company,—

(i) on so much of the total income as consists of—

(a) royalties received from an Indian concern in pursuance of an agreement made by it with the Indian concern after the 31st day of March, 1961 but before the 1st day of April, 1976, or

(b) fees for rendering technical services received from an Indian concern in pursuance of an agreement made by it with the Indian concern after the 29th day of February, 1964 but before the 1st day of April, 1976,

and where such agreement has, in 50 per cent.;  
either case, been approved by the  
Central Government

(ii) on the balance, if any, of the 70 per cent.  
total income

*Surcharge on income-tax*

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

PART IV

[See section 2(9)(e)]

RULES FOR COMPUTATION OF NET AGRICULTURAL INCOME

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

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

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

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

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

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

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

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

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

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

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

*Rule 9.*—(1) Where the assessee has, in the previous year relevant to the assessment year commencing on the 1st day of April, 1976, any agricultural income and the net result of the computation of the agricultural income of the assessee for the previous year relevant to the assessment year commencing on the 1st day of April, 1974 or the 1st day of April, 1975, or both, is a loss, then, for the purposes of sub-section (2) of section 2 of this Act,—

(i) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1974, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1975, and

(ii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1975, shall be set off against the agricultural income of the assessee for the previous year relevant to the assessment year commencing on the 1st day of April, 1976.

(2) Where the assessee has, in the previous year relevant to the assessment year commencing on the 1st day of April, 1977 or, if by virtue of any provision of the Income-tax Act, income-tax is to be charged in respect of the income of a period other than that previous year, in such other period, any agricultural income and the net result of the computation of the agricultural income of the assessee for any one or more of the previous years relevant to the assessment years commencing on the 1st day of April, 1974 or the 1st day of April, 1975 or the 1st day of April, 1976, is a loss, then, for the purposes of sub-section (7) of section 2 of this Act,—

(i) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1974, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1975 or the 1st day of April, 1976,

(ii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1975, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1976, and

(iii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1976,

shall be set off against the agricultural income of the assessee for the previous year relevant to the assessment year commencing on the 1st day of April, 1977 or the period aforesaid.

(3) Where a change has occurred in the constitution of a firm, nothing in sub-rule (1) or sub-rule (2) shall entitle the firm to set off so much of the loss proportionate to the share of a retired or deceased partner computed in the manner laid down in sub-section (1), sub-section (2) and sub-section (3) of section 67 of the Income-tax Act as exceeds his share of profits, if any, of the previous year in the firm, or entitle any partner to the benefit of any portion of the said loss (computed in the manner aforesaid) which is not apportionable to him.

(4) Where any person deriving any agricultural income from any source has been succeeded in such capacity by another person, otherwise than by inheritance, nothing in sub-rule (1) or sub-rule (2) shall entitle any person, other than the person incurring the loss, to have it set off under sub-rule (1) or, as the case may be, sub-rule (2).

(5) Notwithstanding anything contained in this rule, no loss which has not been determined by the Income-tax Officer under the provisions of these rules, or the rules contained in Part IV of the First Schedule to the Finance Act, 1974, or of the First Schedule to the Finance Act, 1975, shall be set off under sub-rule (1) or, as the case may be, sub-rule (2).

*Rule 10.*—Where the net result of the computation made in accordance with these rules is a loss, the loss so computed shall be ignored and the net agricultural income shall be deemed to be *nil*.

*Rule 11.*—The provisions of the Income-tax Act relating to procedure for assessment (including the provisions of section 288A relating to rounding off of income) shall, with the necessary modifications, apply in relation to the computation of the net agricultural income of the assessee as they apply in relation to the assessment of the total income.

*Rule 12.*—For the purposes of computing the net agricultural income of the assessee, the Income-tax Officer shall have the same powers as he has under the Income-tax Act for the purposes of assessment of the total income.

## THE SECOND SCHEDULE

(See section 31)

### PART I

In the First Schedule to the Tariff Act,—

(i) in Item No. 47(2), for the entry in the fourth column, the entry "100 per cent. *ad valorem plus* Rs. 20.00 per kilogram" shall be substituted;

(ii) in Item No. 63(20A), for the figures "200" in the fourth column, the figures "300" shall be substituted;

(iii) in Item No. 64, for the figures "60" and "50" in the fourth and fifth columns, the figures "100" and "90" shall, respectively, be substituted;

(iv) in Item Nos. 64(1) and 64(2), for the figures "40" in the fourth column against each of them, the figures "100" shall be substituted;

(v) in Item Nos. 64(3) and 64(5), for the figures "50" and "60" in the fourth column against each of them, the figures "90" and "100" shall, respectively, be substituted;

(vi) in Item No. 64(4), for the figures "40", "30" and "30" in the fourth, fifth and sixth columns, the figures "100", "90" and "90" shall, respectively, be substituted.



PART II

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

In the First Schedule to the Tariff Act,—

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

|      |  |                       |                           |                           |                           |      |
|------|--|-----------------------|---------------------------|---------------------------|---------------------------|------|
| "28C | Caprolactam and [Dime-thyl tere-phthalate. | Preferential Revenue. | 150 per cent. ad valorem. | 140 per cent. ad valorem. | 140 per cent. ad valorem. | .."; |
|------|--|-----------------------|---------------------------|---------------------------|---------------------------|------|

(ii) for Item No. 63(30), the following Item shall be substituted, namely:—

|         |  |           |                          |    |    |      |
|---------|--|-----------|--------------------------|----|----|------|
| "63(30) | Alloy steel and high carbon steel products, the following, namely, ingots, blooms, billets, slabs, bars, flats, rods, coils, angles, shapes, sections, sheets, plates, hoops, strips and wire, but excluding articles specified in Item Nos. 63 (14A) and 63(20A). | [Revenue. | 60 per cent. ad valorem. | .. | .. | ..". |
|---------|--|-----------|--------------------------|----|----|------|

Explanation 1.—This Item is to be taken to apply to the goods mentioned therein even though they may be covered by any other Item in this Schedule.

*Explanation II.*—For the purposes of this Item, the expressions “alloy steel” and “high carbon steel” have the meanings respectively assigned to them in Note 1(d) and 1(e) of Chapter 73 of the First Schedule to the Customs Tariff Act, 1975.

51 of 1975.

### THE THIRD SCHEDULE

[See section 34]

#### PART I

In the First Schedule to the Customs Tariff Act,—

(i) in Heading No. 51.01/03, for the entry in column (3), the entry “100% plus Rs. 20 per kilogram” shall be substituted;

(ii) in Heading No. 56.05/06, for the entry in column (3), the entry “100% plus Rs. 20 per kilogram” shall be substituted;

(iii) in Heading No. 74.01/02, for the entry in column (3), the entry “100%” shall be substituted;

(iv) in Heading No. 74.03,—

(1) in sub-heading No. (1), for the entry in column (3), the entry “100%” shall be substituted;

(2) in sub-heading No. (2), for the entries in columns (3) and (4), the entries “100%” and “90%” shall, respectively, be substituted;

(v) in Headings Nos. 74.04/05 and 74.06, for the entry in column (3) against each of them, the entry “100%” shall be substituted;

(vi) in Heading No. 74.07/08, in sub-heading No. (1), for the entry in column (3), the entry “100%” shall be substituted;

(vii) in Heading No. 74.09/19, for the entry in column (3), the entry “100%” shall be substituted.

#### PART II

| Heading No. | Sub-heading No. and description of article | Rate of duty |      |                          | Duration when rates of duty are protective |
|-------------|--|--------------|------|--------------------------|--|
|             |  | Standard     | U.K. | Other Preferential Areas |  |
| (1)         | (2)  | (3)          | (4)  | (5)                      | (6)  |

In the First Schedule to the Customs Tariff Act,—

(i) in Heading No. 29.01/45, after sub-heading No. (19), the following sub-heading shall be inserted, namely:—

|       |  |      |      |      |  |
|-------|--|------|------|------|--|
| “(20) | Caprolactam and Dimethyl terephthalate | 150% | 140% | 140% |  |
|-------|--|------|------|------|--|

(ii) for Heading No. 73.15, the following Heading shall be substituted, namely:—

|        |  |
|--------|--|
| “73.15 | Alloy steel and high carbon steel in the |
|--------|--|

| (1) | (2)  | (3)  | (4) | (5) | (6)   |
|-----|--|------|-----|-----|-------|
|     | forms mentioned in Headings Nos. 73·06/07 to 73·14                       |      |     |     |       |
|     | (1) Not elsewhere specified.   | 60%  | ..  | ..  | ..    |
|     | (2) Coils for re-rolling, strips, sheets and plates, of stainless steel. | 300% | ..  | ..  | .. ”. |

## PART III

In the Second Schedule to the Customs Tariff Act, in Heading No. 1, for the entry in column (3), the entry “Rs. 300 per quintal” shall be substituted.

## PART IV

| Heading No. | Description of article | Rate of duty |
|-------------|------------------------|--------------|
| (1)         | (2)                    | (3)          |

In the Second Schedule to the Customs Tariff Act, the following Heading shall be inserted at the end, namely:—

|      |                               |                      |
|------|-------------------------------|----------------------|
| “20. | Groundnut—                    |                      |
|      | (i) Groundnut kernel . . .    | Rs. 800 per tonne.   |
|      | (ii) Groundnut in shell . . . | Rs. 600 per tonne.”. |

## THE FOURTH SCHEDULE

[See section 35]

## PART I

In the First Schedule to the Central Excises Act,—

(i) in Item No. 4, under “II. Manufactured tobacco—”, for the entry in the third column against sub-item (1), the entry “One hundred and fifty-five per cent. *ad valorem*.” shall be substituted;

(ii) in Item No. 6, for the entry in the third column, the entry “Two thousand two hundred rupees per kilolitre at fifteen degrees of Centigrade thermometer.” shall be substituted;

(iii) in Item No. 8, for the entry in the third column against sub-item (a), the entry “One thousand rupees per kilolitre at fifteen degrees of Centigrade thermometer.” shall be substituted;

(iv) in Item No. 10, for the entry in the third column, the entry “One hundred and fifty rupees per kilolitre at fifteen degrees of Centigrade thermometer.” shall be substituted;

(v) in Item No. 11, for the entry in the third column against sub-item (1), the entry “Two hundred rupees per metric tonne.” shall be substituted;

(vi) in Item No. 11A, for the entries in the third column against sub-items (3) and (4), the entries “Twenty per cent. *ad valorem plus* six hundred rupees per metric tonne.” and “Twenty per cent. *ad*

*valorem plus two thousand rupees per metric tonne.*" shall, respectively, be substituted;

(vii) in Item No. 11B, for the entry in the third column, the entry "Twenty per cent. *ad valorem plus two thousand rupees per metric tonne.*" shall be substituted;

(viii) in Item No. 14E, for the entry in the third column, the entry "Twelve and a half per cent. *ad valorem.*" shall be substituted;

(ix) in Item No. 18, after *Explanation III*, the following *Explanation* shall be inserted, namely:—

"*Explanation IV.*—This item does not include mineral fibres and yarn.";

(x) in Item No. 19, in the second column, for the words "impregnated or coated", wherever they occur, the words "impregnated, coated or laminated" shall be substituted;

(xi) in Item No. 22,—

(a) in the second column, for the words "impregnated or coated", wherever they occur, the words "impregnated, coated or laminated" shall be substituted;

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

"*Explanation II.*—This item does not include glass fabrics.";

(xii) in Item No. 22B, in the second column, for the words "IMPREGNATED OR COATED", the words "IMPREGNATED, COATED OR LAMINATED" shall be substituted;

(xiii) in Item No. 22C, in the second column, for the words "IMPREGNATION OR COATING", the words "IMPREGNATION, COATING OR LAMINATION" shall be substituted;

(xiv) in Item No. 33A,—

(a) for the entries in the third column against sub-items (2) and (3), the entries "Four hundred rupees per set." and "Four hundred rupees per set." shall, respectively, be substituted;

(b) for the entry in the second column against sub-item (3), the entry "Radiograms (including radio or transistor sets with extra space in cabinet for fitting in record players or record changers) and combination sets of radios (including transistor sets) and tape recorders (including cassette recorders and tape decks)" shall be substituted;

(xv) in Item No. 33D, in the second column,—

(a) the words and brackets "COMPUTERS (INCLUDING CENTRAL PROCESSING UNITS AND PERIPHERAL DEVICES)" shall be omitted;

(b) after the words "OR UNASSEMBLED CONDITION" the words "NOT ELSEWHERE SPECIFIED" shall be inserted;

(xvi) in Item No. 35, in the second column, for the words "CYCLES, PARTS OF CYCLES", the words "PARTS OF CYCLES" shall be substituted;

(xvii) Item No. 45 shall be omitted.

## PART II

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

In the First Schedule to the Central Excises Act,—

(i) for Item No. 1D, the following Item shall be substituted, namely :—

|     |  |  |
|-----|--|--|
| "1D | AERATED WATERS, WHETHER OR NOT FLAVOURED OR SWEETENED AND WHETHER OR NOT CONTAINING VEGETABLE OR FRUIT JUICE OR FRUIT PULP-- |  |
|     | (1) Aerated waters, in the manufacture of which blended flavouring concentrates in any form are used—                        |  |
|     | (a) For each unit container containing 200 millilitres or less.  | Twenty-five paise.   |
|     | (b) For each unit container containing more than 200 millilitres.  | Twenty-five paise plus ten paise for every hundred millilitres or fraction thereof in excess of 200 millilitres. |
|     | (c) All others.  | Fifty-five per cent. <i>ad valorem</i> .   |
|     | (2) All others.  | Twenty per cent <i>ad valorem</i> ."   |

(ii) After Item No. 15 B, the following Item shall be inserted, namely :—

|      |   |                                   |
|------|---|-----------------------------------|
| "15C | STARCH (INCLUDING DEXTRIN AND OTHER FORMS OF MODIFIED STARCH), ALL SORTS, IN OR IN RELATION TO THE MANUFACTURE OF WHICH ANY PROCESS IS ORDINARILY CARRIED ON WITH THE AID OF POWER. | Ten per cent <i>ad valorem</i> ." |
|------|---|-----------------------------------|

(iii) for Item No. 17, the following Item shall be substituted, namely:—

|     |   |
|-----|---|
| "17 | PAPER AND PAPER BOARD, ALL SORTS (including pasteboard, millboard, strawboard, cardboard and corrugated |
|-----|---|

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

board), in or in relation to the manufacture of which any process is ordinarily carried on with the aid of power—

(1) Uncoated and coated printing and writing paper (other than poster paper). Twenty-five per cent. *ad valorem*.

(2) Paper board and all other kinds of paper (including paper or paper boards which have been subjected to various treatments such as coating, impregnating, currugation, creping and design printing), not elsewhere specified. Thirty per cent. *ad valorem*.”;

(iv) In Item No. 19, for sub-item I(2), the following sub-item shall be substituted, namely :—

“(2) Others—

(a) Cotton fabrics, superfine—that is to say, fabrics in which the average count of yarn is 61s or more. Fifteen per cent. *ad valorem*.

(b) Cotton fabrics, fine—that is to say, fabrics in which the average count of yarn is 41s or more but is less than 61s. Fifteen per cent. *ad valorem*.

(c) Cotton fabrics, medium A—that is to say, fabrics in which the average count of yarn is 26s or more but is less than 41s. Three per cent. *ad valorem*.

(d) Cotton fabrics, medium B—that is to say, fabrics in which the average count of yarn is 17s or more but is less than 26s. Three per cent. *ad valorem*.

(e) Cotton fabrics, coarse—that is to say, fabrics in which the average count of yarn is less than 17s. Three per cent. *ad valorem*.

(f) Cotton fabrics not otherwise specified. Fifteen per cent. *ad valorem*.”;

(v) after Item No. 22E, the following Item shall be inserted, namely :—

“22F MINERAL FIBRES AND YARN, AND MANUFACTURES THEREFROM, IN OR IN RELATION TO THE MANUFACTURE OF WHICH ANY PROCESS IS ORDINARILY CARRIED ON WITH THE AID OF POWER. Fifteen per cent. *ad valorem*.”;

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

*Explanation.*—“Mineral fibres and yarn; and manufactures therefrom” shall be deemed to include—

(i) glass fibre and yarn including glass tissues and glass wool;

(ii) asbestos fibre and yarn;

(iii) any other mineral fibre or yarn, whether continuous or otherwise such as slag-wool and rock wool; and

(iv) manufactures containing mineral fibres and yarn, other than asbestos cement products.

(v) for Item No. 23, the following Item shall be substituted, namely:—

‘ 23. CEMENT ALL VARIETIES—

(1) Grey portland cement (including ordinary portland cement, pozzolana cement and blast furnace slag cement), masonry cement, rapid hardening cement, low heat cement and waterproof (hydrophobic) cement. Rupees one hundred per metric tonne.

(2) All others. Thirty-five per cent. *ad valorem*.”;

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

“33DD COMPUTERS (INCLUDING CENTRAL PROCESSING UNITS AND PERIPHERAL DEVICES), ALL SORTS. Fifteen per cent. *ad valorem*.”.

## THE FIFTH SCHEDULE

[See section 37]

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

(i) in Item No. 4, under "II. *Manufactured tobacco*—", for sub-item (I), the following sub-item shall be substituted, namely:—

|                           |  |
|---------------------------|--|
| "(I) Cigars and cheroots. | Fifty per cent.<br><i>ad valorem.</i> "; |
|---------------------------|--|

(ii) in Item No. 19,—

(a) in the second column, for the words "impregnated or coated", wherever they occur, the words "impregnated, coated or laminated" shall be substituted;

(b) for the entries in the third column, against sub-items I(2) (a), I(2) (b), I(2) (c), I(2) (d), I(2) (e) and I(2) (f), the entries "Two and a half per cent. *ad valorem.*", "Two and a half per cent. *ad valorem.*", "Two per cent. *ad valorem.*", "One per cent. *ad valorem.*", "One-half per cent. *ad valorem.*", and "Two and a half per cent. *ad valorem.*" shall, respectively, be substituted;

(iii) in Item No. 22, in the second column, for the words "impregnated or coated", wherever they occur, the words "impregnated, coated or laminated" shall be substituted.



## THE SIXTH SCHEDULE

[See section 39 (c)]

16 of 1955.

In the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955, for the headings and the items and entries relating thereto, occurring before the *Explanations*, the following shall be substituted, namely :—

| "Item No.   | Description of dutiable goods  | Rate of duty |
|---|--|--------------|
| <i>Medicinal preparations</i>   |  |              |
| 1. Allopathic Medicinal Preparations :—   |  |              |
| (i) Medicinal preparations containing alcohol which are not capable of being consumed as ordinary alcoholic beverages—                |  |              |
| (a) Patent or proprietary medicines.  | Twenty per cent. <i>ad valorem</i> or rupees three and seventy-five paise per litre of the strength of London proof spirit, whichever is higher. |              |
| (b) Others.   | Rupees three and seventy-five paise per litre of the strength of London proof spirit.  |              |
| (ii) Medicinal preparations containing alcohol which are capable of being consumed as ordinary alcoholic beverages—                   |  |              |
| (a) Medicinal preparations which contain known active ingredients in therapeutic quantities.  | Twenty per cent. <i>ad valorem</i> or rupees seven and fifty paise per litre of the strength of London proof spirit, whichever is higher.        |              |
| (b) Others.   | Rupees thirty per litre of the strength of London proof spirit.  |              |
| (iii) Medicinal preparations not containing alcohol but containing narcotic drug or narcotic.   |  |              |
| 2. Medicinal preparations in Ayurvedic, Unani or other indigenous systems of medicine—  |  |              |
| (i) Medicinal preparations containing self-generated alcohol which are not capable of being consumed as ordinary alcoholic beverages. | <i>Nil.</i>  |              |

| Item No. | Description of dutiable goods  | Rate of duty   |
|----------|--|--|
|          | (ii) Medicinal preparations containing self-generated alcohol which are capable of being consumed as ordinary alcoholic beverages. | Rupee one per litre of the strength of London proof spirit.                    |
|          | (iii) All others containing alcohol which are prepared by distillation or to which alcohol has been added.                         | Rupees thirty per litre of the strength of London proof spirit.                |
|          | (iv) Medicinal preparations not containing alcohol but containing narcotic drug or narcotic.                                       | Twenty per cent. <i>ad valorem</i> .   |
| 3.       | Homoeopathic preparations containing alcohol.  | Rupees seven and fifty paise per litre of the strength of London proof spirit. |

*Toilet preparations*

|    |  |   |
|----|--|---|
| 4. | Toilet preparations containing alcohol or narcotic drug or narcotic. | Sixty per cent. <i>ad valorem</i> or rupees seven and fifty paise per litre of the strength of London proof spirit, whichever is higher." |
|----|--|---|

THE COAL MINES (NATIONALISATION) AMENDMENT  
ACT, 1976

No. 67 of 1976

[27th May, 1976]

An Act further to amend the Coal Mines (Nationalisation) Act, 1973.

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

1. (1) This Act may be called the Coal Mines (Nationalisation) Amendment Act, 1976.

Short title  
and  
commence-  
ment.

(2) Sections 2 and 3 of this Act shall be deemed to have come into force on the 29th day of April, 1976.

26 of 1973.

2. In the Coal Mines (Nationalisation) Act, 1973 (hereinafter referred to as the principal Act), after section 1, the following section shall be inserted, namely:—

Insertion  
of new  
section  
1A.

“1A. (1) It is hereby declared that it is expedient in the public interest that the Union should take under its control the regulation and development of coal mines to the extent hereinafter provided in sub-sections (3) and (4) of section 3 and sub-section (2) of section 30.

Declara-  
tion as to  
expediency  
of Union  
control.

(2) The declaration contained in sub-section (1) is in addition to, and not in derogation of, the declaration contained in section 2 of the Mines and Minerals (Regulation and Development) Act, 1957.”

67 of 1957.

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

Amend-  
ment of  
section 3.

“(3) On and from the commencement of section 3 of the Coal Mines (Nationalisation) Amendment Act, 1976,—

(a) no person, other than—

(i) the Central Government or a Government, company or a corporation owned, managed or controlled by the Central Government, or

(ii) a person to whom a sub-lease, referred to in the proviso to clause (c), has been granted by any such Government, company or corporation, or

(iii) a company engaged in the production of iron and steel,

shall carry on coal mining operation, in India, in any form;

(b) excepting the mining leases granted before such commencement in favour of the Government, company or corporation, referred to in clause (a), and any sub-lease granted by any such Government, company or corporation, all other mining leases and sub-leases in force immediately before such commencement, shall, in so far as they relate to the winning or mining of coal, stand terminated;

(c) no lease for winning or mining coal shall be granted in favour of any person other than the Government, company or corporation, referred to in clause (a):

Provided that the Government, company or corporation to whom a lease for winning or mining coal has been granted may grant a sub-lease to any person in any area on such terms and conditions as may be specified in the instrument granting the sub-lease, if the Government, company or corporation is satisfied that—

(i) the reserves of coal in the area are in isolated small pockets or are not sufficient for scientific and economical development in a co-ordinated and integrated manner, and

(ii) the coal produced by the sub-lessee will not be required to be transported by rail.

(4) Where a mining lease stands terminated under sub-section (3), it shall be lawful for the Central Government or a Government, company or corporation owned or controlled by the Central Government to obtain, notwithstanding anything contained in sub-section (2), or in the proviso to sub-section (2) of section 3 of the Coal Mines (Taking Over of Management) Act, 1973, a prospecting licence or a mining lease in respect of the whole or part of the land covered by the mining lease which stands so terminated.”

15 of 1973.

Amend-  
ment of  
section 30.

4. Section 30 of the principal Act shall be re-numbered as sub-section (1) of that section, and, after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) Any person who engages, or causes any other person to be engaged, in winning or mining coal from the whole or part of any land in respect of which no valid prospecting licence or mining lease or sub-lease is in force, shall be punishable with imprisonment for a term which may extend to two years and also with fine which may extend to ten thousand rupees.”

Repealed

5. The Coal Mines (Nationalisation) Amendment Ordinance, 1976, is hereby repealed.

Ordinance  
3 of 1976.

# THE MARRIAGE LAWS (AMENDMENT) ACT, 1976

No. 68 OF 1976

[27th May, 1976]

An Act further to amend the Hindu Marriage Act, 1955 and the Special Marriage Act, 1954.

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

## CHAPTER I

### PRELIMINARY

1. This Act may be called the Marriage Laws (Amendment) Act, 1976.

Short  
title.

## CHAPTER II

### AMENDMENTS TO THE HINDU MARRIAGE ACT, 1955

25 of 1955.

2. In the Hindu Marriage Act, 1955 (hereinafter referred to as the Hindu Marriage Act), in section 5, for clause (ii), the following clause shall be substituted, namely:—

Amend-  
ment of  
section 5.

“(ii) at the time of the marriage, neither party—

(a) is incapable of giving a valid consent to it in consequence of unsoundness of mind; or

(b) though capable of giving a valid consent, has been suffering from mental disorder of such a kind or to such an extent as to be unfit for marriage and the procreation of children; or

(c) has been subject to recurrent attacks of insanity or epilepsy;”.

Amend-  
ment of  
section 9.

3. In section 9 of the Hindu Marriage Act,—

(a) in sub-section (1), the brackets and figure “(1)” shall be omitted and to that sub-section as so amended, the following *Explanation* shall be added, namely:—

“*Explanation.*—Where a question arises whether there has been reasonable excuse for withdrawal from the society, the burden of proving reasonable excuse shall be on the person who has withdrawn from the society.”;

(b) sub-section (2) shall be omitted.

Amend-  
ment of  
section 10.

4. In section 10 of the Hindu Marriage Act, for sub-section (1) and the *Explanation* thereunder, the following sub-section shall be substituted, namely:—

“(1) Either party to a marriage, whether solemnized before or after the commencement of this Act, may present a petition praying for a decree for judicial separation on any of the grounds specified in sub-section (1) of section 13, and in the case of a wife also on any of the grounds specified in sub-section (2) thereof, as grounds on which a petition for divorce might have been presented.”.

Amend-  
ment of  
section  
11.

5. In section 11 of the Hindu Marriage Act, after the words “presented by either party thereto”, the words “against the other party” shall be inserted.

Amend-  
ment of  
section 12.

6. In section 12 of the Hindu Marriage Act,—

(a) in sub-section (1),—

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

“(a) that the marriage has not been consummated owing to the impotence of the respondent; or ”;

(ii) in clause (c), for the words “or fraud”, the words “or by fraud as to the nature of the ceremony or as to any material fact or circumstance concerning the respondent” shall be substituted;

(b) in sub-section (2), in clause (b), in sub-clause (iii), for the words “the grounds for a decree”, the words “the said ground” shall be substituted.

Amend-  
ment of  
section 13.

7. In section 13 of the Hindu Marriage Act,—

(a) in sub-section (1),—

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

“(i) has, after the solemnization of the marriage, had voluntary sexual intercourse with any person other than his or her spouse; or

(ia) has, after the solemnization of the marriage, treated the petitioner with cruelty; or

(ib) has deserted the petitioner for a continuous period of not less than two years immediately preceding the presentation of the petition; or”;

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

‘(iii) has been incurably of unsound mind, or has been suffering continuously or intermittently from mental disorder of such a kind and to such an extent that the petitioner cannot reasonably be expected to live with the respondent.

*Explanation.*—In this clause,—

(a) the expression “mental disorder” means mental illness, arrested or incomplete development of mind, psychopathic disorder or any other disorder or disability of mind and includes schizophrenia;

(b) the expression “psychopathic disorder” means a persistent disorder or disability of mind (whether or not including sub-normality of intelligence) which results in abnormally aggressive or seriously irresponsible conduct on the part of the other party, and whether or not it requires or is susceptible to medical treatment; or’;

(iii) in clauses (iv) and (v), the words “, for a period of not less than three years immediately preceding the presentation of the petition,” shall be omitted;

(iv) after clause (vii), the following *Explanation* shall be inserted, namely:—

*Explanation.*—In this sub-section, the expression “desertion” 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, and its grammatical variations and cognate expressions shall be construed accordingly.’;

(b) in sub-section (1A), for the words “two years”, in the two places where they occur, the words “one year” shall be substituted;

(c) in sub-section (2),—

(i) in clause (ii), for the word “bestiality”, the words “bestiality; or” shall be substituted;

(ii) after clause (ii) as so amended, the following clauses shall be inserted, namely:—

“(iii) that in a suit under section 18 of the Hindu Adoptions and Maintenance Act, 1956, or in a proceeding under section 125 of the Code of Criminal Procedure, 1973 (or under the corresponding section 488 of the Code of Criminal Procedure, 1898), a decree or order, as the case may be, has been passed against the husband awarding mainte-

78 of 1956.

2 of 1974.

5 of 1898.

nance to the wife notwithstanding that she was living apart and that since the passing of such decree or order, cohabitation between the parties has not been resumed for one year or upwards; or

(iv) that her marriage (whether consummated or not) was solemnized before she attained the age of fifteen years and she has repudiated the marriage after attaining that age but before attaining the age of eighteen years.

*Explanation.*—This clause applies whether the marriage was solemnized before or after the commencement of the Marriage Laws (Amendment) Act, 1976.”.

8. After section 13 of the Hindu Marriage Act as so amended, the following sections shall be inserted, namely:—

Insertion  
of new  
sections  
13A and  
13B.

Alternate  
relief  
in divorce  
proceed-  
ings.

“13A. In any proceeding under this Act, on a petition for dissolution of marriage by a decree of divorce, except in so far as the petition is founded on the grounds mentioned in clauses (ii), (vi) and (vii) of sub-section (1) of section 13, the court may, if it considers it just so to do having regard to the circumstances of the case, pass instead a decree for judicial separation.

Divorce  
by  
mutual  
consent.

13B. (1) Subject to the provisions of this Act a petition for dissolution of marriage by a decree of divorce may be presented to the district court by both the parties to a marriage together, whether such marriage was solemnized before or after the commencement of the Marriage Laws (Amendment) Act, 1976, on the ground that they have been living separately for a period of one year or more, that they have not been able to live together and that they have mutually agreed that the marriage should be dissolved.

(2) On the motion of both the parties made not earlier than six months after the date of the presentation of the petition referred to in sub-section (1) and not later than eighteen months after the said date, if the petition is not withdrawn in the meantime, the court shall, on being satisfied, after hearing the parties and after making such inquiry as it thinks fit, that a marriage has been solemnized and that the averments in the petition are true, pass a decree of divorce declaring the marriage to be dissolved with effect from the date of the decree.”.

Amend-  
ment of  
section 14.

9. In section 14 of the Hindu Marriage Act,—

(i) in sub-section (1),—

(a) for the words “unless at the date of the presentation of the petition three years have elapsed”, the words “unless at the date of the presentation of the petition one year has elapsed” shall be substituted;

(b) in the proviso,—

(1) for the words “before three years have elapsed”, the words “before one year has elapsed” shall be substituted;



(2) for the words "expiry of three years", the words "expiry of one year" shall be substituted;

(3) for the words "expiration of the said three years", the words "expiration of the said one year" shall be substituted;

(ii) in sub-section (2),—

(a) for the words "expiration of three years", the words "expiration of one year" shall be substituted;

(b) for the words "said three years", the words "said one year" shall be substituted.

10. In section 15 of the Hindu Marriage Act, the proviso shall be omitted.

11. For section 16 of the Hindu Marriage Act, the following section shall be substituted, namely:—

"16. (1) Notwithstanding that a marriage is null and void under section 11, any child of such marriage who would have been legitimate if the marriage had been valid, shall be legitimate, whether such child is born before or after the commencement of the Marriage Laws (Amendment) Act, 1976, and whether or not a decree of nullity is granted in respect of that marriage under this Act and whether or not the marriage is held to be void otherwise than on a petition under this Act.

(2) Where a decree of nullity is granted in respect of a voidable marriage under 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 at the date of the decree it had been dissolved instead of being annulled, shall be deemed to be their legitimate child notwithstanding the decree of nullity.

(3) Nothing contained in sub-section (1) or sub-section (2) shall be construed as conferring upon any child of a marriage which is null and void or which is annulled by a decree of nullity under section 12, 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."

12. For section 19 of the Hindu Marriage Act, the following section shall be substituted, namely:—

"19. Every petition under this Act shall be presented to the district court within the local limits of whose ordinary original civil jurisdiction—

(i) the marriage was solemnized, or

(ii) the respondent, at the time of the presentation of the petition, resides, or

Amendment of section 15.

Substitution of new section for section 16.

Legitimacy of children of void and voidable marriages.

Substitution of new section for section 19.

Court to which petition shall be presented.

(iii) the parties to the marriage last resided together, or

(iv) the petitioner is residing at the time of the presentation of the petition, in a case where the respondent is, at that time, residing outside the territories to which this Act extends, or 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 him if he were alive.”.

Amend-  
ment  
of sec-  
tion 20.

13. In section 20 of the Hindu Marriage Act, in sub-section (1), for the words “and shall also state”, the words and figures “and, except in a petition under section 11, shall also state” shall be substituted.

Insertion  
of new  
sections  
21A, 21B

14. After section 21 of the Hindu Marriage Act, the following sections shall be inserted, namely:—

Power to  
transfer  
petitions  
in certain  
Cases.  
cases.

“21A. (1) Where—

(a) a petition under this Act has been presented to a district court having jurisdiction by a party to a marriage praying for a decree for judicial separation under section 10 or for a decree of divorce under section 13, and

(b) another petition under this Act has been presented thereafter by the other party to the marriage praying for a decree for judicial separation under section 10 or for a decree of divorce under section 13 on any ground, whether in the same district court or in a different district court, in the same State or in a different State,

the petitions shall be dealt with as specified in sub-section (2).

(2) In a case where sub-section (1) applies,—

(a) if the petitions are presented to the same district court, both the petitions shall be tried and heard together by that district court;

(b) if the petitions are presented to different district courts, the petition presented later shall be transferred to the district court in which the earlier petition was presented and both the petitions shall be heard and disposed of together by the district court in which the earlier petition was presented.

(3) In a case where clause (b) of sub-section (2) applies, the court or the Government, as the case may be, competent under the Code of Civil Procedure, 1908 to transfer any suit or proceeding from the district court in which the later petition has been presented to the district court in which the earlier petition is pending, shall exercise its powers to transfer such later petition as if it had been empowered so to do under the said Code.

5 of 1908.

Special  
provision  
relating  
to trial  
and dis-  
posal of  
petitions  
under  
the Act

21B. (1) The trial of a petition under this Act shall, so far as is practicable consistently with the interests of justice in respect of the trial, be continued from day to day until its conclusion unless the court finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded.

(2) Every petition under this Act shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date of service of notice of the petition on the respondent.

(3) Every appeal under this Act shall be heard as expeditiously as possible, and endeavour shall be made to conclude the hearing within three months from the date of service of notice of appeal on the respondent.

21C. Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence in any proceeding at the trial of a petition under this Act on the ground that it is not duly stamped or registered.”.

15. For section 22 of the Hindu Marriage Act, the following section shall be substituted, namely:—

“22. (1) Every proceeding under this Act shall be conducted *in camera* and it shall not be lawful for any person to print or publish any matter in relation to any such proceeding except a judgment of the High Court or of the Supreme Court printed or published with the previous permission of the Court.

(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.”.

16. In section 23 of the Hindu Marriage Act,—

(a) in sub-section (1),—

(i) in clause (a), after the words “the petitioner”, the brackets, words, letters and figures “[except in cases where the relief is sought by him on the ground specified in sub-clause (a), sub-clause (b) or sub-clause (c) of clause (ii) of section 5]” shall be inserted;

(ii) in clause (b), the words, brackets, letter and figures “in clause (f) of sub-section (1) of section 10, or” shall be omitted;

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

“(bb) when a divorce is sought on the ground of mutual consent, such consent has not been obtained by force, fraud or undue influence, and”;

(iv) in clause (c), for the words “the petition”, the words, brackets and figures “the petition (not being a petition presented under section 11)” shall be substituted;

(b) to sub-section (2), the following proviso shall be added at the end, namely:—

“Provided that nothing contained in this sub-section shall apply to any proceeding wherein relief is sought on any of the grounds specified in clause (ii), clause (iii), clause (iv), clause (v), clause (vi) or clause (vii) of sub-section (1) of section 13.”;

Docu-  
mentary  
evidence.

Substitu-  
tion of  
new sec-  
tion for  
section  
22.

Proceed-  
ings to  
be *in  
camera*  
and may  
not be  
printed or  
published.

Amend-  
ment  
of sec-  
tion 23.

(c) after sub-section (2) as so amended, the following sub-sections shall be inserted, namely:—

“(3) For the purpose of aiding the court in bringing about such reconciliation, the court may, if the parties so desire or if the court thinks it just and proper so to do, adjourn the proceedings for a reasonable period not exceeding fifteen days and refer the matter to any person named by the parties in this behalf or to any person nominated by the court if the parties fail to name any person, with directions to report to the court as to whether reconciliation can be and has been, effected and the court shall in disposing of the proceeding have due regard to the report.

(4) In every case where a marriage is dissolved by a decree of divorce, the court passing the decree shall give a copy thereof free of cost to each of the parties.”.

Inser-  
tion of  
new sec-  
tion 23A.

Relief  
for  
respon-  
dent in  
divorce  
and  
other  
proceed-  
ings.

17. After section 23 of the Hindu Marriage Act, the following section shall be inserted, namely:—

“23A. In any proceeding for divorce or judicial separation or restitution of conjugal rights, the respondent may not only oppose the relief sought on the ground of petitioner’s adultery, cruelty or desertion, but also make a counter-claim for any relief under this Act on that ground; and if the petitioner’s adultery, cruelty or desertion is proved, the court may give to the respondent any relief under this Act to which he or she would have been entitled if he or she had presented a petition seeking such relief on that ground.”.

Amend-  
ment of  
sec-  
tion 25.

18. In section 25 of the Hindu Marriage Act,—

(a) in sub-section (1),—

(i) the words “, while the applicant remains unmarried,” shall be omitted;

(ii) for the words “and the conduct of the parties”, the words “, the conduct of the parties and other circumstances of the case” shall be substituted;

(b) in sub-section (3), for the words “it shall rescind the order”, the words “it may at the instance of the other party vary, modify or rescind any such order in such manner as the court may deem just” shall be substituted.

Substitu-  
tion of  
new sec-  
tions  
for sec-  
tion 28.

19. For section 28 of the Hindu Marriage Act, the following sections shall be substituted, namely:—

Appeals  
from  
decrees  
and  
orders.

“28. (1) All decrees made by the court in any proceeding under this Act shall, subject to the provisions of sub-section (3), be appealable as decrees of the court made in the exercise of its original civil jurisdiction, and every such appeal shall lie to the court to which appeals ordinarily lie from the decisions of the court given in the exercise of its original civil jurisdiction.

(2) Orders made by the court in any proceeding under this Act under section 25 or section 26 shall, subject to the provisions of subsection (3), be appealable if they are not interim orders, and every such appeal shall lie to the court to which appeals ordinarily lie from the decisions of the court given in exercise of its original civil jurisdiction.

(3) There shall be no appeal under this section on the subject of costs only.

(4) Every appeal under this section shall be preferred within a period of thirty days from the date of the decree or order.

28A. All decrees and orders made by the court in any proceeding under this Act shall be enforced in the like manner as the decrees and orders of the court made in the exercise of its original civil jurisdiction for the time being are enforced."

Enforcement of decrees and orders

CHAPTER III

AMENDMENTS TO THE SPECIAL MARRIAGE ACT, 1954

43 of 1954.

20. In section 2 of the Special Marriage Act, 1954 (hereinafter referred to as the Special Marriage Act), for clause (e), the following clause shall be substituted, namely:—

Amendment of section 2.

'(e) "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;'

21. In section 4 of the Special Marriage Act, for clause (b), the following clause shall be substituted, namely:—

Amendment of section 4.

"(b) neither party—

(i) is incapable of giving a valid consent to it in consequence of unsoundness of mind; or

(ii) though capable of giving a valid consent, has been suffering from mental disorder of such a kind or to such an extent as to be unfit for marriage and the procreation of children; or

(iii) has been subject to recurrent attacks of insanity or epilepsy;"

22. In Chapter IV of the Special Marriage Act, after section 21, the following section shall be inserted, namely:—

Insertion of new section 21A.

"21A. Where the marriage is solemnized under this Act of any person who professes the Hindu, Buddhist, Sikh or Jaina religion with a person who professes the Hindu, Buddhist, Sikh or Jaina religion, section 19 and section 21 shall not apply and so much of section 20 as creates a disability shall also not apply."

Special provision in certain cases.

Amend-  
ment of  
section 22.

23. To section 22 of the Special Marriage Act, the following *Explanation* shall be added at the end, namely:—

“*Explanation.*—Where a question arises whether there has been reasonable excuse for withdrawal from the society, the burden of proving reasonable excuse shall be on the person who has withdrawn from the society.”

Amend-  
ment of  
section 23.

24. In section 23 of the Special Marriage Act, in sub-section (1), in clause (a), after the word, brackets and figure “sub-section (1)”, the words, brackets, figure and letter “and sub-section (1A)” shall be inserted.

Amend-  
ment of  
section 24.

25. In section 24 of the Special Marriage Act, in sub-section (1), for the words “and may be so declared”, the words “and may, on a petition presented by either party thereto against the other party, be so declared” shall be substituted.

Substitu-  
tion of  
new sec-  
tion for  
section 26.

26. For section 26 of the Special Marriage Act, the following section shall be substituted, namely:—

Legiti-  
macy of  
children  
of void  
and  
voidable  
marri-  
ages.

“26. (1) Notwithstanding that a marriage is null and void under section 24, any child of such marriage who would have been legitimate if the marriage had been valid, shall be legitimate, whether such child is born before or after the commencement of the Marriage Laws (Amendment) Act, 1976, and whether or not a decree of nullity is granted in respect of that marriage under this Act and whether or not the marriage is held to be void otherwise than on a petition under this Act.

(2) Where a decree of nullity is granted in respect of a voidable marriage under section 25, any child begotten or conceived before the decree is made, who would have been the legitimate child of the parties to the marriage if at the date of the decree it has been dissolved instead of being annulled, shall be deemed to be their legitimate child notwithstanding the decree of nullity.

(3) Nothing contained in sub-section (1) or sub-section (2) shall be construed as conferring upon any child of a marriage which is null and void or which is annulled by a decree of nullity under section 25, 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.”

Amend-  
ment of  
section 27.

27. In section 27 of the Special Marriage Act, in sub-section (1),—

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

“(a) has, after the solemnization of the marriage, had voluntary sexual intercourse with any person other than his or her spouse; or

(b) has deserted the petitioner for a continuous period of not less than two years immediately preceding the presentation of the petition; or”;

(b) in clause (c), the proviso shall be omitted;

(c) for clauses (e) and (f), the following clauses shall be substituted, namely:—

‘(e) has been incurably of unsound mind, or has been suffering continuously or intermittently from mental disorder of such a kind and to such an extent that the petitioner cannot reasonably be expected to live with the respondent.

*Explanation.*—In this clause,—

(a) the expression “mental disorder” means mental illness, arrested or incomplete development of mind, psychopathic disorder or any other disorder or disability of mind and includes schizophrenia;

(b) the expression “psychopathic disorder” means a persistent disorder or disability of mind (whether or not including sub-normality of intelligence) which results in abnormally aggressive or seriously irresponsible conduct on the part of the respondent, and whether or not it requires or is susceptible to medical treatment; or

(f) has been suffering from venereal disease in a communicable form; or’;

(d) in clause (g), the words “for a period of not less than three years immediately preceding the presentation of the petition” shall be omitted;

(e) after clause (h), the following *Explanation* shall be inserted, namely:—

*Explanation.*—In this sub-section, the expression “desertion” means 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, and its grammatical variations and cognate expressions shall be construed accordingly;’;

(f) the words “and by the wife on the ground that her husband has, since the solemnization of the marriage, been guilty of rape, sodomy or bestiality” occurring at the end shall be omitted;

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

“(1A) A wife may also present a petition for divorce to the district court on the ground,—

(i) that her husband has, since the solemnization of the marriage, been guilty of rape, sodomy or bestiality;

(ii) that in a suit under section 18 of the Hindu Adoptions and Maintenance Act, 1956, or in a proceeding under section 125 of the Code of Criminal Procedure, 1973 (or under the corresponding section 488 of the Code of Criminal Procedure, 1898), a decree or order, as the case may be, has been passed against the husband awarding maintenance to the wife notwithstanding that she was living apart and that since the passing of such decree or order, cohabitation between the parties has not been resumed for one year or upwards.”.

78 of 1956.  
2 of 1974.

5 of 1898.

Insertion  
of new  
section  
27A.

28. After section 27 of the Special Marriage Act as so amended, the following section shall be inserted, namely:—

Alternate  
relief in  
divorce  
proceed-  
ings.

“27A. In any proceeding under this Act, on a petition for dissolution of marriage by a decree of divorce, except in so far as the petition is founded on the ground mentioned in clause (h) of sub-section (1) of section 27, the court may, if it considers it just so to do having regard to the circumstances of the case, pass instead a decree for judicial separation.”.

Amend-  
ment of  
section 28.

29. In section 28 of the Special Marriage Act, in sub-section (2), for the words, brackets and figure “On the motion of both the parties made not earlier than one year after the date of the presentation of the petition referred to in sub-section (1) and not later than two years”, the words, brackets and figure “On the motion of both the parties made not earlier than six months after the date of the presentation of the petition referred to in sub-section (1) and not later than eighteen months” shall be substituted.

Amend-  
ment of  
section 29.

30. In section 29 of the Special Marriage Act,—

(i) in sub-section (1),—

(a) for the words “unless at the date of the presentation of the petition three years have passed”, the words “unless at the date of the presentation of the petition one year has passed” shall be substituted;

(b) in the proviso,—

(1) for the words “before three years have passed”, the words “before one year has passed” shall be substituted;

(2) for the words “expiry of three years”, the words “expiry of one year” shall be substituted;

(3) for the words “expiration of the said three years”, the words “expiration of the said one year” shall be substituted;

(ii) in sub-section (2),—

(a) for the words “expiration of three years”, the words “expiration of one year” shall be substituted;

(b) for the words “said three years”, the words “said one year” shall be substituted.



31. In section 30 of the Special Marriage Act, the words "and one year has elapsed thereafter but not sooner," shall be omitted.

Amendment of section 30.

32. For sub-section (1) of section 31 of the Special Marriage Act, the following sub-section shall be substituted, namely:—

Amendment of section 31.

"(1) Every petition under Chapter V or Chapter VI shall be presented to the district court within the local limits of whose original civil jurisdiction—

(i) the marriage was solemnized; or

(ii) the respondent, at the time of the presentation of the petition resides; or

(iii) the parties to the marriage last resided together; or

(iv) the petitioner is residing at the time of the presentation of the petition, in a case where the respondent is, at that time, residing outside the territories to which this Act extends, or has not been heard of as being alive for a period of seven years by those who would naturally have heard of him if he were alive."

33. For section 33 of the Special Marriage Act, the following section shall be substituted, namely:—

Substitution of new section for section 33. Proceedings to be *in camera* and may not be printed or published.

"33. (1) Every proceeding under this Act shall be conducted *in camera* and it shall not be lawful for any person to print or publish any matter in relation to any such proceeding except a judgment of the High Court or of the Supreme Court printed or published with the previous permission of the Court.

(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."

34. In section 34 of the Special Marriage Act,—

Amendment of section 34.

(a) in sub-section (1), in clause (b), for the words "where the ground of the petition is adultery, the petitioner has not in any manner been accessory to or connived at or condoned the adultery," the words, brackets, letter and figures "where the petition is founded on the ground specified in clause (a) of sub-section (1) of section 27, the petitioner has not in any manner been accessory to or connived at or condoned the act of sexual intercourse referred to therein," shall be substituted;

(b) to sub-section (2), the following proviso shall be added at the end, namely:—

"Provided that nothing contained in this sub-section shall apply to any proceeding wherein relief is sought on any of the

grounds specified in clause (c), clause (e), clause (f), clause (g) and clause (h) of sub-section (1) of section 27.”;

(c) after sub-section (2) as so amended, the following sub-sections shall be inserted, namely:—

“(3) For the purpose of aiding the court in bringing about such reconciliation, the court may, if the parties so desire or if the court thinks it just and proper so to do, adjourn the proceedings for a reasonable period not exceeding fifteen days and refer the matter to any person named by the parties in this behalf or to any person nominated by the court if the parties fail to name any person, with directions to report to the court as to whether reconciliation can be and has been, effected and the court shall in disposing of the proceeding have due regard to the report.

(4) In every case where a marriage is dissolved by a decree of divorce, the court passing the decree shall give a copy thereof free of cost to each of the parties.”.

Substitution of new section for section 35.

35. For section 35 of the Special Marriage Act, the following section shall be substituted, namely:—

Relief for respondent in divorce and other proceedings.

“35. In any proceeding for divorce or judicial separation or restitution of conjugal rights, the respondent may not only oppose the relief sought on the ground of petitioner's adultery, cruelty or desertion, but also make a counter-claim for any relief under this Act on that ground, and if the petitioner's adultery, cruelty or desertion is proved, the court may give to the respondent any relief under this Act to which he or she would have been entitled if he or she had presented a petition seeking such relief on that ground.”.

Amendment of section 37.

36. In section 37 of the Special Marriage Act,—

(a) in sub-section (1), for the words “and the conduct of the parties”, the words “the conduct of the parties and other circumstances of the case” shall be substituted;

(b) in sub-section (3), for the words “it shall rescind the order”, the words “it may, at the instance of the husband vary, modify or rescind any such order and in such manner as the court may deem just” shall be substituted.

Substitution of new section 2 for section 39.

Appeals from decrees and orders.

37. For section 39 of the Special Marriage Act, the following sections shall be substituted, namely:—

“39. (1) All decrees made by the court in any proceeding under Chapter V or Chapter VI shall, subject to the provisions of sub-section (3), be appealable as decrees of the court made in the exercise of its original civil jurisdiction, and such appeal shall lie to the court to which appeals ordinarily lie from the decisions of the court given in the exercise of its original civil jurisdiction.

(2) Orders made by the court in any proceeding under this Act under section 37 or section 38 shall, subject to the provisions of sub-section (3), be appealable if they are not interim orders, and every such appeal shall lie to the court to which appeals ordinarily lie from the decisions of the court given in the exercise of its original civil jurisdiction.

(3) There shall be no appeal under this section on the subject of costs only.

(4) Every appeal under this section shall be preferred within a period of thirty days from the date of the decree or order.

39A. All decrees and orders made by the court in any proceeding under Chapter V or Chapter VI shall be enforced in the like manner as the decrees and orders of the court made in the exercise of its original civil jurisdiction for the time being are enforced."

38. After section 40 of the Special Marriage Act, the following sections shall be inserted, namely:—

"40A. (1) Where—

(a) a petition under this Act has been presented to the district court having jurisdiction by a party to the marriage praying for a decree for judicial separation under section 23 or for a decree of divorce under section 27, and

(b) another petition under this Act has been presented thereafter by the other party to the marriage praying for decree for judicial separation under section 23, or for decree of divorce under section 27 on any ground whether in the same district court or in a different district court, in the same State or in a different State,

the petition shall be dealt with as specified in sub-section (2).

(2) In a case where sub-section (1) applies,—

(a) if the petitions are presented to the same district court, both the petitions shall be tried and heard together by that district court;

(b) if the petitions are presented to different district courts, the petition presented later shall be transferred to the district court in which the earlier petition was presented and both the petitions shall be heard and disposed of together by the district court in which the earlier petition was presented.

(3) In a case where clause (b) of sub-section (2) applies, the court or the Government, as the case may be, competent under the Code of Civil Procedure, 1908 to transfer any suit or proceeding from the district court in which the later petition has been presented to the district court in which the earlier petition is pending, shall exercise its powers to transfer such later petition as if it had been empowered so to do under the said Code.

Enforcement of decrees and orders.

Insertion of new sections 40A, 40B and 40C.

Power to transfer petitions in certain cases.

Special provision relating to trial and disposal of petitions under the Act.

40B. (1) The trial of a petition under this Act shall, so far as is practicable consistently with the interests of justice in respect of the trial, be continued from day to day until its conclusion, unless the court finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded.

(2) Every petition under this Act shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date of service of notice of the petition on the respondent.

(3) Every appeal under this Act shall be heard as expeditiously as possible, and endeavour shall be made to conclude the hearing within three months from the date of service of notice of appeal on the respondent.

Documentary evidence.

40C. Notwithstanding anything contained in any enactment to the contrary, no document shall be inadmissible in evidence in any proceeding at the trial of a petition under this Act on the ground that it is not duly stamped or registered."

Special provision as to pending cases.

39. (1) All petitions and proceedings in causes and matters matrimonial which are pending in any court at the commencement of the Marriage Laws (Amendment) Act, 1976, shall be dealt with and decided by such court—

(i) if it is a petition or proceeding under the Hindu Marriage Act, then so far as may be, as if it had been originally instituted therein under the Hindu Marriage Act, as amended by this Act;

(ii) if it is a petition or proceeding under the Special Marriage Act, then so far as may be, as if it had been originally instituted therein under the Special Marriage Act, as amended by this Act.

(2) In every petition or proceeding to which sub-section (1) applies, the court in which the petition or proceeding is pending shall give an opportunity to the parties to amend the pleadings, in so far as such amendment is necessary to give effect to the provisions of sub-section (1), within such time as it may allow in this behalf and any such amendment may include an amendment for conversion of a petition or proceeding for judicial separation into a petition or proceeding, as the case may be, for divorce.

# THE MERCHANT SHIPPING (AMENDMENT) ACT, 1976

No. 69 OF 1976

[27th May, 1976]

An Act further to amend the Merchant Shipping Act, 1958.

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

1. (1) This Act may be called the Merchant Shipping (Amendment) Act, 1976.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions.

44 of 1958.

2. In the Merchant Shipping Act, 1958 (hereinafter referred to as the principal Act), for the words “unberthed passenger ships”, “an unberthed passenger ship”, “unberthed passenger ship”, “unberthed passengers”, “an unberthed passenger” and “unberthed passenger”, wherever they occur, the words “special trade passenger ships”, “a special trade passenger ship”, “special trade passenger ship”, “special trade passengers”, “a special trade passenger” and “special trade passenger” shall respectively be substituted.

Change of nomenclature of unberthed passenger ship and unberthed passenger.

3. In section 3 of the principal Act,—

(a) for clauses (27) and (28), the following clauses shall be substituted, namely:—

Amendment of section 3.

(27) “pilgrimage” means pilgrimage to any holy place in the Hedjaz or to any other place declared by the Central Govern-

ment to be a place of pilgrimage by notification in the Official Gazette;

(28) "pilgrim ship" means a special trade passenger ship which makes a voyage to or from the Hedjaz, or, as the case may be, to or from any other place of pilgrimage declared as such by the Central Government in pursuance of clause (27), during the season of the pilgrimage and which carries pilgrims in a proportion of not less than one pilgrim for every one hundred tons of the gross tonnage of the ship;";

(b) in clause (38), after sub-clause (i), the following sub-clauses shall be inserted, namely:—

"(ia) a special trade passenger ship safety certificate,

(ib) a special trade passenger ship space certificate,";

(c) after clause (47), the following clauses shall be inserted, namely:—

(47A) "special trade" means the conveyance of large number of passengers by sea within prescribed sea areas;

(47B) "special trade passenger" means a passenger carried in special trade passenger ship in spaces on the weather deck or upper deck or between decks which accommodate more than eight passengers and includes a pilgrim or a person accompanying a pilgrim;

(47C) "special trade passenger ship" means a mechanically propelled ship carrying more than thirty special trade passengers;";

(d) clauses (51) and (52) shall be omitted.

4. In section 240 of the principal Act—

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

"(1) A ship intended to carry special trade passengers between ports or places in India shall not commence a voyage from any port or place appointed under sub-section (1) of section 237, unless the master holds certificates to the effect mentioned in sections 241 and 242.

(1A) A ship intended to carry special trade passengers from or to a port or place in India to or from a port or place outside India shall not commence a voyage from any port or place appointed under sub-section (1) of section 237, unless the master holds—

(i) a passenger ship safety certificate;

(ii) an exemption certificate;

(iii) a special trade passenger ship safety certificate;

(iv) a special trade passenger ship space certificate; and

(v) a certificate referred to in section 242.";

(b) in sub-section (2), for the words "unless the master holds the aforesaid certificates", the words, brackets, figures and letter "unless the master holds the appropriate certificate for the voyage specified in sub-section (1), or as the case may be, in sub-section (1A)" shall be substituted.

5. For section 241 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 241.

Contents of certificate A.

“241. (1) The first of the certificates referred to in sub-section (1) of section 240 (hereinafter called certificate A) shall be in the prescribed form and contain such particulars as may be prescribed.

(2) In particular and without prejudice to the generality of the foregoing power, certificate A shall contain the following statements and particulars, namely:—

- (i) that the ship is seaworthy;
- (ii) that the ship is properly equipped, fitted and ventilated;
- (iii) the number of special trade passengers the ship is certified to carry; and
- (iv) such other particulars as may be prescribed.

(3) Certificate A shall remain in force for a period of one year from the date of issue or for such shorter period as may be specified therein.”.

6. In section 242 of the principal Act, for clause (c), the following clause shall be substituted, namely:—

Amendment of section 242.

“(c) that the master holds—

- (i) a certificate of survey and certificate A; or
- (ii) a passenger ship safety certificate accompanied by an exemption certificate, a special trade passenger ship safety certificate and a special trade passenger ship space certificate; or
- (iii) a nuclear passenger ship safety certificate;”.

7. In section 244 of the principal Act, for the proviso, the following proviso shall be substituted, namely:—

Amendment of section 244.

“Provided that he shall not cause a ship holding a valid certificate referred to in sub-clause (i) or sub-clause (ii) or sub-clause (iii) of clause (c) of section 242 to be surveyed unless, by reason of the ship having met with damage or having undergone alterations, or on other reasonable grounds, he considers it likely that she may be found unseaworthy or not properly equipped, fitted or ventilated for the service on which she is to be employed.”.

8. The heading “Special provisions relating to unberthed passenger ships” occurring below section 254 of the principal Act shall be omitted.

Omission of heading below section 254.

Amend-  
ment of  
section  
255.

9. In section 255 of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely:—

“(3) The master, owner or agent of any ship which is intended to sail on a voyage as a pilgrim ship from any port or place in India shall, before advertising such ship for the conveyance of pilgrims or offering to convey any pilgrim by such ship or selling or promising or permitting any person to sell a passenger ticket to any pilgrim for conveyance by such ship, supply to the officer appointed in this behalf (hereinafter referred to as the pilgrim officer) at the port or place from which the ship is to commence the voyage, and at each port or place in India at which she is to touch for the purpose of embarking pilgrims, full particulars as to the name, tonnage and age of the ship, the maximum number of passage tickets of each class to be issued, the maximum price of each class of passage tickets, the probable date on which the ship is to sail from that port or place, the ports, if any, at which she is to touch, the place of her destination, and the probable date of her arrival thereat.

(4) The master, owner or agent of the ship shall supply to the pilgrim officer, within three days from the date of demand, such further information in regard to the matters mentioned in sub-section (3) as that officer may in writing demand from him.

(5) (a) The master, owner or agent of the ship shall advertise at such port or place and in such manner as may be prescribed—

(i) the place of destination of the ship,

(ii) the price of each class of passage tickets which shall not be in excess of the price communicated to the pilgrim officer under sub-section (3), and

(iii) the provisional date of sailing from that port or place.

(b) The master, owner or agent of the ship shall also advertise the final date of sailing not less than fifteen days before such date.

(6) No master, owner or agent shall—

(a) without reasonable cause, the burden of proving which shall lie upon him, fail or refuse to supply any particulars or information which he is by or under this section required to supply or supply false particulars or information; or

(b) advertise any ship for the conveyance of pilgrims, or offer to convey pilgrims by any ship, or sell or promise or permit any person to sell passage tickets to pilgrims for conveyance by any ship, without having first supplied the particulars required by sub-section (3) and in accordance with the provisions of that sub-section; or

(c) advertise a price for passage tickets at the port or place in excess of the price communicated to the pilgrim officer under sub-section (3); or

(d) offer to convey pilgrims by any ship from any port or place in India or sell or promise or permit any person to sell passage tickets to pilgrims for conveyance by a ship from any



such port or place without having advertised as required by clause (a) of sub-section (5), the matters specified in that clause; or

(e) sell or permit any person to sell to any pilgrim any passage ticket at a price in excess of the price communicated to the pilgrim officer under sub-section (3)."

10. Section 256 of the principal Act shall be re-numbered as sub-section (1) of that section, and

Amend-  
ment of  
section  
256.

(a) in sub-section (1) as so re-numbered, after the words "the certifying officer", the words "or such other officer as the Central Government may appoint in this behalf" shall be inserted;

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) In either of the following cases, namely:—

(a) if after a pilgrim ship has departed or proceeded on her voyage any additional pilgrims are taken on board at a port or place within India appointed under this Part for the embarkation of pilgrims, or

(b) if a pilgrim ship upon her voyage touches or arrives at any such port or place, having previously received on board additional pilgrims at any port or place outside India,

the master shall obtain a fresh certificate B from the certifying officer or such other officer as the Central Government may appoint in this behalf at that port or place, and shall make an additional statement specifying the number and the respective sexes of all the additional pilgrims."

11. In section 257 of the principal Act—

(a) in sub-sections (1) and (2), after the words "certifying officer", the words "or such other officer as the Central Government may appoint in this behalf" shall be inserted;

Amend-  
ment of  
section  
257.

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

"(3) The master of every pilgrim ship departing or proceeding from any port or place in India shall sign a statement in duplicate in the prescribed form specifying the total number of all the pilgrims embarked and the number of pilgrims of each sex embarked and the number of the crew and such other particulars as may be prescribed and shall deliver both copies to the certifying officer or such other officer as the Central Government may appoint in this behalf at the port or place and such officer shall thereupon, after having first satisfied himself that the entries are correct, countersign and return to the master one copy of the statement.

(4) The master of every pilgrim ship arriving at any port or place in India at which it may be intended to discharge pilgrims, shall, before any pilgrims disembark, deliver a statement signed

by him specifying the total number of all the pilgrims on board and the number of pilgrims of each sex and the number of the crew, and such other particulars as may be prescribed to the certifying officer or such other officer as the Central Government may appoint in this behalf at the port or place.”.

Amendment of section 258.

12. In section 258 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) The master of every pilgrim ship shall note in writing on the copy of the additional statement referred to in sub-section (2) of section 256 or of the statement referred to in sub-sections (3) and (4) of section 257, the date and supposed cause of death of any pilgrim who may die on the voyage, and shall, when the pilgrim ship arrives at her port or place of destination or at any port or place where it may be intended to discharge pilgrims, and before any pilgrims disembark, produce the statement, with any additions made thereto,—

(a) where such port or place is in India, to the certifying officer or such other officer as the Central Government may appoint in this behalf;

(b) where such port or place is outside India, to the Indian consular officer.”.

Amendment of section 259.

13. In section 259 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) (a) Every pilgrim ship carrying pilgrims and crew not exceeding one thousand in number shall have on board a medical officer possessing such qualifications as may be prescribed, and, if the number of pilgrims and crew carried exceeds one thousand, a second medical officer similarly qualified and also in all cases such medical attendants as may be prescribed.

(b) A medical officer of every pilgrim ship shall perform such duties and functions, keep such diaries and submit such reports or other returns, as may be prescribed.

(c) No medical officer or attendant on a pilgrim ship shall charge any pilgrim on such ship for his services.”.

Insertion of new sections 261A, 261B and 261C.

14. After section 261 of the principal Act, the following sections shall be inserted, namely:—

“261A. Every special trade passenger ship making a voyage the duration of which, in ordinary circumstances, may extend to seventy-two hours or more shall provide for each passenger on board a bunk of the prescribed size and particulars.

261B. Every special trade passenger ship making a voyage the duration of which, in ordinary circumstances, may not extend to seventy-two hours, shall provide space for each passenger at the prescribed scale.

Bunks to be provided for passengers.

Space to be provided for passengers when bunks are not provided.

261C. Every special trade passenger ship shall have reserved as airing space for the use of passengers on board, gratuitously by day and by night, so much of the upper deck as is not required for the airing space of the crew or for permanent structure:

Airing space to be provided for passengers.

Provided that the upper deck space so provided for passengers shall in no case be less than 0.37 square metre for each passenger."

15. Section 263 of the principal Act and the heading "*Special provisions regarding pilgrim ships*" occurring before that section shall be omitted.

Omission of section 263.

16. For section 264 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 264.

"264. Every special trade passenger ship certified to carry more than one hundred passengers on a voyage the duration of which, in ordinary circumstances, may extend to forty-eight hours or more, shall provide on board a hospital offering such conditions relating to security, space, health and sanitation, and capable of accommodating such proportion of the maximum number of passengers the ship is certified to carry, as may be prescribed."

Hospital accommodation.

17. Sections 265 to 269 (both inclusive) and section 278 of the principal Act shall be omitted.

Omission of sections 265 to 269 and section 278.

18. In section 279 of the principal Act, in sub-sections (1) and (5), for the words, brackets, letter and figures "clause (b) of sub-section (3) of section 278", the words, brackets, letter and figures "clause (b) of sub-section (5) of section 255" shall be substituted.

Amendment of section 279.

19. In section 280 of the principal Act, for the figures "278", in the two places where they occur, the figures "255" shall be substituted.

Amendment of section 280.

20. In section 282 of the principal Act—

(i) in clause (j), for the words and figures "sections 265 and 268", the word and figures "section 257" shall be substituted;

Amendment of section 282.

(ii) in clause (s), for the word and figures "section 278", the word and figures "section 255" shall be substituted.

21. In section 284 of the principal Act, after sub-section (2), the following proviso shall be inserted, namely:—

Amendment of section 284.

"Provided that different requirements may be specified for special trade passenger ships."

22. In section 299 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

Amendment of section 299.

"(3) Where on receipt of a declaration of survey granted under Part VIII in respect of a special trade passenger ship or a pilgrim ship,

the Central Government is satisfied that the ship complies with the provisions of this Act and the rules made thereunder relating to construction, life saving appliances and space requirements, it may in addition to the certificates referred to in sub-sections (1) and (2), issue in respect of the ship a special trade passenger ship safety certificate and a special trade passenger ship space certificate.”.

Amend-  
ment of  
section  
304.

23. In section 304 of the principal Act,—

(a) in sub-section (1), after the words “a passenger ship safety certificate”, the words “or a special trade passenger ship safety certificate” shall be inserted;

(b) in sub-section (2), for the words “safety convention certificate”, the words “passenger ship safety certificate or special trade passenger ship safety certificate” shall be substituted.

Amend-  
ment of  
section  
307.

24. In section 307 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) No Indian passenger ship shall proceed on a voyage from any port or place in India to any port or place outside India—

(a) if the ship is a ship, other than a special trade passenger ship, unless there is in force in respect of the ship either—

(i) a passenger ship safety certificate issued under section 299; or

(ii) a qualified passenger ship safety certificate issued under section 299 and an exemption certificate issued under section 302;

(b) if the ship is a special trade passenger ship, unless there is in force in respect of the ship the certificate referred to in sub-clause (i) of clause (a) or the certificates referred to in sub-clause (ii) of that clause and a special trade passenger ship safety certificate and a special trade passenger ship space certificate,

being in each case a certificate which by the terms thereof is applicable to the voyage on which the ship is about to proceed and to the trade in which she is for the time being engaged.”.

Amend-  
ment of  
section  
436.

25. In section 436 of the principal Act, in sub-section (2), in the Table,—

(a) after Serial No. 89 and the entries relating thereto, the following shall be inserted, namely:—

|      |   |        |   |
|------|---|--------|---|
| “89A | If a master, owner or agent contravenes sub-section (6) of section 255. | 255(6) | Fine which may extend to two thousand rupees.”. |
|------|---|--------|---|

(b) after Serial No. 90 and the entries relating thereto, the following shall be inserted, namely:—

“90A (a) If medical officers and attendants are not carried on a pilgrimage in accordance with clause (a) of sub-section (4) of section 259; or

259 (4) (a) The master, owner or agent shall be liable for each voyage made in contravention of clause (a) of sub-section (4) of section 259 to fine which may extend to three hundred rupees;

(b) if a medical officer or attendant on a pilgrimage contravenes clause (c) of sub-section (4) of section 259;

259 (4) (c) fine which may extend to two hundred rupees.”;

(c) Serial Nos. 92 and 93 shall be omitted.

26. In section 458 of the principal Act, in sub-section (3), for the words “two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following”, the words “two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid” shall be substituted.

Amend-  
ment of  
section  
458.

# THE PHARMACY (AMENDMENT) ACT, 1976

No. 70 OF 1976

[27th May, 1976.]

## An Act further to amend the Pharmacy Act, 1948.

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

Short  
title  
and  
com-  
men-  
cement.

1. (1) This Act may be called the Pharmacy (Amendment) Act, 1976.

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

Amend-  
ment of  
Section 2.

2. In section 2 of the Pharmacy Act, 1948 (hereinafter referred to as the principal Act),— 8 of 1948.

(a) for clauses (c), (d) and (e), the following clauses shall be substituted, namely:—

‘(c) “Central Council” means the Pharmacy Council of India constituted under section 3;

(d) “Central Register” means the register of pharmacists maintained by the Central Council under section 15A;

(da) “Executive Committee” means the Executive Committee of the Central Council or of the State Council, as the context may require;

3 of 1956.

(e) "Indian University" means a University within the meaning of section 3 of the University Grants Commission Act, 1956 and includes such other institutions, being institutions established by or under a Central Act, as the Central Government may, by notification in the Official Gazette, specify in this behalf;

(b) for clauses (h), (i) and (j), the following clauses shall be substituted, namely:—

(h) "register" means a register of pharmacists prepared and maintained under Chapter IV;

(i) "registered pharmacist" means a person whose name is for the time being entered in the register of the State in which he is for the time being residing or carrying on his profession or business of pharmacy;

(j) "State Council" means a State Council of Pharmacy constituted under section 19, and includes a Joint State Council of Pharmacy constituted in accordance with an agreement under section 20;

(k) "University Grants Commission" means the University Grants Commission established under section 4 of the University Grants Commission Act, 1956.

3 of 1956.

3. In section 3 of the principal Act,—

(a) in clause (a), for the words "authority known as the Inter-University Board", the words "University Grants Commission" shall be substituted;

(b) in clause (b), for the word "three", the word "four" shall be substituted;

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

"(f) a representative of the University Grants Commission and a representative of the All India Council for Technical Education;"

(d) in clause (g), after the word "elected", the words "from amongst themselves" shall be inserted;

(e) in clause (h),—

(i) the words "either a registered medical practitioner or" shall be omitted;

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

"Provided that for five years from the date on which the Pharmacy (Amendment) Act, 1976, comes into force the Government of each Union territory shall, instead of electing a member under clause (g), nominate one member, being a person eligible for registration under section 31, to represent that territory.";

(iii) the *Explanation* appearing at the end shall be omitted.

4. In section 5 of the principal Act,—

(a) in sub-section (2), for the words "An elected President", the words "The President" shall be substituted;

Amend-  
ment of  
section 3.

Amend-  
ment of  
section 5.

(b) to sub-section (2), the following proviso shall be added, namely:—

“Provided that if his term of office as a member of the Central Council expires before the expiry of the full term for which he is elected as President or Vice-President, he shall, if he is re-elected or re-nominated as a member of the Central Council, continue to hold office as President or Vice-President for the full term for which he is elected to such office.”.

Amendment of section 7.

5. In section 7 of the principal Act, in sub-section (1), the words “, other than a nominated President,” shall be omitted.

Substitution of new section for section 8.

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

Staff, remuneration and allowances.

“8. The Central Council shall—

(a) appoint a Registrar who shall act as the Secretary to that Council and who may also, if deemed expedient by that Council, act as the Treasurer thereof;

(b) appoint such other officers and servants as that Council deems necessary to enable it to carry out its functions under this Act;

(c) require and take from the Registrar, or any other officer or servant, such security for the due performance of his duties as that Council may consider necessary; and

(d) with the previous sanction of the Central Government, fix—

(i) the remuneration and allowances to be paid to the President, Vice-President, and other members of that Council,

(ii) the pay and allowances and other conditions of service of officers and servants of that Council.”.

Insertion of new section 9A.

7. After section 9 of the principal Act, the following section shall be inserted, namely:—

Other committees.

“9A. (1) The Central Council may constitute from among its members other committees for such general or special purposes as that Council may deem necessary and for such periods not exceeding five years as it may specify, and may co-opt for a like period persons, who are not members of the Central Council, as members of such committees.

(2) The remuneration and allowances to be paid to the members of such committees shall be fixed by the Central Council with the previous sanction of the Central Government.



(3) The business before such committees shall be conducted in accordance with such regulations as may be made under this Act.”

8. In section 14 of the principal Act, after the words “shall be deemed”, the words “, subject to such additional conditions, if any, as may be specified by the Central Council,” shall be inserted.

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

“15A. (1) The Central Council shall cause to be maintained in the prescribed manner a register of pharmacists to be known as the Central Register, which shall contain the names of all persons for the time being entered in the register for a State.

(2) Each State Council shall supply to the Central Council five copies of the register for the State as soon as may be after the first day of April of each year, and the Registrar of each State Council, shall inform the Central Council, without delay, all additions to, and other amendments in, the register for the State made from time to time.

(3) It shall be the duty of the Registrar of the Central Council to keep the Central Register in accordance with the orders made by the Central Council, and from time to time to revise the Central Register and publish it in the Gazette of India.

(4) The Central Register shall be deemed to be public document within the meaning of the Indian Evidence Act, 1872 and may be proved by the production of a copy of the Register as published in the Gazette of India.

15B. The Registrar of the Central Council shall, on receipt of the report of registration of a person in the register for a State, enter his name in the Central Register.”

10. In section 17 of the principal Act,—

(a) in sub-section (1), the words “together with an abstract of its accounts” shall be omitted;

(b) in sub-section (2), for the words “copy or abstract”, the words “or copy” shall be substituted.

11. After section 17 of the principal Act, the following section shall be inserted, namely:—

“17A. (1) The Central Council shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, in accordance with such general directions as may be issued and in such form as may be specified by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Central Council shall be audited annually by the Comptroller and Auditor-General of India or any person authorised by him in this behalf and any expenditure incurred by him or any person so authorised in connection with such audit shall be payable by the Central Council to the Comptroller and Auditor-General of India.

Amendment of section 14.

Insertion of new sections 15A and 15B.

The Central Register.

Registration in the Central Register. Amendment of section 17

Insertion of new section 17A. Accounts and audit.

(3) The Comptroller and Auditor-General of India and any person authorised by him in connection with the audit of the accounts of the Central Council shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of Government accounts, and in particular, shall have the right to demand the production of books of accounts, connected vouchers and other documents and papers.

(4) The accounts of the Central Council as certified by the Comptroller and Auditor-General of India or any person authorised by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Council which shall forward the same with its comments to the Central Government."

Amend-  
ment of  
section  
18.

12. In section 18 of the principal Act, in sub-section (2),—

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

"(a) the management of the property of the Central Council;";

(b) in clause (f),—

(i) for the word "Secretary", the words "Registrar, Secretary" shall be substituted;

(ii) for the word "Treasurer", the words "Registrar or any other officer or servant" shall be substituted;

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

"(g) the manner in which the Central Register shall be maintained and given publicity;

(h) constitution and functions of the committees other than Executive Committee, the summoning and holding of meetings thereof, the time and place at which such meetings shall be held, and the number of members necessary to constitute the quorum."

Amend-  
ment of  
section  
19.

13. In section 19 of the principal Act,—

(a) in clause (b),—

(i) for the word "two", the word "three" shall be substituted;

(ii) for the words "members of the pharmaceutical profession", the words "registered pharmacists" shall be substituted;

(b) in clauses (dd) and (e), for the words and figures "Drugs Act, 1940", the words and figures "Drugs and Cosmetics Act, 1940" shall be substituted;

(c) in the proviso, for the words "member of the pharmaceutical profession", the words "registered pharmacist" shall be substituted.

23 of 1940.  
23 of 1940

Amend-  
ment of  
section  
21.

14. In section 21 of the principal Act,—

(a) in sub-section (1), in clauses (dd) and (e), for the words and figures "Drugs Act, 1940", the words and figures "Drugs and Cosmetics Act, 1940" shall be substituted;

23 of 1940.  
23 of 1940.

(b) in sub-section (3),—

(i) for the words "at least half", the words "more than half" shall be substituted;

(ii) for the words "members of the pharmaceutical profession", the words "registered pharmacists" shall be substituted.

15. In section 23 of the principal Act,—

Amend-  
ment of  
section  
23.

(a) in sub-section (2), for the words "An elected President", the words "The President" shall be substituted;

(b) to sub-section (2), the following proviso shall be added, namely:—

"Provided that if his term of office as a member of the State Council expires before the expiry of the full term for which he is elected as President or Vice-President, he shall, if he is re-elected or re-nominated as a member of the State Council, continue to hold office for the full term for which he is elected as President or Vice-President."

16. After section 26 of the principal Act, the following section shall be inserted, namely:—

Insertion  
of new  
section  
26A.

"26A. (1) A State Council may, with the previous sanction of the State Government, appoint Inspectors having the prescribed qualifications for the purposes of Chapters III, IV and V of this Act.

Inspection.

(2) An Inspector may—

(a) inspect any premises where drugs are compounded or dispensed and submit a written report to the Registrar;

(b) enquire whether a person who is engaged in compounding or dispensing of drugs is a registered pharmacist;

(c) investigate any complaint made in writing in respect of any contravention of this Act and report to the Registrar;

(d) institute prosecution under the order of the Executive Committee of the State Council;

(e) exercise such other powers as may be necessary for carrying out the purposes of Chapters III, IV and V of this Act or any rules made thereunder.

(3) Any person wilfully obstructing an Inspector in the exercise of the powers conferred on him by or under this Act or any rules made thereunder shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding one thousand rupees, or with both.

(4) Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code."

Insertion  
of new  
section  
32B.

Special  
provi-  
sions  
for  
regis-  
tration of  
displaced  
persons,  
repatri-  
ates  
and  
other  
persons.

17. After section 32A of the principal Act, the following section shall be inserted, namely:—

'32B. (1) Notwithstanding anything contained in section 32 or section 32A, a State Council may permit to be entered on the register—

(a) the names of persons who possess the qualifications specified in clause (a) or clause (c) of section 31 and who were eligible for registration between the closing of the First Register and the date when the Education Regulations came into effect;

(b) the names of persons approved as "qualified persons" before the 31st December, 1969 for compounding or dispensing of medicines under the Drugs and Cosmetics Act, 1940 and the rules made thereunder;

(c) the names of displaced persons or repatriates who were carrying on business or profession of pharmacy as their principal means of livelihood in any country outside India for a total period of not less than five years from a date prior to the date of application for registration.

*Explanation.*—In this sub-section,—

(i) "displaced person" means any person who, on account of civil disturbances or the fear of such disturbances in any area now forming part of Bangla Desh, has, after the 14th day of April, 1957 but before the 25th day of March, 1971, left, or has been displaced from, his place of residence in such area and who has since then been residing in India;

(ii) "repatriate" means any person of Indian origin who, on account of civil disturbances or the fear of such disturbances in any area now forming part of Burma, Sri Lanka or Uganda, or any other country has, after the 14th day of April, 1957, left or has been displaced from, his place of residence in such area and who has since then been residing in India.

(2) The provisions of clauses (a) and (b) of sub-section (1) shall remain in operation for a period of two years from the commencement of the Pharmacy (Amendment) Act, 1976.'

23 of 1940.

Amend-  
ment of  
section 36.

18. In section 36 of the principal Act, in sub-section (1), in clause (e) of the proviso, for the words and figures "Drugs Act, 1940", the words and figures "Drugs and Cosmetics Act, 1940" shall be substituted.

23 of 1940.  
23 of 1940.

Amend-  
ment of  
section 42.

19. In section 42 of the principal Act, in sub-section (1), after the existing proviso, the following proviso shall be added, namely:—

"Provided further that where no such date is appointed by the Government of a State, this sub-section shall take effect in that State on the expiry of a period of five years from the commencement of the pharmacy (Amendment) Act, 1976."

Amend-  
ment of  
section 46.

20. In section 46 of the principal Act, in sub-section (2), after clause (f), the following clause shall be inserted, namely:—

"(ff) the qualifications, powers and duties of an Inspector;".

# THE TARIFF COMMISSION (REPEAL) ACT, 1976

No. 71 OF 1976

[28th May, 1976.]

## An Act to repeal the Tariff Commission Act, 1951.

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

1. (1) This Act may be called the Tariff Commission (Repeal) Act, 1976. Short title and commencement.  
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In this Act, unless the context otherwise requires,— Definitions.
  - (a) "appointed day" means the date on which this Act comes into force;
  - (b) "Tariff Commission" means the Tariff Commission established under the Tariff Commission Act, 1951.
3. On the appointed day, the Tariff Commission Act, 1951 (hereinafter referred to as the principal Act), shall stand repealed, and the Tariff Commission shall cease to exist. Repeal of Act 50 of 1951 and abolition of the Tariff Commission.

50 of 1951.

Conse-  
quential  
provisions.

4. (1) Any inquiry under section 12 of the principal Act, pending immediately before the appointed day shall, on the appointed day, terminate:

Provided that nothing contained in this sub-section shall be deemed to affect the powers of the Central Government to appoint a commission or other body to inquire into any matter to which any such inquiry is relatable.

(2) Where a commission or other body has been appointed to inquire into any matter under the proviso to sub-section (1), any information relating to any industry which has been obtained by or on behalf of the Tariff Commission for the purpose of its functions under the principal Act, may, notwithstanding anything contained in section 22 of the principal Act, be made available by the Central Government to the commission or other body aforesaid for the purpose of the relevant inquiry:

Provided that the said commission or other body shall not in turn disclose any such information unless such disclosure is made with the previous consent in writing of the owner for the time being of the industry concerned and it is necessary for the purposes of the inquiry so to do:

Provided further that nothing in this sub-section shall apply to the disclosure of any such information for the purpose of—

(i) any legal proceeding which may be taken in pursuance of the findings of such a commission or other body, or

(ii) any report relating to any such proceedings.

(3) If any person discloses any information in contravention of sub-section (2), he shall be punishable on conviction with fine, which may extend to one thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

(4) Any thing, or any action, which ought to have been done or taken by the Tariff Commission before the appointed day with respect to the termination of service of its employees or with respect to any matter in relation thereto or arising therefrom, but not so done or taken by that Commission may, on and from the appointed day, be done or taken by the Central Government.

THE LIFE INSURANCE CORPORATION (MODIFICATION  
OF SETTLEMENTS) ACT, 1976

No. 72 of 1976

[29th May, 1976.]

An Act to provide for the modification of the settlements arrived at between the Life Insurance Corporation of India and their workmen,

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

1. This Act may be called the Life Insurance Corporation (Modification of Settlements) Act, 1976.

Short  
title.

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

Defini-  
tions.

(a) "Corporation" means the Life Insurance Corporation of India established under section 3 of the Life Insurance Corporation Act, 1956;

21 of 1956.

(b) "salary" means basic pay and includes—

- (i) special pay, if any;
- (ii) dearness allowance; and
- (iii) additional dearness allowance;

(c) "settlements" means,—

(i) the settlement which was arrived at between the Corporation and their workmen on the 24th day of January, 1974, under section 18, read with clause (p) of section 2, of the Industrial Disputes Act, 1947; and

14 of 1947.

(ii) the settlement which was arrived at between the Corporation and their workmen on the 6th day of February, 1974, under section 18, read with clause (p) of section 2, of the said Act and in respect of the terms of which there was no approval as provided for in sub-clause (2) of clause 12 thereof.

3. Notwithstanding anything contained in the Industrial Disputes Act, 1947, the provisions of each of the settlements, in so far as they relate to the payment of an annual cash bonus to every Class III and Class IV employee of the Corporation at the rate of fifteen per cent. of his annual salary, shall not have any force or effect and shall not be deemed to have had any force or effect on and from the 1st day of April, 1975.

Modifica-  
tion of  
settle-  
ments.

**THE BANKING AND PUBLIC FINANCIAL INSTITUTIONS  
LAWS (AMENDMENT) ACT, 1976**

No. 73 of 1976

[11th June, 1976]

An Act further to amend the Industrial Finance Corporation Act, 1948, the State Bank of India Act, 1955, the Industrial Development Bank of India Act, 1964, and the Regional Rural Banks Act, 1976.

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

**CHAPTER I**

**PRELIMINARY**

**Short title.** 1. This Act may be called the Banking and Public Financial Institutions Laws (Amendment) Act, 1976.

**Construction of references.** 2. Any reference in sections 3(i), 4(ii), 5(i) and 6(i) of this Act to the chairman or, as the case may be, vice-chairman or managing director shall be construed as including a reference to the person holding office as such at the commencement of this Act.

**CHAPTER II**

**AMENDMENTS TO THE INDUSTRIAL FINANCE CORPORATION ACT, 1948**

**Amendment of Act 15 of 1948.** 3. In the Industrial Finance Corporation Act, 1948:—  
(i) in section 10A, after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) Notwithstanding anything contained in sub-section (2), the Central Government shall have the right to terminate



the term of office of the Chairman at any time before the expiry of the term specified in sub-section (2) by giving him notice of not less than three months in writing or three months' salary and allowances in lieu of such notice; and the Chairman shall also have the right to relinquish his office at any time before the expiry of the term specified in sub-section (2) by giving to the Central Government notice of not less than three months in writing.”;

(ii) in section 13, to sub-section (1), the following proviso shall be added, namely:—

“Provided that no person shall be removed from his office, under this sub-section, unless he has been given an opportunity of showing cause against his removal.”.

### CHAPTER III

#### AMENDMENTS TO THE STATE BANK OF INDIA ACT, 1955

4. In the State Bank of India Act, 1955,—

(i) in section 19, in sub-section (1),—

(a) in clause (a), the words “and after consideration, of the recommendations made by the Central Board in that behalf” shall be omitted;

(b) in clause (b), for the words “by the Central Board with the approval of the Central Government”, the words “by the Central Government in consultation with the Reserve Bank” shall be substituted;

(ii) in section 20,—

(a) in sub-section (1), for the words “The chairman and the vice-chairman”, the words “The chairman, vice-chairman and each managing director” shall be substituted;

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

“(1A) Notwithstanding anything contained in sub-section (1), the Central Government shall have the right to terminate the term of office of the chairman, vice-chairman or a managing director, as the case may be, at any time before the expiry of the term fixed under sub-section (1) by giving him notice of not less than three months in writing or three months' salary and allowances in lieu of such notice; and the chairman, vice-chairman or a managing director, as the case may be, shall also have the right to relinquish his office at any time before the expiry of the term so fixed by giving to the Central Government notice of not less than three months in writing.”;

(c) sub-section (2) shall be omitted;

(iii) in section 23, in clause (b), for the words “chairman and vice-chairman”, the words “chairman, vice-chairman and a managing director” shall be substituted;

(iv) in section 24,—

(a) in sub-section (1), for the words “the chairman or the vice-chairman”, the words “the chairman, vice-chairman or a managing director” shall be substituted;

Amend-  
ment of  
Act 23 of  
1955.

1081-5

(b) sub-section (2) shall be omitted;

(c) in sub-section (6), the words, brackets and figure "or sub-section (2)" shall be omitted;

(v) in section 25, for sub-section (1), the following sub-section shall be substituted, namely:—

"(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 consultation with the Reserve Bank, appoint another person to officiate in the vacancy.";

(vi) in section 27, in sub-section (2),—

(a) for the words "as may be determined by the Central Board with the approval of the Central Government:", the words "as may be determined by the Central Government." shall be substituted;

(b) the proviso shall be omitted;

(vii) in section 28, in sub-section (2),—

(a) for the words "as may be determined by the Central Board with the approval of the Central Government:", the words "as may be determined by the Central Government." shall be substituted;

(b) the proviso shall be omitted;

(viii) in section 29, in sub-section (2),—

(a) for the words "as may be determined by the Central Board with the approval of the Central Government:", the words "as may be determined by the Central Government." shall be substituted;

(b) the proviso shall be omitted.

#### CHAPTER IV

#### AMENDMENTS TO THE INDUSTRIAL DEVELOPMENT BANK OF INDIA ACT, 1964

5. In the Industrial Development Bank of India Act, 1964, in section 6,—

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

"(2A) Notwithstanding anything contained in sub-section (1), the Central Government shall have the right to terminate the term of office of the chairman or managing director, as the case may be, at any time before the expiry of the term specified under sub-section (2) by giving him notice of not less than three months in writing or three months' salary and allowances in lieu of such notice; and the chairman or managing director, as the case may be, shall also have the right to relinquish his office at any time before the expiry of the term specified under sub-section (2) by giving to the Central Government notice of not less than three months in writing.";

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

“(3A) The Central Government may, at any time, remove the chairman or the managing director, as the case may be, from office:

Provided that no person shall be removed from his office, under this sub-section, unless he has been given an opportunity of showing cause against his removal.”.

## CHAPTER V

### AMENDMENTS TO THE REGIONAL RURAL BANKS ACT, 1976

6. In the Regional Rural Banks Act, 1976, in section 11,—

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

“(1A) Notwithstanding anything contained in sub-section (1), the Central Government shall have the right to terminate the term of office of the Chairman at any time before the expiry of the period specified under sub-section (1) by giving him notice of not less than three months in writing or three months' salary and allowances in lieu of such notice; and the Chairman shall also have the right to relinquish his office at any time before the expiry of the period so specified by giving to the Central Government notice of not less than three months in writing.”;

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

“(4) The Central Government may, at any time, remove the Chairman from office:

Provided that no person shall be removed from his office, under this sub-section, unless he has been given an opportunity of showing cause against his removal.”.

Amend-  
ment of  
Act 21  
of 1976.

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

(1A) The Central Government shall have the right to remove the chairman of the managing director, as the case may be, from office:

THE ADDITIONAL EMOLUMENTS (COMPULSORY DEPOSIT) AMENDMENT ACT, 1976

CHAPTER I

No. 74 OF 1976

-Amend-  
ment of  
13  
1976

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

(1A) Notwithstanding anything contained in sub-section (1) the Central Government shall have the right to terminate the term of office of the Chairman of any time before the expiry of the period specified under section 6 of the principal Act, if it is satisfied that the Chairman has not given notice of not less than three months in writing to the Government and the Government also have the right to terminate the office of the Chairman if he has not given notice of not less than three months in writing to the Government.

[11th June, 1976]

An Act to amend the Additional Emoluments (Compulsory Deposit) Act, 1974.

(ii) after sub-section (1) the following sub-section shall be substituted, namely:—

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

Short title.

4. This Act may be called the Additional Emoluments (Compulsory Deposit) Amendment Act, 1976.

Amendment of section 6.

2. In section 6 of the Additional Emoluments (Compulsory Deposit) Act, 1974 (hereinafter referred to as the principal Act), in clause (b) of sub-section (1), for the words "two years", the words "three years" shall be substituted.

37 of 1974.

Amendment of section 8.

3. In section 9 of the principal Act,—

- (i) in sub-section (1),—
  - (A) for clause (b), the following clause shall be substituted, namely:—
    - "(b) in the case of an amount credited to the Additional Dearness Allowance Deposit Account,—
      - (i) for any period ending on the 30th day of June, 1976, in cash, at any time after the expiry of two years from the appointed day; and

(ii) for any period ending after the 30th day of June, 1976,

(a) by crediting to the provident fund account of the employee, at any time after the expiry of a period of four years from the appointed day, if such employee is a subscriber to any provident fund;

(b) in cash, at any time after the expiry of a period of four years from the appointed day, in the case of an employee who is not a subscriber to any provident fund;

(B) in the third proviso, for the words "either or both of the Deposit Accounts shall be repaid to him", the words "the Additional Wages Deposit Account shall be repaid to him in cash" shall be substituted;

(ii) in sub-section (2),—

(a) for the words "any Deposit Account", the words "any Additional Wages Deposit Account" shall be substituted;

(b) the words "or two years, as the case may be," shall be omitted;

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

(3) The aggregate amount credited to the Additional Dearness Allowance Deposit Account by or in relation to an employee for the period ending on the 30th day of June, 1976, shall, subject to the provisions of sub-section (5), be repaid, in cash, to the employee in five equal annual instalments commencing from the expiry of a period of two years from the appointed day, together with interest due on the whole or, as the case may be, part of the amount of compulsory deposit which remains unpaid.

(4) The aggregate amount credited to the Additional Dearness Allowance Deposit Account by or in relation to an employee for the period commencing on the 1st day of July, 1976, and ending on the 5th day of July, 1977, together with interest due on the whole, or, as the case may be, part of the amount of compulsory deposit which remains unpaid, shall, subject to the provisions of sub-section (5), be repaid to the employee in five equal annual instalments commencing on the 6th day of July, 1978, and each such instalment shall be credited to the provident fund account of the employee:

Provided that the employer shall not be required to make any contribution under the Employees Provident Funds Act, 1952, or under any other law for the time being in force, in relation to the amounts so credited to the provident fund account of the employee:

Provided further that, in the case of the employees who do not subscribe to any provident fund, the aggregate amount so repayable shall be repaid in cash in five equal annual instalments commencing on the 6th day of July, 1978.

(5) On the superannuation, resignation or termination of employment of an employee, the whole of the amount standing

to the credit of such employee in the Additional Dearness Allowance Deposit Account, shall be repaid,—

(a) in cash, in the case of any amount credited to the Additional Dearness Allowance Deposit Account for any period ending on the 30th day of June, 1976;

(b) in the case of any amount credited to the Additional Dearness Allowance Deposit Account for any period ending after the 30th day of June, 1976,—

(i) by crediting such amount to the provident fund account of such employee, if he is the subscriber of any such account, or

(ii) in cash, where such employee is not a subscriber to any provident fund.

*Explanation.*—For the purposes of this section, “provident fund” has the meaning assigned to it in section 2(e) of the Provident Funds Act, 1925.

# THE TEA (AMENDMENT) ACT, 1976

No. 75 OF 1976

[11th June, 1976]

## An Act further to amend the Tea Act, 1953.

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

1. This Act may be called the Tea (Amendment) Act, 1976.

Short  
title.

29 of 1953.

2. After Chapter III of the Tea Act, 1953, the following Chapter shall be inserted, namely:—

Insertion  
of new  
Chapter  
IIIA.

### ‘CHAPTER IIIA

#### MANAGEMENT OR CONTROL OF TEA UNDERTAKINGS OR TEA UNITS BY THE CENTRAL GOVERNMENT IN CERTAIN CIRCUMSTANCES

16A. (1) In this Chapter, unless the context otherwise requires,—

Defini-  
tions.

(a) “authorised person” means the person or body of persons authorised, or appointed, by the Central Government under this Act to take over the management of any tea undertaking or tea unit;

(b) “company” means a company within the meaning of section 3 of the Companies Act, 1956;

(c) “district average yield” means the average yield of tea in the district in which one or more tea units are located, as published by the Board;

(d) “notified order” means an order notified in the Official Gazette;

(e) “tea undertaking” means an undertaking engaged in the production or manufacture, or both, of tea through one or more tea units;

1 of 1956.

(f) "tea unit" means a tea estate or garden, including a subdivision thereof, which has a distinct entity for which accounts are kept and has a factory of its own for the production and manufacture of tea.

(2) References to an industrial undertaking in such of the provisions of the Industries (Development and Regulation) Act, 1951, as apply to a tea undertaking or tea unit by virtue of the provisions of this Chapter, shall be construed as references to a tea undertaking or tea unit, as the case may be, and references in the Act aforesaid to any provision of that Act, as applicable to a tea undertaking or tea unit, in relation to which a corresponding provision has been made in this Act, shall be construed as references to such corresponding provision.

65 of 1951

Power to cause investigation to be made in relation to a tea undertaking or tea unit.

16B. (1) Where the Central Government is of opinion in respect of a tea undertaking or a tea unit that—

(a) the tea undertaking or, as the case may be, the tea unit, has made losses in three out of five years immediately preceding the year in which such opinion is formed; or

(b) the average yield of the tea undertaking, or, as the case may be, the tea unit, during three years out of five years immediately preceding the year in which such opinion is formed, has been lower than the district average yield by twenty-five per cent., or more; or

(c) the persons owning the tea undertaking, or, as the case may be, the tea unit, have habitually made default in the payment of wages, or provident fund dues of workers and other employees, or rent of the land, or duties of excise, or such other dues as they are under an obligation to pay under any law for the time being in force; or

(d) the tea undertaking, or as the case may be, the tea unit, is being managed in a manner highly detrimental to the tea industry or to public interest,

the Central Government may make, or cause to be made a full and complete investigation into the affairs of the tea undertaking or, as the case may be, the tea unit, by such person or body of persons as it may appoint for the purpose.

(2) Where a company owning a tea undertaking is being wound up by or under the supervision of the Court and the business of such company is not being continued, the Central Government may, if it is of opinion that it is necessary, in the interests of the general public, and, in particular, in the interest of production, supply or distribution of tea, to investigate into the possibility of running or restarting the tea undertaking, make an application to the Court paying for permission to make, or cause to be made, an investigation into such possibility by such person or body of persons as that Government may appoint for the purpose; and, where such an application is made, the Court shall, notwithstanding anything contained in the Companies Act, 1956, or in any other law for the time being in force, grant the permission prayed for.

1 of 1956.



85 of 1951.

(3) The person or body of persons appointed to make any investigation under sub-section (1) or, as the case may be, sub-section (2), shall have the same powers as are specified in section 18 of the Industries (Development and Regulation) Act, 1951.

16C. (1) If, after making or causing to be made any such investigation as is referred to in sub-section (1) of section 16B, the Central Government is satisfied that action under this section is desirable, it may issue such directions to the tea undertaking or tea unit concerned, as may be appropriate in the circumstances, for all or any of the following purposes, namely:—

Power of Central Government on completion of investigation

(a) regulating the production of tea by the tea undertaking or, as the case may be, tea unit and fixing the standards of production;

(b) requiring the tea undertaking or, as the case may be, tea unit to take such steps as the Central Government considers necessary to stimulate the production, manufacture or plantation, of tea;

(c) prohibiting the tea undertaking or, as the case may be, tea unit from resorting to any act or practice which might reduce its production, capacity or economic value;

(d) controlling the prices, or regulating the distribution, of tea produced or manufactured by the tea undertaking or, as the case may be, tea unit.

(2) Where a case relating to any tea undertaking or tea unit is under investigation, the Central Government may issue, at any time, any direction of the nature referred to in sub-section (1) to the tea undertaking or the tea unit concerned and any such direction shall have effect until it is varied or revoked by the Central Government.

16D. (1) If the Central Government is of opinion that—

(a) a tea undertaking or tea unit, to which directions have been issued in pursuance of section 16C, has failed to comply with such directions, or the tea undertaking, or, as the case may be, the tea unit, has made losses in three out of five years immediately preceding the year in which such opinion is formed; or

(b) the average yield of the tea undertaking, or, as the case may be, the tea unit, during three years out of five years immediately preceding the year in which such opinion is formed, has been lower than the district average yield by twenty-five per cent. or more; or

(c) the persons owning the tea undertaking, or, as the case may be, the tea unit, have habitually made default in the payment of wages, or provident fund dues, of workers and other employees, or rent of the land, or duties of excise, or in the payment of such other dues as are obligatory under any law for the time being in force; or

(d) the undertaking, or, as the case may be, the tea unit, is being managed in a manner highly detrimental to the tea industry or to public interest,

Power of Central Government to assume management or control of tea undertaking or tea unit in certain cases.

the Central Government may, by notified order, authorise any person or body of persons to take over the management of the whole or any part of the tea undertaking or tea unit, as the case may be, or to exercise in respect of the whole or any part of the tea undertaking or, as the case may be, tea unit, such functions of control as may be specified in the order.

(2) Any notified order issued under sub-section (1) shall have effect for such period, not exceeding five years, as may be specified in the order:

Provided that if the Central Government is of opinion that it is expedient in the public interest that any such notified order should continue to have effect after the expiry of the period of five years aforesaid, it may from time to time issue directions for such continuance for such period, not exceeding one year at a time, as may be specified in the direction, so, however, that the total period of such continuance (after the expiry of the said period of five years) does not exceed two years; and where any such direction is issued, a copy thereof shall be laid, as soon as may be, before both Houses of Parliament.

(3) Any notified order issued under sub-section (1) shall have the same effect as if it were an order made under sub-section (1) of section 18A of the Industries (Development and Regulation) Act, 1951, and the provisions of section 18B of that Act shall apply accordingly.

65 of 1951.

(4) Notwithstanding anything contained in any law for the time being in force, no person, who ceases to hold any office by reason of the provisions contained in clause (a), or whose contract of management is terminated by reason of the provisions contained in clause (b), of section 18B of the Industries (Development and Regulation) Act, 1951, as applicable to a tea undertaking or tea unit by virtue of the provisions of sub-section (3), shall be entitled to any compensation for the loss of office or for the premature termination of his contract of management:

65 of 1951.

Provided that nothing contained in this section shall affect the right of any such person to recover from the tea undertaking or the tea unit, as the case may be, monies recoverable otherwise than by way of such compensation.

16E. (1) Without prejudice to any other provision of this Act, if, from the documentary or other evidence in its possession, the Central Government is satisfied, in relation to a tea undertaking or tea unit, that—

(a) the persons in charge of such tea undertaking or tea unit have, by reckless investments or creation of incumbrances on the assets of the tea undertaking or tea unit, or by diversion of funds, brought about a situation which is likely to affect the production of tea, manufactured or produced by the tea undertaking or tea unit, and that immediate action is necessary to prevent such a situation; or

Power to  
take over  
tea under-  
taking  
or tea  
unit  
without  
investi-  
gation  
under  
certain  
circum-  
stances.

(b) it has been closed for a period of not less than three months (whether by reason of the voluntary winding up of the company owning the tea undertaking or tea unit or for any other reason) and such closure is prejudicial to the concerned tea undertaking or tea unit and that the financial condition of the company owning the tea undertaking or tea unit and the plant and machinery of such tea undertaking or tea unit are such that it is possible to restart the tea undertaking or tea unit and such restarting is necessary in the interests of the general public, it may, by notified order, authorise any person or body of persons to take over the management of the whole or any part of the tea undertaking or tea unit or to exercise in respect of the whole or any part of the tea undertaking or tea unit such functions of control as may be specified in the order.

(2) On the issue of a notified order under sub-section (1) in respect of a tea undertaking or tea unit,—

(a) the provisions of sub-sections (2), (3) and (4) of section 16D, and the provisions of section 16G, shall apply to a notified order made under sub-section (1) as they apply to a notified order made under sub-section (1) of section 16D; and

(b) the provisions of sub-sections (3) and (4) of section 18AA of the Industries (Development and Regulation) Act, 1951, shall apply to the tea undertaking or tea unit, as the case may be, to the same extent as they apply to an industrial undertaking.

65 of 1951.

65 of 1951.

16F. Without prejudice to the provisions of section 18B of the Industries (Development and Regulation) Act, 1951, as applicable to a tea undertaking or tea unit, as the case may be, the person or body of persons authorised under section 16D, or, as the case may be, section 16E, to take over the management of a tea undertaking or tea unit may, with the previous approval of the Central Government, make an application to any court having jurisdiction in this behalf for the purpose of cancelling or varying any contract or agreement entered into, at any time before the issue of the notified order under section 16D or section 16E, between the tea undertaking or the tea unit and any other person; and the court may, if satisfied after due inquiry that such contract or agreement had been entered into in bad faith or is detrimental to the interests of the tea undertaking or tea unit, make an order cancelling or varying (either unconditionally or subject to such conditions as it may think fit to impose) that contract or agreement, and the contract or agreement shall have effect accordingly.

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

16G. (1) Where the management of a tea undertaking or tea unit owned by a company has been taken over by any person or body of persons authorised by the Central Government under this Act, then, notwithstanding anything contained in the said Act or in the memorandum or articles of association of such company,—

Application of Act 1 of 1956.

(a) it shall not be lawful for the shareholders of such company or any other person to nominate or appoint any person to be a director of the company;

(b) no resolution passed in a meeting of the shareholders of such company shall be given effect to unless approved by the Central Government;

(c) no proceeding for the winding up of such company or for the appointment of receiver in respect thereof shall lie in any court except with the consent of the Central Government.

(2) Subject to the provisions contained in sub-section (1), and to the other provisions contained in this Act, and subject to such other exceptions, restrictions and limitations, if any, as the Central Government may, by notification in the Official Gazette, specify in this behalf, the Companies Act, 1956, shall continue to apply to such company in the same manner as it applied thereto before the issue of the notified order.

1 of 1956.

Power of Central Government to cancel notified order under section 16D or 16E.

16H. If, at any time, it appears to the Central Government on the application of the owner of a tea undertaking or tea unit or otherwise that the purpose of the order made under section 16D or section 16E, has been fulfilled or that for any other reason it is not necessary that the order should remain in force, the Central Government may, by notified order, cancel such order and, on the cancellation of any such order, the management or control, as the case may be, of the tea undertaking or tea unit, as the case may be, shall vest in the owner of that undertaking or unit.

Power of Central Government to authorise, with the permission of the Court, persons to take over management or control of tea undertakings or tea units.

16-I. (1) If the Central Government is of opinion that there are possibilities of running or restarting a tea undertaking or tea unit in relation to which an investigation has been made under sub-section (2) of section 16B, and that such tea undertaking or tea unit should be run or restarted for maintaining or increasing the production, supply or distribution of tea, that Government may make an application to the Court by which the company owning such tea undertaking or tea unit has been ordered to be wound up, praying for permission to appoint any person or body of persons to take over the management of the tea undertaking or, as the case may be, tea unit, or to exercise in respect of the whole or any part of the tea undertaking or tea unit, such functions of control as may be specified in the application.

(2) Where an application is made under sub-section (1),—

(a) the provisions of sub-section (2) of section 18FA of the Industries (Development and Regulation) Act, 1951 shall apply to the tea undertaking or tea unit, as the case may be, subject to the modification that for the words "twelve years" occurring in the second proviso thereto, the words "two years" shall be substituted;

65 of 1951.

(b) the provisions of sub-sections (3) to (10) (both inclusive) of section 18FA of the Industries (Development and Regulation) Act, 1951 shall apply to the tea undertaking or tea unit referred to in sub-section (1), to the same extent as they apply to an industrial undertaking.

65 of 1951.

65 of 1951.

16J. The Central Government may, if it is satisfied in relation to a tea undertaking, tea unit or any part thereof, the management or control of which has been taken over under section 16D or under section 16E or under section 16-I, that it is necessary so to do in the interests of the general public with a view to preventing fall in the volume of the production of tea, exercise in relation to such tea undertaking or tea unit or part thereof the same powers as are exercisable by it in relation to an industrial undertaking under section 18FB of the Industries (Development and Regulation) Act, 1951, and the said section and the Third Schedule referred to therein shall apply to a tea undertaking or tea unit accordingly.

Power of Central Government to make certain declarations in relation to tea undertakings or tea units.

16K. (1) Where the management or control of a tea undertaking or tea unit, as the case may be, has been taken over under section 16D or under section 16E or under section 16-I, the Central Government may, at any time during the continuance of such management or control, call for a report from the authorised person on the affairs and working of the tea undertaking or tea unit, and in submitting the report the authorised person shall take into account the inventory and list of members and creditors prepared under section 16L.

Power of Central Government to call for report on the affairs and working of a managed tea undertaking or tea unit.

65 of 1951.

(2) On receipt of the report submitted by the authorised person, the Central Government may exercise all or any of the powers conferred on it by sections 18FD, 18FE and 18FF of the Industries (Development and Regulation) Act, 1951, to the same extent and subject to the same conditions, limitations or restrictions as are specified in the said sections, and the provisions of the said sections shall become applicable to a tea undertaking or tea unit, as the case may be.

16L. For the purposes of this Act, the authorised person shall, as soon as may be after taking over the management of a tea undertaking or tea unit, prepare a complete inventory of the properties, belongings, liabilities and obligations of such tea undertaking or tea unit, as the case may be, and a list of members and creditors of such tea undertaking or tea unit, in accordance with the provisions of section 18FG of the Industries (Development and Regulation) Act, 1951, and the said section shall apply to a tea undertaking or tea unit accordingly.

Preparation of an inventory of the assets and liabilities and list of members and creditors of managed tea undertaking or

Bar of suits and other proceedings in relation to the tea undertakings or tea units.

16M. No suit or other legal proceedings shall be instituted or continued against a tea undertaking or tea unit in respect of which an order has been made under section 16D or section 16E, except with the previous permission of the Central Government or of any officer authorised by that Government in this behalf.

Rules made under Act 65 of 1951 to apply.

16N. Until any rule is made in relation to any matter referred to in this Chapter, the rules made by the Central Government under the Industries (Development and Regulation) Act, 1951, in relation to such matter shall, as far as may be, apply, to the extent they are not repugnant to any provision of this Act or any rule made thereunder and references in such rules to the provisions of that Act shall be construed accordingly.'

# THE NATIONAL LIBRARY OF INDIA ACT, 1976

## ARRANGEMENT OF SECTIONS

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# THE NATIONAL LIBRARY OF INDIA ACT, 1976

No. 76 OF 1976

[11th June, 1976]

An Act to provide for the administration of the National Library and certain other connected matters.

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

## CHAPTER I

### PRELIMINARY

1. (1) This Act may be called the National Library of India Act, 1976. Short title  
and  
commen-  
cement.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In this Act, unless the context otherwise requires,— Defini-  
tions.
- (a) "Board" means the Board established under section 3;
- (b) "Chairman" means the Chairman of the Board;
- (c) "Fund" means the Fund referred to in section 23;
- (d) "Library" means the institution located at Calcutta and known at the commencement of the Constitution as the National Library;
- (e) "member" means a member of the Board and includes the Chairman;
- (f) "prescribed" means prescribed by rules made under this Act.

## CHAPTER II

## THE NATIONAL LIBRARY BOARD

Establishment and incorporation of Board.

3. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established for the purposes of this Act, a Board to be known as the National Library Board.

(2) The Board shall be a body corporate with the name aforesaid, having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and contract and may by that name, sue and be sued.

(3) Notwithstanding anything contained in sub-section (2), the Board shall not, except with the previous approval of the Central Government, sell or otherwise dispose of any manuscripts, books, articles or things belonging to the Library, other than articles of furniture, stationery and dead stock of like nature:

Provided that where any such manuscripts, books, articles or things donated by any person to the Library are proposed to be sold or otherwise disposed of, no approval under this sub-section shall be accorded unless the donor or his successor-in-interest, as the case may be, has permitted in writing to do so.

Composition of the Board.

4. The Board shall consist of the following members, namely:—

(i) a Chairman, being a person of academic distinction, to be nominated by the Central Government;

(ii) three persons to be elected by Parliament, two from the House of the People by the members of the House of the People and one from the Council of States by the members of the Council of States;

(iii) three persons to be nominated by the Governments of the States by rotation in the alphabetical order;

(iv) four persons to represent the Universities in India, to be nominated in the prescribed manner.

*Explanation.*—For the purpose of this clause “University” has the meaning assigned to it in the University Grants Commission Act, 1956 and includes an educational institution declared by Parliament by law to be an institution of national importance;

(v) the Chairman of the University Grants Commission or a member of that Commission to be nominated by the Chairman thereof;

(vi) the Chief Librarian, by whatever name called, of one of the public libraries within the meaning of clause (b) of section 2 of the Delivery of Books and Newspapers (Public Libraries) Act, 1954, but not including the National Library, Calcutta, to be nominated by the Central Government by rotation in the alphabetical order;

(vii) the Chief Librarian, by whatever name called, of one of the public libraries in India [not being a library referred to in clause (vi)] containing important collections of manuscripts of historical, literary or aesthetic importance, to be nominated by the Central Government;

3 of 1956.

27 of 1954.

21 of 1860.

(viii) one person to be nominated by the Indian Library Association, a society registered under the Societies Registration Act, 1860;

(ix) the Director, National Archives of India;

(x) eight scholars of repute in different disciplines covering humanities, science, social science, medicine, engineering and technology and law, to be nominated by the Central Government;

(xi) two persons to be elected by the officers and other employees serving in the Library from amongst themselves in such manner as may be prescribed:

Provided that at least one such person shall be a member of the technical staff of the Library.

*Explanation.*—For the purposes of this clause “member of the technical staff” means the Librarian, Deputy Librarian, Assistant Librarian, Technical Assistant, Junior Technical Assistant, Lecturer, Microphotographer, Chemist and such other like categories of persons as may be prescribed;

(xii) two persons, not below the rank of Joint Secretary to the Government of India, to be nominated by the Central Government, to represent respectively the Ministry or Department of the Central Government dealing with matters relating to the Library and the Ministry of the Central Government dealing with Finance;

(xiii) one person to be nominated by the Government of West Bengal to represent that Government;

(xiv) the Director of the Library, who shall be the Member-Secretary.

5. A person shall be disqualified for being nominated, or, as the case may be, elected as, and for being, a member of the Board or the Executive Council referred to in section 11,—

Disquali-  
fication  
for  
office  
of  
member.

(a) if he has been convicted and sentenced to imprisonment for an offence which involves moral turpitude; or

(b) if he is an undischarged insolvent; or

(c) if he is of unsound mind and is so declared by a competent court; or

(d) if he has such financial or other interest in the Board as is likely to affect prejudicially the discharge by him of his function as a member.

6. (1) Every nomination or election, as the case may be, of the Chairman and the other members under section 4 shall be notified by the Central Government in the Official Gazette and their term of office shall be three years from the date of such notification:

Term  
of  
office,  
etc., of  
members.

Provided that the term of office of a member elected under clause (ii) of sub-section (1) of section 4 or under clause (xi) of that sub-section shall come to an end as soon as he ceases to be a member of the House from which he was elected or, as the case may be, he ceases to be in the employment of the Board.

(2) Any nominated or elected member may resign his office by giving notice in writing to the Central Government and, on such resignation being notified by the Central Government in the Official Gazette, he shall be deemed to have vacated his office.

(3) A casual vacancy created by the resignation of a nominated or elected member under sub-section (2) or by any other reason may be filled by fresh nomination by the authority which nominated the member or, as the case may be, by fresh election by the House or body which elected the member and such nomination or election shall be notified by the Central Government in the Official Gazette and a member so nominated or elected shall hold office for the remaining period for which the member in whose place he is nominated or elected would have held office.

(4) An outgoing member shall be eligible for re-nomination or re-election.

(5) If any nominated member is by infirmity or otherwise rendered temporarily incapable of carrying out his duties or is absent on leave or otherwise in circumstances not involving the vacation of his office, the authority which nominated the member may nominate another person to act in his place during his absence.

Vacation  
of office  
of  
member.

7. The Central Government shall remove a member of the Board or the Executive Council referred to in section 11 if he—

(a) becomes subject to any of the disqualifications mentioned in section 5:

Provided that no member shall be removed on the ground that he has become subject to the disqualification mentioned in clause (d) of that section unless he has been given a reasonable opportunity of being heard in the matter; or

(b) is, without obtaining leave of absence from the Board, absent from three consecutive meetings of the Board or the Executive Council, as the case may be.

Vacancies, etc.,  
not to  
invalidate  
acts.

8. No act of the Board shall be invalid merely by reason of—

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

(b) any defect in the nomination of the person acting as a member thereof, or

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

Members  
to disclose  
their  
financial  
or  
other  
interest  
in the  
Board.

9. Any member who is in any way directly or indirectly interested in a contract made or proposed to be made by the Board shall, as soon as possible, after the relevant circumstances have come to his knowledge, disclose the nature of his interest at a meeting of the Board and the disclosure shall be recorded in the minutes of the Board and the member shall not take part after the disclosure in any deliberation or decision of the Board with respect to that contract.

10. (1) The Board shall meet at least twice a year, ordinarily at the premises of the Library, and shall, subject to the provisions of sub-sections (2), (3) and (4), observe such rules of procedure in regard to the transaction of business at its meetings including the quorum at meetings, as may be provided by regulations made under this Act.

Meetings  
of Board.

(2) The Chairman or, in his absence, any member chosen by the members present from among themselves, shall preside at a meeting of the Board.

(3) If any member, being an officer of the Government, is unable to attend any meeting of the Board, he may, with the previous approval of the Chairman, authorise, an officer of the Ministry or Department not below the rank of Deputy Secretary to the Government of India, in writing to do so.

(4) All questions at a meeting of the Board shall be decided by a majority of the votes of the members present and voting and in the case of an equality of votes, the Chairman or, in his absence, the member presiding, shall have a second or casting vote.

11. (1) There shall be an Executive Council of the Board consisting of nine members.

Executive  
Council.

(2) The Director of the Library shall be the Chairman of the Executive Council and the other members thereof shall be appointed by the Board partly from among the members of the Board and partly from outside:

Provided that a representative each from the Ministry of the Central Government dealing with Finance and the Ministry or Department of the Central Government dealing with the Library and a representative of the Government of West Bengal shall be members of the Executive Council:

Provided further that without prejudice to the provisions of the preceding proviso not more than three persons shall be appointed from outside.

(3) The Executive Council shall assist the Board in the exercise of its powers and the performance of its duties under this Act, and shall exercise such of the powers and perform such of the duties of the Board as may be prescribed or as the Board may delegate to it subject to such conditions as the Board may deem fit.

(4) With the previous approval of the Board, it shall be competent for the Executive Council to entertain and adjudicate upon any grievance of the officers and other employees of the Board.

(5) The term of office of those members of the Executive Council who are not members of the Board shall be co-terminus with the term of office of the members of the Board.

12. (1) The Board may associate with itself in such manner and for such purposes as may be provided by regulations made under this Act, any person whose assistance or advice it may desire in performing any of its functions under this Act.

Tempo-  
rary  
associa-  
tion of  
persons  
with  
Board  
for  
particular  
purposes.

(2) A person associated with it by the Board under sub-section (1) for any purpose shall have the right to take part in the discussions of the Board relating to that purpose, but shall not, by virtue of this section, be entitled to vote.

Authenti-  
cation of  
orders and  
other  
instru-  
ments of  
Board and  
Executive  
Council.

13. (1) All orders and decisions of the Board shall be authenticated by the signature of the Chairman or any other member authorised by the Board in this behalf and all other instruments issued by the Board shall be authenticated by the signature of an officer of the Board authorised in like manner in this behalf.

(2) All orders and decisions of the Executive Council shall be authenticated by the signature of the Director of the Library.

Visitor.

14. (1) The President of India shall be the Visitor of the Library.

(2) The Visitor shall have the right to cause an inspection of the Library to be made or to cause an inquiry to be made in respect of any matter connected with the Library by such person or persons as he may direct.

(3) The Visitor shall in every case give notice to the Board of his intention to cause an inspection or inquiry to be made and the Board shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or inquiry.

(4) The Visitor may address the Chairman with reference to the result of such inspection and inquiry, and the Chairman shall communicate to the Board the views of the Visitor with such advice as the Visitor may offer upon the action to be taken thereon.

(5) The Board shall communicate through the Chairman to the Visitor such action, if any, as it is proposed to take or has been taken upon the result of such inspection or inquiry.

(6) Where the Board does not, within a reasonable time, take action to the satisfaction of the Visitor, the Visitor may, after considering any explanation furnished or representation made by the Board, issue such direction as he may think fit and the Board shall be bound to comply with such direction.

(7) Without prejudice to the foregoing provisions of this section, the Visitor may, by order in writing, annul or stay any proceedings of the Board which are not in conformity with the provisions of this Act or the rules or regulations made thereunder:

Provided that no such order shall be made unless the Board has been given a reasonable opportunity of making a representation in the matter.

Director  
of  
Library.

15. (1) The Visitor shall appoint, in such manner as may be prescribed, a person who is a scholar of distinction or is a distinguished librarian possessing high academic status, as the Director of the Library.

(2) The term of office of the Director shall be for a period of five years from the date on which he assumes office or up to the age of sixty years, whichever is later:

Provided that no person shall hold the office of Director after he attains the age of sixty-five years.

(3) The Director shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed.

(4) The person appointed as the Director and holding office as such at the commencement of this Act shall be deemed to have been appointed under this section and the provisions thereof shall apply to him accordingly.

16. (1) Subject to the provisions of this section, the Board may, for the purpose of enabling it efficiently to perform its functions under this Act, appoint such number of officers and other employees as it may deem fit and in making such appointments the Board shall act in conformity with the orders of the Central Government for the time being in force regarding reservation for the Scheduled Castes and the Scheduled Tribes in the services of the Union. Staff of Board.

(2) The recruitment and conditions of service of such officers and other employees shall be such as may be provided by regulations made under this Act.

(3) Every officer or other employee of the Board, not being an officer or other employee appointed on deputation, shall be appointed on a written contract which shall be lodged with the Board and a copy of which shall be furnished to the employee concerned.

(4) Any dispute arising out of a contract between the Board and any of its officers or other employees, not being an officer or other employee appointed on deputation, shall, at the request of the employee concerned or at the instance of the Board, be referred to a Tribunal of Arbitration consisting of one member appointed by the Board, one member nominated by the employee, and an umpire appointed by the Visitor.

(5) The decision of the Tribunal of Arbitration shall be final and shall not be questioned in any court.

(6) No suit or other proceeding shall lie in any court in respect of any matter which is required by sub-section (4) to be referred to the Tribunal of Arbitration.

(7) The Tribunal of Arbitration shall have power to regulate its own procedure.

(8) Nothing in any law for the time being in force relating to arbitration shall apply to arbitrations under this section.

17. (1) On the establishment of the Board it shall be lawful for the Central Government to transfer by order and with effect from such date or dates as may be specified in the order to the Board any of the officers or other employees serving in the Library: Transfer of service of existing employees to Board.

Provided that no order under this sub-section shall be made in relation to an officer or other employee who has in respect of the proposal of the Central Government to transfer such officer or employee to the Board intimated within such time as may be specified in this behalf by that Government, his intention of not becoming an employee of the Board.

(2) An officer or other employee transferred by an order made under sub-section (1) shall, on and from such date, cease to be an employee of the Central Government, and shall become an employee of the Board with such designation as the Board may determine and shall, subject to the provisions of sub-sections (3), (4) and (5) be governed by the regulations made by the Board under this Act as respects remuneration and other conditions of service including pension, leave and provident fund

and shall continue to be an employee of the Board unless and until his employment is terminated by the Board.

(3) Every officer or other employee transferred by an order made under sub-section (1), shall, within six months from such date, exercise his option in writing to be governed—

(a) by the scale of pay applicable to the post held by him under the Government immediately before the date of establishment of the Board or by the scale of pay applicable to the post under the Board to which he is transferred,

(b) by the leave, provident fund, retirement or other terminal benefits admissible to employees of the Central Government in accordance with the rules and orders of the Central Government as amended from time to time or the leave, provident fund or other terminal benefits admissible to the employees of the Board under the regulations made by the Board under this Act, and such option once exercised shall be final:

Provided that the option exercised under clause (a) shall be applicable only in respect of the post to which such person is transferred to the Board and on appointment to a higher post under the Board, he shall be eligible only for the scale of pay applicable to such higher post:

Provided further that if immediately before the date of his transfer any such person is officiating in a higher post under the Government either in a leave vacancy or in any other vacancy of a specified duration, his pay, on transfer, shall be protected for the unexpired period of such vacancy and thereafter he shall be entitled to the scale of pay applicable to the post under the Government to which he would have reverted or to the scale of pay applicable to the post under the Board to which he is transferred, whichever he may opt.

(4) No officer or other employee transferred by an order made under sub-section (1)—

(a) shall be dismissed or removed by an authority subordinate to that competent to make a similar or equivalent appointment under the Board as may be specified in the regulations made by the Board under this Act;

(b) shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges and where it is proposed, after such inquiry, to impose on him any such penalty, until he has been given a reasonable opportunity of making a representation on the penalty proposed, but only on the basis of the evidence adduced during such inquiry:

Provided that this clause shall not apply,—

(i) where any officer or other employee is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or



(ii) where the authority empowered to dismiss or remove any officer or other employee or to reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to hold such inquiry; or

(iii) to any officer or other employee who, after transfer to the Board, is appointed to a higher post under the Board in response to an open advertisement and in competition with outsiders.

(5) If, in respect of any such officer or other employee as aforesaid, a question arises whether it is reasonably practicable to hold such inquiry as is referred to in sub-section (4) the decision thereon of the authority empowered to dismiss or remove him or to reduce him in rank shall be final.

18. (1) On and after the commencement of this Act, the Library shall be known as "the National Library of India", and any reference to the National Library in any law for the time being in force or in any indenture, instrument or other document shall be construed as a reference to the National Library of India.

Library to be known as "National Library of India" and location of Library.

(2) The Library shall continue to be located at Calcutta.

### CHAPTER III

#### PROPERTY, LIABILITIES AND FUNCTIONS OF THE BOARD

19. (1) On the establishment of the Board—

(i) all properties, funds and dues which are vested in, or realisable by, the Central Government for the purposes of the Library shall vest in, and be realisable by, the Board; and

(ii) all liabilities in relation to the Library, which are enforceable against the Central Government, shall be enforceable only against the Board.

Property and liabilities of Board.

(2) All properties, which may, after the establishment of the Board, be given, bequeathed or otherwise transferred to the Library or acquired by the Board shall vest in the Board.

20. (1) It shall be the general duty of the Board to manage the Library and to implement programmes for the development of the Library on modern scientific lines, to advise the Central and State Governments on matters relating to libraries and the working thereof, including the preparation of bibliographies, descriptive catalogues and other matters and perform such other functions as the Central Government may, from time to time, assign to the Board.

Duties of Board.

(2) In particular and without prejudice to the generality of the foregoing provision, the Board may take such steps as it thinks fit,—

(a) to render service to the public for using the Library and to conserve the existing collection of manuscripts, books and other articles in the Library, on modern scientific lines;

(b) to acquire and conserve all significant production of material printed in India, all printed material concerning India irrespective of the place from where it is published, and manuscripts of national importance;

(c) to render technical advice to the other public libraries within the meaning of clause (b) of section 2 of the Delivery of Books and Newspapers (Public Libraries) Act, 1954; 27 of 1954.

(d) to undertake publication of bibliographies and assist institutions and scholars in the publication of bibliographies;

(e) to provide facilities for, or to promote symposia and seminars on matters relating to history, literature, science and the like;

(f) to arrange for the exhibition of such manuscripts, books, articles or things of the Library as, in the opinion of the Board, would be of interest to the public;

(g) to undertake and promote exchange of books and periodicals with libraries and other institutions in countries outside India;

(h) to undertake duplication (including photo-duplication), preservation of manuscripts, books, articles or things on behalf of any person or institution on such terms and conditions as may be agreed upon between the Board and such person or institution; and

(i) to do all such other things as may be commensurate with the role of a national library.

**Powers of Board.**

21. (1) Subject to such conditions and restrictions as the Central Government may think fit to impose, the Board may exercise all such powers as may be necessary or expedient for the purpose of carrying out its duties under this Act.

(2) Subject to such regulations as may be made by the Board in this behalf, the Board may, from time to time, purchase or otherwise acquire such manuscripts, books, articles or things as may, in the opinion of the Board, be worthy of preservation in the Library.

## CHAPTER IV

### FINANCE, ACCOUNTS, AUDIT AND REPORT

**Grants by Central Government to Board.**

22. For the purpose of enabling the Board to perform its functions efficiently under this Act, the Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Board in each financial year such sums of money as that Government considers necessary by way of grant, loan or otherwise.

**Fund of Board**

23. (1) The Board shall maintain a Fund to which shall be credited—

(a) all moneys paid by the Central Government;

(b) all fees and other charges levied under this Act;

(c) all moneys received by the Board by way of grant, gift, donation, benefaction, bequest, subscription, contribution or transfer;

(d) all other moneys received by the Board in any other manner or from any other source.

(2) The Board may expend such sums as it thinks fit for performing its functions under this Act and such sums shall be treated as expenditure payable out of the Fund.

(3) A sum of money not exceeding such amount as may be provided by regulations made under this Act may be kept in current account with any scheduled bank as defined in section 2 of the Reserve Bank of India Act, 1934, or any other bank approved by the Central Government in this behalf but any moneys in excess of that sum shall be deposited in the Reserve Bank of India or with the agents of the Reserve Bank of India or invested in such manner as may be approved by the Central Government.

2 of 1934.

24. (1) The Board shall by such date in each year as may be specified by the Central Government, submit to it for approval a budget for the next financial year in the form specified by it, showing the estimated receipts and expenditure, and the sums which would be required from the Central Government during that financial year.

Budget

(2) If any sum granted by the Central Government remains wholly or partly unspent in any financial year, the unspent sum may be carried forward to the next financial year and taken into account in determining the sum to be provided by the Central Government for that year.

(3) Subject to the provisions of sub-section (4), no sum shall be expended by or on behalf of the Board, unless the expenditure is covered by provision in the budget approved by the Central Government.

(4) Subject to such conditions and restrictions as the Central Government may think fit to impose, the Board may sanction any reappropriation from one head of expenditure to another or from a provision made for one purpose to that for another purpose.

25. (1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of account including the balance sheet in such form as may be specified, and in accordance with such general directions as may be issued, by the Central Government in consultation with the Comptroller and Auditor-General of India.

Accounts  
and audit.

(2) The accounts of the Board shall be audited annually by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General of India.

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

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

Returns  
and  
report.

26. (1) The Board shall furnish to the Central Government at such time and in such form and in such manner as the Central Government may direct such returns, statements and particulars as the Central Government may, from time to time, require.

(2) Without prejudice to the provisions of sub-section (1), the Board shall, as soon as possible after the commencement of each financial year, submit to the Central Government within such time as may be specified by the Central Government a report giving true and full account of the activities of the Board during the previous financial year and an account of activities likely to be undertaken during the current financial year and the Central Government shall cause the same to be laid before each House of Parliament.

## CHAPTER V

### MISCELLANEOUS

Delegation  
of powers  
and duties.

27. The Board may, by a general or special order in writing, direct that all or any of the powers or duties which may be exercised or discharged by it shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised or discharged also by any member, or any officer or other employee of the Board, specified in this behalf in the order.

Officers  
and  
employees  
of Board  
to be  
public  
servants.

28. All officers and other employees of the Board (including the Director of the Library) shall, when acting or purporting to act in pursuance of the provisions of this Act or of any rule or regulation made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Protection  
of action  
taken  
under  
the Act.

29. No suit, prosecution or other legal proceeding shall lie against the Board or any member, or any officer or other employee of the Board (including the Director of the Library), for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or of any rule or regulation made thereunder.

Power of  
Central  
Govern-  
ment to  
make  
rules.

30. (1) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act:

Provided that when the Board has been established no such rule shall be made without consulting the Board.

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

(a) the travelling and other allowances payable to a member (including a member of the Executive Council appointed under section 11) and to a person associated with the Board under section 12;

(b) the manner of appointment to the post of, and the salary and allowances, and other terms and conditions of service of, the Director of the Library under section 15;

(c) the conditions subject to which, and the mode in which, contracts may be entered into by or on behalf of the Board;

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

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

31. (1) The Board may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations, not inconsistent with this Act and the rules made thereunder, for enabling it to perform its functions under this Act.

Power of Board to make regulations.

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

(a) the conditions and restrictions subject to which manuscripts and books in the Library may be used;

(b) the manner in which and the purposes for which persons may be associated with the Board;

(c) the time and place of meetings of the Board, the procedure to be followed in regard to the transaction of business at such meetings and the quorum necessary for the transaction of business at a meeting;

(d) the maintenance of minutes of meetings of the Board and the transmission of copies thereof to the Central Government;

(e) the recruitment and conditions of service of officers and other employees of the Board;

(f) the person by whom and the manner in which, payments, deposits and investments may be made on behalf of the Board;

(g) the maximum amount that may be kept in the current account;

(h) the maintenance of registers and accounts;

(i) the compilation of catalogues and inventories of the manuscripts, books, articles and things in the Library;

(j) the steps to be taken for the preservation of the manuscripts, books, articles and things in the Library;

(k) the general management of the Library;

(l) the fees and other charges to be levied for the facilities that may be afforded for photo-copying of manuscripts and books in the Library;

(m) the charges that may be levied by way of rent for the use of rooms in the readers' hostel in the Library;

(n) any other matter in respect of which provision is, in the opinion of the Board, necessary for the performance of its functions under this Act.

(3) The Central Government may, after consultation with the Board, by notification in the Official Gazette, amend, vary or rescind any regulation which it has approved and thereupon the regulation shall have effect accordingly but without prejudice to the exercise of the powers of the Board under sub-sections (1) and (2).

THE DISTURBED AREAS (SPECIAL COURTS) ACT, 1976

No. 77 OF 1976

An Act to provide for the speedy trial of certain offences in certain areas and for matters connected therewith.

[11th June, 1976]

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

1. (1) This Act may be called the Disturbed Areas (Special Courts) Act, 1976.

Short title, extent and commencement.

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

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different States or for different parts thereof.

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

Definitions

(a) "Code" means the Code of Criminal Procedure, 1973,

2 of 1974.

(b) "disturbed area" means an area declared as a disturbed area under section 3;

(c) period of disturbance, in relation to a disturbed area, means the period during which it is to be a disturbed area for the purposes of section 3;

(d) "scheduled offence" means an offence specified in the Schedule being an offence forming part or arising out of, or connected with, any such disturbance as is referred to in section 3;

(e) "Special Court" means a Special Court constituted under section 4;

(f) words and expressions used but not defined in this Act, and defined in the Code shall have the meanings respectively assigned to them in the Code.

Declara-  
tion of  
an area as  
disturbed  
area.

3. (1) Where a State Government is satisfied that—

(i) there was, or

(ii) there is,

in any area within a State extensive disturbance of the public peace and tranquillity, by reason of differences or disputes between members of different religious, racial, language or regional groups or castes or communities, it may, by notification in the Official Gazette, declare such area to be a disturbed area.

(2) A notification issued under sub-section (1) in respect of any area shall specify the period during which the area shall, for the purposes of this section, be a disturbed area and where the State Government is satisfied that there was such disturbance of public peace and tranquillity as is referred to in sub-section (1) in that area from any date prior to the issue of such notification, the period specified in the notification may commence from that date:

Provided that—

(a) no period commencing from a date earlier than three months before the date of publication of the notification shall be specified therein; and

(b) so much of the period specified in such notification as is subsequent to the date of publication of the notification shall not, in the first instance, exceed three months but the State Government may amend such notification to extend such period from time to time by any period not exceeding three months at any one time if in the opinion of the State Government there continues to be in such area such disturbance of public peace and tranquillity as is referred to in sub-section (1):

Provided further that where the State Government is satisfied that there is no longer such disturbance of public peace and tranquillity as is referred to in sub-section (1) in such area, it shall amend the notification issued under that sub-section in respect of that area to limit the period specified therein (whether originally or by amendment under the preceding proviso) accordingly.



4. (1) The State Government may, for the purpose of providing speedy trial of scheduled offences committed in disturbed areas, by notification in the Official Gazette, constitute as many Special Courts as may be necessary in or in relation to such disturbed area or areas as may be specified in the notification.

Constitu-  
tion of  
Special  
Courts.

(2) A Special Court shall consist of a single judge who shall be appointed by the High Court upon a request made by the State Government.

*Explanation.*—In this sub-section, the word “appoint” shall have the meaning given to it in the *Explanation* to section 9 of the Code.

(3) A person shall not be qualified for appointment as a judge of a Special Court unless—

(a) he is qualified for appointment as a judge of a High Court, or

(b) he has, for a period of not less than one year, been a Sessions Judge or an Additional Sessions Judge.

(4) Notwithstanding anything contained in sub-section (3), a person shall not be eligible for being appointed as, and for being, a Judge of a Special Court in any State after he has attained the age at which Sessions Judges in that State have to retire from service.

5. (1) Notwithstanding anything contained in the Code or any other law, a scheduled offence committed in any disturbed area at any time during the period during which it is a disturbed area shall be triable, whether during or after such period, only by the Special Court constituted in or in relation to the disturbed area in which the offence has been committed.

Jurisdic-  
tion of  
Special  
Courts.

(2) When trying any scheduled offence, a Special Court may also try any offence other than the scheduled offence with which the accused may, under the Code, be charged at the same trial if the offence is connected with the scheduled offence.

6. (1) Every scheduled offence shall be cognizable.

Procedure  
and  
powers  
of Special  
Courts.

(2) A Special Court may take cognizance of any scheduled offence,—

(a) where under the Code such offence is an offence triable exclusively by a Court of Session, upon its being committed to it under section 209 of the Code as if the Special Court were a Court of Session;

(b) in any other case, upon a police report of the facts together with a certificate from the public prosecutor to the effect that the offence is triable exclusively by the Special Court.

(3) Where a scheduled offence is an offence triable exclusively by a Court of Session under the Code, a Special Court shall have all the powers of a Court of Session and shall try such offence as if it were a Court of Session, so far as may be in accordance with the procedure prescribed in the Code for trial before a Court of Session.

(4) Where a scheduled offence is an offence which is punishable with imprisonment for a term exceeding three years but which, according to the provisions of the Code, is not an offence triable exclusive

ly by a Court of Session, a Special Court may on taking cognizance of the offence perform the functions of a Magistrate under section 207 of the Code and thereafter try such offence so far as may be in accordance with the procedure prescribed in the Code for trial before a Court of Session as if the Special Court were a Court of Session and the case had been committed to it for trial under the provisions of the Code.

(5) Where a scheduled offence is punishable with imprisonment for a term not exceeding three years or with fine or with both, a Special Court may, notwithstanding anything contained in sub-section (1) of section 260 or section 262 of the Code, try the offence in a summary way in accordance with the procedure prescribed in the Code and the provisions of sections 263 to 265 of the Code, shall so far as may be, apply to such trial:

Provided that when, in the course of a summary trial under this sub-section, it appears to the Special Court that the nature of the case is such that it is undesirable to try it summarily, the Special Court shall recall any witnesses who may have been examined and proceed to re-hear the case in the manner provided by the provisions of the Code for the trial of such offence and the said provisions shall apply to and in relation to a Special Court as they apply to and in relation to a Magistrate:

Provided further that in the case of any conviction in a summary trial under this section, it shall be lawful for a Special Court to pass a sentence of imprisonment for a term not exceeding two years.

(6) A Special Court may, with a view to obtaining the evidence of any person suspected to have been directly or indirectly concerned in, or privy to, an offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole circumstances within his knowledge relating to the offence and to every other person concerned whether as principal or abettor in the commission thereof and any pardon so tendered shall, for the purposes of section 308 of the Code, be deemed to have been tendered under section 307 thereof.

Power to transfer cases to regular courts.

7. Where, after taking cognizance of any offence, a Special Court is of opinion that the offence is not a scheduled offence, it shall, notwithstanding that it has no jurisdiction to try the case, transfer the case for trial to any court having jurisdiction under the Code and the court to which the case is transferred may proceed with the case as if it had taken cognizance of the offence.

Appeal and revision.

8. The High Court may exercise, so far as they may be applicable, all the powers conferred by Chapters XXIX and XXX of the Code on a High Court, as if a Special Court is a Court of Session trying cases within the local limits of the jurisdiction of the High Court.

Overriding effect of Act.

9. (1) The provisions of this Act shall have effect notwithstanding anything contained in the Code or any other law, but save as expressly provided in this Act, the provisions of the Code shall, in so far as they are not inconsistent with the provisions of this Act, apply to the proceedings before a Special Court; and for the purposes of the said provisions of the Code, the Special Court shall be deemed to be a Court of Session and the person conducting a prosecution before a Special Court shall be deemed to be a public prosecutor.

(2) In particular and without prejudice to the generality of the provisions contained in sub-section (1), the provisions of sections 326 and 475 of the Code shall, so far as may be, apply to the proceedings before a Special Court, and for this purpose references in those provisions to a Magistrate shall be construed as references to the Special Court.

**10 (1)** Nothing in this Act shall affect the jurisdiction exercisable by, or the procedure applicable to, any court or other authority under any law relating to the naval, military or air forces or any other armed forces of the Union. Saving.

(2) For the removal of doubts, it is hereby declared that for the purposes of any such law as is referred to in sub-section (1), a Special Court shall be deemed to be a court of ordinary criminal justice.

#### THE SCHEDULE

[See section 2(d)]

- 45 of 1860.      1. Offences under the following provisions of the Indian Penal Code:—  
                   Section 120B;  
                   Sections 143 to 145, 147, 148, 151 to 155, 157, 158 and 160;  
                   Sections 182, 183, 186 to 190;  
                   Sections 193 to 195, 199, 201 to 203, 211 to 214, 216, 216A and 225;  
                   Sections 295 to 298;  
                   Sections 302, 303, 304, 307, 308, 323 to 335, 341 to 348, 352 to 358,  
                   363 to 369 and 376;  
                   Sections 379, 380, 382, 384 to 387, 392 to 399, 402, 411, 412, 426,  
                   427, 431, 435, 436, 440, 447 to 462;  
                   Sections 504 to 506 and 509.
- 54 of 1959.      2. Offences under the following provisions of the Arms Act, 1959:—  
                   Sections 25 to 30.
3. Offences under the following provisions of the Indian Explosives  
 4 of 1884.      Act, 1884:—  
                   Sections 6(3) and 8(2).

THE MAINTENANCE OF INTERNAL SECURITY  
(SECOND AMENDMENT) ACT, 1976

No. 78 OF 1976

[25th August, 1976]

An Act further to amend the maintenance of Internal Security  
Act, 1971.

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

Short title  
and com-  
mence-  
ment.

1. (1) This Act may be called the Maintenance of Internal Security  
(Second Amendment) Act, 1976.

(2) It shall be deemed to have come into force on the 16th day of  
June, 1976.

Amend-  
ment of  
Act 26  
of 1971.

2. In section 16A of the Maintenance of Internal Security Act, 1971  
(hereinafter referred to as the principal Act), in sub-section (1), for  
the words "twelve months", the words "twenty-four months" shall be  
substituted.

Removal  
of doubts.

3. For the removal of doubts, it is hereby declared that every  
declaration made under section 16A of the principal Act before the  
commencement of this Act and in force immediately before such  
commencement shall have effect as if the amendment made in that section  
by this Act had been in force on and from the 29th day of June, 1975.

Repeal  
and  
saving.

4. (1) The Maintenance of Internal Security (Amendment) Ordinance,  
1976 is hereby repealed.

5 of 1976.

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

THE PRESIDENT'S PENSION (AMENDMENT) ACT, 1976

No. 79 OF 1976

[25th August, 1976]

An Act further to amend the President's Pension Act, 1951.

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

1. This Act may be called the President's Pension (Amendment) Act, 1976. Short title.

30 of 1951.

2. In section 2 of the President's Pension Act, 1951 (hereinafter referred to as the principal Act),— Amendment of section 2.

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

“(2A) Subject to any rules that may be made in this behalf, the spouse of every such person shall, for the remainder of life, be entitled to medical attendance and treatment, free of charge.”;

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

“(3) Where any such person is re-elected to the office of President, such person or the spouse of such person shall not be entitled to any benefit under this section for the period during which such person again holds that office”.

Substitution of new section for section 3.

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

Free medical attendance and treatment to spouse of President dying in office.

“3. Subject to any rules that may be made in this behalf, the spouse of a person who dies while holding the office of President shall, for the remainder of life, be entitled to medical attendance and treatment, free of charge.”

Amendment of section 5.

4. Section 5 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) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”

**THE TERRITORIAL WATERS, CONTINENTAL SHELF,  
EXCLUSIVE ECONOMIC ZONE AND OTHER MARITIME  
ZONES ACT, 1976**

No. 80 OF 1976

[25th August, 1976.]

**An Act to provide for certain matters relating to the territorial waters  
continental shelf, exclusive economic zone and other maritime  
zones of India.**

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

1. (1) This Act may be called the Territorial Waters, Continental Shelf,  
Exclusive Economic Zone and Other Maritime Zones Act, 1976.

Short  
title and  
commence-  
ment.

(2) Sections 5 and 7 shall come into force on such date or on such  
different dates as the Central Government may, by notification in the  
Official Gazette, appoint; and the remaining provisions of this Act shall  
come into force at once.

2. In this Act, "limit", in relation to the territorial waters, the conti-  
nental shelf, the exclusive economic zone or any other maritime zone of  
India, means the limit of such waters, shelf or zone with reference to  
the mainland of India as well as the individual or composite group or  
groups of islands constituting part of the territory of India.

Defini-  
tion.

Sovereignty  
over,  
and  
limits  
of, terri-  
torial  
waters.

3. (1) The sovereignty of India extends and has always extended to the territorial waters of India (hereinafter referred to as the territorial waters) and to the seabed and subsoil underlying, and the air space over, such waters.

(2) The limit of the territorial waters is the line every point of which is at a distance of twelve nautical miles from the nearest point of the appropriate baseline.

(3) Notwithstanding anything contained in sub-section (2), the Central Government may, whenever it considers necessary so to do having regard to International Law and State practice, alter, by notification in the Official Gazette, the limit of the territorial waters.

(4) No notification shall be issued under sub-section (3) unless resolutions approving the issue of such notification are passed by both Houses of Parliament.

Use of  
terri-  
torial  
waters  
by  
foreign  
ships.

4. (1) Without prejudice to the provisions of any other law for the time being in force, all foreign ships (other than warships including submarines and other underwater vehicles) shall enjoy the right of innocent passage through the territorial waters.

*Explanation.*—For the purposes of this section, passage is innocent so long as it is not prejudicial to the peace, good order or security of India.

(2) Foreign warships including submarines and other underwater vehicles may enter or pass through the territorial waters after giving prior notice to the Central Government:

Provided that submarines and other underwater vehicles shall navigate on the surface and show their flag while passing through such waters.

(3) The Central Government may, if satisfied that it is necessary so to do in the interests of the peace, good order or security of India or any part thereof, suspend, by notification in the Official Gazette, whether absolutely or subject to such exceptions and qualifications as may be specified in the notification, the entry of all or any class of foreign ships into such area of the territorial waters as may be specified in the notification.

Contigu-  
ous zone  
of India.

5. (1) The contiguous zone of India (hereinafter referred to as the contiguous zone) is an area beyond and adjacent to the territorial waters and the limit of the contiguous zone is the line every point of which is at a distance of twenty-four nautical miles from the nearest point of the baseline referred to in sub-section (2) of section 3.

(2) Notwithstanding anything contained in sub-section (1), the Central Government may, whenever it considers necessary so to do, having regard to International Law and State practice, alter, by notification in the Official Gazette, the limit of the contiguous zone.

(3) No notification shall be issued under sub-section (2) unless resolutions approving the issue of such notification are passed by both Houses of Parliament.



(4) The Central Government may exercise such powers and take such measures in or in relation to the contiguous zone as it may consider necessary with respect to,—

(a) the security of India, and

(b) immigration, sanitation, customs and other fiscal matters.

(5) The Central Government may, by notification in the Official Gazette,—

(a) extend with such restrictions and modifications as it thinks fit, any enactment, relating to any matter referred to in clause (a) or clause (b) of sub-section (4), for the time being in force in India or any part thereof, to the contiguous zone, and

(b) make such provisions as it may consider necessary in such notification for facilitating the enforcement of such enactment,

and any enactment so extended shall have effect as if the contiguous zone is a part of the territory of India.

6. (1) The continental shelf of India (hereinafter referred to as the **Continental shelf**) comprises the seabed and subsoil of the submarine areas that extend beyond the limit of its territorial waters throughout the natural prolongation of its land territory to the outer edge of the continental margin or to a distance of two hundred nautical miles from the baseline referred to in sub-section (2) of section 3 where the outer edge of the continental margin does not extend up to that distance.

(2) India has, and always had, full and exclusive sovereign rights in respect of its continental shelf.

(3) Without prejudice to the generality of the provisions of sub-section (2), the Union has in the continental shelf,—

(a) sovereign rights for the purposes of exploration, exploitation, conservation and management of all resources;

(b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the continental shelf or for the convenience of shipping or for any other purpose;

(c) exclusive jurisdiction to authorise, regulate and control scientific research; and

(d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution.

(4) No person (including a foreign Government) shall, except under, and in accordance with, the terms of a licence or a letter of authority granted by the Central Government, explore the continental shelf or exploit its resources or carry out any search or excavation or conduct any research within the continental shelf or drill therein or construct, maintain or operate any artificial island, off-shore terminal, installation or other structure or device therein for any purpose whatsoever.

(5) The Central Government may, by notification in the Official Gazette,—

(a) declare any area of the continental shelf and its superjacent waters to be a designated area; and

(b) make such provisions as it may deem necessary with respect to,—

(i) the exploration, exploitation and protection of the resources of the continental shelf within such designated area; or

(ii) the safety and protection of artificial islands, off-shore terminals, installations and other structures and devices in such designated area; or

(iii) the protection of marine environment of such designated area; or

(iv) customs and other fiscal matters in relation to such designated area.

*Explanation.*—A notification issued under this sub-section may provide for the regulation of entry into and passage through the designated area of foreign ships by the establishment of fairways, sealanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interests of India.

(6) The Central Government may, by notification in the Official Gazette,—

(a) extend with such restrictions and modifications as it thinks fit, any enactment for the time being in force in India or any part thereof to the continental shelf or any part [including any designated area under sub-section (5)] thereof; and

(b) make such provisions as it may consider necessary for facilitating the enforcement of such enactment,

and any enactment so extended shall have effect as if the continental shelf or the part [including, as the case may be, any designated area under sub-section (5)] thereof to which it has been extended is a part of the territory of India.

(7) Without prejudice to the provisions of sub-section (2) and subject to any measures that may be necessary for protecting the interests of India, the Central Government may not impede the laying or maintenance of submarine cables or pipelines on the continental shelf by foreign States:

Provided that the consent of the Central Government shall be necessary for the delineation of the course for the laying of such cables or pipelines.

17. (1) The exclusive economic zone of India (hereinafter referred to as the exclusive economic zone) is an area beyond and adjacent to the territorial waters, and the limit of such zone is two hundred nautical miles from the baseline referred to in sub-section (2) of section 3. Exclusive economic zone.

(2) Notwithstanding anything contained in sub-section (1), the Central Government may, whenever it considers necessary so to do having regard to International Law and State practice, alter, by notification in the Official Gazette, the limit of the exclusive economic zone.

(3) No notification shall be issued under sub-section (2) unless resolutions approving the issue of such notification are passed by both Houses of Parliament.

(4) In the exclusive economic zone, the Union has,—

(a) sovereign rights for the purpose of exploration, exploitation, conservation and management of the natural resources, both living and non-living as well as for producing energy from tides, winds and currents;

(b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the zone or for the convenience of shipping or for any other purpose;

(c) exclusive jurisdiction to authorise, regulate and control scientific research;

(d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution; and

(e) such other rights as are recognised by International Law.

(5) No person (including a foreign Government) shall, except under, and in accordance with, the terms of any agreement with the Central Government or of a licence or a letter of authority granted by the Central Government, explore or exploit any resources of the exclusive economic zone or carry out any search or excavation or conduct any research within the exclusive economic zone or drill therein or construct, maintain or operate any artificial island, off-shore terminal, installation or other structure or device therein for any purpose whatsoever;

Provided that nothing in this sub-section shall apply in relation to fishing by a citizen of India.

(6) The Central Government may, by notification in the Official Gazette,—

(a) declare any area of the exclusive economic zone to be a designated area; and

(b) make such provisions as it may deem necessary with respect to,—

(i) the exploration, exploitation and protection of the resources of such designated area; or

(ii) other activities for the economic exploitation and exploration of such designated area such as the production of energy from tides, winds and currents; or

(iii) the safety and protection of artificial islands, off-shore terminals, installations and other structures and devices in such designated area; or

(iv) the protection of marine environment of such designated area; or

(v) customs and other fiscal matters in relation to such designated area.

*Explanation.*—A notification issued under this sub-section may provide for the regulation of entry into and passage through the designated area of foreign ships by the establishment of fairways, sealanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interests of India.

(7) The Central Government may, by notification in the official Gazette,—

(a) extend, with such restrictions and modifications as it thinks fit, any enactment for the time being in force in India or any part thereof to the exclusive economic zone or any part thereof; and

(b) make such provisions as it may consider necessary for facilitating the enforcement of such enactment,

and any enactment so extended shall have effect as if the exclusive economic zone or the part thereof to which it has been extended is a part of the territory of India.

(8) The provisions of sub-section (7) of section 6 shall apply in relation to the laying or maintenance of submarine cables or pipelines on the seabed of the exclusive economic zone as they apply in relation to the laying or maintenance of submarine cables or pipelines on the seabed of the continental shelf.

(9) In the exclusive economic zone and the air space over the zone, ships and aircraft of all States shall, subject to the exercise by India of its rights within the zone, enjoy freedom of navigation and overflight.

Historic waters.

8. (1) The Central Government may, by notification in the Official Gazette, specify the limits of such waters adjacent to its land territory as are the historic waters of India.

(2) The sovereignty of India extends, and has always extended, to the historic waters of India and to the seabed and subsoil underlying, and the air space over, such waters.

Maritime boundaries between India and States having coasts opposite or adjacent to those of India.

9. (1) The maritime boundaries between India and any State whose coast is opposite or adjacent to that of India in regard to their respective territorial waters, contiguous zones, continental shelves, exclusive economic zones and other maritime zones shall be as determined by agreement (whether entered into before or after the commencement of this section) between India and such State and pending such agreement between India and any such State, and unless any other provisional arrangements are agreed to between them, the maritime boundaries between India and such State shall not extend beyond the line every point of which is equidistant from the nearest point from which the breadth of the territorial waters of India and of such State are measured.

(2) Every agreement referred to in sub-section (1) shall, as soon as may be after it is entered into, be published in the Official Gazette.

(3) The provisions of sub-section (1) shall have effect notwithstanding anything contained in any other provision of this Act.

10. The Central Government may cause the baseline referred to in sub-section (2) of section 3, the limits of the territorial waters, the contiguous zone, the continental shelf, the exclusive economic zone and the historic waters of India and the maritime boundaries as settled by agreements referred to in section 9 to be published in charts.

11. Whoever contravenes any provision of this Act or of any notification thereunder shall (without prejudice to any other action which may be taken against such person under any other provision of this or of any other enactment) be punishable with imprisonment which may extend to three years, or with fine, or with both. Offences.

12. (1) Where an offence under this Act or the rules made thereunder has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Offences  
by com-  
panies.

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 or the rules made thereunder has been committed by a company and it is proved that the offence has been committed with the consent or the 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.

13. Any person committing an offence under this Act or any rules made thereunder or under any of the enactments extended under this Act or under the rules made thereunder may be tried for the offence in any place in which he may be found or in such other place as the Central Government may, by general or special order, published in the Official Gazette, direct in this behalf. Place  
of trial.

Previous sanction of the Central Government for prosecution.

14. No prosecution shall be instituted against any person in respect of any offence under this Act or the rules made thereunder without the previous sanction of the Central Government or such officer or authority as may be authorised by that Government by order in writing in this behalf.

Power to make rules.

15. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

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

(a) regulation of the conduct of any person in the territorial waters, the contiguous zone, the continental shelf, the exclusive economic zone or any other maritime zone of India;

(b) regulation of the exploration and exploitation, conservation and management of the resources of the continental shelf;

(c) regulation of the exploration, exploitation, conservation and management of the resources of the exclusive economic zone;

(d) regulation of the construction, maintenance and operation of artificial islands, off-shore terminals, installations and other structures and devices referred to in sections 6 and 7;

(e) preservation and protection of the marine environment and prevention and control of marine pollution for the purposes of this Act;

(f) authorisation, regulation and control of the conduct of scientific research for the purposes of this Act;

(g) fees in relation to licences and letters of authority referred to in sub-section (4) of section 6 and sub-section (5) of section 7 or for any other purpose; or

(h) any matter incidental to any of the matters specified in clauses (a) to (g).

(3) In making any rule under this section, the Central Government may provide that a contravention thereof shall be punishable with imprisonment which may extend to three years, or with fine which may extend to any amount, or with both.

(4) Every rule made under this Act and every notification issued under sub-section (5) of section 6 or sub-section (6) of section 7 shall be laid, as soon as may be after it is made or issued, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the rule or the notification or both Houses agree that the rule or notification should not be issued, the rule or

notification shall, thereafter, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

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

Removal  
of diffi-  
culties.

Provided that no order shall be made under this section—

(a) in the case of any difficulty arising in giving effect to any provision of this Act, after the expiry of three years from the commencement of such provision;

(b) in the case of any difficulty arising in giving effect to the provisions of any enactment extended under this Act, after the expiry of three years from the extension of such enactment.

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

THE CONTINGENCY FUND OF INDIA (AMENDMENT)  
ACT, 1976

No. 81 OF 1976

[26th August, 1976]

An Act further to amend the Contingency Fund of India Act, 1950.

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

Short  
title.

1. This Act may be called the Contingency Fund of India (Amendment) Act, 1976.

Amend-  
ment of  
section 2.

2. In section 2 of the Contingency Fund of India Act, 1950,—

49 of 1950.

(a) in the opening paragraph, for the words “thirty crores of rupees”, the words “fifty crores of rupees” shall be substituted:

(b) the proviso shall be omitted.



THE ANTIQUITIES AND ART TREASURES  
(AMENDMENT) ACT, 1976

No. 82 OF 1976

[28th August, 1976]

An Act to amend the Antiquities and Art Treasures Act, 1972.

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

1. (1) This Act may be called the Antiquities and Art Treasures (Amendment) Act, 1976.

Short  
title and  
com-  
mence-  
ment.

(2) It shall be deemed to have come into force on the 4th June, 1976.

52 of 1972.

2. In section 3 of the Antiquities and Art Treasures Act, 1972 (hereinafter referred to as the principal Act), for the words "On and from the expiry of a period of two months of the commencement of this Act", the words "As from the date of expiry of a period of six months from the commencement of this Act" shall be substituted.

Amend-  
ment of  
section 3.

3. In section 16 of the principal Act, in sub-section (2), for the words "shall be accompanied", the words "shall, in the case of such antiquities or class of antiquities as the Central Government may, by notification in the Official Gazette, specify, be accompanied" shall be substituted.

Amend-  
ment of  
section 16.

Amend-  
ment of  
section 18.

4. In section 18 of the principal Act, after the words "owned, controlled or managed by the Government", the words "or by any local authority or by any such body as the Central Government may, for reasons to be recorded in writing, approve for the purpose of this section by general or special order" shall be inserted.

Repeal  
and  
saving.

5. (1) The Antiquities and Art Treasures (Amendment) Ordinance, 4 of 1976. 1976 is hereby repealed.

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

THE APPROPRIATION (No. 5) ACT, 1976

No. 83 OF 1976

[28th August, 1976.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1976-77.

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

1. This Act may be called the Appropriation (No. 5) Act, 1976. Short title.
  
2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of two hundred and forty-four crores, eighteen lakhs and four thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1976-77, in respect of the services specified in column 2 of the Schedule. Issue of Rs. 244, 18,04,000 out of the Consolidated Fund of India for the year 1976-77.
  
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. Appropriation.

## THE SCHEDULE

(See sections 2 and 3)

| I<br>No.<br>of<br>Vote | 2<br>Services and purposes  | 3<br>Sums not exceeding    |  |                            |
|------------------------|---|----------------------------|--|----------------------------|
|                        |   | Voted by<br>Parliament     | Charged on<br>the Consoli-<br>dated Fund | Total                      |
|                        |   | Rs.                        | Rs.                                      | Rs.                        |
| 1                      | Department of Agriculture Revenue   | 20,85,000                  | ..                                       | 20,85,000                  |
| 2                      | Agriculture Revenue   | 60,00,00,000               | ..                                       | 60,00,00,000               |
| 7                      | Department of Rural De-<br>velopment Revenue                                | 15,00,00,000               | ..                                       | 15,00,00,000               |
| 14                     | Foreign Trade and Export<br>Production Revenue<br>Capital                   | 1,000<br>40,68,00,000      | ..<br>6,25,00,000                        | 1,000<br>46,93,00,000      |
| 23                     | Defence Services—Air Force Revenue  | ..                         | 1,00,000                                 | 1,00,000                   |
| 25                     | Capital Outlay on Defence<br>Services Capital                               | 15,00,000                  | ..                                       | 15,00,000                  |
| 29                     | Ministry of Energy Revenue  | 3,78,000                   | ..                                       | 3,78,000                   |
| 30                     | Power Development Capital   | 32,00,02,000               | ..                                       | 32,00,02,000               |
| 32                     | Ministry of External Affairs Revenue  | 2,50,00,000                | ..                                       | 2,50,00,000                |
| 38                     | Transfers to State and Union<br>Territory Governments Revenue               | 9,40,73,000                | ..                                       | 9,40,73,000                |
| 39                     | Other Expenditure of the<br>Ministry of Finance Capital                     | 58,56,60,000               | ..                                       | 58,56,60,000               |
| 41                     | Department of Revenue and<br>Banking Revenue                                | 3,45,000                   | ..                                       | 3,45,000                   |
| 48                     | Family Planning Revenue   | 5,00,00,000                | ..                                       | 5,00,00,000                |
| 51                     | Department of Personnel<br>and Administrative Re-<br>forms Revenue          | 1,000                      | 24,000                                   | 25,000                     |
| 61                     | Industries Capital  | 1,000                      | ..                                       | 1,000                      |
| 65                     | Information and Publicity Revenue   | 1,00,00,000                | ..                                       | 1,00,00,000                |
| 76                     | Department of Science and<br>Technology Revenue                             | 2,00,00,000                | ..                                       | 2,00,00,000                |
| 83                     | Department of Steel Revenue<br>Capital                                      | 5,50,000<br>7,28,79,000    | ..<br>..                                 | 5,50,000<br>7,28,79,000    |
| 84                     | Department of Mines Revenue   | 6,00,000                   | ..                                       | 6,00,000                   |
| 85                     | Mines and Minerals Revenue<br>Capital                                       | 1,23,00,000<br>1,98,00,000 | ..<br>4,000                              | 1,23,04,000<br>1,98,00,000 |
| 88                     | Department of Rehabilitation Capital  | 46,00,000                  | ..                                       | 46,00,000                  |
| 99                     | Atomic Energy Research,<br>Development and Indus-<br>trial Projects Capital | 1,000                      | ..                                       | 1,000                      |
| 100                    | Nuclear Power Schemes Capital   | ..                         | 26,00,000                                | 26,00,000                  |
|                        | TOTAL   | 237,65,76,000              | 6,52,28,000                              | 244,18,04,000              |

THE TAMIL NADU APPROPRIATION (No. 3) ACT, 1976

No. 84 OF 1976

[28th August, 1976]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Tamil Nadu for the services of the financial year 1976-77.

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

1. This Act may be called the Tamil Nadu Appropriation (No. 3) Act, 1976. Short title.
2. From and out of the Consolidated Fund of the State of Tamil Nadu 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 fifty-five lakhs rupees towards defraying the several charges which will come in course of payment during the financial year 1976-77, in respect of the services specified in column 2 of the Schedule. Issue of  
Rs.  
12,55,00,000  
out  
of the  
Consoli-  
dated  
Fund of  
the State  
of Tamil  
Nadu for  
the  
financial  
year  
1976-77.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Tamil Nadu by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. Appro-  
priation.

## THE SCHEDULE

(See sections 2 and 3)

| 1           | 2   | 3                   |                                  |             |
|-------------|---|---------------------|----------------------------------|-------------|
|             |   | Sums not exceeding  |                                  |             |
| No. of Vote | Services and purposes   | Voted by Parliament | Charged on the Consolidated Fund | Total       |
|             |   | Rs.                 | Rs.                              | Rs.         |
| 3           | Motor Vehicles Acts—<br>Administration Revenue  | ..                  | 1,000                            | 1,000       |
| 4           | General Sales Tax and<br>Other Taxes and Duties<br>—Administration Revenue                              | ..                  | 9,000                            | 9,000       |
| 9           | Head of State, Ministers<br>and Headquarters Staff Revenue  | 12,97,000           | ..                               | 12,97,000   |
| 12          | Administration of the Tamil<br>Nadu Hindu Religious<br>and Charitable Endow-<br>ments Act, 1959 Revenue | 1,50,000            | ..                               | 1,50,000    |
| 15          | Police Revenue  | 9,09,000            | ..                               | 9,09,000    |
| 17          | Education Revenue   | 4,80,000            | ..                               | 4,80,000    |
| 18          | Medical Revenue   | 11,27,000           | ..                               | 11,27,000   |
| 19          | Public Health Revenue   | 5,07,25,000         | ..                               | 5,07,25,000 |
| 20          | Agriculture Revenue   | 1,12,37,000         | ..                               | 1,12,37,000 |
| 21          | Fisheries Revenue   | 5,00,000            | ..                               | 5,00,000    |
| 22          | Animal Husbandry Revenue  | 2,05,000            | ..                               | 2,05,000    |
| 23          | Co-operation Revenue  | 5,45,000            | ..                               | 5,45,000    |
| 24          | Industries Revenue  | 44,16,000           | ..                               | 44,16,000   |
| 29          | Labour including Factories Revenue  | 11,96,000           | ..                               | 11,96,000   |
| 30          | Social Welfare Revenue  | 12,00,000           | ..                               | 12,00,000   |
| 31          | Welfare of the Scheduled<br>Tribes and Castes, etc. Revenue   | 4,40,000            | ..                               | 4,40,000    |
| 35          | Civil Supplies Revenue  | ..                  | 1,000                            | 1,000       |
| 39          | Roads and Bridges Revenue   | 1,00,00,000         | ..                               | 1,00,00,000 |
| 40          | Road Transport Services<br>and Shipping Revenue   | ..                  | 28,000                           | 28,000      |
| 41          | Relief on account of<br>Natural Calamities Revenue  | 8,46,000            | ..                               | 8,46,000    |
| 43          | Miscellaneous Revenue   | 6,02,000            | ..                               | 6,02,000    |

| 1                 | 2   | 3                      |  |              |
|-------------------|---|------------------------|--|--------------|
| No.<br>of<br>Vote | Services and purposes                                   | Sums not exceeding     |  |              |
|                   |   | Voted by<br>Parliament | Charged on<br>the Consoli-<br>dated Fund | Total        |
|                   |   | Rs.                    | Rs.                                      | Rs.          |
| 49                | Capital Outlay on Agricul-<br>ture . . . . . Capital    | ..                     | 10,000                                   | 10,000       |
| 50                | Capital Outlay on Indus-<br>trial Development . Capital | 1,44,75,000            | 9,000                                    | 1,44,84,000  |
| 51                | Capital Outlay on Irriga-<br>tion . . . . . Capital     | 1,000                  | ..                                       | 1,000        |
| 52                | Capital Outlay on Public<br>Works—Buildings . Capital   | 30,70,000              | 77,000                                   | 31,47,000    |
| 56                | Miscellaneous Capital Out-<br>lay . . . . . Capital     | 22,79,000              | 72,000                                   | 23,51,000    |
| 57                | Loans and Advances by<br>the State Government . Capital | 1,95,93,000            | ..                                       | 1,95,93,000  |
|                   | TOTAL . . . . .   | 12,52,93,000           | 2,07,000                                 | 12,55,00,000 |

# THE PONDICHERRY APPROPRIATION (No. 3) ACT, 1976

No. 85 OF 1976

[28th August, 1976]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the Union territory of Pondicherry for the services of the financial year 1976-77.

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

Short  
title.

1. This Act may be called the Pondicherry Appropriation (No. 3) Act, 1976.

Issue of  
Rs.  
33,99,000  
from and  
out of  
the Con-  
solidated  
Fund of  
the  
Union  
territory  
of Pondi-  
cherry for  
the finan-  
cial year  
1976-77.

2. From and out of the Consolidated Fund of the Union territory of Pondicherry 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 thirty-three lakhs and ninety-nine thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1976-77, in respect of the services specified in column 2 of the Schedule.

Appropria-  
tion.

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



THE SCHEDULE  
(See sections 2 and 3)

| I<br>No.<br>of<br>Vote | 2<br>Services and purposes        | 3                      |   |           |
|------------------------|-----------------------------------|------------------------|---|-----------|
|                        |                                   | Sums not exceeding     |   |           |
|                        |                                   | Voted by<br>Parliament | Charged<br>on the<br>Consolidated<br>Fund | Total     |
|                        |                                   | Rs.                    | Rs.                                       | Rs.       |
| 6                      | Revenue . . . Revenue             | 1,15,000               | ..  | 1,15,000  |
| 12                     | Police . . . Revenue              | ..                     | 16,000                                    | 16,000    |
| 16                     | Retirement Benefits . . . Revenue | 3,15,000               | ..  | 3,15,000  |
| 18                     | Education . . . Revenue           | 15,81,000              | ..  | 15,81,000 |
| 19                     | Medical . . . Revenue             | 4,00,000               | ..  | 4,00,000  |
| 23                     | Co-operation . . . Revenue        | 1,68,000               | ..  | 1,68,000  |
|                        | Capital                           | 7,13,000               | ..  | 7,13,000  |
| 25                     | Agriculture . . . Revenue         | 87,000                 | ..  | 87,000    |
| 31                     | Electricity . . . Revenue         | ..                     | 4,000                                     | 4,000     |
|                        | TOTAL .                           | 33,79,000              | 20,000                                    | 33,99,000 |

THE GOVERNMENT OF UNION TERRITORIES  
(AMENDMENT) ACT, 1976

No. 86 OF 1976

[31st August, 1976]

An Act further to amend the Government of Union Territories Act,  
1963.

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

Short  
title and  
com-  
mence-  
ment.

1. (1) This Act may be called the Government of Union Territories  
(Amendment) Act, 1976.

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

Amend-  
ment of  
section 3.

2. In section 3 of the Government of Union Territories Act, 1963 20 of 1963.  
(hereinafter referred to as the principal Act),—

(i) for sub-section (4), the following sub-section shall be sub-  
stituted, namely:—

“(4) Seats shall be reserved for the Scheduled Castes in  
the Legislative Assemblies of the Union territories of Goa,  
Daman and Diu and Pondicherry, and for the Scheduled Tribes  
in the Legislative Assembly of the Union territory of Goa,  
Daman and Diu.”;

(ii) in sub-section (5), for the words “of the Union territory  
of Pondicherry”, the words “of any Union territory” shall be sub-  
stituted;

(iii) in sub-section (6), for the words "in the Legislative Assembly of the Union territory of Pondicherry", the words "in the Legislative Assemblies of the Union territories of Goa, Daman and Diu and Pondicherry" shall be substituted.

3. After section 43C of the principal Act, the following section shall be inserted, namely:—

'43D. (1) The Election Commission shall determine on the basis of the latest census figures—

(i) the number of seats to be reserved for the Scheduled Castes and for the Scheduled Tribes in the Legislative Assembly of the Union territory of Goa, Daman and Diu (hereafter in this section referred to as the Legislative Assembly) having regard to the provisions of sub-section (5) of section 3; and

(ii) the constituencies in which those seats shall be so reserved having regard to the provisions of clause (c), or, as the case may be, clause (d), of sub-section (1) of section 9 of the Delimitation Act and without altering the extent of any constituency as delimited by the Delimitation Commission.

(2) The Election Commission shall—

(a) publish its proposals for the determination of the constituencies in which seats shall be reserved for the Scheduled Castes or for the Scheduled Tribes, as the case may be, in the Gazette of India and in the Official Gazette of the Union territory of Goa, Daman and Diu and also in such other manner as the Election Commission may consider fit, together with a notice inviting objections and suggestions in relation to the proposals and specifying a date on or after which the proposals will be further considered by it;

(b) consider all objections and suggestions which may have been received by it before the date so specified;

(c) after consideration of objections and suggestions which may have been received by it before the date so specified, determine by one or more orders the number of seats to be reserved for the Scheduled Castes or for the Scheduled Tribes, as the case may be, in the Legislative Assembly and the constituencies in which those seats shall be so reserved and cause such order or orders to be published in the Gazette of India and in the Official Gazette of the Union territory of Goa, Daman and Diu; and upon such publication in the Gazette of India, the order or orders shall have the full force of law and shall not be called in question in any court and the Second Schedule to the Representation of the People Act, 1950 and the order made by the Delimitation Commission under section 9 of the Delimitation Act in relation to the Legislative Assembly shall be deemed to have been amended accordingly.

(3) Subject to the provisions of sub-section (4), the re-adjustment of representation of any territorial constituencies in the Legislative Assembly necessitated by any order made by the Election

Insertion  
of new  
section  
43D.

Special  
provision  
for deter-  
mination  
of consti-  
tuencies  
in the  
Legisla-  
tive  
Assembly  
of Goa,  
Daman  
and Diu  
for  
Sche-  
duled  
Castes  
and  
Sche-  
duled  
Tribes.

Commission under this section, shall apply in relation to every election to the Legislative Assembly held after the publication in the Gazette of India, under sub-section (2), of such order.

(4) Nothing contained in the foregoing sub-sections shall affect the representation in the Legislative Assembly existing on the date of publication in the Gazette of India, under sub-section (2), of any order made by the Election Commission.

(5) The Election Commission may, from time to time, by notification in the Gazette of India and in the Official Gazette of the Union territory of Goa, Daman and Diu—

(a) correct any printing mistake in any order made under sub-section (2) or any error arising therein from inadvertent slip or omission;

(b) where the boundaries or name of any territorial division mentioned in any such order are, or is, altered, make such amendments as appear to it to be necessary or expedient for bringing such order up-to-date.

(6) Every order made under sub-section (2) and every notification issued under sub-section (5) shall be laid, as soon as may be, after it is made or issued before the Legislative Assembly.

*Explanation.*—In this section,—

(a) "Delimitation Act" means the Delimitation Act, 1972;

76 of 1972.

(b) "Delimitation Commission" means the Delimitation Commission constituted under section 3 of the Delimitation Act.

THE DELHI AGRICULTURAL PRODUCE MARKETING  
(REGULATION) ACT, 1976

ARRANGEMENT OF SECTIONS

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SECTIONS

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2. Definitions.
3. Notification of intention of regulating marketing of agricultural produce in specified area.
4. Declaration of regulation of marketing of specified agricultural produce in market area.

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CONSTITUTION OF DELHI AGRICULTURAL MARKETING BOARD

5. Constitution, powers and duties of Delhi Agricultural Marketing Board.

CHAPTER III

ESTABLISHMENT OF MARKETS AND CONSTITUTION OF MARKET COMMITTEES

6. Establishment of markets.
7. Establishment of special markets.
8. Constitution of Market Committees.
9. Composition of Market Committees.
10. Incorporation of Market Committees.
11. Election and term of office of members.
12. Creation of Election Fund.
13. Commencement of term of office of members.
14. Resignation of members and nomination in certain circumstances.
15. Removal of members for misconduct.
16. Casual vacancies.
17. Term of office of Chairman and Vice-Chairman and honorarium payable to them.
18. Procedure for election of Vice-Chairman.
19. Resignation of Chairman and Vice-Chairman.
20. Consequences of absence of Chairman without leave.

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21. Vacancies in office of Chairman and Vice-Chairman.
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23. Meeting, etc., of Market Committee.
24. Members to act during vacancy; acts of Market Committee, etc., not to be invalidated by informalities.

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## MARKET COMMITTEES—POWERS AND DUTIES

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26. Appointment of Sub-Committees; delegation of powers.
27. Power of the Market Committee to open collection centres for marketing of specified produce; provisions for receipt and payment by purchaser.
28. Power of Market Committee to levy fees.
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30. Execution of contracts.
31. Certain disputes regarding construction of rules, etc., about weights and measures to be decided by the Controller of Weights and Measures.

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## OFFICERS AND SERVANTS OF MARKET COMMITTEES

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34. Grant of licences.
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39. Market Fund, its custody and investment.
40. Purposes for which Market Fund may be expended.
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44. Duty of officers, servants and members of Market Committee to furnish information to Board, authorised officers and Administrator.
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48. Supersession of Market Committee, etc.

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## THE SCHEDULE.



THE DELHI AGRICULTURAL PRODUCE MARKETING  
(REGULATION) ACT, 1976

No. 87 OF 1976

[2nd September, 1976.]

An Act to provide for the better regulation of the purchase, sale storage and processing of agricultural produce and the establishment of markets for agricultural produce in the Union territory of Delhi and for matters connected therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Delhi Agricultural Produce Marketing (Regulation) Act, 1976.

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

(3) It shall come into force on such date as the Administrator may, by notification, appoint.

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

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

Short  
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extent  
and  
commen-  
cement.

Defini-  
tions.

(b) "agricultural produce" means such produce (whether processed or not) of agriculture, horticulture, forest, animal husbandry, apiculture or pisciculture as are specified in the Schedule;

(c) "agriculturist" means a person who ordinarily by his own labour or by the labour of any member of his family or who by the labour of his tenants or by servants or hired labour or otherwise is engaged in the production or growth of agricultural produce which has not been processed, but does not include a trader, commission agent, processor or broker, in or in relation to, agricultural produce except where such trader, commission agent, processor or broker is also engaged in the production or growth of agricultural produce;

(d) "Board" means the Delhi Agricultural Marketing Board constituted under section 5;

(e) "broker" means an agent who, in consideration of a commission, fee or remuneration, contrives, makes and concludes a bargain, or contracts on behalf of his principal, for the purchase or sale of agricultural produce, but does not receive, deliver, transport, or pay for the purchase or collect payment for the sale of, the agricultural produce;

(f) "bye-laws" means bye-laws made under section 65;

(g) "commission agent" means a person, who, by himself or through his servants, buys and sells agricultural produce for another person, keeps it in his custody and controls it during the process of its sale or purchase, and collects payment therefor from the buyer and pays it to the seller, and receives by way of remuneration a commission or percentage upon the amount involved in each transaction;

(h) "Director" means a person appointed as the Director of Agricultural Marketing for the Union Territory of Delhi;

(i) "local authority" means, in relation to an area within the local limits of,—

(i) the Municipal Corporation of Delhi, that Corporation;

(ii) the New Delhi Municipal Committee, that Committee;

(iii) the Delhi Cantonment Board, that Board;

(j) "market" means any principal market established under this Act and includes a subsidiary market;

(k) "market area" means an area declared to be a market area under section 4;

(l) "Market Committee" means a committee constituted for a market area under section 8;

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

(n) "Official Gazette" means the Delhi Gazette;

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

(p) "processor" means a person who processes any agricultural produce on payment of a charge;

(q) "retail sale" in relation to any agricultural produce, means the sale of that produce, not exceeding such quantity as the Market Committee may, by bye-laws, determine to be a retail sale;

(r) "Schedule" means the Schedule to this Act;

(s) "Secretary" means a Secretary of a Market Committee, and includes a Joint, Deputy or Assistant Secretary;

(t) "Surveyor" means a person who, on arrival of a consignment of agricultural produce for sale in any market area or market, surveys it for ascertaining the quality, refraction, adulteration and other like factors;

(u) "trader" means a person who buys or sells agricultural produce as a principal or as duly authorised agent of one or more persons.

(2) If any question arises as to whether a person is or is not an agriculturist for the purposes of this Act, the matter shall be referred to the Director who shall decide the same.

3. (1) The Administrator may, by notification, declare his intention of regulating the marketing of such agricultural produce, and in such area, as may be specified in the notification in accordance with the provisions of this Act.

Notifica-  
tion of  
intention  
of regula-  
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(2) The notification may also be published in any newspaper published in the regional language and circulating in the area specified under sub-section (1), or in such other manner as, in the opinion of the Administrator, is best calculated to bring to the notice of persons in that area, the intention aforesaid.

(3) The notification shall state that any objections or suggestions which may be received by the Administrator, within such period as may be specified in the notification, not being less than one month from the date of publication of the notification in the Official Gazette, shall be considered by him.

4. (1) On the expiry of the period specified in the notification issued under section 3, and after considering the objections and suggestions, if any, as may be received before such expiry, and holding, wherever considered necessary, an inquiry in the prescribed manner, the Administrator may, by notification, declare an area to be a market area wherein the marketing of agricultural produce specified in the notification shall be regulated in accordance with the provisions of this Act.

Declara-  
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regula-  
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(2) A declaration made under this section may also be published in any newspaper published in the regional language and circulating in the area specified under sub-section (1), or in such other manner as, in the opinion of the Administrator, is best calculated to bring to the notice of persons in that area the declaration aforesaid.

(3) On a declaration being made under sub-section (1) no local authority shall, notwithstanding anything contained in any other law for the time being in force, establish, or authorise or allow to be established, or continue, or authorise the continuation of, any place in the market area for the marketing of agricultural produce specified in the declaration.

(4) The Administrator may, in the manner specified in section 3, at any time, exclude any area from a market area, or include therein an

additional area, or may declare that the regulation of marketing of any agricultural produce in any market area shall cease or that the marketing of any agricultural produce hitherto not regulated shall be regulated in the market area.

## CHAPTER II

### CONSTITUTION OF DELHI AGRICULTURAL MARKETING BOARD

Constitution,  
powers  
and  
duties of  
Delhi  
Agricultural  
Marketing  
Board.

5. (1) The Administrator shall, for the purposes of this Act, establish a Board to be known as the Delhi Agricultural Marketing Board consisting of a Chairman, to be nominated by the Administrator, and twelve other members, of whom four shall be officials and eight non-officials, to be nominated by the Administrator in the following manner, namely:—

(a) the Director and three other officials representing, respectively, the Agriculture Department, the Co-operative Department and the Animal Husbandry Department, of the Delhi Administration, shall be the official members;

(b) the non-official members shall be—

(i) two agriculturists, being members of the Market Committees;

(ii) one member representing the organisations of farmers;

(iii) one progressive agriculturist of Delhi;

(iv) one member representing traders and commission agents licensed under section 34;

(v) one member representing the co-operative societies; and

(vi) two members representing the interests of consumers, of whom one shall be a member of the Metropolitan Council of Delhi.

(2) The Director shall be the *ex officio* Secretary of the Board.

(3) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with powers, subject to the provisions of this Act, to acquire and hold property, and to contract, and shall, by the said name, sue and be sued.

(4) Every non-official member shall hold office for a period of three years, but shall be, on the expiry of the term, eligible for re-nomination and every official member shall hold office during the pleasure of the Administrator:

Provided that, notwithstanding the expiry of the term of office, a non-official member shall continue in office until his successor has been nominated and has assumed office.

(5) No person shall be eligible to become a member of the Board if he—

(a) is below twenty-five years of age;

(b) has been removed from membership of a Market Committee under section 15;

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

(d) is, or at any time has been, adjudicated insolvent or convicted by a criminal court, whether within or outside the Union territory of Delhi, of any offence which, in the opinion of the Administrator, involves moral turpitude:

Provided that the disqualification on the ground of conviction by a criminal court shall not apply after the expiry of five years from the date on which the conviction became final and effective.

(6) The Chairman of the Board may resign by writing under his hand addressed to the Administrator and any other member may resign by writing under his hand addressed to the Administrator through the Chairman of the Board and the resignation shall take effect from the date on which it is accepted by the Administrator.

(7) The Administrator may remove from office any non-official member of the Board who has become subject to any of the disqualifications specified in sub-section (5) or who, in his opinion, is remiss in the discharge of his duties or has ceased to represent the interest to represent which he was nominated:

Provided that no non-official member shall be removed from office except after giving him a reasonable opportunity of showing cause against the proposed action.

(8) A casual vacancy caused by death, resignation or removal of a member, or otherwise, in the Board shall be filled by fresh nomination and the person nominated to fill the vacancy shall hold office for the remainder of the term of office of the member in whose place he was nominated.

(9) The Administrator shall exercise superintendence and control over the Board and its officers and may call for such information as he may deem necessary and, in the event of his being satisfied that the Board is not functioning properly or is persistently making default in the performance of the duties imposed on it by or under this Act or is abusing its powers or is guilty of corruption or mismanagement, may suspend the Board till such time as a new Board is constituted, and make such arrangements for the exercise of the functions of the Board as he may think fit:

Provided that no order of suspension as aforesaid shall be made except after giving the Board a reasonable opportunity of showing cause against the proposed action:

Provided further that a new Board shall be constituted within a period of six months from the date on which the Board is suspended.

(10) The Board shall exercise superintendence and control over the Market Committees.

(11) The Administrator or the Chairman or the Secretary of the Board or any other official of the Board authorised in this behalf by

the Board may call for from any Market Committee or any trader, godown keeper or any other functionary operating within the market area any information or return relating to agricultural produce and shall have the power to inspect the records and accounts of such Market Committee, trader, godown keeper or other functionary.

(12) The Board may transfer the Secretary or any employee dealing with accounts from one Market Committee to another Market Committee and exercise such other powers and discharge such other duties as may be specified in the regulations framed by the Board.

(13) Subject to the provisions of this Act and the rules and regulations made thereunder, the Board may employ such persons for the performance of its functions as it may consider necessary and the method of recruitment, the scale of pay and other conditions of service of such persons shall be such as may be provided in the regulations made by the Board in this behalf.

(14) (a) Subject to the rules made under this Act, an estimate of the annual income and expenditure of the Board for the ensuing year shall be prepared and passed by the Board and submitted every year, not later than the prescribed date, to the Administrator for his sanction.

(b) The Administrator may sanction the budget of the Board with such alterations or modifications as he may think fit and the budget so altered or modified by the Administrator shall be the budget of the Board for the year.

(c) The budget as sanctioned by the Administrator shall be returned to the Board within two months from the date of the receipt thereof and if it is not so returned within the said period of two months, it shall be presumed that the budget, as presented by the Board, has been duly sanctioned by the Administrator.

(15) Five members shall constitute a quorum at a meeting of the Board:

Provided that, if a meeting is adjourned for want of quorum, no quorum shall be necessary for the next meeting called for transacting the same business.

(16) All questions which come up before a meeting of the Board shall be decided by a majority of votes of the members present and voting and, in the case of an equality of votes the Chairman, or in his absence the person presiding, may exercise a second or casting vote.

(17) The Board may, with the approval of the Administrator, delegate any of its powers to its Chairman, Secretary or any of its other officers:

Provided that the person to whom such power is delegated shall function under the superintendence, direction and control of the Board.

(18) No act or proceeding of the Board shall be invalid merely by reason of the existence of any vacancy among its members or any defect in the constitution thereof.

(19) Subject to the rules made under this Act, the Board may, with the approval of the Administrator and by notification, make regulations for—

- (a) regulating the transaction of business at its meetings;
- (b) delegation of duties and powers of the Board to its Chairman or secretary or any other officer employed by it;
- (c) generally, the efficient conduct of the affairs of the Board.

### CHAPTER III

#### ESTABLISHMENT OF MARKETS AND CONSTITUTION OF MARKET COMMITTEES

6. (1) For every market area, there shall be established a principal market, and there may also be established one or more subsidiary markets, for the marketing of agricultural produce.

Estab-  
lishment  
of  
markets.

(2) The Director shall, as soon as possible after a declaration is made under sub-section (1) of section 4, by notification, establish any place (including any structure, enclosure, open space or locality) in any market area to be the principal market for the marketing of the agricultural produce specified in such notification and may, by the same notification or by a subsequent notification, establish in any other like places in the market area subsidiary markets for the marketing of such agricultural produce.

7. (1) Where the Administrator is satisfied that on account of the specialised nature of marketing of any commodity, like fish, fresh fruits, fresh vegetables, sheep, wool or cattle, in any area, it is expedient to ensure the efficient regulation of the marketing of such commodity in such area, he may establish,—

Establish-  
ment of  
special  
markets.

- (a) in such area special markets for such commodities, and
- (b) independent market committees in relation to such special markets notwithstanding that such area falls within the local limits of the jurisdiction of any other Market Committee or Committees already functioning in that area,

and every such special market and independent market committee shall be established and constituted in the same manner in which a market and Market Committee is established and constituted under this Act.

(2) Where a special market is established under sub-section (1), the Administrator may, by notification, declare that the provisions of this Act shall, with such modifications, restrictions or limitations as may be specified in the notification, apply in respect of such special market.

8. (1) Without prejudice to the provisions of section 7, there shall be constituted by the Administrator, for every market area, a Market Committee; and different Market Committees may be constituted for regulating the marketing of different kinds of agricultural produce marketed in the same market area or any part thereof.

Constitu-  
tion of  
Market  
Com-  
mittees.

(2) Every Market Committee shall exercise such powers and discharge such functions as may be vested in it by or under this Act.

Composi-  
tion of  
Market  
Commit-  
tees.

9. (1) Subject to the provisions of sub-section (2), every Market Committee shall consist of the following fourteen members, namely:—

(a) six members to be elected by the agriculturists residing in the market area and holding agricultural land in the Union territory of Delhi:

Provided that where the Administrator is satisfied that the bulk of the arrivals in any market in the market area are from outside the Union territory of Delhi, he may nominate such number of members, not exceeding fifty per cent. of the members representing agriculturists, as he may think fit, and such nomination shall be made from among the residents of the six neighbouring States, namely, Haryana, Himachal Pradesh, Jammu and Kashmir, Punjab, Rajasthan and Uttar Pradesh;

(b) two members to be elected by the traders and commission agents holding licences to operate as such in the market area;

(c) the Chairman of the co-operative society engaged in the business of processing or marketing of agricultural produce in the market area:

Provided that, if there be more than one such co-operative societies in the market area, then the managing committees of all such societies shall meet together and elect the Chairman of one of such co-operative societies as a member of the Market Committee:

Provided further that where there is no such co-operative society in the market area, the Administrator may nominate a member to represent the persons doing the business of processing or marketing of agricultural produce in the market area;

(d) one member to be elected by the members of the local authority within the local limits of whose jurisdiction the principal market in relation to that Market Committee is situated:

Provided that a person to whom a licence has been granted under section 34 shall not be eligible for election under this clause;

(e) one member to be elected by the licenced weighmen and measurers;

(f) one member of the Metropolitan Council of Delhi to be elected by that Council from amongst its members, to represent the interests of consumers;

(g) two members to be nominated by the Administrator of whom one shall represent the interests of consumers.

(2) When a Market Committee is constituted for the first time, all the members thereof, including the Chairman and the Vice-Chairman, shall be nominated by the Administrator.

(3) Without any prejudice to the provisions of sub-section (2), the Chairman of a Market Committee shall be nominated by the Administrator from among the members of the Committee.



(4) Subject to the provisions of sub-section (2), every Market Committee shall elect one of its elected members to be its Vice-Chairman.

10. Every Market Committee shall be a body corporate by such name as the Administrator may, by notification, specify and shall have perpetual succession and a common seal and may, in its corporate name, sue and be sued and shall, subject to such restrictions as are imposed by or under this Act, be competent to contract and to acquire, hold and dispose of property, both movable and immovable, and to do all other things necessary for the purposes for which it is constituted.

Incorporation of Market Committees.

11. (1) Except as otherwise provided in this Act and subject to the provisions of sub-section (2) of section 9, the members of a Market Committee shall be elected by the individuals, authorities or bodies referred to in sub-section (1) of section 9.

Election and term of office of members.

(2) The manner of election, preparation and maintenance of the lists of voters, qualifications of members, disqualifications for being chosen as, and for being, a member, the right of vote, the payment of deposit and its forfeiture, determination of election disputes, publication of the names of members elected, and all matters ancillary thereto shall be such as may be prescribed.

(3) If, for any reason, any body of persons, local authority or co-operative society or managing committee thereof fails to elect members of any Market Committee, the Director shall give notice in writing requiring such body of persons, local authority or co-operative society or managing committee thereof to elect members within one month from the date of service of such notice; and on the failure of such body, authority, society or committee to elect members within the aforesaid period, the Director shall nominate the required number of persons who are qualified to be elected under this Act representing such body of persons, local authority or co-operative society or managing committee thereof.

(4) Except as otherwise provided in this Act, a member of a Market Committee (not being a committee constituted for the first time) shall hold office for a period of three years and the members of a Market Committee constituted for the first time shall hold office for a period of two years:

Provided that the Administrator may, by notification, extend the term of office of members of any Market Committee for a period not exceeding one year.

(5) The names of the members of a Market Committee who have been elected or nominated shall be published in the Official Gazette.

(6) Upon the publication of the names of all the members of a Market Committee after election or nomination or, as the case may be, upon the publication of the names of at least nine members of such Committee in the Official Gazette, the Market Committee shall be deemed to be duly constituted.

12. (1) The superintendence, direction and control of the preparation of the list of voters for, and conduct of, all elections to Market Committee shall be vested in the Director, and, for the purpose of preparing the list

Creation of Election Fund.

of voters and conduct of elections, every Market Committee shall constitute an Election Fund consisting of an amount equal to five per cent. of all money received by it by way of fees under this Act during any year or two thousand rupees per annum, whichever is less.

(2) The Election Fund shall be invested in such manner as the Director may direct, regard being had to elections to be held during a year, and the necessity to have the moneys available from the Fund for meeting the expenses in relation to the preparation of the list of voters, or for the conduct of elections, or both.

(3) Every Market Committee shall, not later than the 31st day of October each year, inform the Director or any person authorised by him in this behalf of the amount standing to the credit of the Election Fund on the 30th day of September and also at any other time when required by the Director.

(4) Whenever the list of voters is to be prepared or revised or any election to the Market Committee is to be held, the Director or any person authorised by him in this behalf shall in writing inform the Market Committee to deposit with him such amount and before such date as may be specified in the direction for meeting the expenses for preparing or revising the list of voters or, as the case may be, for conducting the election, or both and the Market Committee shall comply with such direction.

(5) The Director or any person authorised by him in this behalf shall, after the preparation or revision of the list of voters or after the declaration of the result of the election, draw up a statement of expenditure incurred in preparing or revising such list or in conducting the election and shall, within a period of three months from such preparation or revision of the list or declaration of the result, as the case may be, forward the same to the Market Committee for information.

(6) The balance of the amount remaining unspent, if any, shall be refunded to the Market Committee and, if the expenditure incurred exceeds the amount of deposit, the Director, or any person authorised by him in this behalf, shall direct the Market Committee to pay the excess amount, as specified by him in the direction, within one month from the date of the receipt of the direction and the Market Committee shall comply with such direction.

Commencement of term of office of members.

13. (1) The term of office of members of a Market Committee shall be deemed to commence on the date of the first meeting of the Market Committee at which business is transacted:

Provided that, a person, who is a member by virtue of his being the Chairman of a co-operative society or member of a local authority or of the Metropolitan Council of Delhi, shall cease to hold office on his ceasing to be such Chairman or member, and in the case of a person who is a licensee he shall cease to hold office on his ceasing to be the holder of the licence.

(2) The first meeting of the Market Committee, to be called by the Chairman, shall be held on such date as may be fixed by the Director,

or any officer authorised by him in that behalf, being a date not later than thirty days from the date on which the Committee is deemed, under sub-section (6) of section 11, to be duly constituted.

(3) Where the first meeting cannot, for any reason, be held within the said period of thirty days, the Director shall report the fact to the Administrator stating the reasons for the failure to hold the meeting, and shall act according to the directions of the Administrator issued in that behalf.

(4) The term of office of the outgoing members shall be deemed to extend to, and expire with, the date immediately preceding the date of such first meeting.

14. (1) A member of a Market Committee may resign his office by writing under his hand addressed to the Chairman and the Chairman may resign his office of member by writing under his hand addressed to the Director, and the resignation shall take effect from the date on which it is accepted by the Chairman or, as the case may be, the Director.

Resignation of members and nomination in certain circumstances.

(2) If at any time it appears to the Administrator that any Market Committee, by reason of the resignation of all or a majority of the members thereof, is unable to discharge the functions conferred or imposed upon it by or under this Act, he may, by notification, nominate persons to fill the vacancies of the members who have resigned; and the persons so nominated shall hold office for the remainder of the term of the members in whose place they are nominated or until the vacancies are duly filled by election or nomination, as the case may be.

15. The Administrator may, on the recommendation of the Market Committee supported by not less than nine members of that Committee, present and voting at a meeting, remove any member if he has been guilty of neglect or misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a member or is adjudged an insolvent:

Removal of members for misconduct.

Provided that no such member shall be removed from office unless he has been given a reasonable opportunity of being heard by the Administrator.

16. Subject to the provisions of sub-section (3) of section 11 and sub-section (2) of section 14, in the event of a vacancy occurring on account of the death, resignation or removal of a member, whether elected or nominated, before the expiry of his term of office, or otherwise, the Chairman of the Market Committee shall forthwith communicate the occurrence of such vacancy to the Director and the vacancy shall be filled as soon as conveniently may be, by election or, as the case may be, nomination, of a person, who shall hold office for the remainder of the term of office of the member in whose place he is elected or nominated:

Casual vacancies.

Provided that, if the vacancy occurs at any time within six months immediately preceding the date on which the term of office of the member is due to expire, the vacancy shall not, unless the Administrator directs otherwise, be filled.

Term of office of Chairman and Vice-Chairman and honorarium payable to them.

17. (1) The Chairman and the Vice-Chairman shall hold office for such period as may be prescribed and shall, notwithstanding the expiry of their term of office, continue to hold office until their respective successors enter upon their office.

(2) There shall be paid to the Chairman and the Vice-Chairman an honorarium of such amount as the Board may, having regard to the finances of the Market Committee, specify; so, however, that the total amount of honorarium to be paid to each shall not exceed rupees one thousand and eight hundred per annum.

Procedure for election of Vice-Chairman.

18. (1) The Vice-Chairman shall be elected in the first meeting of the Market Committee.

(2) Such meeting shall be presided over by the Director or any person authorised by him in this behalf.

(3) The Director or such person shall, when presiding over the meeting, have the same powers as the Chairman has while presiding over a meeting of the Market Committee, but shall not have the right to vote.

(4) If, in the election of the Vice-Chairman, there is an equality of votes, the result of the election shall be decided by lots to be drawn in the presence of the person presiding over the meeting and in such manner as he may determine.

(5) In the event of a dispute arising as to the validity of election of the Vice-Chairman, the Director, if he is the presiding officer, shall decide the dispute himself, and, in any other case, the person presiding shall refer the dispute to the Director for decision and the decision of the Director, subject to an appeal to the Administrator, shall be final, and no suit or other proceeding shall lie in any court in respect of any such decision.

Resignation of Chairman and Vice-Chairman.

19. (1) The Chairman of the Market Committee may resign his office by writing under his hand addressed to the Director; and the resignation shall take effect from the date on which it is accepted by the Director.

(2) The Vice-Chairman of the Market Committee may resign his office by writing under his hand addressed to the Chairman; and the resignation shall take effect from the date on which it is accepted by the Chairman.

Consequences of absence of Chairman without leave.

20. Subject to the rules made by the Administrator in this behalf, a Chairman of the Market Committee who absents himself from three consecutive meetings of the Market Committee without leave of the Board shall cease, on and from the date on which the third such meeting is held, to be the Chairman.

Vacancies in office of Chairman and Vice-Chairman.

21. (1) In the event of a vacancy in the office of the Chairman or the Vice-Chairman by reason of death, resignation, or otherwise, the vacancy shall be filled as soon as possible,—

(a) by nomination, in the case of a Market Committee constituted for the first time; and

(b) in any other case, in the manner provided in sub-section (3) or, as the case may be, sub-section (4) of section 9.

(2) Every Chairman or Vice-Chairman nominated or elected, as the case may be, under this section, to fill a casual vacancy shall hold office for such period as the Chairman or the Vice-Chairman in whose place he is nominated, or as the case may be, elected, would have held such office if the vacancy had not occurred.

22. (1) On the nomination or election of the Chairman or Vice-Chairman, the outgoing Chairman or Vice-Chairman shall forthwith hand over charge of his office to the successor-in-office.

Refusal to hand over charge to new Chairman or Vice-Chairman.

(2) If the outgoing Chairman or Vice-Chairman fails or refuses to hand over charge of his office, as required under sub-section (1), the Director or any person authorised by the Director in this behalf may, by order in writing, direct such Chairman or Vice-Chairman, as the case may be, to forthwith hand over charge of his office to the successor-in-office together with all records, funds and property of the Market Committee, if any, in his possession as such Chairman or Vice-Chairman.

(3) If the outgoing Chairman or Vice-Chairman to whom a direction has been issued under sub-section (2) does not comply with such direction, the Director or any other person authorised by him in this behalf may apply to the Executive Magistrate within the local limits of whose jurisdiction the Market Committee is functioning for seizing and taking possession of the records, funds and property of the Market Committee in the possession of such Chairman or Vice-Chairman and handing over possession thereof to the successor-in-office.

(4) On receipt of an application under sub-section (3), the Executive Magistrate may authorise any police officer, not below the rank of a sub-inspector, to enter and search any place where the records, funds and property are kept or are likely to be kept and to seize them and hand over possession thereof to the person specified in such application.

2 of 1974.

(5) The provisions of the Code of Criminal Procedure, 1973, shall apply to every search and seizure made under this Act.

23. The quorum for a meeting of the Market Committee and the procedure to be followed thereat shall be regulated in accordance with the bye-laws made for the purpose by the Market Committee.

Meeting, etc., of Market Committee.

24. A Market Committee shall have power to act, notwithstanding any vacancy in the membership, or any defect in the constitution, thereof; and the proceedings of a Market Committee shall be valid notwithstanding that some person, who was not entitled to be a member, had sat, voted or otherwise taken part in the proceedings of any such Committee.

Members to act during vacancy; acts of Market Committee, etc., not to be invalidated by informalities.

## CHAPTER IV

## MARKET COMMITTEES—POWERS AND DUTIES

Powers  
and duties  
of Market  
Com-  
mittee.

25. (1) Subject to the provisions of this Act, it shall be the duty of a Market Committee—

(i) to implement the provisions of this Act and of the rules and bye-laws made thereunder for the market area;

(ii) to provide such facilities for marketing of agricultural produce therein as the Board may, from time to time, direct;

(iii) to do such other acts as may be required in relation to the superintendence, direction and control of markets, or for regulating marketing of agricultural produce in any place, in the market area and for purposes connected with the matters aforesaid,

and, for that purpose, may exercise such powers and perform such duties and discharge such functions as may be provided by or under this Act.

(2) Without prejudice to the generality of the foregoing provisions, a Market Committee may—

(a) regulate the entry of persons and of vehicular traffic into the market;

(b) supervise the conduct of those who enter the market for transacting business;

(c) grant, renew, refuse, suspend or cancel licences;

(d) provide for settling disputes arising out of any kind of transactions connected with the marketing of agricultural produce and all matters ancillary thereto;

(e) prosecute persons for violating the provisions of this Act and of the rules and bye-laws made thereunder;

(f) maintain and manage the market, including the regulation of admissions to, and conditions for use of, the market;

(g) regulate the marketing of agricultural produce in the market area or the market, and the weighment or delivery of, or payment for, such agricultural produce;

(h) arrange for the collection—

(i) of such agricultural produce in the market area in which all trade therein is to be carried on exclusively by the Government by or under any law for the time being in force for that purpose, or

(ii) of such other agricultural produce in the market area, as the Administrator may, from time to time, notify in the Official Gazette (hereinafter referred to as the notified produce);

(i) acquire, hold and dispose of any movable or immovable property (including any equipment necessary for the purpose of efficiently carrying out its duties);

(j) collect or maintain, disseminate and supply information in respect of production, sale, storage, processing, prices and movement of agricultural produce (including information relating to crop-statistics and marketing intelligence) as may be required by the Director or the Board;

(k) take all possible steps to prevent adulteration and to promote grading and standardization of such agricultural produce as may be prescribed;

(l) enforce the provisions of this Act and of the rules and bye-laws made, and conditions of the licences granted, under this Act;

(m) perform such other duties as may be prescribed.

26. A Market Committee may constitute one or more sub-committees consisting of one or more of its members and, if the Committee deems it desirable, may co-opt any person with the approval of the Board or of any officer authorised by the Board in this behalf and may, subject to such restrictions and conditions as may be specified in the regulations framed by the Board, delegate to such sub-committees such of its powers or duties as it may think fit.

Appoint-  
ment of  
sub-com-  
mittees;  
delegation  
of powers.

27. (1) A Market Committee duly authorised by the Administrator for the purpose may, by an order published for the information of the public in such manner as it deems fit, open collection centres for collecting thereat the produce specified in such order (hereinafter referred to as the specified produce).

Power  
of the  
Market  
Commit-  
tee to  
open  
collection  
centres  
for  
market-  
ing of  
specified  
produce;  
provi-  
sions for  
receipt  
and  
payment  
by pur-  
chaser.

(2) Where any person wishes to sell any specified produce in a market area, he shall tender all such produce only at the collection centre established for the purpose under sub-section (1):

Provided that, any such specified produce may be tendered through a commission agent or any agency, specified by the Administrator in this behalf.

(3) The Market Committee shall, on the sale of such produce, get it weighed, measured or, as the case may be, counted, forthwith and arrange for issuing a receipt therefor to the person who has tendered the produce at the collection centre for sale or, as the case may be, to the commission agent or any agency and shall also arrange to give a copy of the receipt to the purchaser.

(4) Such receipt shall contain the following particulars, that is to say,—

(i) the name of the collection centre;

(ii) the name of the tenderer;

(iii) the name of the purchaser;

(iv) the name of the commission agent or agency, if any;

(v) the name of the specified produce, the weight, measure or number thereof and the fees paid for the weighing, measuring or counting such produce;

(vi) grade of specified produce, if any, and the rate;

(vii) the amount to be paid to the Market Committee by the purchaser;

(viii) the amount to be paid by the tenderer to the commission agent by way of his commission, if any, and such other market charges, as are duly authorised by the Market Committee;

(ix) the amount to be paid by the tenderer to a co-operative society under the Delhi Co-operative Societies Act, 1972;

35 of 1972.

(x) the amount of advance price received by the tenderer, if any, in respect of the specified produce;

(xi) the amount to be actually paid to the tenderer after deducting the amounts, if any, falling under clause (vii), clause (viii), clause (ix) or clause (x); and

(xii) the total amount to be paid by the purchaser in respect of the specified produce purchased by him.

(5) The dues payable to a Market Committee under clause (vii) of sub-section (4) shall consist of fees to be levied and collected from a purchaser by or under this Act.

(6) The purchaser shall, on receiving a copy of the receipt, pay forthwith the total amount to be paid by him as recorded in the receipt by drawing separate cheques payable on presentation in favour of—

(a) the Market Committee, for an amount equal to the total of the amounts referred to in clause (vii), clause (viii) or clause (ix) of sub-section (4);

(b) the tenderer for an amount equal to the amount referred to in clause (xi) of sub-section (4).

(7) The Market Committee, on receipt of the cheques, shall hand over to the tenderer the cheque drawn in his favour and arrange to pay, from the amount received by it under the cheque drawn in its favour, to the commission agent and the co-operative society, if any, the amount recorded against each of them in the receipt and credit the balance due to it to the Market Fund.

Power of  
Market  
Commit-  
tee to  
levy  
fees.

28. It shall be competent for a Market Committee to levy and collect such fees (hereinafter referred to as the market fees), not being in excess of, or less than, an amount determined by the Administrator, by notification, from every purchaser of agricultural produce sold in a market area in such manner as may be prescribed and at such rates as may be specified in the bye-laws:

Provided that the amount determined by the Administrator shall not exceed one and a half per cent. of the value of the agricultural produce:

Provided further that, when any agricultural produce brought into any market area for the purpose of processing only, or for export, is not processed or exported therefrom within thirty days from the date of its arrival therein, it shall, until the contrary is proved, be presumed to have been brought into the market area for buying and selling, and shall be subject to the levy of fees under this section, as if it had been brought and sold therein:

Provided also that no such fees shall be levied and collected in the same market area in relation to any agricultural produce in respect of



which fees under this section have already been levied and collected therein.

29. (1) A Market Committee may, with the previous sanction of the Board, raise money required for carrying out the purposes for which it is established on the security of any property vested in it and of any fees leviable by it under this Act.

Power to borrow.

(2) The Market Committee may, for the purpose of meeting the expenditure on lands, buildings and equipment required for establishing the market, obtain a loan from the Administrator on such terms and conditions as he may determine.

(3) A Market Committee may, with the previous approval of the Board, obtain loans from other Market Committees on such conditions, and subject to such rules, as may be made.

30. (1) Every contract entered into by a Market Committee shall be in writing and shall be executed on behalf of the Committee by the Chairman or Vice-Chairman, and two other Members of the Committee.

Execution of contracts.

(2) No contract, other than a contract executed as provided in sub-section (1), shall be binding on the Market Committee.

Rajasthan Act 32 of 1958.

31. (1) If any dispute arises between an Inspector appointed under the Rajasthan Weights and Measures (Enforcement) Act, 1958, as in force in the Union territory of Delhi, and any person interested, as to the meaning or construction of any rule made under that Act or as to the method of verifying, re-verifying, adjusting or stamping any weight or measure or weighing or measuring instrument, in any market area, such dispute may, at the request of the person interested or by the Inspector of his own accord, be referred to the Controller appointed under that Act; and the decision of the Controller shall, subject to the provisions of sub-section (2), be final.

Certain disputes regarding construction of rules, etc., about weights and measures to be decided by the Controller of Weights and Measures.

(2) An appeal shall lie, within such time and in such manner as may be prescribed, from the decision under sub-section (1) to the Administrator or such officer as the Administrator may appoint in this behalf and the decision of the Administrator or such officer shall be final.

## CHAPTER V

### OFFICERS AND SERVANTS OF MARKET COMMITTEES

32. (1) Every Market Committee shall have as its Secretary a person appointed by the Board and whose services are lent to the Committee subject to such terms and conditions as the Board may provide by regulations made in this behalf.

Power of Market Committee to employ staff.

(2) A Market Committee may, with the previous approval of the Secretary of the Board, employ such number of other officers and servants as may be necessary for the management of the market and the salary and conditions of service of such officers and servants shall be such as may be determined by the Board by regulations made in this behalf.

(3) Every Secretary in the service of a Market Committee constituted under the Bombay Agricultural Produce Markets Act, 1939, as in force in the Union territory of Delhi immediately before the commencement of this Act, shall continue in the service of such Market Committee and shall be deemed to be the servant of the Board and his emoluments and other conditions of service shall be such as may be determined by the Board by regulations made in this behalf.

## CHAPTER VI

### MARKETING OF AGRICULTURAL PRODUCE

Regulation of marketing of agricultural produce.

33. (1) Subject to the provisions of this section and of the rules providing for regulating the marketing of agricultural produce in any place in the market area, no person shall, on and after the date on which an area is declared under sub-section (1) of section 4 to be a market area, without, or otherwise than in conformity with the terms and conditions of, a licence granted by—

(a) the Director, when a Market Committee has not been constituted or has not started functioning; or,

(b) in any other case, by the Market Committee,—

(i) use any place in the market area for the marketing of the agricultural produce specified in the said declaration; or

(ii) operate in the market area or in any market therein as a trader, commission agent, broker, processor, weighman, measurer, surveyor, warehouseman or in any other capacity in relation to the marketing of such agricultural produce.

(2) Nothing in sub-section (1) shall apply to the retail sale by an agriculturist of his own produce, or to sale by a person, not being a trader or agriculturist, where such person himself sells to another who buys for his personal consumption or the consumption of any member of his family.

Grant of licences.

34. (1) Subject to rules made in this behalf, a Market Committee may, after making such inquiries as it deems fit, grant or renew a licence for the use of any place in the market area for the marketing of agricultural produce or for operating therein as a trader, commission agent, broker, processor, weighman, measurer, surveyor, warehouseman or in any other capacity in relation to the marketing of agricultural produce or may, after recording its reasons in writing therefor, refuse to grant or renew any such licence:

Provided that the Director may, where a Market Committee has not been constituted or has not started functioning, subject to any rules that may be made in this behalf, grant a licence for the marketing of agricultural produce or for operating in any market area as a trader, commission agent, broker, processor, weighman, measurer, surveyor, warehouseman or in any other capacity.

(2) A licence granted under sub-section (1),—

(a) shall be in such form, valid for such period, and subject to such terms, conditions, restrictions and limitations as may be

prescribed and such restrictions may include a provision prohibiting brokers and commission agents from acting in any transaction (except between a trader and a trader) in respect of agricultural produce other than poultry, cattle, sheep and goats and such other agricultural produce as may be prescribed; and

(b) may also specify,—

(i) the manner in which and the place at which auction of agricultural produce shall be conducted and bids at such auction shall be accepted;

(ii) places at which weighment and delivery of agricultural produce shall be made in any market or market area and on payment of such fees as may be prescribed.

35. (1) Subject to the provisions of sub-section (3), a Market Committee may, for reasons to be recorded in writing, suspend or cancel a licence granted or renewed under this Chapter,—

Power  
to Cancel  
or suspend  
licences.

(a) if the licence had been obtained through wilful misrepresentation or fraud;

(b) if the holder of the licence or any servant or any one acting on his behalf with his express or implied permission commits a breach of any of the terms or conditions of the licence;

(c) if the holder of the licence in combination with other holders of licences commits any act or abstains from carrying out his normal business in the market with the intention of wilfully obstructing, suspending or stopping the marketing of agricultural produce in the market area;

(d) if the holder of the licence has been adjudged an insolvent, and has not obtained his discharge; or

(e) if the holder of the licence is convicted of any offence under this Act.

(2) Notwithstanding anything contained in sub-section (1) but subject to the provisions of sub-section (3), the Director may, for reasons to be recorded in writing, by order, suspend or cancel any licence granted or renewed under this Chapter.

(3) No licence shall be suspended or cancelled under this section, unless the holder thereof has been given a reasonable opportunity of showing cause against the proposed action.

36. (1) Any person aggrieved by an order—

Appeal.

(a) of the Market Committee, refusing to grant or renew a licence, or cancelling or suspending any licence, may appeal to the Board;

(b) of the Director, refusing to grant or cancelling or suspending a licence, may appeal to the Administrator,

within thirty days from the date on which such order is communicated to him and in such manner as may be prescribed.

(2) The Board or, as the case may be, the Administrator shall, on such appeal, make such order as it or he may deem just and proper:

Provided that, before dismissing an appeal, the Board or, as the case may be, the Administrator shall give the appellant a reasonable opportunity of being heard, and record in writing the reasons for such dismissal.

Provision  
for  
settle-  
ment of  
disputes.

37. (1) For the purpose of settling disputes between buyers and sellers of agricultural produce or their agents including any disputes regarding quality or weight or payment, or any matter in relation to the regulation of marketing of agricultural produce in the market area, the Market Committee constituted for that market area may appoint arbitrators or constitute from amongst its members a sub-committee.

(2) The method of appointment of arbitrators, the constitution and function of the sub-committees and the fees, if any, that may be paid by parties for the settlement of disputes shall be such as may be prescribed.

(3) Any party, aggrieved by the decision of the arbitrator or the sub-committee, may prefer an appeal from such decision to the Board in such manner and within such time as may be prescribed.

## CHAPTER VII

### MARKETING DEVELOPMENT FUND AND MARKET FUND

Market-  
ing Deve-  
lopment  
Fund.

38. (1) All moneys received by the Board shall be credited into a fund to be called the Marketing Development Fund.

(2) All expenditure incurred by the Board shall be defrayed from such Fund which shall be jointly operated by the Chairman and the Secretary.

(3) The amount standing to the credit of the Marketing Development Fund shall be kept or invested in such manner as may be prescribed.

(4) The amount standing to the credit of the Marketing Development Fund shall be expended for all or any of the following purposes, namely:—

(i) better marketing of agricultural produce;

(ii) marketing of agricultural produce on co-operative lines;

(iii) collection and dissemination of market rates and news;

(iv) grading and standardisation of agricultural produce;

(v) general improvements in the markets or their respective areas;

(vi) maintenance of the office of the Board and construction and repair of its office buildings, rest houses and staff quarters;

(vii) giving aid to financially weak Market Committees in the shape of loans, or grants, or both;

(viii) payment of salary, leave, allowance, gratuity, compassionate allowance, compensation for injuries or death resulting from accidents, while on duty, medical aid, pension or provident fund to

the persons employed by the Board and leave and pension contributions to Government servants on deputation;

(ix) payment of travelling and other allowances to the members and employees of the Board;

(x) propaganda, demonstration and publicity in favour of agricultural improvements;

(xi) production and betterment of agricultural produce;

(xii) meeting any legal expenses incurred by the Board;

(xiii) imparting education in marketing of agricultural produce;

(xiv) construction of godowns;

(xv) expenses incurred in auditing the accounts of the Board;

(xvi) with the previous sanction of the Administrator, any other purpose which is calculated to promote the general interest of the Board and the Market Committees or the national or public interest:

Provided that, if the Board decides to give aid of more than five thousand rupees to a financially weak Market Committee under clause (vii), prior approval of the Administrator to such payment shall be obtained.

39. (1) All fees and other moneys received by a Market Committee under this Act (except the amount of such fees credited to the Election Fund under section 12), all sums realised by way of penalty (otherwise than by way of a fine in a criminal case), all loans raised by the Committee, and all grants, loans or contributions made by the Administrator to the Committee shall form part of a fund to be called the Market Fund.

Market  
Fund, its  
custody  
and  
invest-  
ment.

(2) The amount to the credit of a Market Fund shall be kept or invested in such manner as may be prescribed.

(3) Every Market Committee shall, out of the Market Fund, pay—

(a) to the Board, as contribution, such percentage of its income derived from licence fee and market fee, as well as the amount paid to it under sub-section (4) of section 59, as is specified below, to enable the Board to defray its expenses on the office establishment and other expenses incurred by it in the interest of the Market Committee generally,—

(i) if the annual income of a Market Committee does not exceed Rs. 10,000 .. 10 per centum;

(ii) if the annual income of a Market Committee exceeds Rs. 10,000 but does not exceed Rs. 15,000—on the first Rs. 10,000 .. 10 per centum;  
on the next Rs. 5,000 or part thereof .. 15 per centum;

(iii) if the annual income of a Market Committee exceeds Rs. 15,000—on the first Rs. 10,000 .. 10 per centum;  
 on the next Rs. 5,000 .. 15 per centum;  
 on the remaining income .. 20 per centum;

(b) to the Administrator, the cost of any special or additional staff employed by the Government, in consultation with the Market Committee, for giving effect to the provisions of this Act in the market area.

(4) The Administrator shall determine the cost of the special or additional staff referred to in clause (b) of sub-section (3) and shall, where the staff is employed for the purposes of more Market Committees than one, apportion such cost among the Market Committees concerned in such manner as he thinks fit, and the decision of the Administrator determining the amount payable by any Market Committee shall be final.

Purposes  
 for  
 which  
 Market  
 Fund  
 may be  
 expended.

40. The amount standing to the credit of the Market Fund may be expended for all or any of the following purposes, namely:—

- (a) the acquisition of site or sites for the market;
- (b) maintenance, development and improvement of the market;
- (c) construction of, and repairs to, buildings necessary for the purposes of such market and for the health, convenience and safety of persons using it;
- (d) the provision and maintenance of standard weights and measures;
- (e) pay, pension and leave, allowances, gratuities, compensations for injuries or death resulting from accidents, compassionate allowances and contributions towards leave, allowances, pensions or provident fund of the officers and servants employed by the Market Committee;
- (f) the payment of interest on loan, if any, raised by the Market Committee and the provision of sinking fund in respect of such loan;
- (g) the collection and dissemination of information regarding matters relating to crop-statistics and marketing in respect of the agricultural produce specified in the notification under sub-section (1) of section 4;
- (h) propaganda in favour of agricultural improvement and orderly marketing;
- (i) payment of travelling and other allowances to the members of the Market Committee and its sub-committees and of sub-committees, if any, constituted under section 37;
- (j) the payment of honorarium to the Chairman and Vice-Chairman under sub-section (2) of section 17;
- (k) giving grant or donation to any institution or body conducting any educational or welfare activities for the benefit of agriculturists in the market area, subject to the condition that the amount of such grant or donation does not exceed, in the aggregate, ten per cent. of the net amount remaining after deducting the expenditure from the revenues of the year immediately preceding the year in which such grant or donation is made;

(l) expenses of any Tribunal constituted under sub-section (4) of section 60;

(m) any other function of the Market Committee specified in this Act or in the rules made thereunder;

(n) for any other purpose, with the previous approval of the Administrator.

41. The manner in which any payment from the Marketing Development Fund or Market Fund shall be made, its account shall be kept and audited or re-audited (including powers to be exercised by the auditor in that behalf), its annual, revised or supplementary budget estimates of income and expenditure shall be made (including provision for modifying, annulling or rescinding such budgets) and its annual administration report shall be prepared, shall be such as may be prescribed.

Manner of auditing accounts, preparing budget, annual report, etc.

## CHAPTER VIII

### TRADE ALLOWANCES PROHIBITED

42. No person shall make, or cause to be made on his behalf or on behalf of any other person, or recover, or cause to be recovered on his behalf or on behalf of any other person, any trade allowance in any market or market area in relation to any transaction made or proposed to be made in the market area in respect of any agricultural produce.

Making or recovery of trade allowance prohibited.

*Explanation.*—For the purposes of this section, “trade allowance” means any deduction in price or rate of the agricultural produce on account of any variation in the quality, weight, container, sample or admixture.

## CHAPTER IX

### CONTROL BY THE BOARD

43. The Board, or any officer authorised by it by general or special order in this behalf, may—

Inspection, inquiry, submission of statements, etc.

(a) inspect or cause to be inspected the accounts and offices of a Market Committee;

(b) hold inquiry into the affairs of a Market Committee;

(c) call for any return, statement, accounts or report which it or he may think fit to require such Committee to furnish;

(d) require a Market Committee to take into consideration—

(i) any objection which appears to it or him to exist to the doing of anything which is about to be done or is being done by or on behalf of such Committee, or

(ii) any information it, or he, is able to furnish and which appears to it or him to necessitate the doing of a certain thing, which is not being done by such Committee,

and make a written reply to it or him within a reasonable time stating its reasons for doing, or not doing such thing;

(e) direct, pending consideration of their reply made under clause (d), that anything which is about to be done or is being done, should not be done and anything which should be done but is not being done, should be done within such time as it or he may direct.

Duty of officers, servants and members of Market Committee to furnish information to Board, authorised officers and Administrator.

44. (1) When the accounts and offices of a Market Committee are inspected, or the affairs of such Committee are inquired into, under section 43, or the proceedings of such Committee are examined under section 46, all officers, servants and members of such Committee shall furnish such information in their possession in regard to the accounts and offices or affairs or proceedings of such Committee as the Board, or the officers authorised by the Board, as the case may be, may require.

(2) The Board or any officer inspecting the accounts and offices, or inquiring into the affairs of a Market Committee under section 43, or the Board examining the proceedings of such Committee under section 46, shall, for the purposes of such inspection, inquiry or examination, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:—

5 of 1908.

(a) the summoning and enforcing the attendance of any officer, servant or member of the Market Committee and examining him on oath;

(b) the discovery and production by any officer, servant or member of the Market Committee of any document or other material object producible as evidence; and

(c) the reception of evidence on affidavits.

(3) Any officer exercising the powers conferred by sub-section (2) shall be deemed to be a Civil Court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

2 of 1974.

Seizure of account books and other documents.

45. Where the Board has reason to believe that the books and records of a Market Committee are likely to be tampered with or destroyed or the funds or property of a Market Committee are likely to be misappropriated or misapplied, the Board may issue an order directing a person duly authorised by it in writing to seize and take possession of such books and records, funds and property of a Market Committee, and the officer or officers of the Market Committee responsible for the custody of such books, records, funds and property, shall give delivery thereof to the person so authorised.

Powers of Board to call for proceedings of Market Committees and to pass orders thereon.

46. The Board may, at any time, call for and examine the proceedings of any Market Committee for the purpose of satisfying itself as to the legality or propriety of any decision or order passed by the Market Committee under this Act, and if, in any case, it appears to the Board that any decision or order or proceedings so called for should be modified, annulled or reversed, the Board may pass such order thereon as it thinks fit.



47. (1) Where the Administrator is satisfied that, for securing efficient regulation of marketing of agricultural produce in a market area, it is necessary that two or more Market Committees therein should be amalgamated or any Market Committee therein should be divided into two or more Market Committees, he may, after consulting the Market Committees or Market Committee, as the case may be, and the Board, by notification, provide for the amalgamation of such Market Committees into a single Market Committee or division of the Market Committee into two or more Market Committees for the market area in respect of the agricultural produce specified in the notification with such constitution, property, rights, interests and authorities and such liabilities, duties and obligations (including provision in respect of contracts, assets, employees, proceedings and such incidental, consequential and supplementary matters as may be necessary to give effect to such amalgamation or, as the case may be, the division) as may be specified in the notification.

Amalgamation or division of Market Committees.

(2) Where more Market Committees than one are established in any market area under sub-section (1), the Administrator may, notwithstanding anything contained in this Act, issue general or special direction as to which of the Market Committees shall exercise the powers, perform the duties and discharge the functions of a Market Committee under this Act, in respect of matters in which they are jointly interested.

(3) Where any direction is issued under sub-section (2), the cost incurred by a Market Committee in pursuance of the direction shall be shared by the other Market Committee concerned in such proportion as may be agreed upon, or, in default of agreement, as may be determined by the Administrator or such officer as he may direct in this behalf and the decision of the Administrator or such officer, as the case may be, shall be final.

48. (1) If, in the opinion of the Administrator, a Market Committee, or any member thereof, is not competent to perform, or persistently makes default in performing, the duties imposed on it or him by or under this Act, or abuses its or his powers or wilfully disregards any instructions issued by the Administrator or any officer duly authorised by him in this behalf and arising out of audit of accounts of the Market Committee or inspection of the office and work thereof, the Administrator may, for reasons to be recorded by him in writing and after giving the Committee or member, as the case may be, an opportunity of tendering an explanation, by notification, supersede, such Market Committee, or removed such member, as the case may be; and, where a member is removed the vacancy so caused shall be filled in the same manner, and subject to the same condition in regard to term of office, as provided in section 16.

Supersession of Market Committee, etc.

(2) Upon the publication of a notification under sub-section (1) superseding a Market Committee, the following consequences shall ensue, that is to say,—

(a) all members of the Market Committee shall, as from the date of such publication, be deemed to have vacated their offices;

(b) all the assets of the Committee shall vest in the Board and the Board shall be liable for all legally enforceable liabilities of the

Committee, subsisting on the date of its supersession, to the extent of the said assets;

(c) the Administrator may, by order, either constitute a new Market Committee in accordance with the provisions contained in Chapter III or make such other arrangements for the carrying out of the functions of the Market Committee as he thinks fit.

(3) If the Administrator constitutes a new Market Committee under clause (c) of sub-section (2), he shall transfer the assets and liabilities of the Market Committee, as on the date immediately preceding the date of such transfer, to the new Market Committee so constituted.

(4) Where the Administrator does not constitute a new Market Committee under clause (c) of sub-section (2), the balance of the assets of the Market Committee as may be left after meeting all the liabilities of such Committee shall continue to vest in the Board and the Board shall utilise the said assets for such objects of public utility as the Administrator may by order specify as being conducive to the regulation of the marketing of agricultural produce in the market area.

## CHAPTER X

### PENALTIES

Penalty for not complying with directions under sub-section 2) of section 22.

49. If the outgoing Chairman or Vice-Chairman, to whom a direction has been issued under sub-section (2) of section 22, does not, except for reasons beyond his control, comply with such direction, he shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

Penalty for contravention of section 33

50. Whoever, in contravention of the provisions of sub-section (1) of section 33, uses any place in the market area for the marketing of the agricultural produce specified in the declaration made under sub-section (1) of section 4, or operates in the market area or in any market therein as a trader, commission agent, broker, processor, weighman, measurer, surveyor, warehouseman, or in any other capacity in relation to the marketing of agricultural produce specified in such declaration, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both; and, in the case of a continuing contravention, with a further fine which may extend to fifty rupees for every day, after the first, during which the contravention continues.

51. Whoever, in contravention of the provisions of section 42, makes or causes to be made or recovers or causes to be recovered any trade allowance shall, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Penalty for making or recovering trade allowance.

52. Whoever obstructs any officer in carrying out the inspection of accounts, or in holding any inquiry into the affairs, of a Market Committee or fails to obey any order with reference to any matter specified in clause (a), clause (c), clause (d) or clause (e) of section 43, shall, be punished with fine which may extend to two hundred rupees for everyday during which the offence continues.

Penalty for obstruction of officer and failure to obey order under section 43.

53. If any officer, servant or member of a Market Committee, when required under section 44 to furnish information in regard to the accounts and offices or affairs of the Market Committee or the proceedings of a Market Committee,—

Penalty for contravening provisions of section 44.

(a) wilfully neglects or refuses to furnish any information; or

(b) wilfully furnishes information which is false or incorrect in material particulars,

such officer, servant or member shall, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

54. Whoever, in contravention of the provisions of section 45 obstructs any person in seizing or taking possession of any books, records, funds or property of the Market Committee or fails to give delivery thereof to such person shall, be punished with fine which may extend to two hundred rupees.

Penalty for contravention of section 45.

55. Whoever contravenes any provision of this Act or of any rule or bye-law made thereunder shall, if no other penalty is provided for such contravention elsewhere in this Act or in the rules or bye-laws, be punished with fine which may extend to two hundred rupees.

General provision for punishment of offence.

## CHAPTER XI

### MISCELLANEOUS

56. (1) Every member or employee of the Board or any Market Committee shall be liable for the loss, wastage, misappropriation or misapplication of any money or other property belonging to a Market Committee, if such loss, wastage, misappropriation or misapplication is proved to the satisfaction of the Board to be the direct consequence of the neglect or misconduct on the part of such member or employee, and he may, after being given an opportunity by a written notice to show cause why he should not be required to make good the loss, be required by the Board to make good the amount of money or the value of the property so lost, wasted, misappropriated or misapplied, and, if the money or the

Liability of members or employees of Board or Market Committees.

value of the property is not made good within one month from the expiry of the period of appeal specified in sub-section (3), an amount equal to the money or the value of the property shall be recoverable from such member or employee as an arrear of land revenue:

Provided that no such member or employee shall be called upon to show cause after the expiry of a period of four years from the occurrence of such loss, wastage, misappropriation or misapplication or after the expiry of a period of two years from the time of his ceasing to be a member or an employee of the Board or Market Committee, as the case may be, whichever is earlier.

(2) Every member or employee of the Board shall be liable for the loss, wastage, misappropriation or misapplication of any money or other property belonging to the Board, if such loss, wastage, misappropriation or misapplication is proved to the satisfaction of the Board to be the direct consequence of the neglect or misconduct on the part of such member or employee in the performance of his duties as such member or employee, and he may, after being given an opportunity by a written notice to show cause why he should not be required to make good the loss, be required by the Board to make good the amount of the money or the value of the property so lost, wasted, misappropriated or misapplied, and, if the money or the value of the property is not made good within one month from the expiry of the period of appeal specified in sub-section (3), an amount equal to the money or the value of the property shall be recoverable from such member or employee as an arrear of land revenue:

Provided that no such member or employee shall be called upon to show cause after the expiry of a period of four years from the occurrence of such loss, wastage, misappropriation or misapplication or after the expiry of a period of two years from the time of his ceasing to be a member or an employee of the Board, whichever is earlier.

(3) The member or employee against whom an order under sub-section (1) or sub-section (2) is made, may, within thirty days from the date of the service of such order, appeal to the Administrator who shall have the power of confirming, modifying or reversing the order made by the Board.

(4) In computing the period of two years or four years, as the case may be, the period during which any proceeding was stayed or the period during which any appeal or revision against the order for making good the loss, remained pending, shall be excluded.

Chairman,  
etc., of  
the Board  
and the  
Market  
Com-  
mittee to  
be public  
servants.

57. The Chairman, the members, the Secretary and other officers and servants of the Board and the Chairman, Vice-Chairman, members, Secretary and other officers and servants of a Market Committee shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Bar of  
suit in  
the  
absence  
of notice.

58. (1) No suit or other legal proceeding shall be instituted against the Board or any Market Committee or any member, officer or servant thereof or any person acting under the direction of any such Board, Market Committee, member, officer or servant for anything done or purported to be done, in good faith as such member, officer, or servant

under this Act, until the expiration of two months next after notice in writing, stating the cause of action, the name and place of residence of the intending plaintiff and the relief which he claims, has been, in the case of the Board or Market Committee, delivered or left at its office, and in the case of any such member, officer, servant or person as aforesaid, delivered to him or left at his office or usual place of residence, and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every such suit shall be dismissed unless it is instituted within six months from the date of accrual of the alleged cause of action.

47 of 1963.

(3) Nothing in this section shall be deemed to apply to any suit instituted under section 38 of the Specific Relief Act, 1963.

59. (1) No offence under this Act, or any rule or bye-law made thereunder, shall be tried by a court inferior to the court of a Judicial Magistrate of the first class.

Trial of offences.

(2) No prosecution under this Act shall be instituted except by the Director or any officer authorised by him in that behalf or by the Secretary or by any other person duly authorised by the Board or the Market Committee, as the case may be, in that behalf.

(3) No court shall take cognizance of any offence under this Act or any rule, order or bye-law made thereunder, unless complaint thereof is made within six months from the date on which the alleged commission of the offence came to the knowledge of the Director, officer, Secretary or person referred to in sub-section (2).

(4) All fines received by a court from an offender shall be credited to the Government revenues and an amount equal to such fine shall be paid by the Government to the Board or the Market Committee, as the case may be.

60. (1) Every sum due from the Board or a Market Committee to the Government shall be recoverable as an arrear of land revenue.

Recovery of sums due to Government, Board, Market Committee and others.

(2) Subject to the provisions of sub-section (3) of section 63, any sum due to the Board or a Market Committee on account of any charge, costs, expenses, fees, rent or on any other account under the provisions of this Act or any rule or bye-law made thereunder or any sum due to an agriculturist for any agricultural produce, specified under sub-section (1) of section 27, sold by him in the market area and which is not paid to him as provided by or under this Act, shall be recoverable from the person from whom such sum is due, in the same manner as if it were an arrear of land revenue.

(3) If any question arises whether a sum is due to the Board or Market Committee or any agriculturist within the meaning of sub-section (2), it shall be referred to a Tribunal constituted for the purpose which shall, after making such inquiry as it may deem fit, and after giving to the person from whom it is alleged to be due, an opportunity of being heard, decide the question and the decision of the Tribunal shall be final.

(4) The Administrator may constitute one or more Tribunals consisting of one person, possessing such qualifications as may be prescribed who is not connected with the Board or Market Committee or the agriculturist, as the case may be, or with the person from whom the sum is alleged to be due.

(5) Except as otherwise directed by the Tribunal in the circumstances of any case, the expenses of the Tribunal, as computed by it, shall, ordinarily, be borne by the party against whom a decision is given.

Power of Administrator to delegate powers.

61. The Administrator may, by notification, and subject to such conditions, if any, as he may think fit to impose, delegate all or any of the powers conferred upon him by or under any of the provisions of this Act to the Board or any other officer or person specified in the notification.

Power to exempt the Board, Market Committee, etc., from provisions of the Act.

62. (1) The Central Government may, by general or special order, published in the Official Gazette, exempt the Board or any Market Committee or any class of persons from any of the provisions of this Act or any rule, regulation or bye-law made thereunder or may direct, in like manner, that the provisions of this Act shall apply to the Board or any Market Committee or any class of persons with such modifications, not affecting the substance thereof, as may be specified in that order.

(2) All orders made under sub-section (1) shall be laid, as soon as may be after they are made, before each House of Parliament.

(3) The Administrator may, by general or special order, published in the Official Gazette, direct that any rule, regulation or bye-law made under this Act shall apply to the Board or any Market Committee or any class of persons with such modifications, not affecting the substance thereof, as may be specified in that order.

Power to make rules.

63. (1) The Administrator may, by notification, make rules for carrying out the provisions of this Act.

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

(a) the manner of holding an inquiry under section 4;

(b) preparation of the estimates of annual income and expenditure of the Board under sub-section (14) of section 5 and matter connected therewith;

(c) the manner in which the members of a Market Committee may be elected, under section 11, including all matters incidental to such election;

(d) term of office and other conditions of service of Chairman or Vice-Chairman of the Market Committee under sections 17 and 20;

(e) the duties of Market Committees under sub-section (2) of section 25 and the promotion of the grading and standardisation of such agricultural produce as may be specified in the rules, under clause (k) of that sub-section;

(f) the manner of levy and collection of market fees by Market Committee, under section 28;

(g) the conditions subject to which loans may be obtained by a Market Committee from another Market Committee under sub-section (3) of section 29;

(h) the manner in which and the time within which an appeal may be filed under sub-section (2) of section 31 or sub-section (2) of section 71;

(i) the form of licence and the terms and conditions subject to which a licence may be granted or renewed, including the fees to be paid in respect of such licence, under section 34;

(j) the fees payable in connection with the weighment and delivery of agricultural produce under section 34;

(k) the manner in which an appeal may be filed under sub-section (1) of section 36;

(l) the composition of sub-committees, method of appointment of arbitrators and the fees, if any, that may be paid by parties for the settlement of disputes, the procedure to be followed by the sub-committees or arbitrators for the settlement of disputes and the manner in which and the time within which an appeal may be preferred from the decision of the sub-committee or arbitrator under section 37;

(m) the manner in which the amount to the credit of a Marketing Development Fund or a Market Fund shall be kept or invested under sub-section (3) of section 38 or, as the case may be, sub-section (2) of section 39;

(n) travelling and other allowances payable to the members of the Board or the Market Committees;

(o) the manner in which payment from the Marketing Development Fund or Market Fund shall be made, its account shall be kept or audited or re-audited, budget estimates of income and expenditure shall be made and annual administration report shall be prepared under section 41;

(p) the qualifications of a member of a Tribunal constituted under sub-section (4) of section 60;

(q) any other matter which is required to be, or may be, prescribed.

(3) Any rule made under this section may provide that, if any purchaser fails to make the payment forthwith as required by sub-section (6) of section 27, he shall be liable to pay interest from the date of sale to the date of payment at such rate as may be provided in such rule, such rate not being in excess of the maximum rate of interest fixed for unsecured loans by banking institutions and if payment is not made within thirty days from the date on which the agricultural produce is sold, the principal and interest shall be recoverable by the Market Committee from the purchaser in the manner provided in section 60.

(4) Any rule made under the provisions of this Act may provide that the contravention thereof shall, on conviction, be punished with fine which may extend to five hundred rupees.

(5) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.

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

Power to  
make  
regula-  
tions.

64. (1) The Board may, with the previous approval of the Administrator and by notification, make regulations, not inconsistent with any rules made under this Act, for carrying out the provisions of this Act.

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

(a) the method of recruitment, the scales of pay and other conditions of service of employees of the Board;

(b) regulation of transaction of business at the meetings of the Board;

(c) delegation of duties and powers of the Board to its Chairman or Secretary or any other officer employed by it;

(d) delegation of duties and powers of the Market Committees to its sub-committees;

(e) terms and conditions regarding lending of services of Secretary and the salary and other conditions of service of other officers and servants of Market Committees.

Bye-laws.

65. (1) Subject to any rules and regulations made under this Act, and with the previous sanction of the Board or any other officer specially empowered in this behalf by the Administrator, a Market Committee may, in respect of the market area for which it is constituted or any markets established therein, make bye-laws for determining the quantity of agricultural produce which may be provided for retail sale, for the regulation of the business (including meeting, quorum and procedure) of the Market Committee, and the conditions of trading in the market area, including the rates and manner of collection or refund of market fees or any other fees levied under this Act.

(2) Where a Market Committee fails to make bye-laws under this section within six months from the date on which this Act comes into force or the date of its constitution, whichever is later, the Board may make such bye-laws as it may think fit and the bye-laws so made shall remain in operation in relation to that Market Committee.

(3) (a) Notwithstanding anything contained in this Act or the rules, regulations or bye-laws made thereunder, if the Board considers that an amendment, alteration, rescission or adoption of a new bye-law is necessary or desirable in the interests of a Market Committee, it may, by an order in writing to be served on the Market Committee by registered post, require the Market Committee to make such amendment, alteration, rescission or adoption of new bye-law within such time as may be specified in such order.

(b) If the Market Committee fails to make the amendment, alteration or rescission or to adopt the new bye-law within the time specified by the Board in its order under clause (a), the Board may, after giving the Market Committee an opportunity of being heard, register such amendment, alteration, rescission or adoption of such new bye-law, and issue a certified copy thereof to the Market Committee.

(c) The Market Committee may, within thirty days from the date of issue of the certified copy referred to in clause (b), appeal against such order to the Administrator.



(d) Where an appeal is presented within the period specified in clause (c), the amendment, alteration, rescission or new bye-law shall not come into force till the order is confirmed by the Administrator.

(e) A certified copy of the amendment, alteration, rescission or the new bye-law registered by the Board under clause (b) shall, subject to the result of an appeal, if any, under clause (c), be conclusive evidence that the same has been duly registered and such amendment, alteration, rescission or new bye-law shall be deemed to have been made by the Market Committee.

(4) No bye-law or rescission of a bye-law or its alteration or amendment shall take effect until it has been confirmed by the Board and notified in the Official Gazette.

(5) Any bye-law made under the provisions of this Act may provide that any contravention thereof shall, on conviction, be punished with fine which may extend to one hundred rupees.

66. The Administrator may, after consulting the Board and Market Committees concerned, by notification, include in the Schedule any item of agricultural produce or, amend, or exclude, any of the items of agricultural produce specified in the Schedule.

Power of Administrator to amend Schedule.

67. When, before the commencement of this Act, any area comprised in any market area was excluded from such market area under section 4 of the Bombay Agricultural Produce Markets Act, 1939, as in force in the Union territory of Delhi immediately before the commencement of this Act, and the area so excluded was declared as a separate market area and a Market Committee was constituted therefor, and both the Market Committees continue to function immediately after such commencement and the assets, rights and liabilities of the separate Market Committee are not yet determined, then, the Administrator may, by notification, after consulting the Market Committee concerned, provide for the transfer of the assets, rights and liabilities of the Market Committee in relation to the area so excluded (including the rights and liabilities under any contract made by it) to the separate Market Committee on such terms and conditions as may be specified in such notification.

Power of Administrator to transfer assets, etc., in cases of Market Committees constituted for excluded areas under Bombay Act 22 of 1939.

68. Whenever it is found that any amount due to the Board or a Market Committee is irrecoverable or should be remitted, or whenever any loss of the Board's or Market Committee's money or stores or other property occurs through the fraud or negligence of any person or for any other cause and such money or property is found to be irrecoverable, the fact shall be reported to the Board or Market Committee, as the case may be, and the Board, with the approval of the Administrator, and the Market Committee, with the approval of the Board, may order the amount or value of the property to be written off as lost, irrecoverable or remitted, as the case may be:

Power to write off irrecoverable fees, etc.

Provided that in the case of Market Committee, if in any case the amount due or the value of such property is in excess of one hundred rupees, such order shall not take effect unless it is approved by the Administrator.

Revision.

69. Notwithstanding anything contained in this Act, the Administrator shall have the power of reversing or modifying any order of the Board or any of its officers passed or purporting to have been passed under this Act if he is satisfied that such order is not in accordance with the provisions of this Act, or any rule, regulation or bye-law made thereunder.

Power to compound offences.

70. (1) With the previous approval of the Chairman of the Board, a Market Committee or with the authorisation by a resolution of a Market Committee, its Chairman, may accept from any person against whom a reasonable suspicion exists that he has committed an offence under this Act, or any rule, regulation or bye-law made thereunder, a sum of money by way of composition for such offence.

(2) On the payment of such amount of money to the Market Committee or to its Chairman, as the case may be, the suspected person, if in custody, shall be discharged and no further proceedings shall be taken against such person.

Power of the Committee and Chairman to impose penalties.

71. (1) A Market Committee and its Chairman shall have the power, by order, to impose the penalties of censure and fine on any market functionary or agriculturist or purchaser for the contravention of any bye-law, after giving the person concerned a reasonable opportunity of being heard:

Provided that the Market Committee shall not be competent to impose fine exceeding twenty-five rupees and the Chairman shall not be competent to impose fine exceeding five rupees.

(2) An appeal against an order under sub-section (1) shall lie to the Board, within such time and in such manner as may be prescribed.

Repeal and saving.

72. (1) On the commencement of this Act, the Bombay Agricultural Produce Markets Act, 1939, shall cease to be in force in the Union territory of Delhi:

Bombay Act 22 of 1939.

Provided that such cesser shall not affect the previous operation of the enactment aforesaid and anything done or any action taken (including any appointment, delegation or declaration made, notification, order, rule, direction or notice issued, bye-law framed, Market Committee established, licences granted, fees levied and collected, instruments executed, any fund established or constituted) by or under the provisions of any such enactment shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act, and shall continue in force unless and until superseded by anything done or any action taken under this Act.

(2) Any area or place declared to be a market area or any place or market declared to be a market under the enactment so ceasing to be in force shall, on the commencement of this Act, be deemed to be the market area or market declared under this Act; the Market Committee constituted for the said market area and functioning immediately prior to such commencement shall be deemed, notwithstanding anything contained in this Act, to be the Market Committee constituted under this Act for such market area, and, where it is so declared or notified, also for the agricultural produce specified in the declaration or notification;

and all the members of such Market Committee shall be deemed to be members nominated by the Administrator under sub-section (2) of section 9.

(3) Any reference to the enactment ceasing to be in force as aforesaid or to any provision thereof or to any officer, authority or person entrusted with any functions thereunder, in any law for the time being in force or in any instrument or document, shall be construed, where necessary, as a reference to the corresponding provisions of this Act or to the corresponding officer, authority or person functioning under this Act, and the corresponding officer, authority or person, as the case may be, shall have and exercise the functions under such law, instrument or document.

(4) The mention of particular matters in this section shall not affect the general application to this Act of section 6 of the General Clauses Act, 1897 as if the Bombay Agricultural Produce Markets Act, 1939, as applicable to the Union territory of Delhi, had been repealed by this Act.

10 of 1897.  
Bombay  
Act  
22 of 1939.

73. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, as occasion requires, by order not inconsistent with the provisions of this Act, do anything which appears to it to be necessary or expedient for the purpose of removing the difficulty:

Power to  
remove  
difficul-  
ties.

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

## THE SCHEDULE

[See section 2(1)(b) and section 66]

I. *Animal husbandry products—*

1. Butter.
2. Cattle.
3. Eggs.
4. Ghee.
5. Goat.
6. Hides and skins.
7. Milk.
8. Poultry.
9. Sheep.
10. Wool.

II. *Apiculture—*

Honey.

III. *Cattle feeds—*

1. Guwar.
2. Punvad.

IV. *Cereals—*

1. Bajra.
2. Barley.
3. Inferior millets, for example, swank, kodra kangni, etc.
4. Jowar.
5. Maize.
6. Oats.
7. Paddy (husked and unhusked).
8. Wheat (husked and unhusked).

V. *Condiments, spices and others—*

1. Betel leaves.
2. Betelnuts.
3. Cardamom and pepper.
4. Cashewnuts.
5. Chillies.
6. Corriander.
7. Dalchini.
8. Garlic.

9. Ginger.
10. Ilachi.
11. Long.
12. Methi.
13. Rai (mustard).
14. Sonf.
15. Turmeric.
16. Zeera.

VI. *Fibres—*

1. Cotton (ginned and unginned).
2. Sanhemp.

VII. *Fruits—*

1. Almonds.
2. Apples.
3. Banana.
4. Cherry.
5. Chickoo.
6. Fig.
7. Grapes.
8. Guava.
9. Kakri.
10. Leechi.
11. Lemon.
12. Malta.
13. Mango.
14. Melon.
15. Mosambi.
16. Papaya.
17. Peaches.
18. Pears.
19. Plums.
20. Pomegranate.
21. Santra.
22. Strawberry.
23. Water melons.

VIII. *Grass and fodder.*

IX. *Gur, sugar, sugarcane, khandsari, shakhar and rashkat.*

X. *Narcotics—*

- Tobacco.

XI. *Oilseeds—*

1. Castor seed.
2. Cotton seed.
3. Groundnut (shelled and unshelled).
4. Linseed.
5. Sarson.
6. Sesamum.
7. Taramira.
8. Toria.

XII. *Pisciculture—*

Fish.

XIII. *Pulses—*

1. Arhar.
2. Beans.
3. Gram.
4. Guara.
5. Mash.
6. Masur.
7. Moth.
8. Mung.
9. Peas.
10. Urad.

XIV. *Vegetables—*

1. Arvi.
2. Carrots—all types.
3. Cucumber—all types.
4. Gobhi—all types.
5. Kachalu.
6. Leafy and fresh vegetables.
7. Onion.
8. Peas—all types.
9. Potatoes and sweet potatoes.
10. Tomatoes.

THE REPRESENTATION OF THE PEOPLE (AMENDMENT)  
ACT, 1976

No. 88 OF 1976

[2nd September, 1976.]

An Act further to amend the Representation of the People Act, 1950

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

1. This Act may be called the Representation of the People (Amendment) Act, 1976.

Short  
title.

43 of 1950.

2. For sub-section (5) of section 4 of the Representation of the People Act, 1950 (hereinafter referred to as the principal Act), the following sub-section shall be substituted, namely:—

Amend-  
ment of  
section 4.

76 of 1972.

“(5) Save as provided in sub-section (4), the extent of all parliamentary constituencies except the parliamentary constituencies in the Union territory of Arunachal Pradesh shall be as determined by the orders of the Delimitation Commission made under the provisions of the Delimitation Act, 1972 and the extent of the parliamentary constituencies in the Union territory of Arunachal Pradesh shall be as determined by the order of the Election Commission under the provisions of the Government of Union Territories Act, 1963.”

20 of 1963.

3. For sub-section (3) of section 7 of the principal Act, the following sub-section shall be substituted, namely:—

Amend-  
ment of  
section 7.

“(3) Subject to the provisions of sub-section (3) of section 7A, the extent of each assembly constituency in all the States and Union

territories except the assembly constituencies in the Union territory of Arunachal Pradesh shall be as determined by the orders of the Delimitation Commission made under the provisions of the Delimitation Act, 1972 and the extent of each assembly constituency in the Union territory of Arunachal Pradesh shall be as determined by the order of the Election Commission made under the provisions of the Government of Union Territories Act, 1963.”

76 of 1972

20 of 1963

Amend-  
ment of  
section 8.

4. In section 8 of the principal Act,—

(i) in sub-section (1), for the words and figures “the Delimitation of Parliamentary and Assembly Constituencies Order, 1966”, the words and figures “the Delimitation of Parliamentary and Assembly Constituencies Order, 1976” shall be substituted;

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

“(3) The consolidation under sub-section (1) of the orders referred to in sub-section (5) of section 4 or, as the case may be, sub-section (3) of section 7 shall not, as provided in sub-section (5) of section 10 of the Delimitation Act, 1972, affect the representation in, and the territorial constituencies of, the House of the People or the Legislative Assembly of the State existing on the date of publication in the Gazette of India of any such order or orders as may be relevant.”

76 of 1972.

Amend-  
ment of  
section 9.

5. In clause (a) of sub-section (1) of section 9 of the principal Act, for the words and figures “the Delimitation of Parliamentary and Assembly Constituencies Order, 1966”, the words and figures “the Delimitation of Parliamentary and Assembly Constituencies Order, 1966, or, as the case may be, the Delimitation of Parliamentary and Assembly Constituencies Order, 1976” shall be substituted.

Amend-  
ment of  
section  
28.

6. For sub-section (3) of section 28 of the principal Act, the following sub-section shall be substituted, namely:—

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

Substi-  
tution of  
new  
Schedules  
for the  
First  
Schedule  
and the  
Second  
Schedule.

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



## "THE FIRST SCHEDULE

(See section 3)

## Allocation of seats in the House of the People

| Name of the State/Union territory | Number of seats in the House as constituted on 1-1-1973 |                                   |                                   | Number of seats in the House as subsequently constituted |                                   |                                   |
|-----------------------------------|---|-----------------------------------|-----------------------------------|--|-----------------------------------|-----------------------------------|
|                                   | Total   | Reserved for the Scheduled Castes | Reserved for the Scheduled Tribes | Total  | Reserved for the Scheduled Castes | Reserved for the Scheduled Tribes |
| 1                                 | 2   | 3                                 | 4                                 | 5  | 6                                 | 7                                 |
| <b>I. STATES :</b>                |   |                                   |                                   |  |                                   |                                   |
| 1. Andhra Pradesh . . . . .       | 41  | 6                                 | 2                                 | 42   | 6                                 | 2                                 |
| 2. Assam . . . . .                | 14  | 1                                 | 2                                 | 14   | 1                                 | 2                                 |
| 3. Bihar . . . . .                | 53  | 7                                 | 5                                 | 54   | 8                                 | 5                                 |
| 4. Gujarat . . . . .              | 24  | 2                                 | 3                                 | 26   | 2                                 | 4                                 |
| 5. Haryana . . . . .              | 9   | 2                                 | ..                                | 10   | 2                                 | ..                                |
| 6. Himachal Pradesh . . . . .     | 4   | 1                                 | ..                                | 4  | 1                                 | ..                                |
| 7. Jammu and Kashmir . . . . .    | 6   | ..                                | ..                                | 6  | ..                                | ..                                |
| 8. Karnataka . . . . .            | 27  | 4                                 | ..                                | 28   | 4                                 | ..                                |
| 9. Kerala . . . . .               | 19  | 2                                 | ..                                | 20   | 2                                 | ..                                |
| 10. Madhya Pradesh . . . . .      | 37  | 5                                 | 8                                 | 40   | 5                                 | 8                                 |
| 11. Maharashtra . . . . .         | 45  | 3                                 | 3                                 | 48   | 3                                 | 3                                 |
| 12. Manipur . . . . .             | 2   | ..                                | 1                                 | 2  | ..                                | 1                                 |
| 13. Meghalaya . . . . .           | 2   | ..                                | 2                                 | 2  | ..                                | ..                                |
| 14. Nagaland . . . . .            | 1   | ..                                | ..                                | 1  | ..                                | ..                                |
| 15. Orissa . . . . .              | 20  | 3                                 | 5                                 | 21   | 3                                 | 5                                 |
| 16. Punjab . . . . .              | 13  | 3                                 | ..                                | 13   | 3                                 | ..                                |
| 17. Rajasthan . . . . .           | 23  | 1                                 | 3                                 | 25   | 4                                 | 3                                 |
| 18. Sikkim . . . . .              | ..  | ..                                | ..                                | 1  | ..                                | ..                                |
| 19. Tamil Nadu . . . . .          | 39  | 7                                 | ..                                | 39   | 7                                 | ..                                |
| 20. Tripura . . . . .             | 2   | ..                                | 1                                 | 2  | ..                                | 1                                 |
| 21. Uttar Pradesh . . . . .       | 85  | 18                                | ..                                | 85   | 18                                | ..                                |
| 22. West Bengal . . . . .         | 42  | 8                                 | 2                                 | 42   | 8                                 | 2                                 |

| Name of the State/Union territory | Number of seats in the House as constituted on 1-1-1973 |                                   |                                   | Number of seats in the House as subsequently constituted |                                   |                                   |
|-----------------------------------|---|-----------------------------------|-----------------------------------|--|-----------------------------------|-----------------------------------|
|                                   | Total   | Reserved for the Scheduled Castes | Reserved for the Scheduled Tribes | Total  | Reserved for the Scheduled Castes | Reserved for the Scheduled Tribes |
| I                                 | 2   | 3                                 | 4                                 | 5  | 6                                 | 7                                 |
| <b>II. UNION TERRITORIES :</b>    |   |                                   |                                   |  |                                   |                                   |
| 1. Andaman and Nicobar Islands    | 1   | ..                                | ..                                | 1  | ..                                | ..                                |
| 2. Arunachal Pradesh              | 1   | ..                                | 1                                 | 2  | ..                                | ..                                |
| 3. Chandigarh                     | 1   | ..                                | ..                                | 1  | ..                                | ..                                |
| 4. Dadra and Nagar Haveli         | 1   | ..                                | 1                                 | 1  | ..                                | 1                                 |
| 5. Delhi                          | 7   | 1                                 | ..                                | 7  | 1                                 | ..                                |
| 6. Goa, Daman and Diu             | 2   | ..                                | ..                                | 2  | ..                                | ..                                |
| 7. Lakshadweep                    | 1   | ..                                | 1                                 | 1  | ..                                | 1                                 |
| 8. Mizoram                        | 1   | ..                                | 1                                 | 1  | ..                                | ..                                |
| 9. Pondicherry                    | 1   | ..                                | ..                                | 1  | ..                                | ..                                |
| <b>TOTAL</b>                      | <b>522</b>  | <b>77</b>                         | <b>41</b>                         | <b>542</b>   | <b>78</b>                         | <b>38</b>                         |

### THE SECOND SCHEDULE

(See sections 7 and 7A)

*Total number of seats in the Legislative Assemblies*

| Name of the State/Union territory | Number of seats in the Legislative Assembly as constituted on 1-1-1973 |                                   |                                   | Number of seats in the Legislative Assembly as subsequently constituted |                                   |                                   |
|-----------------------------------|--|-----------------------------------|-----------------------------------|---|-----------------------------------|-----------------------------------|
|                                   | Total  | Reserved for the Scheduled Castes | Reserved for the Scheduled Tribes | Total   | Reserved for the Scheduled Castes | Reserved for the Scheduled Tribes |
| I                                 | 2  | 3                                 | 4                                 | 5   | 6                                 | 7                                 |
| <b>I. STATES :</b>                |  |                                   |                                   |   |                                   |                                   |
| 1. Andhra Pradesh                 | 287  | 40                                | 11                                | 294   | 39                                | 11                                |
| 2. Assam                          | 114  | 8                                 | 10                                | 126   | 8                                 | 16                                |
| 3. Bihar                          | 318  | 45                                | 29                                | 324   | 46                                | 25                                |

| Name of the State/Union territory | Number of seats in the Legislative Assembly as constituted on 1-1-1973 |                                   |                                   | Number of seats in the Legislative Assembly as subsequently constituted |                                   |                                   |
|-----------------------------------|--|-----------------------------------|-----------------------------------|---|-----------------------------------|-----------------------------------|
|                                   | Total  | Reserved for the Scheduled Castes | Reserved for the Scheduled Tribes | Total   | Reserved for the Scheduled Castes | Reserved for the Scheduled Tribes |
| 1                                 | 2  | 3                                 | 4                                 | 5   | 6                                 | 7                                 |
| 4. Gujarat . . .                  | 168  | 11                                | 22                                | 182   | 12                                | 25                                |
| 5. Haryana . . .                  | 81   | 15                                | ..                                | 90  | 17                                | ..                                |
| 6. Himachal Pradesh . .           | 68   | 16                                | 3                                 | 68  | 15                                | 3                                 |
| 7. Jammu and Kashmir*             |  |                                   |                                   |   |                                   |                                   |
| 8. Karnataka . . .                | 216  | 29                                | 2                                 | 224   | 29                                | 2                                 |
| 9. Kerala . . .                   | 133  | 11                                | 2                                 | 140   | 12                                | 2                                 |
| 10. Madhya Pradesh . .            | 296  | 39                                | 61                                | 320   | 42                                | 64                                |
| 11. Maharashtra . . .             | 270  | 15                                | 16                                | 288   | 17                                | 17                                |
| 12. Manipur . . .                 | 60   | 1                                 | 19                                | 60  | 1                                 | 19                                |
| 13. Meghalaya . . .               | 60   | ..                                | 50                                | 60  | ..                                | ..                                |
| 14. Nagaland . . .                | 52   | ..                                | ..                                | 60  | ..                                | ..                                |
| 15. Orissa . . .                  | 140  | 22                                | 34                                | 147   | 22                                | 34                                |
| 16. Punjab . . .                  | 104  | 23                                | ..                                | 117   | 29                                | ..                                |
| 17. Rajasthan . . .               | 184  | 31                                | 21                                | 200   | 32                                | 24                                |
| 18. Sikkim . . .                  | ..   | ..                                | ..                                | 32  | 1                                 | 1**                               |
| 19. Tamil Nadu . . .              | 234  | 42                                | 2                                 | 234   | 42                                | 2                                 |
| 20. Tripura . . .                 | 60   | 6                                 | 19                                | 60  | 7                                 | 17                                |
| 21. Uttar Pradesh . .             | 425  | 89                                | ..                                | 425   | 69                                | 1                                 |
| 22. West Bengal . . .             | 280  | 55                                | 16                                | 294   | 59                                | 17                                |

\*Under the Constitution of Jammu and Kashmir, the number of seats in the Legislative Assembly of that State excluding the 24 seats earmarked for Pakistan-occupied territory is 76 out of which 6 seats have been reserved for the Scheduled Castes in pursuance of the Jammu and Kashmir Representation of the People Act, 1957.

\*\*Reserved for Sanghas.

| Name of the State/Union territory | Number of seats in the Legislative Assembly as constituted on 1-1-1973 |                                   |                                   | Number of seats in the Legislative Assembly as subsequently constituted |                                   |                                   |
|-----------------------------------|--|-----------------------------------|-----------------------------------|---|-----------------------------------|-----------------------------------|
|                                   | Total  | Reserved for the Scheduled Castes | Reserved for the Scheduled Tribes | Total   | Reserved for the Scheduled Castes | Reserved for the Scheduled Tribes |
| I                                 | 2  | 3                                 | 4                                 | 5   | 6                                 | 7                                 |
| <b>II. UNION TERRITORIES :</b>    |  |                                   |                                   |   |                                   |                                   |
| 1. Arunachal Pradesh              | ..   | ..                                | ..                                | 30  | ..                                | ..                                |
| 2. Goa, Daman and Diu             | 30   | ..                                | ..                                | 30  | ..                                | ..                                |
| 3. Mizoram                        | 30   | ..                                | ..                                | 30  | ..                                | ..                                |
| 4. Pondicherry                    | 30   | 5                                 | ..                                | 30  | 5                                 | .."                               |

THE INDIAN IRON AND STEEL COMPANY (ACQUISITION  
OF SHARES) ACT, 1976

No. 89 OF 1976

[2nd September, 1976]

An Act to provide for the acquisition of certain shares of the Indian Iron and Steel Company Limited with a view to securing the proper management of the affairs of the Company and the continuity and development of the production of goods which are vital to the needs of the country and for matters connected therewith or incidental thereto.

50 of 1972.

WHEREAS the management of the undertaking of the Indian Iron and Steel Company Limited was taken over by the Central Government for a limited period under the Indian Iron and Steel Company (Taking Over of Management) Act, 1972, in order to secure the proper management of such undertaking;

AND WHEREAS the top management of the Company was guilty of mismanagement of the affairs of the Company and restoration, after the expiry of the limited period aforesaid, of the management of the affairs of the Company to such top management would be prejudicial to the interests of the Company and to the public interest;

AND WHEREAS investment of a large amount is necessary for the maintenance and development of the production of the undertakings of the Company;

AND WHEREAS acquisition by the Central Government of an effective control over the affairs of the Company is necessary to enable it to make the investment aforesaid;

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

## CHAPTER I

## PRELIMINARY

Short  
title  
and com-  
mence-  
ment.

1. (1) This Act may be called the Indian Iron and Steel Company (Acquisition of Shares) Act, 1976.

(2) It shall be deemed to have come into force on the 17th day of July, 1976.

Defini-  
tions.

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

(a) “appointed day” means the 17th day of July, 1976;

(b) “bank” means a banking company within the meaning of the Banking Regulation Act, 1949;

10 of 1949.

(c) “Company” means the Indian Iron and Steel Company Limited, being a company within the meaning of the Companies Act, 1956, and having its registered office at IISCO House, 50, Chowringhee Road, Calcutta;

1 of 1956.

(d) “Commissioner” means the Commissioner of Payments appointed under section 5;

(e) “notification” means a notification published in the Official Gazette;

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

(g) “share” means a share, whether equity or preference, in the capital of the Company, and includes a share pledged by any shareholder with any bank or other creditor, but does not include any share in the capital of the Company held by—

(i) any State Government;

(ii) the State Bank of India, established under section 3 of the State Bank of India Act, 1955 and its subsidiary banks;

23 of 1955.

(iii) the Steel Authority of India Limited, a company formed and registered under the Companies Act, 1956, and having its registered office at Hindustan Times House, Kasturba Gandhi Marg, New Delhi;

1 of 1956.

(iv) the Life Insurance Corporation of India, established under section 3 of the Life Insurance Corporation Act, 1956;

31 of 1956.

(v) the Unit Trust of India, established under section 3 of the Unit Trust of India Act, 1963;

52 of 1963.

(vi) any corresponding new bank, within the meaning of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;

5 of 1970.

57 of 1972.

(vii) any general insurance company nationalised by the General Insurance Business (Nationalisation) Act, 1972;

(h) "shareholder" means a person, who, immediately before the appointed day, was registered by the Company as the holder of any share;

(i) "specified date" means such date as the Central Government may, for the purpose of any provision of this Act, by notification, specify.

CHAPTER II

ACQUISITION OF THE SHARES OF THE COMPANY

3. (1) On the appointed day, all the shares of the Company shall, by virtue of this Act, stand transferred to, and vested in, the Central Government.

Transfer and vesting of shares of the Company in the Central Government.

(2) The Central Government shall be deemed, on and from the appointed day, to have been registered in the Register of members of the Company as the holder of each share which stands transferred to, and vested in, it by virtue of the provisions of sub-section (1).

(3) All the shares which have vested in the Central Government under sub-section (1), shall, by force of such vesting, be freed and discharged of all trusts, liabilities, obligations, mortgages, charges, liens and other incumbrances affecting them, and any attachment, injunction or any decree or order of the court, tribunal or other authority restricting the use of such shares in any manner, shall be deemed to have been withdrawn.

(4) For the removal of doubts, it is hereby declared that the provisions of sub-sections (1) and (2) shall not be deemed to affect—

(a) any right of the Company subsisting, immediately before the appointed day, against any shareholder to recover from such shareholder any sum of money on the ground that the shareholder has not paid or credited to the Company the whole or any part of the value of the shares held by him, or on any other ground whatsoever; or

(b) any right of the shareholder subsisting, immediately before the appointed day, against the Company to receive any dividend or other payment due from the Company.

4. (1) For the transfer to, and vesting in, the Central Government, under section 3, of the shares of the Company, there shall be given by the Central Government to the shareholders of the Company, in cash and in the manner specified in section 6, an amount of rupees seven crores, twenty-three lakhs, ninety-five thousand and one hundred and thirty-seven and fifteen paise.

Payment of amounts.

(2) The amount, referred to in sub-section (1), shall carry simple interest at the rate of four per cent. per annum for the period commencing

on the appointed day and ending on the date on which payment of such amount is made by the Central Government to the Commissioner.

Appoint-  
ment of  
Commis-  
sioner  
of Pay-  
ments.

5. (1) The Central Government shall, for the purpose of disbursing the amounts payable to the Company under section 4, by notification, appoint a Commissioner of Payments.

(2) The Central Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons also to exercise all or any of the powers exercisable by him under this Act, and different persons may be authorised to exercise different powers.

(3) Any person authorised by the Commissioner to exercise any of the powers exercisable by the Commissioner may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Act, and not by way of authorisation.

(4) The salaries and allowances of the Commissioner and other persons appointed under this section shall be defrayed out of the Consolidated Fund of India.

Payment  
by the  
Central  
Govern-  
ment  
to the  
Commis-  
sioner.

6. (1) The Central Government shall, within thirty days from the specified date, pay, in cash, to the Commissioner, for payment to the shareholders of the Company,—

(a) an amount equal to the amount specified in sub-section (1) of section 4; and

(b) an amount equal to the amount determined under sub-section (2) of section 4.

(2) A deposit account shall be opened by the Central Government in favour of the Commissioner, in the Public Account of India, and every amount paid under this Act to the Commissioner shall be deposited by him to the credit of the said deposit account and the said deposit account shall be operated by the Commissioner.

(3) The interest accruing on the amount standing to the credit of the deposit account, referred to in sub-section (2), shall enure to the benefit of the shareholders of the Company.

Claims  
to be  
made  
to the  
Commis-  
sioner.

7. (1) Every shareholder, having a claim in relation to any share acquired by this Act, shall prefer such claim before the Commissioner within thirty days from the specified date:

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the period of thirty days, he may entertain the claim within a further period of thirty days and not thereafter.

(2) Every shareholder of a preference share shall have a preferential claim with regard to the amount paid by the Central Government to the Commissioner.



8. On receipt of the claims made under section 7, the Commissioner shall separately arrange the claims in relation to preference shares and in relation to the equity shares and examine the claims in relation to each such share.

Exami-  
nation  
of claims.

9. (1) After examining the claims, the Commissioner shall fix a certain date on or before which every claimant shall file the proof of his claim or be excluded from the benefit of the disbursements made by the Commissioner.

Admis-  
sion or  
rejection  
of claims.

(2) Not less than fourteen days' notice of the date so fixed shall be given by advertisement in one issue of the daily newspaper in the English language and in one issue of such daily newspaper in the regional language as the Commissioner may consider suitable, and every such notice shall call upon the claimant to file the proof of his claim with the Commissioner within the time specified in the advertisement.

(3) Every claimant, who fails to file the proof of his claim within the time specified by the Commissioner, shall be excluded from the disbursement made by the Commissioner.

(4) The Commissioner shall, after such investigation as may, in his opinion, be necessary, and after giving the Company an opportunity of refuting the claim and after giving the claimant a reasonable opportunity of being heard, in writing, admit or reject the claim in whole or in part.

(5) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge of his functions, including the place or places at which he will hold his sittings and shall, for the purpose of making an investigation under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:—

5 of 1908.

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

(b) the discovery and production of any document or other material object producible as evidence;

(c) the reception of evidence on affidavits;

(d) the issuing of any commission for the examination of witnesses.

(6) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the Commissioner shall be deemed to be a civil court for the purposes of section 345 and Chapter XXVI of the Code of Criminal Procedure, 1973.

45 of 1860.

2 of 1974.

(7) A claimant, who is dissatisfied with the decision of the Commissioner, may prefer an appeal against the decision to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the registered office of the Company is situated.

Disburse-  
ment of  
money by  
the Com-  
missioner  
to claim-  
ants.

10. (1) After admitting a claim under this Act, the amount due in respect of each share acquired by virtue of this Act shall be paid by the Commissioner at the rate of rupees thirty-two and paise seventy-five per preference share, and at the rate of rupees four and paise seventy per equity share to the person or persons to whom such sums are due, and on such payment, the liability of the Central Government in respect of the share so acquired shall stand discharged.

(2) The Commissioner shall also apportion amongst the shareholders, the amount paid to him by way of interest under sub-section (3) of section 6, and such apportionment shall be made on the basis of the amount due to each shareholder.

Undis-  
bursed  
or un-  
claimed  
amount  
to be de-  
posited  
to the  
general  
revenue  
account.

11. Any money paid to the Commissioner which remains undisbursed or unclaimed for a period of three years from the last day on which the disbursement was made, shall be transferred by the Commissioner to the general revenue account of the Central Government; but a claim to any money so transferred may be preferred to the Central Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, the order, if any, for payment of the claim being treated as an order for the refund of revenue.

Power of  
inspec-  
tion,

12. For the purposes of ascertaining whether any person claiming payment under this Act is a shareholder, the Commissioner shall have the right to—

(a) require any person, having the possession, custody or control of any register or record of the Company, to produce such register or record before the Commissioner,

(b) require any person to make any statement or furnish any information which may be required by the Commissioner.

### CHAPTER III

#### MISCELLANEOUS

Act  
to have  
overrid-  
ing effect.

13. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any law, other than this Act, or in any instrument having effect by virtue of any law, other than this Act.

Penalties.

14. If any person,—

(a) makes any claim for any payment under this Act, knowing or having reason to believe that such claim is false or without any basis; or

(b) when required under this Act so to do,—

(i) omits or fails to produce any register or record of the Company; or

(ii) makes any statement or furnishes any information which is false in any material particular and which he knows or believes to be false or does not believe to be true; or

(c) makes any such statement as aforesaid in any book, account, record, register, return or other document,

he 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.

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

Offences  
by com-  
panies.

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

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

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

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

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

16. No court shall take cognizance of an offence punishable under this Act, except with the previous sanction of the Central Government or of an officer authorised by that Government in this behalf.

Limita-  
tion of  
cogniz-  
ance of  
offences.

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

Power  
to make  
rules.

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

18. The Indian Iron and Steel Company (Acquisition of Shares) Ordinance, 1976, is hereby repealed:

Repeal  
and  
saving.

Provided that notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provision of this Act.

THE CONSERVATION OF FOREIGN EXCHANGE AND  
PREVENTION OF SMUGGLING ACTIVITIES  
(SECOND AMENDMENT) ACT, 1976

No. 90 OF 1976

[2nd September, 1976]

An Act further to amend the Conservation of Foreign Exchange and  
Prevention of Smuggling Activities Act, 1974.

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

Short  
title and  
commen-  
cement.

1. (1) This Act may be called the Conservation of Foreign Exchange  
and Prevention of Smuggling Activities (Second Amendment) Act, 1976.

(2) It shall be deemed to have come into force on the 16th day of  
June, 1976.

Amend-  
ment  
of Act  
52 of 1974.

2. In section 12A of the Conservation of Foreign Exchange and Preven-  
tion of Smuggling Activities Act, 1974 (hereinafter referred to as the  
principal Act), in sub-section (1), for the words "twelve months", the  
words "twenty-four months" shall be substituted.

Removal  
of  
doubts.

3. For the removal of doubts, it is hereby declared that every declara-  
tion made under section 12A of the principal Act before the commence-  
ment of this Act and in force immediately before such commencement  
shall have effect as if the amendment made in that section by this Act  
had been in force on and from the 1st day of July, 1975.

Repeal  
and  
saving.

4. (1) The Conservation of Foreign Exchange and Prevention of  
Smuggling Activities (Amendment) Ordinance, 1976 is hereby repealed. 6 of 1976.

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

THE DELHI SALES TAX (AMENDMENT AND  
VALIDATION) ACT, 1976

No. 91 of 1976

[2nd September, 1976]

An Act to amend retrospectively the law relating to sales tax as in force in the Union territory of Delhi during a past period and to validate taxes on the sale or purchase of certain goods during such period.

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

1. This Act may be called the Delhi Sales Tax (Amendment and Validation) Act, 1976. Short  
title.

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

(a) "Delhi" means,—

(i) as respects any period before the commencement of the Constitution (Seventh Amendment) Act, 1956, the Part C State of Delhi;

(ii) as respects any period after such commencement, the Union territory of Delhi;

(b) "principal Act" means the Bengal Finance (Sales Tax) Act, 1941, as it applied to Delhi, from time to time;

(c) "sales tax extension notifications" means—

(i) notification No. S.R.O. 615, dated the 28th day of April, 1951;

(ii) notification No. S.R.O. 1204, dated the 6th day of August, 1951; and

(iii) notification No. S.R.O. 1564, dated the 4th day of October, 1951,

of the Government of India in the Ministry of Home Affairs.

Bengal  
Act 6 of  
1941.

Validation.

3. (1) Subject to the provisions of sub-section (2), each of the sales tax extension notifications shall, for all purposes (including the levy, assessment and collection of taxes under the principal Act and the purposes of section 73 of the Delhi Sales Tax Act, 1975), be deemed to have been, and to be, a law enacted by Parliament which took effect on the date on which such notification was published in the Gazette of India and accordingly anything done or purporting to have been done or any action taken or purporting to have been taken before the commencement of this Act under the principal Act or under the said section 73 shall be deemed to be, and to have always been, as valid and effective as if this section had been in force when such thing was done or such action was taken. 43 of 1975.

(2) Notwithstanding anything contained in sub-section (1), the provisions of sub-section (2) of section 6 of the principal Act shall, for all purposes (including the levy, assessment and collection of tax under that Act and the purposes of section 73 of the Delhi Sales Tax Act, 1975), have effect and be deemed always to have had effect as if the said sub-section (2) (hereinafter referred to as the named sub-section) conferred powers on the Central Government to add to, or omit from or otherwise amend, by notification in the Official Gazette, the Schedule (hereinafter referred to as the named Schedule) mentioned in the named sub-section, without giving any previous notice of its intention so to do. 43 of 1975.

(3) Notwithstanding any judgment, decree or order of any court or other authority, every notification, to add to, or omit from, or otherwise amend, the named Schedule, issued or purporting to have been issued by the Central Government under the named sub-section shall be, and shall be deemed always to have been, as valid and effective as if this section had been in force when such notification was issued and accordingly—

(a) any tax levied, assessed or collected or purporting to have been levied, assessed or collected under the principal Act by reason of any amendment (whether by way of omission or otherwise) to the named Schedule specified in such notification shall be deemed to have been validly levied, assessed or collected in accordance with law;

(b) no suit or other proceeding shall be maintained or continued in any court or before any authority for the refund of, and no enforcement shall be made by any court or other authority of any decree or order directing the refund of, any such tax which has been collected;

(c) recoveries shall be made, in accordance with the proviso to sub-section (1) of section 73 of the Delhi Sales Tax Act, 1975, of all amounts which would have been collected as tax under the principal Act by reason of any amendment referred to in clause (a) but which had not been collected. 43 of 1975.

(4) For the removal of doubts, it is hereby declared that no act or omission on the part of any person shall be punishable as an offence which would not have been so punishable if this section had not come into force.

THE ESSENTIAL COMMODITIES (AMENDMENT)  
ACT, 1976

No. 92 of 1976

[2nd September, 1976]

An Act further to amend the Essential Commodities Act, 1955.

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

1. This Act may be called the Essential Commodities (Amendment) Act, 1976.

Short  
title.

2. In section 2 of the Essential Commodities Act, 1955 (hereinafter referred to as the principal Act), before clause (a), the following clause shall be inserted, namely:—

Amend-  
ment of  
section 2.

‘(ia) “Collector” includes an Additional Collector and such other officer, not below the rank of Sub-Divisional Officer, as may be authorised by the Collector to perform the functions and exercise the powers of the Collector under this Act;’

3. In section 3 of the principal Act,—

(a) in sub-section (2),—

Amend-  
ment of  
section 3.

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

‘(f) for requiring any person holding, in stock, or engaged in the production, or in the business of buying or selling, of any essential commodity,—

(a) to sell the whole or a specified part of the quantity held in stock or produced or received by him,  
or

(b) in the case of any such commodity which is likely to be produced or received by him, to sell the whole or a specified part of such commodity when produced or received by him,

to the Central Government or a State Government or to an officer or agent of such Government or to a Corporation owned or controlled by such Government or to such other person or class of persons and in such circumstances as may be specified in the order.

*Explanation 1.*—An order made under this clause in relation to foodgrains, edible oilseeds or edible oils, may, having regard to the estimated production, in the concerned area, of such foodgrains, edible oilseeds and edible oils, fix the quantity to be sold by the producers in such area and may also fix, or provide for the fixation of, such quantity on a graded basis, having regard to the aggregate of the area held by, or under the cultivation of, the producers.

*Explanation 2.*—For the purpose of this clause, “production” with its grammatical variations and cognate expressions includes manufacture of edible oils and sugar;”;

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

“(iii) of any books of accounts and documents which in the opinion of such person, may be useful for, or relevant to, any proceeding under this Act and the person from whose custody such books of accounts or documents are seized shall be entitled to make copies thereof or to take extracts therefrom in the presence of an officer having the custody of such books of accounts or documents.”;

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

“(3B) Where any person is required, by an order made with reference to clause (f) of sub-section (2), to sell to the Central Government or a State Government or to an officer or agent of such Government or to a Corporation owned or controlled by such Government, any grade or variety of foodgrains, edible oilseeds or edible oils in relation to which no notification has been issued under sub-section (3A), or such notification having been issued, has ceased to be in force, there shall be paid to the person concerned, notwithstanding anything to the contrary contained in sub-section (3), an amount equal to the procurement price of such foodgrains, edible oilseeds or edible oils, as the case may be, specified by the State Government, with the previous approval of the Central Government having regard to—

(a) the controlled price, if any, fixed under this section or by or under any other law for the time being in force for such grade or variety of foodgrains, edible oilseeds or edible oils;



(b) the general crop prospects;

(c) the need for making such grade or variety of food-grains, edible oilseeds or edible oils available at reasonable prices to the consumers, particularly the vulnerable sections of the consumers; and

(d) the recommendations, if any, of the Agricultural Prices Commission with regard to the price of the concerned grade or variety of foodgrains, edible oilseeds or edible oils.”

4. Section 6A of the principal Act shall be re-numbered as sub-section (1) thereof and—

Amendment of section 6A.

(a) in sub-section (1), as so re-numbered,—

(i) for the words “it may be produced, without any unreasonable delay, before”, the words “a report of such seizure shall, without unreasonable delay, be made to” shall be substituted, and for the words “if satisfied”, the words “may, if he thinks it expedient so to do, direct the essential commodity so seized to be produced for inspection before him, and if he is satisfied” shall be substituted;

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

“Provided further that in the case of any animal, vehicle, vessel or other conveyance used for the carriage of goods or passengers for hire, the owner of such animal, vehicle, vessel or other conveyance shall be given an option to pay, in lieu of its confiscation, a fine not exceeding the market price at the date of seizure of the essential commodity sought to be carried by such animal, vehicle, vessel or other conveyance.”;

(b) after sub-section (1) as so re-numbered, the following sub-sections shall be inserted, namely:—

(2) Where the Collector, on receiving a report of seizure or on inspection of any essential commodity under sub-section (1), is of the opinion that the essential commodity is subject to speedy and natural decay or it is otherwise expedient in the public interest so to do, he may—

(i) order the same to be sold at the controlled price, if any, fixed for such essential commodity under this Act or under any other law for the time being in force; or

(ii) where no such price is fixed, order the same to be sold by public auction:

Provided that in case of foodgrains, the Collector may, for its equitable distribution and availability at fair prices, order the same to be sold through fair price shops at the price fixed by the Central Government or by the State Government, as the case may be, for the retail sale of such foodgrains to the public.

(3) Where any essential commodity is sold, as aforesaid the sale proceeds thereof, after deduction of the expenses of any

such sale or auction or other incidental expenses relating thereto, shall—

(a) where no order of confiscation is ultimately passed by the Collector,

(b) where an order passed on appeal under sub-section (1) of section 6C so requires, or

(c) where in a prosecution instituted for the contravention of the order in respect of which an order of confiscation has been made under this section, the person concerned is acquitted,

be paid to the owner thereof or the person from whom it is seized.”

Amendment of section 6B.

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

“(3) No order confiscating any essential commodity, package, covering, receptacle, animal, vehicle, vessel or other conveyance shall be invalid merely by reason of any defect or irregularity in the notice given under clause (a) of sub-section (1), if, in giving such notice, the provisions of that clause have been substantially complied with.”

Amendment of section 6C.

6. In section 6C of the principal Act, in sub-section (2), for the words “such person shall be paid”, the words, brackets, figures and letter “such person shall, except as provided by sub-section (3) of section 6A, be paid” shall be substituted.

Insertion of new section 6E

7. After section 6D of the principal Act, the following section shall be inserted, namely:—

Bar of jurisdiction in certain cases.

“6E. Whenever any essential commodity is seized in pursuance of an order made under section 3 in relation thereto, the Collector or, as the case may be, the judicial authority appointed under section 6C shall have, and, notwithstanding anything to the contrary contained in any other law for the time being in force, any other court, tribunal or authority shall not have, jurisdiction to make orders with regard to the possession, delivery, disposal or distribution of such property.”

Insertion of new section 15A.

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

Prosecution of public servants.

“15A. Where any person who is a public servant is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his duty in pursuance of an order made under section 3, no court shall take cognizance of such offence except with the previous sanction—

(a) of the Central Government, in the case of a person who is employed or, as the case may be, was at the time of commission of the alleged offence employed, in connection with the affairs of the Union;

(b) of the State Government, in the case of a person who is employed or, as the case may be, was at the time of commission of the alleged offence employed, in connection with the affairs of the State.”

9. Notwithstanding any judgment, decree or order of any court,—

Validation of certain orders.

(a) every order made, or purporting to have been made, before the commencement of this Act, by the Central Government or any State Government under clause (f) of sub-section (2) of section 3 of the principal Act in relation to foodgrains, edible oilseeds or edible oils and every act done before such commencement under or in relation to such order, shall be as valid and effective as if the said clause (f) as substituted by this Act had been in force at all material times and the said order had been made thereunder;

(b) every payment, or offer of payment, of price of such foodgrains, edible oilseeds or edible oils made before the commencement of this Act, shall be deemed to have been made in accordance with law, if—

(i) the price so paid, or offered to be paid, had been fixed having regard to the factors specified in sub-section (3B) of section 3 of the principal Act as substituted by this Act; and

(ii) in the case of payment, or offer of payment, by a State Government, such payment or offer of payment had been made after consultation with the Central Government:

10 of 1955. Provided that notwithstanding the retrospective operation of this section, no contravention of, or failure to comply with, any provisions of the Essential Commodities Act, 1955, as amended by this Act, shall render any person guilty of any offence punishable under the Essential Commodities Act, 1955, if such contravention or failure had occurred before the commencement of this Act.

**THE DHOTIES (ADDITIONAL EXCISE DUTY)**

**REPEAL ACT, 1976**

**No. 93 OF 1976**

*[4th September, 1976]*

**An Act to repeal the Dhoties (Additional Excise Duty) Act, 1953.**

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

- Short title.      **1. This Act may be called the Dhoties (Additional Excise Duty) Repeal Act, 1976.**
- Repeal of Act 39 of 1953.      **2. The Dhoties (Additional Excise Duty) Act, 1953, is hereby repealed.**

**THE FACTORIES (AMENDMENT) ACT, 1976**

No. 94 OF 1976

[4th September, 1976.]

**An Act further to amend the Factories Act, 1948.**

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

1. (1) This Act may be called the Factories (Amendment) Act, 1976.

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.

63 of 1948.

2. In section 2 of the Factories Act, 1948 (hereinafter referred to as the principal Act),—

Amendment of section 2.

(1) in clause (k),—

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

“(ii) pumping oil, water, sewage or any other substance; or”;

(b) in sub-clause (iv) and sub-clause (v), the word “or” shall be inserted at the end;

(c) after sub-clause (v), the following sub-clause shall be inserted, namely:—

“(vi) preserving or storing any article in cold storage;”;

(2) in clause (l),—

(a) for the words “employed, directly or through any agency, whether for wages or not”, the words and brackets “employed, directly or by or through any agency (including a contractor) with or without the knowledge of the principal employer, whether for remuneration or not” shall be substituted;

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

“but does not include any member of the armed forces of the Union”;

(3) in clause (m),—

(a) in the concluding paragraph, for the words “a railway running shed”, the words “a mobile unit belonging to the armed forces of the Union, a railway running shed or a hotel, restaurant or eating place” shall be substituted;

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

*Explanation.*—For computing the number of workers for the purposes of this clause all the workers in different relays in a day shall be taken into account;”;

(4) in clause (n), the following proviso shall be inserted at the end, namely:—

“Provided that in the case of a ship which is being repaired, or on which maintenance work is being carried out, in a dry dock which is available for hire,—

(1) the owner of the dock shall be deemed to be the occupier for the purposes of any matter provided for by or under—

(a) section 6, section 7, section 11 or section 12;

(b) section 17, in so far as it relates to the providing and maintenance of sufficient and suitable lighting in or around the dock;

(c) section 18, section 19, section 42, section 46, section 47 or section 49, in relation to the workers employed on such repair or maintenance;

(2) the owner of the ship or his agent or master or other officer-in-charge of the ship or any person who contracts with such owner, agent or master or other officer-in-charge to carry out the repair or maintenance work shall be deemed to be the occupier for the purposes of any matter provided for by or under section 13, section 14, section 16 or section 17 (save as otherwise provided in this proviso) or Chapter IV (except section 27) or section 43, section 44 or

section 45, Chapter VI, Chapter VII, Chapter VIII or Chapter IX or section 108, section 109 or section 110, in relation to—

(a) the workers employed directly by him, or by or through any agency; and

(b) the machinery, plant or premises in use for the purpose of carrying out such repair or maintenance work by such owner, agent, master or other officer-in-charge or person;”.

3. In section 5 of the principal Act, the following *Explanation* shall be inserted at the end, namely:—

Amendment of section 5.

*Explanation.*—For the purposes of this section “public emergency” means a grave emergency whereby the security of India or of any part of the territory thereof is threatened, whether by war or external aggression or internal disturbance.’

4. In section 6 of the principal Act,—

Amendment of section 6.

(a) clause (a) of sub-section (1) shall be re-lettered as clause (aa), and before the clause as so re-lettered, the following clause shall be inserted, namely:—

“(a) requiring, for the purposes of this Act, the submission of plans of any class or description of factories to the Chief Inspector or the State Government;”;

(b) in sub-section (2), for the word, brackets and letter “clause (a)”, the word, brackets and letters “clause (aa)” shall be substituted.

(c) in the *Explanation*, the words “if such replacement or addition does not reduce the minimum clear space required for safe working around the plant or machinery or adversely affect the environmental conditions from the evolution or emission of steam, heat or dust or fumes injurious to health” shall be inserted at the end.

5. In section 7 of the principal Act, in sub-section (1), for clause (e), the following clause shall be substituted, namely:—

Amendment of section 7.

“(e) the total rated horse power installed or to be installed in the factory, which shall not include the rated horse power of any separate stand-by plant;”.

6. In section 8 of the principal Act,—

Amendment of section 8.

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

“(2A) The State Government may, by notification in the Official Gazette, appoint as many Additional Chief Inspectors, Joint Chief Inspectors and Deputy Chief Inspectors and as many other officers as it thinks fit to assist the Chief Inspector and to exercise such of the powers of the Chief Inspector as may be specified in such notification.

(2B) Every Additional Chief Inspector, Joint Chief Inspector, Deputy Chief Inspector and every other officer appointed under

sub-section (2A) shall, in addition to the powers of a Chief Inspector specified in the notification by which he is appointed, exercise the powers of an Inspector throughout the State.”;

(b) in sub-section (3), after the word, brackets and figure “sub-section (2)”, the word, brackets, figure and letter “, sub-section (2A)” shall be inserted;

(c) in sub-section (7), for the words “Every Chief Inspector and Inspector”, the words “Every Chief Inspector, Additional Chief Inspector, Joint Chief Inspector, Deputy Chief Inspector, Inspector and every other officer appointed under this section” shall be substituted.

Amendment of section 10.

7. In section 10 of the principal Act, in sub-section (3), the following proviso shall be inserted at the end, namely:—

“Provided that the State Government may, by order in writing and subject to such conditions as may be specified in the order, exempt any person or class of persons from the provisions of this sub-section in respect of any factory or class or description of factories.”.

Amendment of section 11.

8. In section 11 of the principal Act,—

(1) in sub-section (1), in clause (d),—

(a) in sub-clause (i), for the word “painted”, the words “painted otherwise than with washable water-paint” shall be substituted;

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

“(ia) where they are painted with washable water paint, be repainted with at least one coat of such paint at least once in every period of three years and washed at least once in every period of six months;”;

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

“(dd) all doors and window frames and other wooden or metallic framework and shutters shall be kept painted or varnished and the painting or varnishing shall be carried out at least once in every period of five years;”;

(2) in sub-section (2),—

(a) for the words “in a factory”, the words “in a factory or class or description of factories or any part of a factory or class or description of factories” shall be substituted;

(b) after the words “description of factories”, the words “or part” shall be inserted.

Amendment of section 12.

9. In section 12 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Effective arrangements shall be made in every factory for the treatment of wastes and effluents due to the manufacturing process carried on therein, so as to render them innocuous, and for their disposal.”.



10. In section 21 of the principal Act, in sub-section (1),—

Amend-  
ment of  
section 21.

(a) in the concluding paragraph, for the words “shall be kept in position”, the words “shall be constantly maintained and kept in position” shall be substituted;

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

“Provided that for the purpose of determining whether any part of machinery is in such position or is of such construction as to be safe as aforesaid, account shall not be taken of any occasion when—

(i) it is necessary to make an examination of any part of the machinery aforesaid while it is in motion or, as a result of such examination, to carry out lubrication or other adjusting operation while the machinery is in motion, being an examination or operation which it is necessary to be carried out while that part of the machinery is in motion, or

(ii) in the case of any part of a transmission machinery used in such process as may be prescribed (being a process of a continuous nature the carrying on of which shall be, or is likely to be, substantially interfered with by the stoppage of that part of the machinery), it is necessary to make an examination of such part of the machinery while it is in motion or, as a result of such examination, to carry out any mounting or shipping of belts or lubrication or other adjusting operation while the machinery is in motion,

and such examination or operation is made or carried out in accordance with the provisions of sub-section (1) of section 22.”

11. In section 22 of the principal Act, in sub-section (1), for the opening paragraph and clause (a), the following shall be substituted, namely:—

Amend-  
ment of  
section 22.

“Where in any factory it becomes necessary to examine any part of machinery referred to in section 21, while the machinery is in motion, or, as a result of such examination, to carry out—

(a) in a case referred to in clause (i) of the proviso to sub-section (1) of section 21, lubrication or other adjusting operation; or

(b) in a case referred to in clause (ii) of the proviso aforesaid, any mounting or shipping of belts or lubrication or other adjusting operation,

while the machinery is in motion, such examination or operation shall be made or carried out only by a specially trained adult male worker wearing tight fitting clothing (which shall be supplied by the occupier) whose name has been recorded in the register prescribed in this

behalf and who has been furnished with a certificate of his appointment, and while he is so engaged,—

(a) such worker shall not handle a belt at a moving pulley unless—

(i) the belt is not more than fifteen centimetres in width;

(ii) the pulley is normally for the purpose of drive and not merely a fly-wheel or balance wheel (in which case a belt is not permissible);

(iii) the belt joint is either laced or flush with the belt;

(iv) the belt, including the joint and the pulley rim, are in good repair;

(v) there is reasonable clearance between the pulley and any fixed plant or structure;

(vi) secure foothold and, where necessary, secure handhold, are provided for the operator; and

(vii) any ladder in use for carrying out any examination or operation aforesaid is securely fixed or lashed or is firmly held by a second person.”.

Amendment of section 24.

12. In section 24 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

‘(3) When a device, which can inadvertently shift from “off” to “on” position, is provided in a factory to cut off power, arrangements shall be provided for locking the device in safe position to prevent accidental starting of the transmission machinery or other machines to which the device is fitted.’.

Amendment of section 31.

13. In section 31 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) The State Government may, by rules, exempt, subject to such conditions as may be specified therein, any part of any plant or machinery referred to in sub-section (1) from the provisions of this section.”.

Amendment of section 32.

14. In section 32 of the principal Act,—

(1) in clause (a), after the words “properly maintained”, the words “and shall be kept free from obstructions and substances likely to cause persons to slip” shall be inserted;

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

“(c) when any person has to work at a place from where he is likely to fall a distance exceeding two metres, then, unless the place is one which provides secure foothold and, where necessary, secure handhold, provision shall be made, so far as is reasonably practicable, by fencing or otherwise, to ensure the safety of the person so working.”.

15. In section 36 of the principal Act, sub-section (2) shall be omitted.

Amend-  
ment of  
section 36.

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

Insertion  
of new  
section  
36A.

“36A. In any factory—

(a) no portable electric light or any other electric appliance of voltage exceeding twenty-four volts shall be permitted for use inside any chamber, tank, vat, pit, pipe, flue or other confined space; and

Precau-  
tions  
regarding  
the use  
of port-  
able  
electric  
light.

(b) if any inflammable gas, fume or dust is likely to be present in such chamber, tank, vat, pit, pipe, flue or other confined space, no lamp or light other than that of flame-proof construction shall be permitted to be used therein.”

17. In section 38 of the principal Act,—

Amend-  
ment of  
section  
38.

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

“(1) In every factory there shall be provided such means of escape in case of fire as may be prescribed.”;

(ii) after sub-section (7), the following sub-sections shall be inserted, namely:—

“(8) Notwithstanding anything contained in sub-section (1) or sub-section (7), if the Inspector, having regard to the nature of the work carried on in the factory, construction of the factory, special risk to life or safety or any other circumstance, is of the opinion that though such means of escape as may be prescribed have been provided in the factory, the same is not adequate to permit safe, easy or quick exit of the workers in case of fire, he may, by order in writing, require that such additional means of escape or other measures as he may consider reasonable and necessary be provided in the factory before such date as is specified in the order.

(9) If any question arises whether or not the means of escape provided in the factory is adequate to permit safe, easy or quick exit of the workers in case of fire, the same shall be referred to the Chief Inspector, who shall, after giving the persons concerned a reasonable opportunity to represent their views, decide the same.

(10) Any person aggrieved by the decision of the Chief Inspector under sub-section (9) may, before the expiry of thirty days from the date on which the decision is communicated to him, prefer an appeal to the State Government and the State Government shall after giving the appellant a reasonable opportunity to represent his views, make such order in relation to the appeal as it thinks fit.”

18. In section 39 and section 40 of the principal Act, for the words “the manager”, wherever they occur, the words “the occupier or manager or both” shall be substituted.

Amend-  
ment of  
sections  
39 and 40.

Insertion  
of new  
sections  
40A and  
40B.

19. After section 40 of the principal Act, the following sections shall be inserted, namely:—

Mainten-  
ance of  
buildings.

“40A. If it appears to the Inspector that any building or part of a building in a factory is in such a state of disrepair as is likely to lead to conditions detrimental to the health and welfare of the workers, he may serve on the occupier or manager or both of the factory an order in writing specifying the measures which in his opinion should be taken and requiring the same to be carried out before such date as is specified in the order.

Safety  
Officers.

40B. (1) In every factory,—

(i) wherein one thousand or more workers are ordinarily employed, or

(ii) wherein, in the opinion of the State Government, any manufacturing process or operation is carried on, which process or operation involves any risk of bodily injury, poisoning or disease, or any other hazard to health, to the persons employed in the factory,

the occupier shall, if so required by the State Government by notification in the Official Gazette, employ such number of Safety Officers as may be specified in that notification.

(2) The duties, qualifications and conditions of service of Safety Officers shall be such as may be prescribed by the State Government.”

Amend-  
ment of  
section 41.

20. In section 41 of the principal Act, for the word “devices”, the words “devices and measures” shall be substituted.

Amend-  
ment of  
section 45.

21. In section 45 of the principal Act,—

(a) in sub-section (3), for the words “who is trained in first-aid treatment”, the words “who holds a certificate in first-aid treatment recognised by the State Government” shall be substituted;

(b) in sub-section (4),—

(i) for the word “employed”, the words “ordinarily employed” shall be substituted;

(ii) the words “and those facilities shall always be made readily available during the working hours of the factory” shall be inserted at the end.

Amend-  
ment of  
section 46.

22. In section 46 of the principal Act, in sub-section (2), after clause (d), the following clause shall be inserted, namely:—

“(dd) the items of expenditure in the running of the canteen which are not to be taken into account in fixing the cost of foodstuffs and which shall be borne by the employer”.

Amend-  
ment of  
section 48.

23. In section 48 of the principal Act, in sub-section (1), for the words “fifty women workers”, the words “thirty women workers” shall be substituted.

24. In section 56 of the principal Act, in the proviso, for the words "spread over to twelve hours", the words "spread over up to twelve hours" shall be substituted. Amendment of section 56.

25. In section 59 of the principal Act, for sub-section (2) and sub-section (3), the following sub-sections shall be substituted, namely:— Amendment of section 59.

'(2) For the purposes of sub-section (1), "ordinary rate of wages" means the basic wages plus such allowances, including the cash equivalent of the advantage accruing through the concessional sale to workers of foodgrains and other articles, as the worker is for the time being entitled to, but does not include a bonus and wages for overtime work.

(3) Where any workers in a factory are paid on a piece-rate basis, the time rate shall be deemed to be equivalent to the daily average of their full-time earnings for the days on which they actually worked on the same or identical job during the month immediately preceding the calendar month during which the overtime work was done, and such time rates shall be deemed to be the ordinary rates of wages of those workers:

Provided that in the case of a worker who has not worked in the immediately preceding calendar month on the same or identical job, the time rate shall be deemed to be equivalent to the daily average of the earnings of the worker for the days on which he actually worked in the week in which the overtime work was done.

*Explanation.*—For the purposes of this sub-section, in computing the earnings for the days on which the worker actually worked such allowances, including the cash equivalent of the advantage accruing through the concessional sale to workers of foodgrains and other articles, as the worker is for the time being entitled to, shall be included but any bonus or wages for overtime work payable in relation to the period with reference to which the earnings are being computed shall be excluded.'

26. In section 62 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:— Amendment of section 62

"(1A) No adult worker shall be required or allowed to work in any factory unless his name and other particulars have been entered in the register of adult workers."

27. In section 64 of the principal Act,—

(a) in sub-section (1),—

(i) after the words "confidential position in a factory", the words "or empowering the Chief Inspector to declare any person, other than a person defined by such rules, as a person holding position of supervision or management or employed in a confidential position in a factory if, in the opinion of the Chief Inspector, such person holds such position or is so employed" shall be inserted;

(ii) the words "or declared" shall be inserted at the end;

Amendment of section 64

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

“Provided that any person so defined or declared shall, where the ordinary rate of wages of such person does not exceed rupees seven hundred and fifty per month, be entitled to extra wages in respect of overtime work under section 59.”;

(b) in sub-section (2),—

(i) in clause (e) and clause (h), for the word and figures “section 52”, the words and figures “section 51 and section 52” shall be substituted;

(ii) in clause (f), for the word and figures “section 52”, the words and figures “section 51, section 52 and section 54” shall be substituted;

(iii) in clause (j), after the words “railway wagons”, the words “or lorries or trucks” shall be inserted;

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

“(k) of workers engaged in any work, which is notified by the State Government in the Official Gazette as a work of national importance, from the provisions of section 51, section 52, section 54, section 55 and section 56.”;

(c) in sub-section (4), clause (iii) shall be re-numbered as clause (iv) and before clause (iv) as so re-numbered, the following clause shall be inserted, namely:—

“(iii) the total number of hours of work in a week, including overtime, shall not exceed sixty;”;

(d) in sub-section (5), for the words “three years”, the words “five years” shall be substituted.

28. In section 65 of the principal Act,—

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

“(3) Any exemption granted under sub-section (2) shall be subject to the following conditions, namely:—

(i) the total number of hours of work in any day shall not exceed twelve;

(ii) the spread over, inclusive of intervals for rest, shall not exceed thirteen hours in any one day;

(iii) the total number of hours of work in any week, including overtime, shall not exceed sixty;

(iv) no worker shall be allowed to work overtime, for more than seven days at a stretch and the total number of hours of overtime work in any quarter shall not exceed seventy-five.

Explanation.—In this sub-section “quarter” has the same meaning as in sub-section (4) of section 64.”;

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

29. In section 66 of the principal Act, in sub-section (1), in clause (b),—

Amend-  
ment of  
section 66.

(i) in the opening paragraph, for the words “employed in any factory”, the words “required or allowed to work in any factory” shall be substituted;

(ii) in the proviso, for the words “any class or description of factories”, the words “any factory or group or class or description of factories” shall be substituted.

30. In section 73 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

Amend-  
ment of  
section 73.

“(1A) No child worker shall be required or allowed to work in any factory unless his name and other particulars have been entered in the register of child workers.”

31. In section 78 of the principal Act,—

Amend-  
ment of  
section 78.

(a) in sub-section (1),—

(i) in the opening paragraph for the word “agreement”, the words and brackets “agreement (including settlement)” shall be substituted;

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

“Provided that if such award, agreement (including settlement) or contract of service provides for a longer annual leave with wages than provided in this Chapter, the quantum of leave, which the worker shall be entitled to, shall be in accordance with such award, agreement or contract of service, but in relation to matters not provided for in such award, agreement or contract of service or matters which are provided for less favourably therein, the provisions of sections 79 to 82, so far as may be, shall apply.”;

(b) in sub-section (2), for the words “in any workshop”, the words “in any factory” shall be substituted.

32. In section 79 of the principal Act,—

Amend-  
ment of  
section 79.

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

“(3) If a worker is discharged or dismissed from service or quits his employment or is superannuated or dies while in service, during the course of the calendar year, he or his heir or nominee, as the case may be, shall be entitled to wages in lieu of the quantum of leave to which he was entitled immediately before his discharge, dismissal, quitting of employment, superannuation or death calculated at the rates specified in sub-section (1), even if he had not worked for the entire period specified in sub-section (1) or sub-section (2) making him eligible to avail of such leave, and such payment shall be made—

(i) where the worker is discharged or dismissed or quits employment, before the expiry of the second working day from the date of such discharge, dismissal or quitting; and

(ii) where the worker is superannuated or dies while in service, before the expiry of two months from the date of such superannuation or death.”;

(b) in sub-section (5), in the second proviso,—

(i) after the words, brackets and figures “in sub-sections (8) and (9)” the words, brackets and figures “or in contravention of sub-section (10)” shall be inserted;

(ii) for the words “unavailed leave”, the words “leave refused” shall be substituted.

Amend-  
ment of  
section 80.

33. In section 80 of the principal Act, in sub-section (1),—

(i) for the word and figures “section 79”, the words and figures “section 78 or section 79, as the case may be” shall be substituted;

(ii) for the words “he worked”, the words “he actually worked” shall be substituted.

Amend-  
ment of  
section 84.

34. In section 84 of the principal Act, the following *Explanation* shall be inserted at the end, namely:—

“*Explanation.*—For the purposes of this section, in deciding whether the benefits which are provided for by any leave rules are less favourable than those for which this Chapter makes provision, or not, the totality of the benefits shall be taken into account.”.

Amend-  
ment of  
section 86.

35. In section 86 of the principal Act, in the opening paragraph, for the word “training”, the words “training, research” shall be substituted.

Amend-  
ment of  
section 87.

36. In section 87 of the principal Act,—

(a) for the word “operation”, wherever it occurs, the words “manufacturing process or operation” shall be substituted;

(b) in clause (c), the following words shall be inserted at the end, namely:—

“and requiring the payment by the occupier of the factory of fees for such medical examination”;

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

“(f) requiring the provision of additional welfare amenities and sanitary facilities and the supply of protective equipment and clothing, and laying down the standards thereof, having regard to the dangerous nature of the manufacturing process or operation;

(g) providing for issue of orders in writing by the Inspector or the Chief Inspector to the manager or occupier or both of the factory directing them to carry out such measures, and within such time, as may be specified in such order with a view to removing conditions dangerous to the health of the workers, or to suspend any process, where such process constitutes, in the opinion of the Inspector or the Chief Inspector, as the case may be, imminent danger of poisoning or toxicity.”.

Amend-  
ment of  
section 88.

37. Section 88 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-sections shall be inserted, namely:—

“(2) Where a notice given under sub-section (1) relates to an accident causing death, the authority to whom the notice is sent shall



make an inquiry into the occurrence within one month of the receipt of the notice or, if such authority is not the Inspector, cause the Inspector to make an inquiry within the said period.

(3) The State Government may make rules for regulating the procedure at inquiries under this section."

38. After section 88 of the principal Act, the following section shall be inserted, namely:—

Insertion  
of new  
section  
88A.

"88A. Where in a factory any dangerous occurrence of such nature as may be prescribed occurs, whether causing any bodily injury or disability or not, the manager of the factory shall send notice thereof to such authorities, and in such form and within such time, as may be prescribed."

Notice of  
certain  
danger-  
ous occur-  
rences.

39. In Chapter IX of the principal Act, after section 91, the following section shall be inserted, namely:—

Insertion  
of new  
section  
91A.

"91A. (1) The Chief Inspector, or the Director General of Factory Advice Service and Labour Institutes, or the Director General of Health Services, to the Government of India, or such other officer as may be authorised in this behalf by the State Government or the Chief Inspector or the Director General of Factory Advice Service and Labour Institutes or the Director General of Health Services may, at any time during the normal working hours of a factory, or at any other time as is found by him to be necessary, after giving notice in writing to the occupier or manager of the factory or any other person who for the time being purports to be in charge of the factory, undertake safety and occupational health surveys and such occupier or manager or other person shall afford all facilities for such survey, including facilities for the examination and testing of plant and machinery and collection of samples and other data relevant to the survey.

Safety  
and occu-  
pational  
health  
surveys.

(2) For the purpose of facilitating surveys under sub-section (1) every worker shall, if so required by the person conducting the survey, present himself to undergo such medical examination as may be considered necessary by such person and furnish all information in his possession and relevant to the survey.

(3) Any time spent by a worker for undergoing medical examination or furnishing information under sub-section (2) shall, for the purpose of calculating wages and extra wages for overtime work, be deemed to be time during which such worker worked in the factory."

40. In section 92 of the principal Act,—

Amend-  
ment of  
section  
92.

(a) for the words "five hundred rupees", the words "two thousand rupees" shall be substituted;

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

Provided that where contravention of any of the provisions of Chapter IV or any rule made thereunder or under section 87 has resulted in an accident causing death or serious bodily injury, the fine shall not be less than one thousand rupees in the case of an accident causing death, and five hundred rupees in the case of an accident causing serious bodily injury.

*Explanation.*—In this section and in section 94 “serious bodily injury” means an injury which involves, or in all probability will involve, the permanent loss of the use of, or permanent injury to, any limb or the permanent loss of, or injury to, sight or hearing, or the fracture of any bone, but shall not include, the fracture of bone or joint (not being fracture of more than one bone or joint) of any phalanges of the hand or foot.’

Amend-  
ment of  
section 94.

41. Section 94 of the principal Act shall be re-numbered as sub-section (1) thereof and,—

(a) in sub-section (1) as so re-numbered,—

(i) in the opening paragraph, for the words “which may extend to one thousand rupees”, the words “which shall not be less than two hundred rupees but which may extend to five thousand rupees” shall be substituted;

(ii) for the proviso, the following provisos shall be substituted, namely:—

“Provided that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a fine of less than two hundred rupees:

Provided further that where contravention of any of the provisions of Chapter IV or any rule made thereunder or under section 87 has resulted in an accident causing death or serious bodily injury, the fine shall not be less than two thousand rupees in the case of an accident causing death and one thousand rupees in the case of an accident causing serious bodily injury.”;

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) For the purposes of sub-section (1), no cognizance shall be taken of any conviction made more than two years before the commission of the offence for which the person is subsequently being convicted.”.

Amend-  
ment of  
section  
100.

42. In section 100 of the principal Act, in sub-section (2),—

(a) in the opening paragraph, the words “, or in the case of a private company, any one of the shareholders thereof,” shall be omitted;

(b) in the proviso,—

(i) for the words “a director, or in the case of a private company, a shareholder, who is resident in either case within India”, the words “a director, who is resident within India” shall be substituted;

(ii) for the words “such director or shareholder, as the case may be,”, the words “such director” shall be substituted;

(iii) for the words “ceases to be a director or shareholder”, the words “ceases to be a director” shall be substituted;

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

“Provided further that in the case of a factory belonging to the Central Government or any State Government or any local authority the person or persons appointed to manage the affairs of the factory shall be deemed to be the occupier of that factory for the purposes of this Chapter.”.

43. In section 106 of the principal Act, the following *Explanation* shall be inserted at the end, namely:—

Amend-  
ment of  
section  
106.

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

(a) in the case of a continuing offence, the period of limitation shall be computed with reference to every point of time during which the offence continues;

(b) where for the performance of any act time is granted or extended on an application made by the occupier or manager of a factory, the period of limitation shall be computed from the date on which the time so granted or extended expired.”.

44. After section 118 of the principal Act, the following section shall be inserted, namely:—

Insertion  
of new  
section  
119.

“119. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Contract Labour (Regulation and Abolition) Act, 1970.”.

Act to  
have  
effect  
notwith-  
standing  
any-  
thing  
contain-  
ed in  
Act 37  
of 1970.

45. In the Schedule to the principal Act, the following serial numbers and entries shall be inserted at the end, namely:—

Amend-  
ment of  
the  
Sche-  
dule.

“18. Oil acne or dermatitis due to mineral oils and compounds containing mineral oil base.

19. Byssionosis.

20. Asbestosis.

21. Occupational or contact dermatitis caused by direct contact with chemicals and paints. These are of two types, that is, primary irritants and allergic sensitizers.

22. Noise induced hearing loss (exposure to high noise levels).”.

THE APPROPRIATION (No. 6) ACT, 1976

No. 95 OF 1976

[4th September, 1976]

An Act to provide for the authorisation of appropriation of money out of the Consolidated Fund of India to meet the amount spent on a service during the financial year ended on the 31st day of March, 1974 in excess of the amount granted for that service and for that year.

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

1. This Act may be called the Appropriation (No. 6) Act, 1976.
2. From and out of the Consolidated Fund of India, the sum of one thousand three hundred and five rupees specified in column 3 of the Schedule shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the service specified in column 2 of the Schedule during the financial year ended on the 31st day of March, 1974, in excess of the amount granted for that service and for that year.

Short  
title.

Issue of  
Rs. 1,305  
out of the  
Consoli-  
dated  
Fund of  
India to  
meet  
an  
excess  
expendi-  
ture for  
the year  
ended on  
the 31st  
March,  
1974.

Appropriation.

3. The sum deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of India under this Act shall be deemed to have been appropriated for the service and purpose expressed in the Schedule in relation to the financial year ended on the 31st day of March, 1974.

### THE SCHEDULE

(See sections 2 and 3)

| 1           | 2                      | 3                   |                                  |       |
|-------------|------------------------|---------------------|----------------------------------|-------|
|             |                        | Excess              |                                  |       |
| No. of Vote | Service and purpose    | Voted by Parliament | Charged on the Consolidated Fund | Total |
|             |                        | Rs.                 | Rs.                              | Rs.   |
| 49          | Police . . . . Revenue | ..                  | 1,305                            | 1,305 |
|             | TOTAL                  | ..                  | 1,305                            | 1,305 |

THE BRAITHWAITE AND COMPANY (INDIA) LIMITED  
(ACQUISITION AND TRANSFER OF UNDERTAKINGS)  
ACT, 1976

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY

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2. Definitions.

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ACQUISITION AND TRANSFER OF THE UNDERTAKINGS OF THE COMPANY

3. Acquisition and transfer of the undertakings of the Company.
4. General effect of vesting.
5. Central Government or the Government company not to be liable for prior liabilities.
6. Power of Central Government to direct vesting of the undertakings of the Company in a Government company.

CHAPTER III

PAYMENT OF AMOUNTS

7. Payment of amount.
8. Payment of further amount.

CHAPTER IV

MANAGEMENT, ETC., OF THE UNDERTAKINGS OF THE COMPANY

9. Management, etc., of the undertakings of the Company.
10. Duty of persons in charge of management of the undertakings of the Company to deliver all assets, etc.
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CHAPTER V

PROVISIONS RELATING TO THE EMPLOYEES OF THE COMPANY

12. Employment of certain employees to continue.
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14. Appointment of Commissioner of Payments.
15. Payment by the Central Government to the Commissioner.
16. Certain powers of the Central Government or Government company.

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- 17. Claims to be made to the Commissioner.
- 18. Priority of claims.
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- 20. Admission or rejection of claims.
- 21. Disbursement of money by the Commissioner to claimants.
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- 23. Undisbursed or unclaimed amount to be deposited to the general revenue account.

CHAPTER VII

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- 24. Act to have overriding effect.
- 25. Contracts to cease to have effect unless ratified by the Central Government or Government company.
- 26. Protection of action taken in good faith.
- 27. Delegation of powers.
- 28. Penalties.
- 29. Offences by companies.
- 30. Power to make rules.
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- 32. Declaration as to the policy of the State.
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THE SCHEDULE.

THE BRAITHWAITE AND COMPANY (INDIA) LIMITED  
(ACQUISITION AND TRANSFER OF UNDERTAKINGS)  
ACT, 1976

No. 96 OF 1976

[5th September, 1976]

An Act to provide for the acquisition and transfer of the undertakings of Messrs. Braithwaite and Company (India) Limited for the purpose of ensuring the continuity of production of goods which are vital to the needs of the country, and for matters connected therewith or incidental thereto.

WHEREAS MESSRS. Braithwaite and Company (India) Limited was engaged in the manufacture and production of railway wagons, structural steel works for bridges and heavy workshop buildings, pressed steel tanks, cranes, road rollers, jute carding machines, roll formers, power sweepers, grey iron castings and steel forgings and also in the machining of intricate components of large sizes;

AND WHEREAS as a result of heavy losses suffered by the Company, there had been a closure of certain works owned by the Company;

AND WHEREAS for the purpose of speedily bringing the closed works of the Company into operation, the management of the undertakings of the Company was taken over by the Central Government, for a limited period, under section 18A of the Industries (Development and Regulation) Act, 1951;

65 of 1951.



AND WHEREAS it is necessary to acquire the undertakings of the Company to ensure the continuance of the production of goods which are vital to the needs of the country;

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

## CHAPTER I

### PRELIMINARY

1. (1) This Act may be called the Braithwaite and Company (India) Limited (Acquisition and Transfer of Undertakings) Act, 1976.

Short title and commencement.

(2) The provisions of sections 28 and 29 shall come into force at once and the remaining provisions of this Act shall be deemed to have come into force on the 1st day of April, 1975.

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

Definitions.

(a) "appointed day" means the 1st day of April, 1975;

1 of 1956.

(b) "Company" means the Braithwaite and Company (India) Limited, being a company as defined in the Companies Act, 1956, and having its registered office at 5, Hide Road, Calcutta-700043;

(c) "Commissioner" means the Commissioner of Payments appointed under section 14;

7 of 1976.

(d) "Ordinance" means the Braithwaite and Company (India) Limited (Acquisition and Transfer of Undertakings) Ordinance, 1976;

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

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

(g) "specified date" means such date as the Central Government may, for the purposes of any provision of this Act, by notification, specify and different dates may be specified for different provisions of this Act;

1 of 1956.

(h) words and expressions used herein and not defined but defined in the Companies Act, 1956, shall have the meanings, respectively, assigned to them in that Act.

## CHAPTER II

### ACQUISITION AND TRANSFER OF THE UNDERTAKINGS OF THE COMPANY

3. On the appointed day, the undertakings of the Company, and the right, title and interest of the Company in relation to its undertakings, shall, by virtue of this Act, be transferred to, and shall vest in, the Central Government.

Acquisition and transfer of the undertakings of the Company.

4. (1) The undertakings of the Company shall be deemed to include all assets, rights, lease-holds, powers, authorities and privileges and all property, movable and immovable, including lands, buildings, workshops, stores, instruments, machinery and equipment, cash balances, cash on

General effect of vesting.

hand, reserve funds, investments, book debts and all other rights and interests in, or arising out of, such property as were immediately before the appointed day in the ownership, possession, power or control of the Company, whether within or outside India, and all books of account, registers and all other documents of whatever nature relating thereto.

(2) All properties as aforesaid which have vested in the Central Government under section 3 shall, by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien and all other incumbrances affecting it, and any attachment, injunction or decree or order of any court restricting the use of such property in any manner or appointing any receiver in respect of the whole or any part of such property shall be deemed to have been withdrawn.

(3) Every mortgagee of any property which has vested under this Act in the Central Government and every person holding any charge, lien or other interest in, or in relation to, any such property, shall give, within such time and in such manner as may be prescribed, an intimation to the Commissioner of such mortgage, charge, lien or other interest.

(4) For the removal of doubts, it is hereby declared that the mortgagee of any property referred to in sub-section (2) or any other person holding any charge, lien or other interest in, or in relation to, any such property shall be entitled to claim, in accordance with his rights and interest, payment of the mortgage money or other dues, in whole or in part, out of the amounts specified in section 7, and also out of the monies determined under section 8, but no such mortgage, charge, lien or other interest shall be enforceable against any property which has vested in the Central Government.

(5) If, on the appointed day, any suit, appeal or other proceeding of whatever nature in relation to any property which has vested in the Central Government, under section 3, instituted or preferred by or against the Company is pending, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of transfer of the undertakings of the Company or of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted or enforced by or against the Central Government, or where the undertakings of the Company are directed under section 6, to vest in a Government company, against that Government company.

5. (1) Every liability of the Company in respect of any period prior to the appointed day, shall be the liability of the Company and shall be enforceable against it and not against the Central Government, or, where the undertakings are directed, under section 6, to vest in a Government company, against that Government company.

(2) For the removal of doubts, it is hereby declared that,—

(a) save as otherwise expressly provided in this section or in any other provision of this Act, no liability of the Company in respect of any period prior to the appointed day, shall be enforceable against the Central Government, or, where the undertakings of the Company are directed under section 6 to vest in a Government company, against that Government company;

Central  
Govern-  
ment  
or the  
Govern-  
ment  
company  
not to be  
liable for  
prior  
liabilities.

(b) no award, decree or order of any court, tribunal or other authority in relation to the undertakings of the Company, passed after the appointed day, in respect of any matter, claim or dispute which arose before that day, shall be enforceable against the Central Government, or, where the undertakings of the Company are directed under section 6 to vest in a Government company, against that Government company;

(c) no liability incurred by the Company before the appointed day, for the contravention of any provision of law for the time being in force, shall be enforceable against the Central Government, or, where the undertakings of the Company are directed under section 6, to vest in a Government company, against that Government company.

6. (1) Notwithstanding anything contained in sections 3 and 4, the Central Government may, if it is satisfied that a Government company is willing to comply, or has complied, with such terms and conditions as that Government may think fit to impose, direct, by notification, that the undertakings of the Company, and the right, title and interest of the Company in relation to its undertakings, which have vested in the Central Government under section 3, shall, instead of continuing to vest in the Central Government, vest in the Government company either on the date of the notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification.

Power of Central Government to direct vesting of the undertakings of the Company in a Government company.

(2) Where the right, title and interest of the Company in relation to its undertakings, vest in a Government company under sub-section (1), the Government company shall, on and from the date of such vesting, be deemed to have become the owner in relation to such undertakings, and all the rights and liabilities of the Central Government in relation to such undertakings shall, on and from the date of such vesting, be deemed to have become the rights and liabilities, respectively, of the Government company.

### CHAPTER III

#### PAYMENT OF AMOUNTS

7. For the transfer to, and vesting in, the Central Government, under section 3, of the undertakings of the Company and the right, title and interest of the Company in relation to its undertakings, there shall be given by the Central Government to the Company, in cash, and in the manner specified in Chapter VI, an amount of rupees sixteen crores and twenty-five lakhs.

Payment of amount.

8. (1) For the deprivation of the Company of the management of its undertakings, there shall be given to the Company by the Central Government an amount calculated at the rate of rupees fifty thousand per annum for the period commencing on the date on which the management of the undertakings of the Company was taken over by the Central Government and ending on the appointed day.

Payment of further amount.

(2) In consideration of the retrospective operation of the provisions of sections, 3, 4 and 5, there shall also be given, in cash, by the Central Government to the Company, an amount equal to an amount calculated at the rate of rupees fifty thousand per annum for the period commencing

Payment of further amount.

on the appointed day and ending on the date of promulgation of the Ordinance.

(3) The amount specified in section 7 and the amounts determined under sub-sections (1) and (2) shall carry simple interest at the rate of four per cent. per annum for the period commencing on the date of promulgation of the Ordinance and ending on the date on which payment of such amounts is made by the Central Government to the Commissioner.

(4) The amounts determined in accordance with the provisions of sub-sections (1), (2) and (3) shall be given by the Central Government to the Company in addition to the amount specified in section 7.

(5) For the removal of doubts, it is hereby declared that the liabilities of the Company, in relation to its undertakings which have vested in the Central Government under section 3, shall be discharged from the amounts referred to in section 7, and also from the amounts determined under sub-sections (1), (2) and (3), in accordance with the rights and interests of the creditors of the Company.

#### CHAPTER IV

##### MANAGEMENT, ETC., OF THE UNDERTAKINGS OF THE COMPANY

Management, etc., of the undertakings of the Company.

9. (1) The general superintendence, direction, control and management of the affairs and business of the undertakings of the Company, the right, title and interest in relation to which have vested in the Central Government under section 3, shall,—

(a) where a direction has been made by the Central Government under sub-section (1) of section 6, vest in the Government company specified in such direction, or

(b) where no such direction has been made by the Central Government, vest in one or more Custodians appointed by the Central Government under sub-section (2),

and thereupon the Government company so specified or the Custodian so appointed, as the case may be, shall be entitled to exercise all such powers and do all such things as the Company is authorised to exercise and do in relation to its undertakings.

(2) The Central Government may appoint one or more individuals or a Government company as the Custodian of the undertakings of the Company in relation to which no direction has been made by it under sub-section (1) of section 6.

Duty of persons in charge of management of the undertakings of the Company to deliver all assets, etc.

10. (1) On the vesting of the management of the undertakings of the Company in a Government company or on the appointment of a Custodian, all persons in charge of the management of the undertakings of the Company immediately before such vesting or appointment, shall be bound to deliver to the Government company or the Custodian, as the case may be, all assets, books of account, registers or other documents in their custody relating to the undertakings of such Company.

(2) The Central Government may issue such directions as it may deem desirable in the circumstances of the case to the Government company or the Custodian as to its or his powers and duties and the Government company or Custodian may also, if it or he so desires, apply

to the Central Government at any time for instructions as to the manner in which the management of the undertakings of the Company shall be conducted by it or him or in relation to any other matter arising in the course of such management.

(3) The Custodian shall receive from the funds of the undertakings of the Company such remuneration as the Central Government may fix and shall hold office during the pleasure of the Central Government.

11. The Custodian of the undertakings of the Company shall maintain an account of the undertakings of the Company in such form and manner and under such conditions as may be prescribed and the provisions of the Companies Act, 1956, shall apply to the audit of the account so maintained as they apply to the audit of the accounts of a company.

Accounts  
and audit.

1 of 1956.

## CHAPTER V

### PROVISIONS RELATING TO THE EMPLOYEES OF THE COMPANY

12. (1) Every person who is a workman within the meaning of the Industrial Disputes Act, 1947, and has been, immediately before the appointed day, employed in any undertaking of the Company shall become, on and from the appointed day, an employee of the Central Government or, as the case may be, of the Government company in which the right, title and interest of the Company in relation to its undertakings, have vested under this Act, and shall hold office or service under the Central Government or the Government company, as the case may be, with the same rights and privileges as to pension, gratuity and other matters as would have been admissible to him if there had been no such vesting and shall continue to do so unless and until his employment under the Central Government or the Government company, as the case may be, is duly terminated or until his remuneration and other conditions of service are duly altered by the Central Government or the Government company, as the case may be.

Employment of  
certain  
employees  
to continue.

14 of 1947.

(2) Every person who is not a workman within the meaning of the Industrial Disputes Act, 1947, and who has been, immediately before the appointed day, employed in any undertaking of the Company shall become, as from the appointed day, an employee of the Central Government or the Government company, and shall hold 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 and gratuity and other matters as would have been admissible to him if the undertakings of the Company had not been transferred to, and vested in, the Central Government or the Government company, and shall continue to do so unless and until his employment in the Central Government or the Government company is duly terminated or until his remuneration, terms and conditions of employment are duly altered by the Central Government or the Government company, as the case may be.

14 of 1947.

(3) 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 person employed in any undertaking of the Company to the Central Government or the Government company shall not entitle such officer or other employee to any compensation under this Act or under any other law for the time being in

14 of 1947

force and no such claim shall be entertained by any court, tribunal or other authority.

(4) Where, under the terms of any contract of service or otherwise, any person, whose services become transferred to the Central Government or the Government company by reason of the provisions of this Act, is entitled to any arrears of salary or wages or any payments for any leave not availed of or any other payment, not being payment by way of gratuity or pension, such person may enforce his claim against the Company, but not against the Central Government or the Government company.

Provident  
and other  
funds.

13. (1) Where the Company has established a provident, superannuation, welfare or other fund for the benefit of the persons employed in any of the undertakings of the Company, the monies relatable to the officers or other employees, whose services have become transferred by or under this Act to the Central Government or the Government company, shall, out of the monies standing, on the appointed day, to the credit of such provident, superannuation, welfare or other fund, stand transferred to, and shall vest in, the Central Government or the Government company, as the case may be.

(2) The monies which stand transferred under sub-section (1) to the Central Government or the Government company, as the case may be, shall be dealt with by that Government or that Government company in such manner as may be prescribed.

#### CHAPTER VI COMMISSIONER OF PAYMENTS

Appoint-  
ment of  
Commis-  
sioner of  
Payments.

14. (1) The Central Government shall, for the purpose of disbursing the amounts payable to the Company under sections 7 and 8, by notification, appoint a Commissioner of Payments.

(2) The Central Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons also to exercise all or any of the powers exercisable by him under this Act and different persons may be authorised to exercise different powers.

(3) Any person authorised by the Commissioner to exercise any of the powers exercisable by the Commissioner may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Act and not by way of authorisation.

(4) The salaries and allowances of the Commissioner and other persons appointed under this section shall be defrayed out of the Consolidated Fund of India.

Payment  
by the  
Central  
Govern-  
ment to  
the Com-  
missioner.

15. (1) The Central Government shall, within thirty days from the specified date, pay, in cash, to the Commissioner, for payment to the Company—

(a) an amount equal to the amount specified in section 7, and

(b) an amount equal to the amount payable to the Company under section 8.

(2) A deposit account shall be opened by the Central Government in favour of the Commissioner, in the Public Account of India, and every amount paid under this Act to the Commissioner shall be deposited by him to the credit of the said deposit account and the said deposit account shall be operated by the Commissioner.

(3) The interest accruing on the amount standing to the credit of the deposit account referred to in sub-section (2) shall enure to the benefit of the Company.

16. (1) The Central Government or the Government company, as the case may be, shall be entitled to receive up to the specified date, to the exclusion of all other persons, any money due to the Company, in relation to its undertakings which have vested in the Central Government, or the Government company, realised after the appointed day notwithstanding that the realisation pertains to a period prior to the appointed day.

Certain powers of the Central Government or Government company.

(2) The Central Government or the Government company, as the case may be, may make a claim to the Commissioner with regard to every payment made by it after the appointed day for discharging any liability of the Company in relation to any period prior to the appointed day; and every such claim shall have priority in accordance with the priorities attaching, under this Act, to the matter in relation to which such liability has been discharged by the Central Government or the Government company.

(3) Save as otherwise provided in this Act, the liabilities of the Company in respect of any transaction prior to the appointed day, which have not been discharged on or before the specified date, shall be the liabilities of the Company.

17. Every person having a claim against the Company shall prefer such claim before the Commissioner within thirty days from the specified date:

Claims to be made to the Commissioner.

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the said period of thirty days, he may entertain the claim within a further period of thirty days and not thereafter.

18. The claims arising out of the matters specified in the Schedule shall have priorities in accordance with the following principles, namely:—

Priority of claims.

(a) Category I will have precedence over all other categories and Category II will have precedence over Category III, and so on;

(b) the claims specified in each of the categories, except Category VI, shall rank equally and be paid in full, but, if the amount is insufficient to meet such claims in full, they shall abate in equal proportions and be paid accordingly;

(c) the liabilities specified in Category VI shall be discharged, subject to the priorities specified in this section, in accordance with the terms of the secured loans and the priority, *inter se*, of such loans; and

(d) the question of discharging any liability with regard to a matter specified in a lower category shall arise only if a surplus is

left after meeting all the liabilities specified in the immediately higher category.

Examina-  
tion of  
claims.

19. (1) On receipt of the claims made under section 17, the Commissioner shall arrange the claims in the order of priorities specified in the Schedule and examine the same in accordance with such order of priorities.

(2) If, on examination of the claims, the Commissioner is of opinion that the amount paid to him under this Act is not sufficient to meet the liabilities specified in any lower category, he shall not be required to examine the claims in respect of such lower category.

Admis-  
sion or  
rejection  
of claims.

20. (1) After examining the claims with reference to the priorities set out in the Schedule, the Commissioner shall fix a certain date on or before which every claimant shall file the proof of his claim or be excluded from the benefit of the disbursements made by the Commissioner.

(2) Not less than fourteen days' notice of the date so fixed shall be given by advertisement in one issue of a daily newspaper in English language and in one issue of such daily newspaper in the regional language as the Commissioner may consider suitable, and every such notice shall call upon the claimant to file the proof of his claim with the Commissioner within the time specified in the advertisement.

(3) Every claimant who fails to file the proof of his claim within the time specified by the Commissioner shall be excluded from the disbursements made by the Commissioner.

(4) The Commissioner shall, after such investigation as may, in his opinion, be necessary and after giving the Company an opportunity of refuting the claim and after giving the claimant a reasonable opportunity of being heard, in writing, admit or reject the claim in whole or in part.

(5) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge of his functions, including the place or places at which he will hold his sittings and shall, for the purpose of making an investigation under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:—

5 of 1908.

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

(b) the discovery and production of any document or other material object producible as evidence;

(c) the reception of evidence on affidavits;

(d) the issuing of any commission for the examination of witnesses.

(6) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the Commissioner shall be deemed to be a civil court for the purposes of section 345 and Chapter XXVI of the Code of Criminal Procedure, 1973.

45 of 1860.

2 of 1974.



(7) A claimant who is dissatisfied with the decision of the Commissioner, may prefer an appeal against the decision to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the registered office of the Company is situated:

Provided that where a person who is a Judge of a High Court is appointed to be the Commissioner, the appeal shall lie to the High Court at Calcutta, and such appeal shall be heard and disposed of by not less than two Judges of that High Court.

21. After admitting a claim under this Act, the amount due in respect of such claim shall be paid by the Commissioner to the person or persons to whom such sums are due, and, on such payment, the liability of the Company in respect of such claim shall stand discharged.

Disbursement of money by the Commissioner to claimants.

22. (1) If, out of the monies paid to him in relation to the undertakings of the Company, there is a balance left after meeting the liabilities as specified in the Schedule, the Commissioner shall disburse such balance to the Company.

Disbursement of amounts to the Company.

(2) Where the possession of any machinery, equipment or other property, has vested in the Central Government or a Government company under this Act, but such machinery, equipment or other property does not belong to the Company, it shall be lawful for the Central Government or the Government company to continue to possess such machinery or equipment or other property on the same terms and conditions under which they were possessed by the Company immediately before the 1st day of April, 1975.

23. Any money paid to the Commissioner which remains undischarged or unclaimed for a period of three years from the last day on which the disbursement was made, shall be transferred by the Commissioner to the general revenue account of the Central Government; but a claim to any money so transferred may be preferred to the Central Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, the order, if any, for payment of the claim being treated as an order for the refund of the revenue.

Undischarged or unclaimed amount to be deposited to the general revenue account.

## CHAPTER VII

### MISCELLANEOUS

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

Act to have overriding effect.

Contracts to cease to have effect unless ratified by the Central Government or Government company.

25. (1) Every contract entered into by the Company in relation to its undertakings for any service, sale or supply, and in force immediately before the appointed day, shall, on and from the expiry of one hundred and eighty days from the date of promulgation of the Ordinance, cease to have effect unless such contract is, before the expiry of that period, ratified, in writing, by the Central Government or Government company, and, in ratifying such contract, the Central Government or Government company may make such alteration or modification therein as it may think fit:

Provided that the Central Government or Government company shall not omit to ratify a contract, and shall not make any alteration or modification in a contract, unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith or detrimental to the interests of the Central Government or the Government company.

(2) The Central Government or Government company shall not omit to ratify a contract, and, shall not make any alteration or modification therein, except after giving to the parties to the contract a reasonable opportunity of being heard and except after recording, in writing, its reasons for refusal to ratify the contract or for making any alteration or modification therein.

Protection of action taken in good faith.

26. (1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any officer of that Government or the Custodian or the Government company or any officer or other person authorised by that Government or Government company for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or any of its officers or other employees or the Government company or any officer or other person authorised by that company for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

Delegation of powers.

27. (1) The Central Government may, by notification, direct that all or any of the powers exercisable by it under this Act, other than the power conferred by section 30, may also be exercised by such person or persons as may be specified in the notification.

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

Penalties.

28. Any person who,—

(a) having in his possession, custody or control any property forming part of any undertaking of the Company, wrongfully withholds such property from the Central Government or Government company; or

(b) wrongfully obtains possession of, or retains, any property forming part of any undertaking of the Company or wilfully withholds or fails to furnish to the Central Government or Government company or any person or body of persons specified by that Government or Government company, any document relating to such undertaking which may be in his possession, custody or control or

fails to deliver to the Central Government or Government company or any person or body of persons specified by that Government or Government company, any assets, books of account, registers or other documents in his possession, custody or control, relating to the undertaking of the Company; or

(c) wrongfully removes or destroys any property forming part of any undertaking of the Company or prefers any claim under this Act which he knows or has reasonable cause to believe to be false or grossly inaccurate,

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

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

Offences  
by com-  
panies.

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

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

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

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

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

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

Power  
to make  
rules.

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

(a) the time within which, and the manner in which, an intimation shall be given to the Commissioner under sub-section (3) of section 4;

(b) the form and the manner in which, and the conditions under which, the Custodian shall maintain accounts as required by section 11;

(c) the manner in which the monies in any provident or other fund referred to in section 13 shall be dealt with;

(d) any other matter which is required to be, or may be, prescribed.

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

Power to  
remove  
difficulties.

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

Provided that no such order shall be made after the expiry of a period of two years from the date on which this Act receives the assent of the President.

Declara-  
tion as  
to the  
policy of  
the State.

32. It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles specified in clause (b) of article 39 of the Constitution.

*Explanation.*—In this section, "State" has the same meaning as in article 12 of the Constitution.

Repeal  
and  
saving.

33. (1) The Braithwaite and Company (India) Limited (Acquisition and Transfer of Undertakings) Ordinance, 1976, is hereby repealed.

7 of 1976.

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

## THE SCHEDULE

(See sections 18, 19 and 20)

### ORDER OF PRIORITIES FOR THE DISCHARGE OF LIABILITIES OF THE COMPANY

#### PART 'A'

#### Post-take-over management period

##### Category I—

Wages, salaries and other dues of the employees of the Company.

##### Category II—

(a) (i) Loans advanced by the Central Government.

(ii) Secured loans advanced by banks and financial institutions.

##### Category III—

(a) Any other loans.

Power  
of  
State

(b) Credit availed of by the Company for the purpose of carrying on any trading or manufacturing operations.

Category IV— Revenue, taxes, cesses, rates or other dues of Central Government or a State Government.

PART 'B'

Pre-take-over management period

Category V—

Arrears in relation to contributions to be made by the Company to the provident fund, salaries and wages and other amounts due to employees.

Category VI—

Secured loans.

Category VII—

Revenue, taxes, cesses, rates or any other dues to the Central Government, a State Government, a local authority or a State Electricity Board.

Category VIII—

(a) Any credit availed of by the Company for the purpose of trading or manufacturing operations.

(b) Any other dues.

THE BURN COMPANY AND INDIAN STANDARD WAGON  
COMPANY (NATIONALISATION) ACT, 1976

ARRANGEMENT OF SECTIONS

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7. Payment of amount.
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- 14. Appointment of Commissioner of Payments.
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THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

THE BURN COMPANY AND INDIAN STANDARD WAGON  
COMPANY (NATIONALISATION) ACT, 1976

No. 97 OF 1976

[5th September, 1976]

An Act to provide for the acquisition of the undertakings of the Burn and Company Limited and the Indian Standard Wagon Company Limited with a view to ensuring the continuity of the production of goods which are vital to the needs of the economy of the country and for the fulfilment of the contracts for the supply of railway wagons abroad and for matters connected therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

Short title  
and com-  
mence-  
ment.

1. (1) This Act may be called the Burn Company and Indian Standard Wagon Company (Nationalisation) Act, 1976.

(2) The provisions of sections 27 and 28 shall come into force at once and the remaining provisions of this Act shall be deemed to have come into force on the 1st day of April, 1975.



Defini-  
tions.

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

(a) "appointed day" means the 1st day of April, 1975;

(b) "Burn and Company Limited" includes its wholly owned subsidiary company, namely, Coburn Properties Limited, having its registered office at 10-C, Hungerford Street, Calcutta-17;

(c) "Commissioner" means the Commissioner of Payments appointed under section 14;

(d) "Custodian" means the Custodian appointed under sub-section (2) of section 9 to take over, or carry on, the management of the undertakings of either or both of the two companies;

8 of 1976.

(e) "Ordinance" means the Burn Company and Indian Standard Wagon Company (Nationalisation) Ordinance, 1976;

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

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

(h) "specified date" means such date as the Central Government may, by notification, specify for the purpose of any provision of this Act, and different dates may be specified for different provisions of this Act;

1 of 1956.

(i) "two companies" means Burn and Company Limited and Indian Standard Wagon Company Limited, being companies as defined in the Companies Act, 1956, and both having their registered offices at 10-C, Hungerford Street, Calcutta-17;

1 of 1956.

(j) words and expressions used herein and not defined but defined in the Companies Act, 1956, have the meanings, respectively, assigned to them in that Act.

## CHAPTER II

### ACQUISITION OF THE UNDERTAKINGS OF THE TWO COMPANIES

3. On the appointed day, the undertakings of each of the two companies, and the right, title and interest of each of the two companies in relation to such undertakings, shall stand transferred to, and shall vest absolutely in, the Central Government.

Transfer  
and vesting  
in Central  
Govern-  
ment of  
the under-  
takings of  
the two  
companies.

4. (1) The undertakings of each of the two companies referred to in section 3 shall be deemed to include all assets, rights, lease-holds, powers, authorities and privileges and all property, movable and immovable, including lands, buildings, workshops, stores, instruments, machinery and equipment, cash balances, cash on hand, reserve funds, investments and book debts and all other rights and interests in, or arising out of, such property as were immediately before the appointed day in the ownership, possession, power or control of either of the two companies, whether within or outside India, and all books of account, registers and all other documents of whatever nature relating thereto, and shall also be deemed to include the liabilities and obligations specified in sub-section (2) of section 5.

General  
effect of  
vesting.

(2) All properties as aforesaid which have vested in the Central Government under section 3 shall, by force of such vesting, be freed and

discharged from any trust, obligation, mortgage, charge, lien and all other incumbrances affecting it, and any attachment, injunction or decree or order of any court restricting the use of such properties in any manner or appointing any receiver in respect of the whole or any part of such property shall be deemed to have been withdrawn.

(3) Every mortgagee of any property which has vested under this Act in the Central Government and every person holding any charge, lien or other interest in, or in relation to, any such property shall give, within such time and in such manner as may be prescribed, an intimation to the Commissioner of such mortgage, charge, lien or other interest.

(4) For the removal of doubts, it is hereby declared that the mortgagee of any property referred to in sub-section (3) or any other person holding any charge, lien or other interest in, or in relation to, any such property shall be entitled to claim, in accordance with his rights and interests, payment of the mortgage money or other dues, in whole or in part, out of the amount specified, in relation to the company owning such property, in the First Schedule, but no such mortgage, charge, lien or other interest shall be enforceable against any property which has vested in the Central Government.

(5) If, on the appointed day, any suit, appeal or other proceeding of whatever nature in relation to any matter specified in sub-section (2) of section 5, in respect of any undertaking of either of the two companies, instituted or preferred by or against either of the two companies, is pending, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of the transfer of the undertakings of either of the two companies or of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted or enforced by or against the Central Government, or, where the undertakings of the two companies are directed, under section 6, to vest in a Government company, against that Government company.

Owners  
of the  
two com-  
panies to  
be liable  
for certain  
prior  
liabilities.

5. (1) Every liability, other than the liability specified in sub-section (2), of each of the two companies in respect of any period prior to the appointed day, shall be the liability of the concerned company and shall be enforceable against it, and not against the Central Government, or, where the undertakings of the two companies are directed, under section 6, to vest in a Government company, against that Government company.

(2) Any liability arising in respect of—

(a) the loans advanced by the Central Government, or a State Government, or both, to either of the two companies, or to both (together with interest due thereon) after the management of the undertakings of the concerned company had been taken over by the Central Government;

(b) the wages, salaries and other dues of employees of each of the two companies in respect of any period after the management of the undertakings of the two companies had been taken over by the Central Government,

shall, on and from the appointed day, be the liability of the Central Government or of the Government company aforesaid and shall be discharged by that Government or Government company, as and when repayment of such loans or amounts becomes due or as and when such wages, salaries or other dues become due and payable.

(3) For the removal of doubts, it is hereby declared that,—

(a) save as otherwise expressly provided in this section or in any other provision of this Act, no liability, other than the liability specified in sub-section (2), of either of the two companies in relation to its undertakings in respect of any period prior to the appointed day, shall be enforceable against the Central Government, or, where the undertakings of the two companies are directed, under section 6, to vest in a Government company, against that Government company;

(b) no award, decree or order of any court, tribunal or other authority in relation to the undertakings of either of the two companies, passed after the appointed day, in respect of any matter, claim or dispute, not being a matter, claim or dispute in relation to any matter referred to in sub-section (2), which arose before that day, shall be enforceable against the Central Government or, where the undertakings of the two companies are directed, under section 6, to vest in a Government company, against that Government company;

(c) no liability incurred by either of the two companies before the appointed day, for the contravention, of any provision of law for the time being in force, shall be enforceable against the Central Government, or, where the undertakings of the two companies are directed, under section 6, to vest in a Government company, against that Government company.

6. (1) Notwithstanding anything contained in sections 3 and 4, the Central Government may, if it is satisfied that a Government company is willing to comply, or has complied, with such terms and conditions as that Government may think fit to impose, direct, by notification, that the undertakings of the two companies and the right, title and interest of the two companies in relation to their respective undertakings which have vested in that Government under section 3, and such of the liabilities of the two Companies as are specified in sub-section (2) of section 5, shall, instead of continuing to vest in the Central Government, vest in the Government company either on the date of the notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification.

(2) Where the right, title and interest, and the liabilities referred to in sub-section (2) of section 5, of each of the two companies, in relation to its undertakings, vest in a Government company under sub-section (1), the Government company shall, on and from the date of such vesting, be deemed to have become the owner in relation to such undertakings, and all the rights and liabilities of the Central Government in relation to such undertakings shall, on and from the date of such vesting, be deemed to have become the rights and liabilities, respectively, of the Government company.

### CHAPTER III

#### PAYMENT OF AMOUNTS

7. For the transfer to, and vesting in, the Central Government, under section 3, of the undertakings of each of the two companies and the right, title and interest of each of the two companies in relation to such undertakings, there shall be given by the Central Government to each of the

Power of  
the Central  
Govern-  
ment to  
direct  
vesting of  
the under-  
takings of  
the two  
companies  
in a  
Govern-  
ment  
company.

Payment  
of amount.

two Companies, in cash and in the manner specified in Chapter VI, an amount equal to the amount specified against the name of such company in the First Schedule.

Payment  
of further  
amount.

8. (1) In consideration of the retrospective operation of the provisions of sections 3, 4 and 5, there shall also be given, in cash, by the Central Government to each of the two companies an amount equal to an amount, calculated at the rates specified in section 5 of the Burn Company and Indian Standard Wagon Company (Taking Over of Management) Act, 1973, for the period commencing on the appointed day and ending on the date of promulgation of the Ordinance.

57 of 1973.

(2) The amount specified in section 7, and the amount determined under sub-section (1), shall carry simple interest at the rate of four per cent. per annum for the period commencing on the date of promulgation of the Ordinance and ending on the date on which payment of such amount is made by the Central Government to the Commissioner.

(3) The amounts determined in accordance with the provisions of sub-sections (1) and (2) shall be given to each of the companies in addition to the amount specified against its name in the First Schedule.

#### CHAPTER IV

##### MANAGEMENT, ETC., OF THE UNDERTAKINGS OF THE TWO COMPANIES

Manage-  
ment, etc.,  
of the  
under-  
takings of  
the two  
companies.

9. (1) The general superintendence, direction, control and management of the affairs and business of the undertakings of each of the two companies, the right, title and interest in relation to which have vested in the Central Government under section 3, shall,—

(a) where a direction has been made by the Central Government under sub-section (1) of section 6, vest in the Government company specified in such direction, or

(b) where no such direction has been made by the Central Government, vest in one or more Custodians appointed by the Central Government under sub-section (2),

and thereupon the Government company so specified or the Custodian so appointed, as the case may be, shall be entitled to exercise all such powers and do all such things as either, or both, of the companies is or are authorised to exercise and do in relation to its or their undertakings.

(2) The Central Government may appoint one or more individuals or a Government company as the Custodian of the undertakings of either, or both, of the two companies in relation to which no direction has been made by it under sub-section (1) of section 6.

Duty of  
persons in  
charge of  
manage-  
ment of  
the under-  
takings of  
the two  
companies  
to deliver  
all assets,  
etc.

10. (1) On the vesting of the management of the undertakings of the two companies in a Government company or on the appointment of a Custodian, all persons in charge of the management of the undertakings of either of the two companies immediately before such vesting or appointment, shall be bound to deliver to the Government company or the Custodian, as the case may be, all assets, books of account, registers or other documents in their custody relating to the undertakings of such company.

(2) The Central Government may issue such directions as it may deem desirable in the circumstances of the case to the Government company

or the Custodian as to its or his powers and duties and the Government company or Custodian may also, if it or he so desires, apply to the Central Government at any time for instructions as to the manner in which the management of the undertakings of the two companies shall be conducted by it or him or in relation to any other matter arising in the course of such management.

(3) The Custodian shall receive from the funds of the undertakings, in relation to which he is the Custodian, such remuneration as the Central Government may fix and shall hold office during the pleasure of the Central Government.

11. The Custodian of the undertakings of either, or both, of the companies shall maintain an account of the undertakings of the concerned company or companies in such form and manner and under such conditions as may be prescribed and the provisions of the Companies Act, 1956, shall apply to the audit of the account so maintained as they apply to the audit of the accounts of a company.

Accounts  
and audit.

1 of 1956.

## CHAPTER V

### PROVISIONS RELATING TO EMPLOYEES OF THE TWO COMPANIES

12. (1) Every person who is a workman within the meaning of the Industrial Disputes Act, 1947, and has been, immediately before the appointed day, employed in any undertaking of either of the two companies shall become, on and from the appointed day, an employee of the Central Government or, as the case may be, of the Government company in which the right, title and interest of the two companies in relation to their undertakings have vested under this Act, and shall hold office or service under the Central Government or the Government company, as the case may be, with the same rights and privileges as to pension, gratuity and other matters as would have been admissible to him if there had been no such vesting and shall continue to do so unless and until his employment under the Central Government or the Government company, as the case may be, is duly terminated or until his remuneration and other conditions of service are duly altered by the Central Government or the Government company, as the case may be.

Employ-  
ment of  
certain  
employees  
to con-  
tinue.

14 of 1947.

(2) Every person who is not a workman within the meaning of the Industrial Disputes Act, 1947, and who has been, immediately before the appointed day, employed in any undertaking of either of the two companies shall become, as from the appointed day, an employee of the Central Government or the Government company, and shall hold 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 and gratuity and other matters as would have been admissible to him if the undertakings of the company in which he was employed had not been transferred to, and vested in, the Central Government or the Government company and shall continue to do so unless and until his employment in the Central Government or the Government company is duly terminated or until his remuneration, terms and conditions of employment are duly altered by the Central Government or the Government company, as the case may be.

14 of 1947.

(3) 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 person employed in any undertaking of either of the two companies, to the Central Government or the Government company shall not entitle such officer or other employee to any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

(4) Where, under the terms of any contract of service or otherwise, any person whose services become transferred to the Central Government or the Government company by reason of the provisions of this Act is entitled to any arrears of salary or wages or any payments for any leave not availed of or other payment, not being payment by way of gratuity or pension, such person may, except to the extent of such liability which has been taken over by the Central Government or the Government company under sub-section (2) of section 5, enforce his claim against the company by which he was employed immediately before such transfer, but not against the Central Government or the Government company.

Provident  
and other  
funds.

13. (1) Where either of the two companies have established a provident fund, superannuation, welfare or other fund for the benefit of the persons employed in any of its undertakings, the monies relatable to the officers or other employees, whose services have become transferred by or under this Act to the Central Government or the Government company shall, out of the monies standing, on the appointed day, to the credit of such provident fund, superannuation, welfare or other fund, stand transferred to, and vest in, the Central Government or the Government company, as the case may be.

(2) The monies which stand transferred under sub-section (1) to the Central Government or the Government company, as the case may be, shall be dealt with by that Government or Government company in such manner as may be prescribed.

## CHAPTER VI

### COMMISSIONER OF PAYMENTS

Appoint-  
ment of  
Commis-  
sioner of  
Payments.

14. (1) The Central Government shall, for the purpose of disbursing the amounts payable under section 7, section 8, and sub-section (2) of section 15, to each of the two companies, by notification, appoint a Commissioner of Payments.

(2) The Central Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons also to exercise all or any of the powers exercisable by him under this Act and different persons may be authorised to exercise different powers.

(3) Any person authorised by the Commissioner to exercise any of the powers exercisable by the Commissioner may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Act and not by way of authorisation.

(4) The salaries and allowances of the Commissioner and other persons appointed under this section shall be defrayed out of the Consolidated Fund of India.

15. (1) The Central Government shall, within thirty days from the specified date, pay in cash to the Commissioner, for payment to each of the two companies,—

(a) an amount equal to the amount specified against the name of such company in the First Schedule; and

(b) an amount equal to the amount payable to each of the two companies under section 8.

(2) In addition to the sums referred to in sub-section (1), there shall be paid by the Central Government to the Commissioner, in cash, such amount, payable under section 5 of the Burn Company and Indian Standard Wagon Company (Taking Over of Management) Act, 1973, to each of the two companies in relation to the period commencing on the date on which the management of the undertakings of each of the two companies was taken over by the Central Government and ending on the appointed day, as remains unpaid.

(3) A deposit account shall be opened by the Central Government in favour of the Commissioner, in the Public Account of India, and every amount paid under this Act to the Commissioner shall be deposited by him to the credit of the said deposit account and the said deposit account shall be operated by the Commissioner.

(4) Separate records shall be maintained by the Commissioner in respect of the undertakings of each of the two companies in relation to which payments have been made to him under this Act.

(5) Interest accruing on the amounts standing to the credit of the deposit account referred to in sub-section (3) shall enure to the benefit of the two companies.

16. (1) The Central Government or the Government company, as the case may be, shall be entitled to receive, up to the specified date, to the exclusion of all other persons, any money due to either of the two companies, in relation to the undertakings which have vested in the Central Government or the Government company, realised after the appointed day, notwithstanding that the realisation pertains to a period prior to the appointed day.

(2) The Central Government or the Government company, as the case may be, may make a claim to the Commissioner with regard to every payment made by that Government after the appointed day for discharging any liability of either of the two companies, not being any liability specified in sub-section (2) of section 5, in relation to any period prior to the appointed day, and every such claim shall have priority, in accordance with the priorities attaching, under this Act, to the matter in relation to which such liability has been discharged by the Central Government or the Government company.

(3) Save as otherwise provided in this Act, the liabilities of either of the two companies in respect of any transaction prior to the appointed day which have not been discharged on or before the specified date shall be the liabilities of the respective company.

Payment by the Central Government to the Commissioner.

Certain powers of the Central Government or Government company.

57 of 1973.

Claims to  
be made  
to the  
Commis-  
sioner.

17. Every person having a claim against either of the two companies shall prefer such claim before the Commissioner within thirty days from the specified date:

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the said period of thirty days, he may entertain the claim within a further period of thirty days, but not thereafter.

Priority  
of claims.

18. The claims arising out of the matters specified in the Second Schedule shall have priorities in accordance with the following principles, namely:—

(a) Category I shall have precedence over all other categories and Category II shall have precedence over Category III, and so on;

(b) the claims specified in each of the categories, except Category IV, shall rank equally and be paid in full, but, if the amount is insufficient to meet such claims in full, they shall abate in equal proportions and be paid accordingly;

(c) the liabilities specified in Category IV shall be discharged, subject to the priorities specified in this section, in accordance with the terms of the secured loans and the priority, *inter se*, of such loans; and

(d) the question of discharging any liability with regard to a matter specified in a lower category shall arise only if a surplus is left after meeting all the liabilities specified in the immediately higher category.

Examina-  
tion of  
claims.

19. (1) On receipt of the claims made under section 17, the Commissioner shall arrange the claims in the order of priorities specified in the Second Schedule and examine the same in accordance with such order of priorities.

(2) If, on examination of the claims, the Commissioner is of opinion that the amount paid to him under this Act is not sufficient to meet the liabilities specified in any lower category, he shall not be required to examine the claims in respect of such lower category.

Admission  
or rejec-  
tion of  
claims.

20. (1) After examining the claims with reference to the priorities set out in the Second Schedule, the Commissioner shall fix a certain date on or before which every claimant shall file the proof of his claim or be excluded from the benefit of the disbursement made by the Commissioner.

(2) Not less than fourteen days' notice of the date so fixed shall be given by advertisement in one issue of the daily newspaper in the English language and one issue of such daily newspaper in the regional language as the Commissioner may consider suitable, and every such notice shall call upon the claimant to file the proof of his claim with the Commissioner within the time specified in the advertisement.

(3) Every claimant who fails to file the proof of his claim within the time specified by the Commissioner shall be excluded from the disbursements made by the Commissioner.



(4) The Commissioner shall, after such investigation as may, in his opinion, be necessary and after giving the concerned company an opportunity of refuting the claim and after giving the claimant a reasonable opportunity of being heard, in writing, admit or reject the claim in whole or in part.

5 of 1908.

(5) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge of his functions, including the place or places at which he will hold his sitting and shall, for the purpose of making any investigation under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:—

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

(b) the discovery and production of any document or other material object producible as evidence;

(c) the reception of evidence on affidavits;

(d) the issuing of any commission for the examination of witnesses.

45 of 1860.

(6) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the Commissioner shall be deemed to be a civil court for the purposes of section 345 and Chapter XXVI of the Code of Criminal Procedure, 1973.

2 of 1974.

(7) A claimant who is dissatisfied with the decision of the Commissioner, may prefer an appeal against the decision to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the registered office of the concerned company is situated:

Provided that where a person who is a Judge of a High Court is appointed to be a Commissioner, such appeal shall lie to the High Court at Calcutta and such appeal shall be heard and disposed of by not less than two Judges of that High Court.

21. After admitting a claim under this Act, the amount due in respect of such claim shall be paid by the Commissioner to the person or persons to whom such sums are due and on such payment, the liability of each of the two companies in respect of such claim shall stand discharged.

Disbursement of money by Commissioner to claimants.

22. (1) If, out of the monies paid to him in relation to the undertakings of either of the two companies, there is a balance left after meeting the liabilities as specified in the Second Schedule, the Commissioner shall disburse such balance to the concerned company.

Disbursements of amounts to the two companies.

(2) Where the possession of any machinery, equipment or other property has vested in the Central Government or a Government company under this Act, but such machinery, equipment or other property does not belong to either of the two companies, it shall be lawful for the Central Government or the Government company to continue to possess such machinery or equipment or other property on the same terms and conditions under which they were possessed by either of, or both, the companies immediately before the 1st day of April, 1975.

Undis-  
bursed or  
unclaimed  
amount  
to be  
deposited  
with the  
general  
revenue  
account.

23. Any money paid to the Commissioner which remains undisbursed or unclaimed for a period of three years from the last day on which the disbursement was made, shall be transferred by the Commissioner to the general revenue account of the Central Government; but a claim to any money so transferred may be preferred to the Central Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, the order, if any, for payment of the claim being treated as an order for the refund of revenue.

## CHAPTER VII

### MISCELLANEOUS

Assump-  
tion of  
liability.

24. (1) Where any liability of either of the two companies arising out of any item specified in Category I of the Second Schedule is not discharged fully by the Commissioner out of the amounts paid to him under this Act, the Commissioner shall intimate in writing to the Central Government the extent of the liability which remains undischarged, and to that extent the liability shall be assumed by the Central Government.

(2) The Central Government may, by order, direct the Government company to take over any liability assumed by that Government under sub-section (1) and on receipt of such direction, it shall be the duty of the Government company to discharge such liability.

Act to  
have  
over-  
riding  
effect.

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

Contracts  
to cease  
to have  
effect  
unless  
ratified by  
the Central  
Govern-  
ment or  
Govern-  
ment  
company.

26. (1) Every contract entered into by either of the two companies in relation to any of its undertakings which have vested in the Central Government under section 3 for any service, sale or supply, and in force immediately before the appointed day, shall, on and from the expiry of one hundred and eighty days from the date of promulgation of the Ordinance, cease to have effect unless such contract is, before the expiry of that period, ratified, in writing, by the Central Government, or Government company, and in ratifying such contract the Central Government or Government company may make such alteration or modification therein as it may think fit:

Provided that the Central Government or Government company shall not omit to ratify a contract and shall not make any alteration or modification in a contract unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith or is detrimental to the interests of, the Central Government or the Government company.

(2) The Central Government or Government company shall not omit to ratify a contract, and, shall not make any alteration or modification therein, except after giving to the parties to the contract a reasonable opportunity of being heard and except after recording in writing its reasons for refusal to ratify the contract or for making any alteration or modification therein.

27. Any person who,—

Penalties.

(a) having in his possession, custody or control any property forming part of any undertaking of either of the two companies, wrongfully withholds such property from the Central Government or Government company; or

(b) wrongfully obtains possession of, or retains, any property forming part of any undertaking of either of the two companies, or wilfully withholds or fails to furnish to the Central Government or Government company or any person or body of persons specified by that Government or Government company, any document relating to such undertaking, which may be in his possession, custody or control, or fails to deliver to the Central Government or Government company or any person or body of persons specified by that Government or Government company, any assets, books of account, registers or other documents in his possession, custody or control relating to the undertakings of either of the two companies; or

(c) wrongfully removes or destroys any property forming part of any undertaking of either of the two companies or prefers any claim which he knows or has reasonable cause to believe to be false or grossly inaccurate,

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

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

Offences  
by com-  
panies.

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

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

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

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

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

Protection  
of action  
taken in  
good  
faith.

29. (1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any officer of that Government or the Custodian or the Government company or other person authorised by that Government or Government company for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or any of its officers or other employees of the Government company or any officer or other person authorised by that company for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

Delegation  
of powers

30. (1) The Central Government may, by notification, direct that all or any of the powers exercisable by it under this Act, other than the power conferred by section 31, may also be exercised by such person or persons as may be specified in the notification.

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

Power  
to make  
rules.

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

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

(a) the time within which, and the manner in which, an intimation referred to in sub-section (3) of section 4 shall be given;

(b) the form and the manner in which and the conditions under which the Custodian shall maintain the accounts as required by section 11;

(c) the manner in which the monies in any provident fund or other fund, referred to in section 13, shall be dealt with;

(d) any other matter which is required to be, or may be, prescribed.

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

Power to  
remove  
difficulties

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

Provided that no such order shall be made after the expiry of a period of two years from the date on which this Act receives the assent of the President.

33. It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles specified in clause (b) of article 12 of the Constitution.

Declara-  
tion as  
to the  
policy  
of the  
State.

*Explanation.*—In this section, “State” has the same meaning as in article 12 of the Constitution.

57 of 1973.  
8 of 1976.

34. (1) The Burn Company and Indian Standard Wagon Company (Taking Over of Management) Act, 1973, and the Burn Company and Indian Standard Wagon Company (Nationalisation) Ordinance, 1976, are hereby repealed.

Repeal  
and  
saving.

(2) Notwithstanding such repeal,—

(a) anything done or any action taken by the Custodian in exercise of the powers of the Board of Management of the two companies at any time within the period during which the management of the undertakings of the two companies remained vested in the Central Government or at any time before the date on which this Act receives the assent of the President, shall be deemed to have been done or taken in accordance with law;

(b) anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

#### THE FIRST SCHEDULE

[See sections 7, 8 and 15(2)]

| Sl. No. | Name of the company                   | Amount<br>(Rupees in lakhs) |
|---------|---------------------------------------|-----------------------------|
| 1.      | Burn and Company Limited              | 1,388.00                    |
| 2.      | Indian Standard Wagon Company Limited | 1,135.00                    |

#### THE SECOND SCHEDULE

(See sections 18, 19, 20 and 24)

#### ORDER OF PRIORITIES FOR THE DISCHARGE OF LIABILITIES OF THE TWO COMPANIES

##### PART “A”

##### *Post-take-over management period*

##### *Category I—*

(a) Loans advanced by banks.

(b) Loans advanced by the Industrial Reconstruction Corporation of India.

(c) Credit availed of for purposes of trade or manufacturing operations.

##### *Category II*

(a) Revenue, taxes, cesses, rates or other dues of Central Government or a State Government.

(b) Sales tax; rates and taxes; contributions to be made to the Employees' State Insurance Fund, and Additional Dearness Allowance payable to employees.

## PART "B"

*Pre-take-over management period**Category III—*

Arrears in relation to provident fund, salaries and wages and other amounts due to employees.

*Category IV—*

Secured loans.

*Category V—*

Revenue, taxes, cesses, rates or any other dues to the Central Government, a State Government, a local authority or a State Electricity Board.

*Category VI—*

(a) Any credit availed of for purpose of trade or manufacturing operations.

(b) Any other dues.

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**THE LAXMIRATTAN AND ATHERTON WEST COTTON MILLS (TAKING OVER OF MANAGEMENT) ACT, 1976**

No. 98 OF 1976

Faint text and a date stamp: [5th September, 1976]

An Act to provide for the taking over, in the public interest, of the management of the undertakings of certain companies, pending nationalisation of such undertakings, with a view to ensuring the supply of certain varieties of cloth needed by the weaker sections of the community as also by the Defence Department and for matters connected therewith or incidental thereto.

WHEREAS Laxmirattan Cotton Mills Company Limited were engaged in the production (besides coarse and medium varieties of cloth needed by the weaker sections of the community) of canvas and dosuti which is needed by the Defence Department;

AND WHEREAS the closure of the Laxmirattan Cotton Mills Company Limited has prejudicially affected the supply of canvas and dosuti to the Defence Department;

AND WHEREAS the Atherton West and Company Limited were mainly engaged in the production of coarse and medium varieties of cloth needed by the weaker sections of the community;

AND WHEREAS as a result of mismanagement the Atherton West and Company Limited has suffered losses exceeding the value of its available assets and has been closed down;

AND WHEREAS, in view of the adverse financial position of the Atherton West and Company Limited, some members of the Board of Directors of that company had, for some time, absconded;

AND WHEREAS it is necessary in the interests of the general public that the undertakings of the two companies aforesaid should be re-started, so that the production of the needed varieties of cloth may be continued;

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

## CHAPTER I

### PRELIMINARY

Short title  
and com-  
mence-  
ment.

1. (1) This Act may be called the Laxmirattan and Atherton West Cotton Mills (Taking Over of Management) Act, 1976.

(2) It shall be deemed to have come into force on the 19th day of July, 1976.

Defini-  
tions.

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

(a) "appointed day" means the 19th day of July, 1976;

(b) "Custodian" means the person, appointed under section 4, to take over the management of the undertakings of the two companies;

(c) "notification" means the notification published in the Official Gazette;

(d) "two companies" means—

(i) the Atherton West and Company Limited, a company within the meaning of the Companies Act, 1956, and having its registered office at Anwarganj, Kanpur, in the State of Uttar Pradesh, and

(ii) the Laxmirattan Cotton Mills Company Limited, a company within the meaning of the Companies Act, 1956, and having its registered office at Behari Niwas, Kanpur, in the State of Uttar Pradesh.

of 1956

1 of 1956



## CHAPTER II

TAKING OVER OF THE MANAGEMENT OF THE UNDERTAKINGS OF THE TWO  
COMPANIES

3. (1) On and from the appointed day, the management of the undertakings of the two companies shall vest in the Central Government.

**Management of the undertakings of two companies to vest in the Central Government.**

(2) The undertakings of each of the two companies shall be deemed to include all assets, rights, leaseholds, powers, authorities and privileges, and all property, movable and immovable, including lands, buildings, works, workshops, projects, stores, spares, instruments, machinery, equipment, automobiles and other vehicles, cash balances, reserve fund, investments and book debts and all other rights and interests arising out of such property as were, immediately before the appointed day, in the ownership, possession, power or control of the concerned company, whether within or without India, and all books of account, registers, and all other documents of whatever nature relating thereto.

(3) Any contract, whether express or implied, or other arrangement, in so far as it relates to the management of the business and affairs of either of the two companies in relation to its undertakings, and in force immediately before the appointed day, shall be deemed to have terminated on the appointed day.

(4) All persons in charge of the management, including persons holding offices as directors, managers or any other managerial personnel of either of the two companies, immediately before the appointed day, shall be deemed to have vacated their offices as such on the appointed day.

(5) Notwithstanding anything contained in any other law for the time being in force, no person in respect of whom any contract of management or other arrangement is terminated by reason of the provisions contained in sub-section (3), or who ceases to hold any office by reason of the provisions contained in sub-section (4), shall be entitled to claim any compensation for the premature termination of the contract of management or other arrangement or for the loss of office, as the case may be.

(6) Notwithstanding any judgment, decree or order of any court, tribunal or other authority or anything contained in any other law (other than this Act) for the time being in force, every Receiver or other person in whose possession or custody or under whose control any undertaking of either of the two companies or any part thereof may be immediately before the appointed day, shall, on the commencement of this Act, deliver possession of the said undertaking or such part thereof, as the case may be, to the Custodian, where no Custodian has been appointed, to such other person as the Central Government may direct.

(7) For the removal of doubts, it is hereby declared that any liability incurred by either of the two companies in relation to its undertakings before the appointed day shall be enforceable against the concerned company and not against the Central Government or the Custodian.

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4. (1) The Central Government may, as soon as it is convenient administratively so to do, appoint any person or body of persons (including a Government company, whether in existence at the commencement of this Act or incorporated thereafter) as the Custodian of the undertakings of either, or both, of the two companies for the purpose of carrying on the management of such undertakings and the Custodian so appointed shall carry on the management of the undertakings of the two companies for and on behalf of the Central Government.

(2) On the appointment of the Custodian under sub-section (1), the management of the undertakings of the two companies shall vest in such Custodian and all persons in charge of the management of such undertakings immediately before such appointment shall cease to be in charge of such management and shall be bound to deliver such management into the Custodian.

(3) The Central Government may, by notification, authorise the Custodian to appoint any person (including a Government company, whether in existence at the commencement of this Act or incorporated thereafter) as the Additional Custodian of the undertakings of either, or both, of the two companies.

(4) The Additional Custodian shall assist the Custodian in the exercise of his or its powers and duties under this Act and shall function under the direction, supervision and control of the Custodian; and the Custodian may delegate to the Additional Custodian all or such of his or its powers as he or it may think fit.

(5) Subject to any general or special direction given or condition imposed by the Custodian, any person authorised by the Custodian to exercise any power may exercise that power in the same manner and with the same effect as if it had been conferred on that person directly by this Act and not by way of authorisation.

(6) The Central Government may issue such directions (including directions as to initiating, defending or continuing any legal proceedings before any court, tribunal or other authority) to the Custodian as to his or its powers and duties as the Central Government deems to be desirable in the circumstances of the case, and the Custodian may also apply to the Central Government at any time for instructions as to the manner in which he or it shall conduct the management of the undertakings of either, or both, of the two companies or in relation to any other matter arising in the course of such management.

(7) Subject to the other provisions of this Act and the control of the Central Government, the Custodian shall be entitled, notwithstanding anything contained in the Companies Act, 1956, to exercise all the powers of the Board of directors of the two companies (including the power to dispose of any properties or assets of the two companies) whether such powers are derived from the Companies Act, 1956, or from the memorandum and articles of association of the concerned company or from any other source.

(8) Every person having possession, custody or control of any property forming part of any undertaking of either of the two companies shall deliver forthwith such property to the Custodian or to any officer or other employee of the Central Government or the Custodian, as may be authorised by the Central Government in this behalf.

(9) Any person who, on the appointed day, has in his possession or under his control any books, papers or other documents relating to the undertakings of either, or both, of the two companies, including the minutes books containing the resolutions of the persons in charge of the management thereof before the appointed day, the current cheque books relating to the undertakings of such company, any letters, memoranda, notes or other communications between him and such company shall, notwithstanding anything contained in any other law for the time being in force, be liable to account for the books, papers and other documents (including such minutes books, cheque books, letters, memoranda, notes or other communications) to the Custodian and shall deliver them up to the Custodian or to any such person (being an officer or other employee of the Central Government or the Custodian) as may be authorised by the Central Government in this behalf.

(10) Every person in charge of the management of the undertakings of either of the two companies immediately before the appointed day shall, within ten days from that day or within such further period as the Central Government may allow in this behalf, furnish to the Custodian a complete inventory of all the properties and assets (including particulars of book debts and investments and belongings) forming part of the undertakings of such company immediately before the appointed day and of all the liabilities and obligations of such company in relation to its undertakings, subsisting immediately before that day, and also of all agreements entered into by such company in relation to its undertakings and in force immediately before that day.

(11) The Custodian and the Additional Custodian shall receive from the funds of the undertakings of each of the two companies such remuneration as the Central Government may fix.

5. (1) Each of the two companies shall be given by the Central Government an amount, in cash, and at the rate specified in sub-section (2), for the vesting in it, under section 3, of the management of the undertakings of each such company.

Payment  
of amount.

(2) For every month during which the management of the undertakings of each of the two companies remains vested in the Central Government under this Act, the amount, referred to in sub-section (1), shall be computed at the rate of—

(a) rupees ten thousand per annum in the case of Laxmirattan Cotton Mills Company Limited; and

(b) rupees eight thousand per annum in the case of Atherton West and Company Limited.

## CHAPTER III

POWER TO PROVIDE RELIEF TO ANY UNDERTAKING OR TO THE UNDERTAKINGS  
OF EITHER OF THE TWO COMPANIES

Power of  
Central  
Govern-  
ment to  
make  
certain  
declara-  
tions in  
relation  
to certain  
under-  
takings.

6. (1) The Central Government may, if satisfied, in relation to any undertaking of either of the two companies or any part thereof, the management of which has vested in it under this Act, that it is necessary so to do in the interests of the general public with a view to preventing any fall in the volume of production of such undertaking, by notification, declare that—

(a) all or any of the enactments specified in the Schedule shall not apply or shall apply with such adaptations, whether by way of modification, addition or omission (which does not, however, affect the policy of the said enactments) to such undertaking as may be specified in such notification, or

(b) the operation of all or any of the contracts, assurances of property, agreements, settlements, awards, standing orders or other instruments in force (to which such undertaking or the company owning such undertaking is a party or which may be applicable to such undertaking or company) immediately before the date of issue of the notification shall remain suspended or that all or any of the rights, privileges, obligations and liabilities accruing or arising thereunder before the said date, shall remain suspended or shall be enforceable with such adaptations and in such manner as may be specified in the notification.

(2) The notification made under sub-section (1) shall remain in force, in the first instance, for a period of one year but the duration of such notification may be extended from time to time by a further notification by a period not exceeding one year at a time:

Provided that no such notification shall, in any case, remain in force after the expiry of three years from the commencement of this Act.

(3) Any notification made under sub-section (1) shall have effect notwithstanding anything to the contrary contained in any other law, agreement or instrument or any decree or order of a court, tribunal, officer or other authority or of any submission, settlement or standing order.

(4) Any remedy for the enforcement of any right, privilege, obligation or liability referred to in clause (b) of sub-section (1) and suspended or modified and all proceedings relating thereto pending before any court, tribunal, officer or other authority shall accordingly remain stayed or be continued subject to such adaptations; so, however, that on the notification ceasing to have effect—

(a) any right, privilege, obligation or liability so remaining suspended or modified shall become revived and enforceable as if the notification had never been made;

(b) any proceeding so remaining stayed shall be proceeded with subject to the provisions of any law which may be then in force, from the stage which had been reached when the proceeding became stayed.

(5) In computing the period of limitation for the enforcement of any right, privilege, obligation or liability referred to in clause (b) of sub-section (1), the period during which it or the remedy for the enforcement thereof remained suspended shall be excluded.

## CHAPTER IV

## MISCELLANEOUS

7. The provisions of this Act or any notification, order or rule made thereunder, shall have effect notwithstanding anything inconsistent therewith contained in any law (other than this Act) or in any instrument having effect by virtue of any law other than this Act or in any decree or order of any court.

Act to have overriding effect.

8. (1) Notwithstanding anything contained in the Companies Act, 1956, or in the memorandum or articles of association of either of the two companies, so long as the management of the undertakings of the two companies remains vested in the Central Government,—

Application of Act 1 of 1956.

(a) it shall not be lawful for the shareholders of either of the two companies or any other person to nominate or appoint any person to be a director of such company;

(b) no resolution passed at any meeting of the shareholders of either of the two companies on or after the appointed day shall have effect to unless approved by the Central Government;

(c) no proceeding for the winding up of either of the two companies or for the appointment of a liquidator or receiver in respect thereof shall lie in any court except with the consent of the Central Government.

(2) Subject to the provisions contained in sub-section (1), and to the other provisions contained in this Act and subject to such other exceptions, restrictions and limitations, if any, as the Central Government may, by notification, specify in this behalf, the Companies Act, 1956, shall continue to apply to the two companies in the same manner as it applied thereto before the appointed day.

1 of 1956.

9. In computing the period of limitation prescribed by any law for the time being in force for any suit or application against any person by either of the two companies in respect of any matter arising out of any transaction in relation to the undertaking of any of the two companies, the time during which this Act remains in force shall be excluded.

Exclusion of period of operation of this Act from limitation.

10. (1) No suit, prosecution or other legal proceeding shall lie against the Custodian, Additional Custodian or any officer or other employee of the Central Government or the Custodian for anything which is in good faith done or intended to be done under this Act.

Protection of action taken in good faith.

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

Contracts,  
etc.,  
in bad  
faith may  
be can-  
celled or  
varied.

11. (1) If the Central Government is satisfied, after such inquiry as it may think proper, that any contract or agreement entered into at any time within three years immediately preceding the appointed day between either of the two companies or managing or other director of any such company and any other person in relation to any service, sale or supply to, or by, the undertakings of either of the two companies, and in force immediately before the appointed day, has been entered into in bad faith, or is detrimental to the interests of the undertaking of the concerned company, it may make, within one hundred and eighty days from the appointed day, an order cancelling or varying (either unconditionally or subject to such conditions as it may think fit to impose) such contract or agreement and thereafter the contract or agreement shall have effect accordingly:

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

(2) Any person aggrieved by an order made under sub-section (1) may make an application to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the registered office of the concerned company is situated for the variation or reversal of such order and thereupon such court may confirm, modify or reverse such order.

Avoid-  
ance of  
volun-  
tary  
transfers.

12. Any transfer of property, movable or immovable, or any delivery of goods made by or on behalf of either of the two companies (not being a transfer or delivery made in the ordinary course of its business or in favour of a purchaser for valuable consideration and in good faith), if made within a period of six months immediately preceding the appointed day, shall be void against the Central Government or the Custodian, as the case may be.

Power to  
termi-  
nate  
contracts  
of em-  
ployment.

13. If the Custodian is of opinion that any contract of employment entered into by either of the two companies or any managing agent or managing or other director of either of the two companies at any time before the appointed day is unduly onerous, he or it may, by giving to the employee one month's notice in writing or salary or wages for one month in lieu thereof, terminate such contract of employment.

Penal-  
ties.

14. (1) Any person, who—

(a) having in his possession or custody or under his control any property forming part of any undertaking of either of the two companies, wrongfully withholds such property from the Custodian or any person authorised under this Act, or

(b) wrongfully obtains possession of any such property, or

(c) wilfully retains any property forming part of any undertaking of either of the two companies or removes or destroys it, or

(d) wilfully withholds from, or fails to deliver to, the Custodian or any person authorised under this Act, any books, papers, or other documents relating to any undertaking of either of the two companies, which may be in his possession, power or custody, or under his control, or

(e) fails, without any reasonable excuse, to furnish information or particulars as provided in sub-section (8) of section 4,

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

(2) No court shall take cognizance of an offence punishable under this section except with the previous sanction of the Central Government or an officer authorised by that Government in this behalf.

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

Offences  
by  
companies

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

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

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

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

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

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

Power to  
make  
rules.

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

Repeal  
and  
saving.

17. (1) The Laxmirattan and Atherton West Cotton Mills (Taking Over of Management) Ordinance, 1976, is hereby repealed.

11 of 1976.

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

THE SCHEDULE

(See section 6)

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1. The Industrial Employment (Standing Orders) Act, 1946.

20 of 1946.

2. The Industrial Disputes Act, 1947.

14 of 1947.

3. The Minimum Wages Act, 1948.

11 of 1948.

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THE LABOUR PROVIDENT FUND LAWS (AMENDMENT)  
ACT, 1976

No. 99 of 1976

[7th September, 1976]

An Act further to amend the Coal Mines Provident Fund, Family Pension and Bonus Schemes Act, 1948, the Employees' Provident Funds and Family Pension Fund Act, 1952, the Wealth-tax Act, 1957 and the Income-tax Act, 1961.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Labour Provident Fund Laws (Amendment) Act, 1976.

(2) The provisions of sections 30 and 31 shall come into force at once and the remaining provisions of this Act shall be deemed to have come into force on the 1st day of August, 1976.

CHAPTER II

AMENDMENT OF THE COAL MINES PROVIDENT FUND, FAMILY PENSION  
AND BONUS SCHEMES ACT, 1948

2. In the long title to the Coal Mines Provident Fund, Family Pension and Bonus Schemes Act, 1948 (hereinafter referred to as the Coal Mines Provident Fund Act), after the words "Family Pension Scheme", the words "a Deposit-linked Insurance Scheme" shall be inserted.

46 of 1948.

Amendment of section 1.

3. For sub-section (1) of section 1 of the Coal Mines Provident Fund Act, the following sub-section shall be substituted, namely:—

“(1) This Act may be called the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948.”.

Amendment of section 2.

4. In section 2 of the Coal Mines Provident Fund Act,—

(i) in clause (c), the words “or the contribution payable in respect of an employee to whom the Insurance Scheme applies” shall be inserted at the end;

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

“(fa) “Insurance Fund” means the Deposit-linked Insurance Fund established under sub-section (2) of section 3G;

“(fb) “Insurance Scheme” means the Coal Mines Deposit-linked Insurance Scheme framed under sub-section (1) of section 3G;”;

(iii) clause (ff) shall be re-lettered as clause (fc).

Amendment of section 3A.

5. In section 3A of the Coal Mines Provident Fund Act,—

(a) in sub-section (3), after the word, figure and letter “section 3E”, the words, figure and letter “and section 3G” shall be inserted;

(b) in sub-section (4), for the words “and the Coal Mines Family Pension Scheme”, the words “, the Coal Mines Family Pension Scheme and the Insurance Scheme” shall be substituted,

Amendment of section 3C.

6. In sub-section (3) of section 3C of the Coal Mines Provident Fund Act, for the words “and the Coal Mines Family Pension Scheme”, the words “, the Coal Mines Family Pension Scheme and the Insurance Scheme” shall be substituted.

Insertion of new section 3G.

7. After section 3F of the Coal Mines Provident Fund Act, the following section shall be inserted, namely:—

Coal Mines Deposit-linked Insurance Scheme.

“3G. (1) The Central Government may, by notification in the Official Gazette, frame a scheme to be called the Coal Mines Deposit-linked Insurance Scheme for the purpose of providing life insurance benefits to such employees as are covered by the Coal Mines Provident Fund Scheme:

(2) There shall be established, as soon as may be after the framing of the Insurance Scheme, a Deposit-linked Insurance Fund into which shall be paid by the employer from time to time in respect of every such employee, in relation to whom he is the employer, such amount, not being more than one per cent. of the aggregate of the basic wages, dearness allowance and retaining allowance (if any) for the time being payable in relation to such employee, as the Central Government may, by notification in the Official Gazette, specify:

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

19 of 1952.

(a) the expression “basic wages” has the meaning assigned to it in the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952;

(b) “dearness allowance” means all cash payments, by whatever name called, paid to an employee on account of a rise in the cost of living and shall be deemed to include also the cash value of any food concession allowed to the employee;

(c) “retaining allowance” means an allowance payable for the time being to an employee of any coal mine during any period in which the coal mine is not working, for retaining his services.

(3) The Central Government shall, after due appropriation made by Parliament by law, contribute to the Insurance Fund in relation to each employee covered by the Coal Mines Provident Fund Scheme, an amount representing one-half of the contribution which an employer is required, by sub-section (2), to make.

(4) (a) The employer shall pay into the Insurance Fund such further sums of money, not exceeding one-fourth of the contribution which he is required to make under sub-section (2), as the Central Government may, from time to time, determine, to meet all the expenses in connection with the administration of the Insurance Scheme other than the expenses towards the cost of any benefits provided by or under that scheme.

(b) The Central Government shall, after due appropriation made by Parliament by law, pay into the Insurance Fund such further sums of money representing one-half of the sums payable by the employer under clause (a), to meet all the expenses in connection with the administration of the Insurance Scheme other than the expenses towards the cost of any benefits provided by or under that scheme.

(5) The Insurance Fund shall vest in the Board and shall be administered by the Board in such manner as may be specified in the Insurance Scheme.

(6) Any scheme framed under the provisions of sub-section (1) may provide for all or any of the matters specified in the Third Schedule.

8. In sub-section (2) of section 5 of the Coal Mines Provident Fund Act, for the words “Third Schedule”, the words “Fourth Schedule” shall be substituted.

Amendment of section 5

9. In section 7 of the Coal Mines Provident Fund Act, after the words “amend or vary”, the words “either prospectively or retrospectively” shall be inserted.

Amendment of section 7.

10. In section 7A of the Coal Mines Provident Fund Act, for the words “two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following”, the words “two or more successive sessions, and if, before the expiry of the session

Amendment of section 7A.

immediately following the session or the successive sessions aforesaid" shall be substituted.

Amend-  
ment of  
section 8.

11. In sub-section (3) of section 8 of the Coal Mines Provident Fund Act, after the words "Coal Mines Family Pension Scheme", the words "and also in relation to any amount payable under the Insurance Scheme" shall be inserted.

Amend-  
ment of  
section 10.

12. In sub-section (1) of section 10 of the Coal Mines Provident Fund Act, after the words "Coal Mines Provident Fund Scheme", the words "or the Insurance Scheme" shall be inserted.

Amend-  
ment of  
section 10E.

13. In sub-section (1) of section 10E of the Coal Mines Provident Fund Act, for the words and brackets "The amount of contribution (that is to say the employer's contribution as well as the employee's contribution)", the words and brackets "The amount of contribution (that is to say the employer's contribution as well as the employee's contribution in pursuance of the Coal Mines Provident Fund Scheme and the employer's contribution in pursuance of the Insurance Scheme)" shall be substituted.

Insertion  
of new  
sections  
11C and  
11D.

14. After section 11B of the Coal Mines Provident Fund Act, the following sections shall be inserted, namely:—

Power to  
exempt.

'11C. (1) The Central Government may, if requested so to do by the employer, by notification in the Official Gazette, and subject to such conditions as may be specified in the notification, exempt any coal mine from the operation of all or any of the provisions of the Insurance Scheme, if it is satisfied that the employees of such coal mine are, without making any separate contribution or payment of premium, in enjoyment of benefits in the nature of life insurance, whether linked to their deposits in provident fund or not, and such benefits are more favourable to such employees than the benefits admissible under the Insurance Scheme.

(2) Without prejudice to the provisions of sub-section (1), the Insurance Scheme may provide for the exemption of any person or class of persons employed in any coal mine and covered by that scheme from the operation of all or any of the provisions thereof, if the benefits in the nature of life insurance admissible to such person or class of persons are more favourable than the benefits provided under the Insurance Scheme.

(3) Where, in respect of any person or class of persons employed in any coal mine, an exemption is granted under this section from the operation of all or any of the provisions of the Insurance Scheme (whether such exemption is granted to the coal mine wherein such person or class of persons is employed or to the person or class of persons as such), the employer in relation to such coal mine—

(a) shall, in relation to the benefits in the nature of life insurance, to which any such person or class of persons is entitled, or any insurance fund, maintain such accounts, submitted

such returns, make such investment, provide for such facilities for inspection and pay such inspection charges, as the Central Government may direct;

(b) shall not, at any time after the exemption, without the leave of the Central Government, reduce the total quantum of benefits in the nature of life insurance to which any such person or class of persons was entitled immediately before the date of the exemption; and

(c) shall, where any such person leaves his employment and obtains re-employment in any other coal mine, transfer within such time as may be specified in this behalf by the Central Government, the amount of accumulations to the credit of that person in the insurance fund of the coal mine left by him to the credit of that person's account in the insurance fund of the coal mine in which he is re-employed or, as the case may be, in the Deposit-linked Insurance Fund.

*Explanation.*—For the purposes of this sub-section “insurance fund” means any fund established by an employer under any scheme for providing benefits in the nature of life insurance to employees, whether linked to their deposits in provident fund or not, without payment by the employees of any separate contribution or premium in that behalf.

(4) Any exemption granted under this section may be cancelled by the authority which granted it, by order in writing, if an employer fails to comply—

(a) in the case of an exemption granted under sub-section (1), with any of the conditions imposed under that sub-section or with any of the provisions of sub-section (3);

(b) in the case of an exemption granted under sub-section (2), with any of the provisions of sub-section (3).

(5) Where any exemption granted under sub-section (1) or sub-section (2) is cancelled, the amount of accumulations to the credit of every employee to whom such exemption applied, in the insurance fund of the coal mine in which he is employed shall be transferred within such time and in such manner as may be specified in the Insurance Scheme to the credit of his account in the Insurance Fund.

11D. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Life Insurance Corporation Act, 1956.

Act to have effect notwithstanding anything contained in Act 31 of 1956.

Insertion  
of new  
Third  
Schedule.

15. The Third Schedule to the Coal Mines Provident Fund Act shall be re-numbered as the Fourth Schedule and before the Fourth Schedule as so re-numbered, the following Schedule shall be inserted, namely:—

### “THE THIRD SCHEDULE

(See section 3G)

#### MATTERS TO BE PROVIDED FOR IN THE COAL MINES DEPOSIT-LINKED INSURANCE SCHEME

1. The employees or class of employees who shall be covered by the Insurance Scheme.
2. The manner in which the accounts of the Insurance Fund shall be kept and the investment of moneys belonging to the Insurance Fund, subject to such pattern of investment as may be determined by order, by the Central Government.
3. The form in which an employee shall furnish particulars about himself and the members of his family whenever required.
4. The nomination of a person to receive the insurance amount due to the employee after his death and the cancellation or variation of such nomination.
5. The registers and records to be maintained in respect of employees; the form or design of any identity card, token or disc for the purpose of identifying any employee or his nominee or member of his family entitled to receive the insurance amount.
6. The scales of insurance amount which shall not be less than the average balance in the account of the employee concerned in the Fund during a period of three years immediately preceding his death or more than rupees ten thousand.
7. The minimum average balance to be maintained by an employee in the Fund to make him eligible for the benefits under the scheme.
8. The manner in which the amount due to the nominee or the member of the family of the employee under the scheme is to be paid including a provision that the amount shall not be paid otherwise than in the form of a deposit in a savings bank account, in the name of such nominee or member of family, in any corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970.
9. Any other matter which is to be provided for in the Insurance Scheme or which may be necessary or proper for the purpose of implementing that scheme.”

6 of 1970.

### CHAPTER III

#### AMENDMENT OF THE EMPLOYEES' PROVIDENT FUNDS AND FAMILY PENSION FUND ACT, 1952

- Amendment of long title.
16. In the long title to the Employees' Provident Funds and Family Pension Fund Act, 1952 (hereinafter referred to as the Employees' Provident Funds Act), for the words “and family pension fund”, the words “, family pension fund and deposit-linked insurance fund” shall be substituted.

19 of 1952

17. For sub-section (1) of section 1 of the Employees' Provident Funds Act, the following sub-section shall be substituted, namely:—

Amend-  
ment of  
section 1.

“(1) This Act may be called the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.”.

18. In section 2 of the Employees' Provident Funds Act,—

Amend-  
ment of  
section 2.

(a) in clause (c), the words “or the contribution payable in respect of an employee to whom the Insurance Scheme applies” shall be inserted at the end;

(b) in clause (ff), after the words “a Scheme”, the words “or the Insurance Scheme, as the case may be,” shall be inserted;

(c) in clause (fff), after the words “any Scheme”, the words “or the Insurance Scheme, as the case may be” shall be inserted;

(d) clause (ia) shall be re-lettered as clause (ic) and before clause (ic) as so re-lettered, the following clauses shall be inserted, namely:—

‘(ia) “Insurance Fund” means the Deposit-linked Insurance Fund established under sub-section (2) of section 6C;

(ib) “Insurance Scheme” means the Employees' Deposit-linked Insurance Scheme framed under sub-section (1) of section 6C;’.

19. In section 5A of the Employees' Provident Funds Act,—

Amend-  
ment of  
section  
5A.

(a) in sub-section (3), after the word, figure and letter “section 6A”, the words, figure and letter “and section 6C” shall be inserted;

(b) in sub-section (4), for the words “and the Family Pension Scheme”, the words “, the Family Pension Scheme and the Insurance Scheme” shall be substituted.

20. In sub-section (3) of section 5D, and section 5E, of the Employees' Provident Funds Act, for the words “and the Family Pension Scheme”, the words “, the Family Pension Scheme and the Insurance Scheme” shall be substituted.

Amend-  
ment of  
sections  
5D and  
5E.

21. After section 6B of the Employees' Provident Funds Act, the following section shall be inserted, namely:—

Insertion  
of new  
section  
6C.

‘6C. (1) The Central Government may, by notification in the Official Gazette, frame a scheme to be called the Employees' Deposit-linked Insurance Scheme for the purpose of providing life insurance benefits to the employees of any establishment or class of establishments to which this Act applies.

Employ-  
ees' De-  
posit-  
linked  
Insurance  
Scheme.

(2) There shall be established, as soon as may be after the framing of the Insurance Scheme, a Deposit-linked Insurance Fund into which shall be paid by the employer from time to time in respect of every such employee in relation to whom he is the employer, such amount, not being more than one per cent. of the aggregate of the basic wages, dearness allowance and retaining allowance (if any) for the time being payable in relation to such employee as

the Central Government may, by notification in the Official Gazette, specify.

*Explanation.*—For the purposes of this sub-section, the expressions “dearness allowance” and “retaining allowance” have the same meanings as in section 6.

(3) The Central Government shall, after due appropriation made by Parliament by law, contribute to the Insurance Fund in relation to each employee, of any establishment or class of establishments to which this Act applies, an amount representing one-half of the contribution which an employer is required, by sub-section (2), to make.

(4) (a) The employer shall pay into the Insurance Fund such further sums of money, not exceeding one-fourth of the contribution which he is required to make under sub-section (2), as the Central Government may, from time to time, determine to meet all the expenses in connection with the administration of the Insurance Scheme other than the expenses towards the cost of any benefits provided by or under that scheme.

(b) The Central Government shall, after due appropriation made by Parliament by law, pay into the Insurance Fund such further sums of money representing one-half of the sums payable by the employer under clause (a) to meet all the expenses in connection with the administration of the Insurance Scheme other than the expenses towards the cost of any benefits provided by or under that scheme.

(5) The Insurance Fund shall vest in the Central Board and be administered by it in such manner as may be specified in the Insurance Scheme.

(6) The Insurance Scheme may provide for all or any of the matters specified in Schedule IV.

(7) The Insurance Scheme may provide that any of its provisions shall take effect either prospectively or retrospectively on such date as may be specified in this behalf in that Scheme.

Amend-  
ment of  
section 7.

22. In sub-section (1) of section 7 of the Employees' Provident Funds Act, for the words “amend or vary the Scheme or the Family Pension Scheme, as the case may be”, the words “amend or vary, either prospectively or retrospectively, the Scheme, the Family Pension Scheme or the Insurance Scheme, as the case may be” shall be substituted.

Amend-  
ment of  
section  
7A.

23. In sub-section (1) of section 7A of the Employees' Provident Funds Act, after the words “Family Pension Scheme”, the words “or the Insurance Scheme” shall be inserted.

Amend-  
ment of  
section 8.

24. In clause (a) of section 8 of the Employees' Provident Funds Act,—

(a) for the word “Scheme”, wherever it occurs, the words “Scheme or the Insurance Scheme” shall be substituted;

(b) for the words “the Fund”, the words “the Fund or, as the case may be, the Insurance Fund” shall be substituted.



25. In section 8A of the Employees' Provident Funds Act,—

Amend-  
ment of  
section  
8A.

(a) in sub-section (1), for the words and brackets "The amount of contribution (that is to say the employer's contribution as well as the employee's contribution)", the words and brackets "The amount of contribution (that is to say the employer's contribution as well as the employee's contribution in pursuance of any Scheme and the employer's contribution in pursuance of the Insurance Scheme)" shall be substituted;

(b) in sub-section (2), after the words "employee's contribution", the words "under any Scheme" shall be inserted.

26. In sub-section (3) of section 10 of the Employees' Provident Funds Act, after the words "Family Pension Scheme", the words "and also in relation to any amount payable under the Insurance Scheme" shall be inserted.

Amend-  
ment of  
section 10.

27. In sub-section (1) of section 11 of the Employees' Provident Funds Act,—

Amend-  
ment of  
section 11.

(a) in clause (a),—

(i) for the word "Scheme", in both the places where it occurs, the words "Scheme or the Insurance Scheme" shall be substituted;

(ii) after the words "the Fund", the words "or, as the case may be, the Insurance Fund" shall be inserted;

(b) in clause (b), for the words "the provident fund", in both the places where they occur, the words "the provident fund or any insurance fund" shall be substituted;

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

*Explanation.*—In this sub-section and in section 17, "insurance fund" means any fund established by an employer under any scheme for providing benefits in the nature of life insurance to employees, whether linked to their deposits in provident fund or not, without payment by the employees of any separate contribution or premium in that behalf.

28. In section 12 of the Employees' Provident Funds Act,—

Amend-  
ment of  
section 12

(a) for the word "Scheme", wherever it occurs, the words "Scheme or the Insurance Scheme" shall be substituted;

(b) for the words "the Fund", the words "the Fund or the Insurance Fund" shall be substituted;

(c) for the words "or provident fund", the words ", provident fund or life insurance" shall be substituted.

29. In section 13 of the Employees' Provident Funds Act,—

Amend-  
ment of  
section 13.

(a) in sub-section (1), for the words "or the Family Pension Scheme", the words ", the Family Pension Scheme or the Insurance Scheme" shall be substituted;

(b) in sub-section (2), for the word "Scheme", wherever it occurs, the words "Scheme or the Insurance Scheme" shall be substituted.

Amend-  
ment of  
section 14.

30. In section 14 of the Employees' Provident Funds Act,—

(a) for the words "or the Family Pension Scheme", wherever they occur, the words "the Family Pension Scheme or the Insurance Scheme" shall be substituted;

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

"(1B) An employer who contravenes, or makes default in complying with, the provisions of section 6C, or clause (a) of sub-section (3A) of section 17 in so far as it relates to the payment of inspection charges, shall be punishable with imprisonment for a term which may extend to six months but which shall not be less than one month and shall also be liable to fine which may extend to two thousand rupees:

Provided that the court may, for any adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a lesser term or of fine only in lieu of imprisonment."

Amend-  
ment of  
sections  
14A,  
14AA,  
14AC  
and 17B.

31. In section 14A, section 14AA, section 14AC and section 17B of the Employees' Provident Funds Act, for the words "the Family Pension Scheme", wherever they occur, the words "the Family Pension Scheme or the Insurance Scheme" shall be substituted.

Amend-  
ment of  
section  
14B.

32. In section 14B of the Employees' Provident Funds Act,—

(a) for the words "or the Family Pension Fund", the words "the Family Pension Fund or the Insurance Fund" shall be substituted;

(b) for the words "any Scheme", the words "any Scheme or Insurance Scheme" shall be substituted.

Amend-  
ment of  
section  
14C.

33. In sub-section (1) of section 14C of the Employees' Provident Funds Act, for the words "or the Family Pension Fund", the words "the Family Pension Fund or the Insurance Fund" shall be substituted.

Amend-  
ment of  
section 17.

34. In section 17 of the Employees' Provident Funds Act,—

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

"(2A) The Central Government may, if requested so to do by the employer, by notification in the Official Gazette, and subject to such conditions as may be specified in the notification, exempt any establishment from the operation of all or any of the provisions of the Insurance Scheme, if it is satisfied that the employees of such establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits in the nature of life insurance, whether linked to their deposits in provident fund or not, and such benefits are more favourable to such employees than the benefits admissible under the Insurance Scheme.

(2B) Without prejudice to the provisions of sub-section (2A), the Insurance Scheme may provide for the exemption of any person or class of persons employed in any establishment and

covered by that scheme from the operation of all or any of the provisions thereof, if the benefits in the nature of life insurance admissible to such person or class of persons are more favourable than the benefits provided under the Insurance Scheme.”;

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

“(3A) Where, in respect of any person or class of persons employed in any establishment, an exemption is granted under sub-section (2A) or sub-section (2B) from the operation of all or any of the provisions of the Insurance Scheme (whether such exemption is granted to the establishment wherein such person or class of persons is employed or to the person or class of persons as such), the employer in relation to such establishment—

(a) shall, in relation to the benefits in the nature of life insurance, to which any such person or class of persons is entitled, or any insurance fund, maintain such accounts, submit such returns, make such investments, provide for such facilities for inspection and pay such inspection charges, as the Central Government may direct;

(b) shall not, at any time after the exemption without the leave of the Central Government, reduce the total quantum of benefits in the nature of life insurance to which any such person or class of persons was entitled immediately before the date of the exemption; and

(c) shall, where any such person leaves his employment and obtains re-employment in any other establishment to which this Act applies, transfer within such time as may be specified in this behalf by the Central Government, the amount of accumulations to the credit of that person in the insurance fund of the establishment left by him to the credit of that person's account in the insurance fund of the establishment in which he is re-employed or, as the case may be, in the Deposit-linked Insurance Fund.”;

(c) in sub-section (4), after clause (b), the following clauses shall be inserted, namely:—

“(c) in the case of an exemption granted under sub-section (2A), with any of the conditions imposed under that sub-section or with any of the provisions of sub-section (3A);

(d) in the case of an exemption granted under sub-section (2B), with any of the provisions of sub-section (3A).”;

(d) in sub-section (5),—

(i) for the words, brackets and figure “or sub-section (2)”, the words, brackets, figures and letters “, sub-section (2), sub-section (2A) or sub-section (2B)” shall be substituted;

(ii) for the words “or the family pension fund”, the words “, the family pension fund or the insurance fund” shall be substituted;

(iii) after the words “Family Pension Scheme”, the words “or the Insurance Scheme” shall be inserted;

(iv) after the words "Family Pension Fund", the words "or the Insurance Fund" shall be inserted.

Insertion  
of new  
section  
17AA.

35. After section 17A of the Employees' Provident Funds Act, the following section shall be inserted, namely:—

Act to  
have  
effect  
notwith-  
standing  
anything  
contained  
in Act  
31 of 1956.

"17AA. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Life Insurance Corporation Act, 1956."

Amend-  
ment of  
section 18.

36. In section 18 of the Employees' Provident Funds Act, the words "or the Insurance Scheme" shall be inserted at the end.

Amend-  
ment of  
section 19.

37. In section 19 of the Employees' Provident Funds Act, in the opening paragraph, for the words "or the Family Pension Scheme", the words "the Family Pension Scheme or the Insurance Scheme" shall be substituted.

Insertion  
of new  
Schedule  
IV.

38. After Schedule III to the Employees' Provident Funds Act, the following Schedule shall be inserted, namely:—

#### "SCHEDULE IV

(See section 6C)

#### MATTERS TO BE PROVIDED FOR IN THE EMPLOYEES' DEPOSIT-LINKED INSURANCE SCHEME

1. The employees or class of employees who shall be covered by the Insurance Scheme.

2. The manner in which the accounts of the Insurance Fund shall be kept and the investment of moneys belonging to the Insurance Fund subject to such pattern of investment as may be determined, by order, by the Central Government.

3. The form in which an employee shall furnish particulars about himself and the members of his family whenever required.

4. The nomination of a person to receive the insurance amount due to the employee after his death and the cancellation or variation of such nomination.

5. The registers and records to be maintained in respect of employees; the form or design of any identity card, token or disc for the purpose of identifying any employee or his nominee or member of his family entitled to receive the insurance amount.

6. The scales of insurance amount which shall not be less than the average balance in the account of the employee concerned in the Fund or any other provident fund during a period of three years immediately preceding his death or more than rupees ten thousand.

7. The minimum average balance to be maintained by an employee in the Fund or any other provident fund to make him eligible for the benefits under the scheme.

8. The manner in which the amount due to the nominee or the member of the family of the employee under the scheme is to be paid including a provision that the amount shall not be paid otherwise than in the form of a deposit in a savings bank account, in the name of such nominee or member of family, in any corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970.

5 of 1970.

9. Any other matter which is to be provided for in the Employees' Deposit-linked Insurance Scheme or which may be necessary or proper for the purpose of implementing that Scheme."

## CHAPTER IV

## AMENDMENT OF THE WEALTH-TAX ACT, 1957 AND THE INCOME-TAX ACT, 1961

39. In the Wealth-tax Act, 1957, in sub-section (1) of section 5, after clause (xviib), the following clause shall be inserted, namely:—

Amend-  
ment of  
Act  
27 of 1957.

“(xviiba) any property held—

46 of 1948.

(a) by the Board of Trustees constituted under the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948, on behalf of the Deposit-linked Insurance Fund established under section 3G of that Act; or

19 of 1952.

(b) by the Board of Trustees constituted under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, on behalf of the Deposit-linked Insurance Fund established under section 6C of that Act;”

40. In the Income-tax Act, 1961,—

Amend-  
ment of  
Act  
43 of 1961.

(a) in section 10, in clause (25), after sub-clause (iv), the following sub-clause shall be inserted, namely:—

“(v) any income received—

46 of 1948.

(a) by the Board of Trustees constituted under the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948, on behalf of the Deposit-linked Insurance Fund established under section 3G of that Act; or

19 of 1952.

(b) by the Board of Trustees constituted under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, on behalf of the Deposit-linked Insurance Fund established under section 6C of that Act;”

46 of 1948.

(b) in section 17, in clause (2), in sub-clause (v), after the words “superannuation fund”, the words, figures and letters “or a Deposit-linked Insurance Fund established under section 3G of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948, or, as the case may be, section 6C of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952” shall be inserted.

19 of 1952.

9 of 1976.

41. (1) The Labour Provident Fund Laws (Amendment) Ordinance, 1976, is hereby repealed.

Repeal  
and  
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the Coal Mines Provident Fund Act, the Employees' Provident Funds Act, the Wealth-tax Act, 1957 and the Income-tax Act, 1961, as amended by the Ordinance so repealed (including any Scheme framed or notification issued), shall be deemed to have been done or taken under the corresponding provisions of the respective Act aforesaid as amended by this Act.

THE METAL CORPORATION (NATIONALISATION AND  
MISCELLANEOUS PROVISIONS) ACT, 1976

ARRANGEMENT OF SECTIONS

CHAPTER I  
PRELIMINARY

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1. Short title and commencement.
2. Definitions.
3. "Undertaking"—meaning of.

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TAKING OVER OF MANAGEMENT OF THE UNDERTAKING OF THE METAL CORPORATION

4. Taking over of management of the undertaking of the Metal Corporation.
5. Appointment of Administrator to take over the management of the undertaking.
6. Application of Act 1 of 1956.

CHAPTER III

ACQUISITION OF THE UNDERTAKING OF THE METAL CORPORATION

7. Vesting of the undertaking of the Metal Corporation in the Central Government.
8. Central Government to be the lessee of the State Government.
9. Power of Central Government to direct vesting of the undertaking of the Metal Corporation in a Government company.

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14. Provisions relating to employees.

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16. Act to have overriding effect.

17. Contracts in bad faith may be cancelled or varied.

18. Protection of action taken in good faith.

19. Delegation of powers.

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21. Offences by companies.

22. Power to make rules.

23. Power to remove difficulties.

24. Abolition of Tribunal, etc.

25. Repeal of Ordinance 12 of 1976 and saving.

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THE METAL CORPORATION (NATIONALISATION AND  
MISCELLANEOUS PROVISIONS) ACT, 1976

No. 100 OF 1976

[7th September, 1976]

An Act to provide for the taking over of the management of the undertaking of the Metal Corporation, after such undertaking is deemed to have been transferred to, and re-vested in, the said Corporation, and for the subsequent acquisition of the undertaking of the Metal Corporation for the purpose of enabling the Central Government, in the public interest, to exploit to the fullest extent possible, the zinc and lead deposits in and around Zawar area in the State of Rajasthan and to utilise those minerals in such manner as to subserve the common good, and for matters connected therewith or incidental thereto.

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

CHAPTER I  
PRELIMINARY

Short  
title  
and com-  
mence-  
ment.

1. (1) This Act may be called the Metal Corporation (Nationalisation and Miscellaneous Provisions) Act, 1976.

(2) Sections 20 and 21 shall come into force at once and the other provisions of this Act shall be deemed to have come into force on the 22nd day of October, 1965.



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

(a) "appointed day" means the 2nd day of August, 1976;

(b) "commencement of this Act" means the 22nd day of October, 1965;

1 of 1956.

(c) "Metal Corporation" means the Metal Corporation of India Limited, a company within the meaning of the Companies Act, 1956, and having its registered office at Calcutta;

67 of 1957

(d) "Mineral Concession Rules" means the Mineral Concession Rules, for the time being in force, made by the Central Government under the Mines and Minerals (Regulation and Development) Act, 1957;

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

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

1 of 1956

(g) words and expressions used in this Act and not defined but defined in the Companies Act, 1956, have the meanings respectively assigned to them in that Act.

3. For the purposes of this Act, the undertaking of the Metal Corporation shall be deemed to include all assets, rights, leaseholds (including mining leases, if any), powers, authorities and privileges and all property, movable and immovable, including lands, buildings, works, mines, workshops, projects, smelters, refineries, stores, instruments, machinery, locomotives, automobiles and other vehicles, mined or extracted zinc or lead ores, concentrates and metals, in process or in stock or in transit, cash balances, cash in hand, reserve fund, investments and book debts and all other rights and interests in, or arising out of, such property as were immediately before the date of commencement of this Act in the ownership, possession, power or control of the Metal Corporation, whether within or without India, and all books of account, registers, maps, sections, drawings, records of survey and all other documents of whatever nature relating thereto; and shall also be deemed to include all borrowings, liabilities and obligations of whatever kind of the Metal Corporation in relation to its undertaking.

"Under-  
taking"  
—mean-  
ing of.

## CHAPTER II

### TAKING OVER OF MANAGEMENT OF THE UNDERTAKING OF THE METAL CORPORATION

36 of 1966.

4. (1) On the commencement of this Act, the Metal Corporation of India (Acquisition of Undertaking) Act, 1966, shall stand repealed, and on such repeal, the undertaking of the Metal Corporation, which had been transferred to, and vested in, the Central Government by virtue of the provisions of section 3 of the Act so repealed, and the undertaking of the Metal Corporation together with all its properties, assets, liabilities and obligations specified in sub-section (1) of section 4 of that Act and such other properties, assets, liabilities and obligations, acquired or incurred, for the purposes of its undertaking, after the 22nd day of October, 1965, which stood, by virtue of the provisions of section 12 of the said Act, transferred to, and vested in, the Government company formed in pursuance of the provisions of section 12 of the Act aforesaid shall, by virtue of the provisions of this Act, be deemed to have been retransferred to, and re-vested in, the Metal Corporation, and,

Taking  
over of  
manage-  
ment of  
the under-  
taking of  
the  
Metal  
Corpora-  
tion.

immediately thereafter, the management of the undertaking of the Metal Corporation shall be deemed to have been transferred to, and vested in, the Central Government.

(2) Any contract, whether express or implied, or other arrangement, in so far as it relates to the management of the business and affairs of the undertaking of the Metal Corporation, and in force immediately before the commencement of this Act, shall be deemed to have terminated on such commencement.

(3) All persons in charge of the management, including persons holding offices as directors, managers or in any other managerial capacity specified in section 197A of the Companies Act, 1956, of the Metal Corporation immediately before the commencement of this Act, shall be deemed to have vacated their offices as such on such commencement.

1 of 1956

(4) Notwithstanding anything contained in any other law for the time being in force, no person in respect of whom any contract of management or other arrangement is terminated by reason of the provisions of sub-section (2) or who ceases to hold office by reason of the provisions contained in sub-section (3), shall be entitled to claim any compensation for the premature termination of the contract of management or other arrangement or for the loss of office, as the case may be.

Appoint-  
ment of  
Adminis-  
trator to  
take  
over the  
manage-  
ment  
of the  
under-  
taking.

5. (1) The Central Government may, as soon as it is convenient administratively so to do, appoint, with effect from such earlier or later date (not being a date earlier than the commencement of this Act), any person or body of persons (including a Government company, whether in existence at the commencement of this Act or incorporated thereafter) as the Administrator of the undertaking of the Metal Corporation and the Administrator so appointed shall carry on the management of such undertaking for and on behalf of the Central Government.

(2) On the appointment of the Administrator under sub-section (1), the management of the undertaking of the Metal Corporation shall vest in such Administrator and all persons in charge of the management of such undertaking immediately before such appointment shall cease to be in charge of such management and shall be bound to deliver to the Administrator all assets, books of account, registers and other documents in their custody relating to the undertaking of the Metal Corporation.

(3) The Central Government may issue such directions (including instructions as to initiating, defending or continuing any legal proceedings before any court, tribunal or other authority) to the Administrator as to his powers and duties as the Central Government may deem desirable and the Administrator may also apply to the Central Government at any time for instructions as to the manner in which the management of the undertaking of the Metal Corporation, or in relation to any other matter arising in the course of such management, shall be conducted.

(4) Where any property, the management of which has vested in the Central Government under section 4, is in the possession, custody or

control of any person, such person shall deliver the property to the Central Government forthwith.

(5) Any person who, at the commencement of this Act, has in his possession or under his control any books, papers or other documents relating to the undertaking of the Metal Corporation shall be liable to account for such books, papers and other documents to the Administrator and shall deliver them up to the Administrator or to such person as may be authorised by the Central Government or the Administrator in this behalf.

(6) The Metal Corporation shall, within such period as the Central Government may allow in this behalf, furnish to that Government a complete inventory of all the properties and assets (including particulars of book debts and investments and belongings) of the Metal Corporation at the commencement of this Act, all liabilities and obligations of the Metal Corporation subsisting at such commencement and also of all agreements entered into by the Metal Corporation and in force on such commencement, including agreements, whether express or implied, relating to leave, pension, gratuity and other terms of service of any officer or other employee of the Metal Corporation under which, by virtue of the provisions of this Act, the Central Government has, or will have, or may have, liabilities, and for this purpose, the Central Government shall afford the Metal Corporation all reasonable facilities.

(7) The Administrator shall hold office during the pleasure of the Central Government and shall receive, from the funds of the undertaking of the Metal Corporation such remuneration as may be fixed by the Central Government.

6. (1) Notwithstanding anything contained in the Companies Act 1956, or in the memorandum or articles of association of the Metal Corporation, so long as the management of the undertaking of the Metal Corporation remains vested in the Central Government,—

Applica-  
tion of  
Act 1 of  
1956.

(a) it shall not be lawful for the shareholders of the Metal Corporation or any other person to nominate or appoint any person to be a director of the Metal Corporation;

(b) no resolution passed at any meeting of the shareholders of the Metal Corporation on or after the commencement of this Act shall be given effect to unless approved by the Central Government;

(c) no proceeding for the winding up of the Metal Corporation or for the appointment of liquidator or receiver in respect of the undertaking thereof shall lie in any court except with the consent of the Central Government.

(2) Subject to the provisions contained in sub-section (1), and to the other provisions contained in this Act and subject to such other exceptions, restrictions and limitations, if any, as the Central Government may, by notification, specify in this behalf, the Companies Act, 1956, shall continue to apply to the Metal Corporation in the same manner as if applied thereto before the date of commencement of this Act.

## CHAPTER III

## ACQUISITION OF THE UNDERTAKING OF THE METAL CORPORATION

Vesting of the undertaking of the Metal Corporation in the Central Government.

7. (1) On the appointed day, the undertaking of the Metal Corporation, and the right, title and interest of the Metal Corporation in relation to its undertaking, shall stand transferred to, and shall vest absolutely in, the Central Government.

(2) Subject to the other provisions contained in this Act, all property included in the undertaking of the Metal Corporation which has vested in the Central Government under sub-section (1) shall, by force of such vesting, be freed and discharged from any trusts, obligations, mortgages, charges, liens and other incumbrances affecting it, and any attachment, injunction or any decree or order of a court, tribunal or other authority restricting the use of such property in any manner shall be deemed to have been withdrawn.

*Explanation.*—For the removal of doubts, it is hereby declared that the mortgagee of any property included in the undertaking of the Metal Corporation, or any other person holding any charge, lien or other interest in, or in relation to, any such property, shall be entitled to claim, in accordance with his rights and interests, payment of the mortgage money or other dues, in whole or in part, from the Central Government but no such mortgage, charge, lien or other interest shall be enforceable against any property which has vested in the Central Government.

(3) Subject to the other provisions contained in this Act, all contracts and working arrangements which are subsisting immediately before the appointed day and affecting the Metal Corporation shall, in so far as they relate to the undertaking of the Metal Corporation, cease to have effect or be enforceable against the Metal Corporation or any person who was surety or had guaranteed the performance thereof and shall be of as full force and effect against or in favour of the Central Government and enforceable as fully and effectually as if, instead of the Metal Corporation, the Central Government had been named therein or had been a party thereto.

(4) Subject to the other provisions contained in this Act, any proceeding or cause of action pending or existing immediately before the appointed day by or against the Metal Corporation or the Central Government or the Government company referred to in section 12 of the Metal Corporation of India (Acquisition of Undertaking) Act, 1966, in relation to the undertaking of the Metal Corporation may, as from that day, be continued and enforced by or against the Central Government or the Government company referred to in section 9, as it might have been enforced by or against the Metal Corporation, the Central Government or the Government company, as the case may be, if this Act had not been enacted, and shall cease to be enforceable by or against the Metal Corporation, its surety or guarantor.

36 of 1966

Central Government to be the lessee of the State Government.

8. (1) Where the right of the Metal Corporation under any mining lease granted, or deemed to have been granted to it by any State Government or any other person, vest in the Central Government under section 7, the Central Government shall, on and from the date of such vesting, be deemed to have become the lessee of such State Government or such other person, as the case may be, in relation to such mine, as if a mining lease in respect of such mine had been granted to the Central Government, and the period of such lease shall be the entire period for

which such lease could have been granted by the State Government or such other person under the Mineral Concession Rules, and, thereupon all the rights under such mining lease, including surface, underground and other rights granted to the lessee shall be deemed to have been transferred to, and vested in, the Central Government.

(2) On the expiry of the term of any lease referred to in sub-section (1), such lease shall, if so desired by the Central Government, be renewed by the State Government or other person on the same terms and conditions on which such lease was held immediately before the appointed day by the Metal Corporation, for the maximum period for which such lease could be renewed under the Mineral Concession Rules.

9. (1) Notwithstanding anything contained in section 7, the Central Government may, if it is satisfied that a Government company is willing to comply, or has complied, with such terms and conditions as that Government may think fit to impose, direct, by an order in writing, that the undertaking of the Metal Corporation and the right, title and interest of the Metal Corporation in relation to such undertaking shall, instead of continuing to vest in the Central Government, vest in the Government company either on the date of publication of the direction or on such earlier or later date (not being a date earlier than the appointed day, as may be specified in the direction.

Power of Central Government to direct vesting of the undertaking of the Metal Corporation in a Government company.

(2) Where the right, title and interest of the Metal Corporation in relation to its undertaking vest in a Government company under sub-section (1), the Government company shall, on and from the date of such vesting, be deemed to have become the lessee in relation to the mines of which the Metal Corporation was the lessee as if a mining lease in respect of such mines had been granted to the Government company, and the period of such lease shall be the entire period for which such lease could have been granted under the Mineral Concession Rules; and all the rights and liabilities of the Central Government in relation to such mines shall, on and from the date of such vesting, be deemed to have become the rights and liabilities, respectively, of the Government company.

(3) The provisions of sub-section (2) of section 8 shall apply to a lease which vests in a Government company as they apply to a lease which has vested in the Central Government and any reference therein to the Central Government shall be construed as a reference to the Government company.

(4) Any reference hereafter in this Act to the Government company shall be construed as a reference to the Government company which is appointed as the Administrator under sub-section (1) of section 5, or, as the case may be, the Government company referred to in the direction made under sub-section (1).

#### CHAPTER IV

##### PAYMENT OF AMOUNTS

10. For the deprivation of the Metal Corporation of the management of its undertaking, there shall be given, in cash, to the Metal Corporation by the Central Government, an amount, calculated at the rate of rupees eleven lakhs and thirty-nine thousand per annum, for the period commencing on the 22nd day of October, 1965, and ending on the appointed day.

Payment of amount for deprivation of management.

Payment of amount for acquisition of the undertaking.

11. For the transfer to, and vesting in, the Central Government, under section 7, of the right, title and interest of the Metal Corporation in relation to its undertaking, there shall be given, in cash, by the Central Government to the Metal Corporation, an amount of rupees one crore and ninety-eight lakhs.

Time of payment.

12. (1) The amount determined under section 10, and the amount payable under section 11, shall be given by the Central Government to the Metal Corporation before the expiry of a period of three months from the appointed day (hereafter referred to as the specified period).

(2) The amount referred to in sub-section (1) shall, if not paid before the expiry of the specified period, carry simple interest at the rate of four per cent. per annum, for the period commencing on the date of expiry of the specified period and ending on the date on which payment of such amount is made by the Central Government to the Metal Corporation:

Provided that no interest shall run from the date on which the amount is tendered to the Metal Corporation if the amount so tendered is not accepted by it.

#### CHAPTER V

##### MANAGEMENT, ETC., OF THE UNDERTAKING OF THE METAL CORPORATION

Management, etc., of the undertaking.

13. The general superintendence, direction, control and management of the affairs and business of the undertaking of the Metal Corporation, the right, title and interest in relation to which have vested in the Central Government under section 7, shall vest in the Government company specified in the direction made under sub-section (1) of section 9, and, thereupon the Government company shall be entitled to exercise all such powers and do all such things as the Metal Corporation is authorised to exercise and do in relation to its undertaking.

#### CHAPTER VI

##### PROVISIONS RELATING TO EMPLOYEES OF THE METAL CORPORATION

Provisions relating to employees.

14. (1) Every officer or other employee of the Metal Corporation (except a director or any managerial personnel specified in section 197A of the Companies Act, 1956, or any other person entitled to manage the whole or a substantial part of the business of the Metal Corporation under a special agreement) in the employment of the Metal Corporation immediately before the commencement of this Act shall, in so far as such employee is employed in connection with the affairs of the undertaking of the Metal Corporation, become, as from such commencement, an officer or other employee, as the case may be, of the Central Government or the Government company and shall hold office by the same tenure and 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 under the Metal Corporation if this Act had not been enacted and shall continue to do so until his employment under the Central Government or the Government company is duly terminated or until his remuneration, terms and conditions are duly altered by the Central Government or the Government company:

Provided that if the alteration so made is not acceptable to any such officer or other employee, his employment shall be terminated by the

Central Government or the Government company on payment of an amount equivalent to—

- (a) three months' remuneration, in the case of permanent employees, and
- (b) one month's remuneration, in the case of other employees:

Provided further that nothing in this section shall apply to any officer or other employee who has, within thirty days next following the commencement of this Act, by notice in writing to the Central Government or the Government company, as the case may be, intimated his intention of not becoming an officer or other employee of the Central Government or the Government company.

14 of 1947.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947, or in any other law for the time being in force, the transfer of the services of any officer or other employee of the Metal Corporation to the Central Government or the Government company 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 authorities.

15. (1) Where the Metal Corporation has established a provident, superannuation, welfare or other fund for the benefit of the persons employed in its undertaking, the monies relatable to the officers or other employees whose services have become transferred by or under this Act to the Central Government or the Government company, shall, out of the monies standing, on the appointed day, to the credit of such provident, superannuation, welfare or other fund, stand transferred to, and vested in, the Central Government or the Government company, as the case may be.

Provident and other funds.

(2) The monies which stand transferred, under sub-section (1), to the Central Government or the Government company, as the case may be, shall be dealt with by that Government or Government company in such manner as may be prescribed.

## CHAPTER VII

### MISCELLANEOUS

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

Act to have overriding effect.

17. (1) If the Central Government is satisfied after such inquiry as it may think fit that any contract or agreement entered into at any time within three years immediately preceding the commencement of this Act between the Metal Corporation or the managing agents of Metal Corporation and any other person, in so far as such contract or agreement relates to the undertaking of the Metal Corporation, has been entered into in bad faith or is detrimental to the interests of the undertaking of the Metal Corporation, it may make an order cancelling (either unconditionally or subject to such conditions as it may think fit to impose) or

Contracts in bad faith may be cancelled or varied.

varying the contract or agreement, and thereafter the contract or agreement shall have effect accordingly:

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

(2) Any person aggrieved by an order made under sub-section (1) may make an application to the High Court at Delhi for the variation or reversal of such order and thereupon such court may confirm, modify or reverse such order.

Protection of action taken in good faith.

18. (1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any officer of that Government or the Administrator or the Government company or any officer or other person authorised by that Government or Government company for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or any of its officers or other employees or the Government company or any officer or other person authorised by that company for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

Delegation of powers.

19. (1) The Central Government may, by notification, direct that all or any of the powers exercisable by it under this Act, other than the power conferred by section 22, may also be exercised by such person or persons, as may be specified in the notification.

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

Penalties.

20. Any person who,—

(a) having in his possession, custody or control any property forming part of any undertaking of the Metal Corporation, wrongfully withholds such property from the Central Government or Government company; or

(b) wrongfully obtains possession of, or retains, any property forming part of the undertaking of the Metal Corporation or wilfully withholds or fails to furnish to the Central Government or the Government company or any person or body of persons specified by that Government or Government company, any document relating to such undertaking which may be in his possession, custody or control or fails to deliver to the Central Government or the Government company or any person or body of persons specified by that Government or Government company, any assets, books of accounts, registers or other documents in his possession, custody or control, relating to the undertaking of the Metal Corporation; or

(c) wrongfully removes or destroys any property forming part of any undertaking of the Metal Corporation or prefers any claim



under this Act which he knows or has reasonable cause to believe to be false or grossly inaccurate,

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

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

Offences  
by com-  
panies

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

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

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

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

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

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

Power  
to make  
rules.

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

(a) the manner in which the monies in any provident or other fund referred to in sub-section (2) of section 15 shall be dealt with;

(b) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act, shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form

to be made  
by both  
Houses

or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to  
remove  
difficul-  
ties

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

Provided that no such order shall be made after the expiry of a period of two years from the date on which this Act receives the assent of the President.

Abolition  
of Tribu-  
nal, etc.

24. (1) On the commencement of this Act, the Tribunal constituted under sub-section (1) of section 11 of the Metal Corporation of India (Acquisition of Undertaking) Act, 1966, shall stand abolished and every proceeding pending before it, every order made by it and every appeal or application against any such order, shall stand abated, and, on such abatement, the Central Government shall take charge of all records of proceedings, applications, memoranda, registers and other documents maintained by, or in connection with any proceeding before, the Tribunal.

36 of 1966.

(2) On the commencement of this Act,—

(u) every suit, appeal or other proceeding of whatever nature in relation to the affairs or business of the undertaking of the Metal Corporation instituted before such commencement, and pending on such commencement shall not abate, be discontinued or be, in any way, prejudicially affected by reason of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted and enforced by or against the Metal Corporation and not against the Central Government or the Government company;

(b) every suit, appeal or other proceeding of whatever nature instituted after such commencement but before the appointed day, in relation to the affairs or business of the undertaking of the Metal Corporation, and pending on the appointed day, shall not abate, be discontinued or, in any way, be prejudicially affected by reason of anything contained in this Act, but such suit, appeal or other proceeding may be continued, prosecuted and enforced by or against the Central Government or the Government company.

(3) Anything done, any action taken or any contract entered into by the Central Government, Administrator or the Government company at any time during the period commencing on the 22nd day of October, 1965, and ending on the appointed day shall be deemed to have been done, taken or entered into by the Central Government or, as the case may be, the Government company in the due course of management of the undertaking of the Metal Corporation.

Repeal of  
Ordinance  
and saving

25. (1) The Metal Corporation (Nationalisation and Miscellaneous Provisions) Ordinance, 1976 is hereby repealed.

12 of 1976.

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

THE FIFTH SCHEDULE TO THE CONSTITUTION OF INDIA (AMENDMENT) ACT, 1976

No. 101 of 1976

[7th September, 1976.]

An Act further to amend the Fifth Schedule to the Constitution of India.

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

1. This Act may be called the Fifth Schedule to the Constitution (Amendment) Act, 1976.

2. In the Fifth Schedule to the Constitution, in paragraph 6, in sub-paragraph (2) —

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

“(aa) increase the area of any Scheduled Area in a State after consultation with the Governor of that State;”

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

“(d) rescind, in relation to any State or States, any order or orders made under this paragraph, and in consultation with the Governor of the State concerned, make fresh orders re-defining the areas which are to be Scheduled Areas;”.

Short title. Amendment of the Fifth Schedule

THE KERALA LEGISLATIVE ASSEMBLY (EXTENSION OF DURATION) SECOND AMENDMENT ACT, 1976

No. 102 OF 1976

[7th September, 1976.]

An Act to provide for the further extension of the duration of the present Legislative Assembly of the State of Kerala.

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

Short title.

1. This Act may be called the Kerala Legislative Assembly (Extension of Duration) Second Amendment Act, 1976.

Further extension of duration of the Kerala Legislative Assembly and amendment of Act 33 of 1975.

2. The period of five years [being the period for which the Legislative Assembly of a State may, under clause (1) of article 172 of the Constitution, continue from the date appointed for its first meeting] in relation to the Legislative Assembly of the State of Kerala, which was extended for a period of six months by the Kerala Legislative Assembly (Extension of Duration) Act, 1975 and for a further period of six months by the Kerala Legislative Assembly (Extension of Duration) Amendment Act, 1976, is hereby extended for a further period of six months and accordingly in section 2 of that Act, for the words "one year", wherever they occur, the words "eighteen months" shall be substituted.

46 of 1976.

THE CENTRAL SALES TAX (AMENDMENT) ACT, 1976

No. 103 OF 1976

[7th September, 1976]

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

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

1. This Act may be called the Central Sales Tax (Amendment) Act, 1976.

Short title.

74 of 1956.

2. In section 2 of the Central Sales Tax Act, 1956 (hereinafter referred to as the principal Act),—

Amendment of section 2.

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

‘(aa) “business” includes—

(i) any trade, commerce or manufacture, or any adventure or concern in the nature of trade, commerce or manufacture, whether or not such trade, commerce, manufacture, adventure or concern is carried on with a motive to make gain or profit and whether or not any gain or profit accrues from such trade, commerce, manufacture, adventure or concern; and

(ii) any transaction in connection with or incidental or ancillary to, such trade, commerce, manufacture, adventure or concern;

(ab) “crossing the customs frontiers of India” means crossing the limits of the area of a customs station in which imported goods or export goods are ordinarily kept before clearance by customs authorities.

Explanation.—For the purposes of this clause, “customs station” and “customs authorities” shall have the same meanings as in the Customs Act, 1962; ;

52 of 1962.

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

“(b) “dealer” means any person who carries on (whether regularly or otherwise) the business of buying, selling, supplying or distributing goods, directly or indirectly, for cash, or for

deferred payment, or for commission, remuneration or other valuable consideration, and includes—

(i) a local authority, a body corporate, a company, any co-operative society or other society, club, firm, Hindu undivided family or other association of persons which carries on such business;

(ii) a factor, broker, commission agent, *del credere* agent or any other mercantile agent, by whatever name called, and whether of the same description as hereinbefore mentioned or not, who carries on the business of buying, selling, supplying or distributing, goods belonging to any principal whether disclosed or not; and

(iii) an auctioneer who carries on the business of selling or auctioning goods belonging to any principal, whether disclosed or not and whether the offer of the intending purchaser is accepted by him or by the principal or a nominee of the principal.

**Explanation 1.**—Every person who acts as an agent, in any State, of a dealer residing outside that State and buys, sells, supplies, or distributes, goods in the State or acts on behalf of such dealer as—

(i) a mercantile agent as defined in the Sale of Goods Act, 1930, or

(ii) an agent for handling of goods or documents of title relating to goods, or

(iii) an agent for the collection or the payment of the sale price of goods or as a guarantor for such collection or payment,

and every local branch or office in a State of a firm registered outside that State or a company or other body corporate, the principal office or headquarters whereof is outside that State, shall be deemed to be a dealer for the purposes of this Act.

**Explanation 2.**—A Government which, whether or not in the course of business, buys, sells, supplies or distributes, goods, directly or otherwise, for cash or for deferred payment or for commission, remuneration or other valuable consideration, shall, except in relation to any sale, supply or distribution of surplus, un-serviceable or old stores or materials or waste products or obsolete or discarded machinery or parts or accessories thereof, be deemed to be a dealer for the purposes of this Act.

Amendment of section 5.

3. In section 5 of the principal Act, after sub-section (2), the following sub-section shall be inserted, and shall be deemed to have been inserted with effect from the 1st day of April, 1976, namely:—

“(3) Notwithstanding anything contained in sub-section (1), the last sale or purchase of any goods preceding the sale or purchase occasioning the export of those goods out of the territory of India shall also be deemed to be in the course of such export, if such last sale or purchase took place after, and was for the purpose of complying with, the agreement or order for or in relation to such export.”

4. In section 6 of the principal Act, in sub-section (1), the following proviso shall be inserted, and shall be deemed to have been inserted, with effect from the 1st day of April, 1976, namely:—

Amend-  
ment of  
section 6.

“Provided that a dealer shall not be liable to pay tax under this Act on any sale of goods which, in accordance with the provisions of sub-section (3) of section 5, is a sale in the course of export of those goods out of the territory of India.”.

5. In section 7 of the principal Act, for sub-section (3B), the following sub-sections shall be substituted, namely:—

Amend-  
ment of  
section 7.

“(3B) No dealer shall be required to furnish any security under sub-section (2A) or any security or additional security under sub-section (3A) unless he has been given an opportunity of being heard.

(3BB) The amount of security which a dealer may be required to furnish under sub-section (2A) or sub-section (3A) or the aggregate of the amount of such security and the amount of additional security which he may be required to furnish under sub-section (3A), by the authority referred to therein, shall not exceed—

(a) in the case of a dealer other than a dealer who has made an application, or who has been registered in pursuance of an application, under sub-section (2), a sum equal to the tax payable under this Act, in accordance with the estimate of such authority, on the turnover of such dealer for the year in which such security or, as the case may be, additional security is required to be furnished; and

(b) in the case of a dealer who has made an application, or who has been registered in pursuance of an application, under sub-section (2), a sum equal to the tax leviable under this Act, in accordance with the estimate of such authority on the sales to such dealer in the course of inter-State trade or commerce in the year in which such security or, as the case may be, additional security is required to be furnished, had such dealer been not registered under this Act.”.

6. In section 9 of the principal Act,—

Amend-  
ment of  
section 9.

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

“Provided that, in the case of a sale of goods during their movement from one State to another, being a sale subsequent to the first sale in respect of the same goods and being also a sale which does not fall within sub-section (2) of section 6, the tax shall be levied and collected—

(a) where such subsequent sale has been effected by a registered dealer, in the State from which the registered dealer obtained or, as the case may be, could have obtained, the form prescribed for the purposes of clause (a) of sub-section (4) of section 8 in connection with the purchase of such goods, and

(b) where such subsequent sale has been effected by an unregistered dealer, in the State from which such subsequent sale has been effected.”;

(b) in sub-section (2), before the words "compounding of offences", the words "charging or payment of interest," shall be inserted and shall be deemed always to have been inserted;

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

"(2A) All the provisions relating to offences and penalties (including provisions relating to penalties in lieu of prosecution for an offence or in addition to the penalties or punishment for an offence but excluding the provisions relating to matters provided for in sections 10 and 10A) of the general sales tax law of each State shall, with necessary modifications, apply in relation to the assessment, re-assessment, collection and the enforcement of payment of any tax required to be collected under this Act in such State or in relation to any process connected with such assessment, re-assessment, collection or enforcement of payment as if the tax under this Act were a tax under such sales tax law."

Amend-  
ment of  
section 14.

7. In section 14 of the principal Act,—

(a) clause (i) shall be re-numbered as clause (ia) and before clause (ia) as so re-numbered, the following clause shall be inserted, namely:—

"(i) cereals, that is to say,—

(i) paddy (*Oryza sativa* L.);

(ii) rice (*Oryza sativa* L.);

(iii) wheat (*Triticum vulgare*, *T. compactum*, *T. sphaerococcum*, *T. durum*, *T. aestivum* L., *T. dicoccum*);

(iv) jowar or milo (*Sorghum vulgare* Pers);

(v) bajra (*Pennisetum typhoideum* L.);

(vi) maize (*Zea mays* L.);

(vii) ragi (*Eleusine coracana* Gaertn.);

(viii) kodon (*Paspalum scrobiculatum* L.);

(ix) kutki (*Panicum miliare* L.);

(x) barley (*Hordeum vulgare* L.);"

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

"(iic) crude oil, that is to say, crude petroleum oils and crude oils obtained from bituminous minerals (such as shale, calcareous rock, sand), whatever their composition, whether obtained from normal or condensation oil-deposits or by the destructive distillation of bituminous minerals and whether or not subjected to all or any of the following processes:—

(1) decantation;

(2) de-salting;

(3) dehydration;

(4) stabilisation in order to normalise the vapour pressure;

(5) elimination of very light fractions with a view to returning them to the oil-deposits in order to improve the drainage and maintain the pressure;



(6) the addition of only those hydrocarbons previously recovered by physical methods during the course of the above-mentioned processes;

(7) any other minor process (including addition of pour point depressants or flow improvers) which does not change the essential character of the substance;"

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

“(via) pulses, that is to say,—

- (i) gram or gulab gram (*Cicerarietinum L.*);
- (ii) tur or arhar (*Cajanus cajan*);
- (iii) moong or green gram (*Phaseolus aureus*);
- (iv) masur or lentil (*Lens esculenta Moench, Lens culinaris Medic.*);
- (v) urad or black gram (*Phaseolus mungo*);
- (vi) moth (*Phaseolus aconitifolius Jacq.*);
- (vii) lakh or khesari (*Lathyrus sativus L.*);”

8. In section 15 of the principal Act, after clause (b), the following clauses shall be inserted, namely:—

Amend-  
ment of  
section 15.

“(c) where a tax has been levied under that law in respect of the sale or purchase inside the State of any paddy referred to in sub-clause (i) of clause (i) of section 14, the tax leviable on rice procured out of such paddy shall be reduced by the amount of tax levied on such paddy;

(d) each of the pulses referred to in clause (via) of section 14, whether whole or separated, and whether with or without husk, shall be treated as a single commodity for the purposes of levy of tax under that law.”

9. (1) The provisions of section 9 of the principal Act shall have effect, and shall be deemed always to have had effect, in relation to the period commencing on the 5th day of January, 1957, and ending with the date immediately preceding the date of commencement of this Act as if that section also provided—

Valida-  
tion.

(a) that all the provisions relating to penalties (including provisions relating to penalties in lieu of prosecution for an offence or in addition to the penalties or punishment on conviction for an offence but excluding the provisions relating to matters provided for in sections 10 and 10A of the principal Act and the provisions relating to offences) of the general sales tax law of each State shall, with necessary modifications, apply in relation to—

(i) the assessment, re-assessment, collection and enforcement of payment of any tax required to be collected under the principal Act in such State; and

(ii) any process connected with such assessment, re-assessment, collection or enforcement of payment; and

(b) that for the purpose of the application of the provisions of such law, the tax under the principal Act shall be deemed to be tax under such law.

(2) Notwithstanding anything contained in any judgment, decree or order of any court or tribunal or other authority, all penalties under the general sales tax law of any State imposed or purporting to have been imposed in pursuance of the provisions of section 9 of the principal Act, and all proceedings, acts or things taken or done for the purpose of, or in relation to, the imposition or collection of such penalties, before the commencement of this Act shall, for all purposes, be deemed to be and to have always been imposed, taken or done as validly and effectively as if the provisions of sub-section (1) had been in force when such penalties were imposed or proceedings or acts or things were taken or done and, accordingly,—

(a) no suit or other proceedings shall be maintained or continued in or before any court or any tribunal or other authority for the refund of any amount received or realised by way of such penalty;

(b) no court, tribunal or other authority shall enforce any decree or order directing the refund of any amount received or realised by way of such penalty;

(c) where any amount which had been received or realised by way of such penalty had been refunded before the commencement of this Act and such refund would not have been allowed if the provisions of sub-section (1) had been in force on the date on which the order for such refund was passed, the amount so refunded may be recovered as an arrear of tax under the principal Act;

(d) any proceeding, act or thing which could have been validly taken, continued or done for the imposition of such penalty at any time before the commencement of this Act if the provisions of sub-section (1) had then been in force but which had not been taken, continued or done, may after such commencement be taken, continued or done.

(3) Nothing in sub-section (2) shall be construed as preventing any person,—

(a) from questioning the imposition or collection of any penalty or any proceedings, act or thing in connection therewith; or

(b) from claiming any refund.

in accordance with the provisions of the principal Act read with sub-section (1).

*Explanation.*—In computing the period of limitation, if any, for questioning as provided in clause (a) or for claiming as provided in clause (b), the period commencing on the 27th day of February, 1975 and ending with the date of commencement of this Act shall be excluded.

(4) Any interest charged or paid or purporting to have been charged or paid, and any proceeding, act or thing taken or done or purporting to have been taken or done for charging or paying any interest, under the provisions of the general sales tax law of any State read with section 9 of the principal Act, before the commencement of this Act, shall be deemed to be and to have always been as validly charged, paid, taken or done as if the amendment made by clause (b) of section 6 had been in force when such interest was charged or paid or when such proceeding, act or thing was taken or done.

*Explanation.*—For the purposes of this section, "general sales tax law" shall have the same meaning as in the principal Act.

THE CODE OF CIVIL PROCEDURE (AMENDMENT)  
ACT, 1976

No. 104 OF 1976

[9th September, 1976.]

An Act further to amend the Code of Civil Procedure, 1908, and the  
Limitation Act, 1963.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Code of Civil Procedure (Amend-  
ment) Act, 1976.

Short  
title and  
commen-  
cement.

(2) It shall come into force on such date as the Central Government  
may, by notification in the Official Gazette, appoint, and different dates  
may be appointed for different provisions of this Act, and any reference  
in any provision to the commencement of this Act or to the commencement  
of the Code of Civil Procedure (Amendment) Act, 1976, as the case may  
be, shall be construed as a reference to the coming into force of that  
provision.

## CHAPTER II

## AMENDMENT OF THE SECTIONS

Amendment of section 1.

2. In the Code of Civil Procedure, 1908 (hereinafter referred to as the principal Act), in section 1, for sub-section (3), the following sub-sections shall be substituted, namely:—

5 of 1908

'(3) It extends to the whole of India except—

- (a) the State of Jammu and Kashmir;
- (b) the State of Nagaland and the tribal areas:

Provided that the State Government concerned may, by notification in the Official Gazette, extend the provisions of this Code or any of them to the whole or part of the State of Nagaland or such tribal areas, as the case may be, with such supplemental, incidental or consequential modifications as may be specified in the notification.

*Explanation.*—In this clause, "tribal areas" means the territories which, immediately before the 21st day of January, 1972, were included in the tribal areas of Assam as referred to in paragraph 20 of the Sixth Schedule to the Constitution.

(4) In relation to the Amindivi Islands, and the East Godavari, West Godavari and Visakhapatnam Agencies in the State of Andhra Pradesh and the Union territory of Lakshadweep, the application of this Code shall be without prejudice to the application of any rule or regulation for the time being in force in such Islands, Agencies or such Union territory, as the case may be, relating to the application of this Code.

Amendment of section 2.

3. In section 2 of the principal Act,—

(i) in clause (2), the words and figures "section 47 or" shall be omitted;

(ii) in clause (17), in sub-clause (b), for the words "the Indian Civil Service", the words "an All-India Service" shall be substituted.

Amendment of section 8.

4. In section 8 of the principal Act, for the figures and words "77 and 155 to 158", the figures and word "77, 157 and 158" shall be substituted.

Amendment of section 9.

5. In section 9 of the principal Act, the *Explanation* shall be numbered as *Explanation I*, and after *Explanation I* as so numbered, the following *Explanation* shall be inserted, namely:—

*Explanation II.*—For the purposes of this section, it is immaterial whether or not any fees are attached to the office referred to in *Explanation I* or whether or not such office is attached to a particular place."

Amendment of section 11.

6. In section 11 of the principal Act, after *Explanation VI*, the following *Explanations* shall be inserted, namely:—

*Explanation VII.*—The provisions of this section shall apply to a proceeding for the execution of a decree and references in this section to any suit, issue or former suit shall be construed as references, respectively, to a proceeding for the execution of the decree, question

arising in such proceeding and a former proceeding for the execution of that decree.

*Explanation VIII.*—An issue heard and finally decided by a Court of limited jurisdiction, competent to decide such issue, shall operate as *res judicata* in a subsequent suit, notwithstanding that such Court of limited jurisdiction was not competent to try such subsequent suit or the suit in which such issue has been subsequently raised.”

7. In section 20 of the principal Act,—

(i) *Explanation I* shall be omitted, and

(ii) for the word and figures “*Explanation II*”, the word “*Explanation*” shall be substituted.

Amendment of section 20.

8. Section 21 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-sections shall be inserted, namely:—

Amendment of section 21.

“(2) No objection as to the competence of a Court with reference to the pecuniary limits of its jurisdiction shall be allowed by any Appellate or Revisional Court unless such objection was taken in the Court of first instance at the earliest possible opportunity, and, in all cases where issues are settled, at or before such settlement, and unless there has been a consequent failure of justice.

(3) No objection as to the competence of the executing Court with reference to the local limits of its jurisdiction shall be allowed by any Appellate or Revisional Court unless such objection was taken in the executing Court at the earliest possible opportunity, and unless there has been a consequent failure of justice.”

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

Insertion of new section 21A

21A. No suit shall lie challenging the validity of a decree passed in a former suit between the same parties, or between the parties under whom they or any of them claim, litigating under the same title, on any ground based on an objection as to the place of suing.

Bar on suit to set aside decree on objection as to place of suing.

*Explanation.*—The expression “former suit” means a suit which has been decided prior to the decision in the suit in which the validity of the decree is questioned, whether or not the previously decided suit was instituted prior to the suit in which the validity of such decree is questioned.”

10. In section 24 of the principal Act,—

Amendment of section 24.

(i) in sub-section (2), for the words “thereafter tries such suit”, the words “is thereafter to try or dispose of such suit or proceeding” shall be substituted;

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

(3) For the purposes of this section,—

(a) Courts of Additional and Assistant Judges shall be deemed to be subordinate to the District Court;

(b) "proceeding" includes a proceeding for the execution of a decree or order.;

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

"(5) A suit or proceeding may be transferred under this section from a Court which has no jurisdiction to try it."

Substitution of new section for section 25.

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

Power of Supreme Court to transfer suits, etc.

"25. (1) On the application of a party, and after notice to the parties, and after hearing such of them as desire to be heard, the Supreme Court may, at any stage, if satisfied that an order under this section is expedient for the ends of justice, direct that any suit, appeal or other proceeding be transferred from a High Court or other Civil Court in one State to a High Court or other Civil Court in any other State.

(2) Every application under this section shall be made by a motion which shall be supported by an affidavit.

(3) The Court to which such suit, appeal or other proceeding is transferred shall, subject to any special directions in the order of transfer, either re-try it or proceed from the stage at which it was transferred to it.

(4) In dismissing any application under this section, the Supreme Court may, if it is of opinion that the application was frivolous or vexatious, order the applicant to pay by way of compensation to any person who has opposed the application such sum, not exceeding two thousand rupees, as it considers appropriate in the circumstances of the case.

(5) The law applicable to any suit, appeal or other proceeding transferred under this section shall be the law which the Court in which the suit, appeal or other proceeding was originally instituted is thought to have applied to such suit, appeal or proceeding."

Amendment of section 28.

12. In section 28 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Where the language of the summons sent for service in another State is different from the language of the record referred to in sub-section (2), a translation of the record,—

(a) in Hindi, where the language of the Court issuing the summons is Hindi, or

(b) in Hindi or English where the language of such record is other than Hindi or English,

shall also be sent together with the record sent under that sub-section."

13. To sub-section (1) of section 34 of the principal Act, the following proviso and *Explanations* shall be added, namely:—

Amendment of section 34

'Provided that where the liability in relation to the sum so adjudged had arisen out of a commercial transaction, the rate of such further interest may exceed six per cent. per annum, but shall not exceed the contractual rate of interest or where there is no contractual rate, the rate at which moneys are lent or advanced by nationalised banks in relation to commercial transactions.

*Explanation I.*—In this sub-section, "nationalised bank" means a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970.

5 of 1970.

*Explanation II.*—For the purposes of this section, a transaction is a commercial transaction, if it is connected with the industry, trade or business of the party incurring the liability.'

14. In section 35A of the principal Act,—

Amendment of section 35A.

(i) in sub-section (1), for the words "excluding an appeal", the words "excluding an appeal or a revision" shall be substituted;

(ii) in sub-section (2), for the words "one thousand rupees", the words "three thousand rupees" shall be substituted.

15. After section 35A of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 35B.

"35B. (1) If, on any date fixed for the hearing of a suit or for taking any step therein, a party to the suit—

Costs for causing delay.

(a) fails to take the step which he was required by or under this Code to take on that date, or

(b) obtains an adjournment for taking such step or for producing evidence or on any other ground,

the Court may, for reasons to be recorded, make an order requiring such party to pay to the other party such costs as would, in the opinion of the Court, be reasonably sufficient to reimburse the other party in respect of the expenses incurred by him in attending the Court on that date, and payment of such costs, on the date next following the date of such order, shall be a condition precedent to the further prosecution of—

(a) the suit by the plaintiff, where the plaintiff was ordered to pay such costs,

(b) the defence by the defendant, where the defendant was ordered to pay such costs.

*Explanation.*—Where separate defences have been raised by the defendants or groups of defendants, payment of such costs shall be a condition precedent to the further prosecution of the defence by such defendants or groups of defendants as have been ordered by the Court to pay such costs.

(2) The costs, ordered to be paid under sub-section (1), shall not, if paid, be included in the costs awarded in the decree passed in the suit; but, if such costs are not paid, a separate order shall be drawn up indicating the amount of such costs and the names and addresses of the persons by whom such costs are payable and the order so drawn up shall be executable against such persons.”.

Substitution of new section for section 36.

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

Application to orders.

“36. The provisions of this Code relating to the execution of decrees (including provisions relating to payment under a decree) shall, so far as they are applicable, be deemed to apply to the execution of orders (including payment under an order).”.

Amendment of section 37.

17. In section 37 of the principal Act, the following *Explanation* shall be inserted at the end, namely:—

“*Explanation.*—The Court of first instance does not cease to have jurisdiction to execute a decree merely on the ground that after the institution of the suit wherein the decree was passed or after the passing of the decree, any area has been transferred from the jurisdiction of that Court to the jurisdiction of any other Court; but, in every such case, such other Court shall also have jurisdiction to execute the decree, if at the time of making the application for execution of the decree it would have jurisdiction to try the said suit.”.

Amendment of section 39.

18. In section 39 of the principal Act,—

(i) in sub-section (1), after the words “to another Court”, the words “of competent jurisdiction” shall be inserted;

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

“(3) For the purposes of this section, a Court shall be deemed to be a Court of competent jurisdiction if, at the time of making the application for the transfer of decree to it, such Court would have jurisdiction to try the suit in which such decree was passed.”.

Amendment of section 42.

19. Section 42 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-sections shall be inserted, namely:—

“(2) Without prejudice to the generality of the provisions of sub-section (1), the powers of the Court under that sub-section shall include the following powers of the Court which passed the decree, namely:—

(a) power to send the decree for execution to another Court under section 39;

(b) power to execute the decree against the legal representative of the deceased judgment-debtor under section 50;

(c) power to order attachment of a decree.



(3) A Court passing an order in exercise of the powers specified in sub-section (2) shall send a copy thereof to the Court which passed the decree.

(4) Nothing in this section shall be deemed to confer on the Court to which a decree is sent for execution any of the following powers, namely:—

(a) power to order execution at the instance of the transferee of the decree;

(b) in the case of a decree passed against a firm, power to grant leave to execute such decree against any person, other than such a person as is referred to in clause (b), or clause (c), of sub-rule (1) of rule 50 of Order XXI.”.

20. In section 47 of the principal Act,—

(i) sub-section (2) shall be omitted;

(ii) for the *Explanation*, the following *Explanations* shall be substituted, namely:—

“*Explanation I.*—For the purposes of this section, a plaintiff whose suit has been dismissed and a defendant against whom a suit has been dismissed are parties to the suit.

*Explanation II.*—(a) For the purposes of this section, a purchaser of property at a sale in execution of a decree shall be deemed to be a party to the suit in which the decree is passed; and

(b) all questions relating to the delivery of possession of such property to such purchaser or his representative shall be deemed to be questions relating to the execution, discharge or satisfaction of the decree within the meaning of this section.”.

21. In section 51 of the principal Act, in clause (c), the words and figures “for such period not exceeding the period specified in section 58, where arrest and detention is permissible under that section,” shall be inserted at the end.

22. In section 58 of the principal Act,—

(i) in sub-section (1),—

(a) in clause (a), for the words “fifty rupees, for a period of six months, and,” the words “one thousand rupees, for a period not exceeding three months, and,” shall be substituted;

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

“(b) where the decree is for the payment of a sum of money exceeding five hundred rupees, but not exceeding one thousand rupees, for a period not exceeding six weeks;”

(c) in the first proviso, for the words “said period of six months or six weeks, as the case may be,” the words “said period of detention” shall be substituted;

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

“(1A) For the removal of doubts, it is hereby declared that no order for detention of the judgment-debtor in civil prison in execution of a decree for the payment of money shall be made, where the total amount of the decree does not exceed five hundred rupees.”.

Amend-  
ment of  
section  
47.

Amend-  
ment of  
section 51.

Amend-  
ment of  
section  
58.

Amend-  
ment of  
section 60.

29. In section 60 of the principal Act,—

(i) in the proviso to sub-section (1),—

(a) in clause (c), for the words “an agriculturist”, the words “an agriculturist or a labourer or a domestic servant” shall be substituted;

(b) in clause (g), after the words “pensioners of the Government”, the words “or of a local authority or of any other employer” shall be inserted;

(c) in clause (i),—

(i) for the words “two hundred rupees and one-half the remainder”, the words “four hundred rupees and two-thirds of the remainder” shall be substituted;

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

“Provided that where any part of such portion of the salary as is liable to attachment has been under attachment, whether continuously or intermittently, for a total period of twenty-four months, such portion shall be exempt from attachment until the expiry of a further period of twelve months, and, where such attachment has been made in execution of one and the same decree, shall, after the attachment has continued for a total period of twenty-four months, be finally exempt from attachment in execution of that decree.”;

(d) for clause (j), the following clause shall be substituted, namely:—

“(j) the pay and allowances of persons to whom the Air Force Act, 1950, or the Army Act, 1950, or the Navy Act, 1957, applies;”;

45 of 1950.  
46 of 1950.  
62 of 1957.

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

“(ka) all deposits and other sums in or derived from any fund to which the Public Provident Fund Act, 1968, for the time being applies, in so far as they are declared by the said Act as not to be liable to attachment;

23 of 1968.

(kb) all moneys payable under a policy of insurance on the life of the judgment-debtor;

(kc) the interest of a lessee of a residential building to which the provisions of law for the time being in force relating to control of rents and accommodation apply;”

(f) for *Explanation I*, the following *Explanation* shall be substituted, namely:—

“*Explanation I*.—The moneys payable in relation to the matters mentioned in clauses (a), (h), (i), (ia), (j), (l) and (o) are exempt from attachment or sale, whether before or after they are actually payable, and, in the case of salary, the attachable portion thereof is liable to attachment, whether before or after it is actually payable.”;

(g) in *Explanation 2*, for the words, figure, brackets and letters "*Explanation 2.—In clauses (h) and (i)*", the words, figures, brackets and letters "*Explanation II.—In clauses (i) and (ia)*" shall be substituted;

(h) in *Explanation 3*, for the figure "3", the figures "III" shall be substituted;

(i) after *Explanation III* as so amended, the following *Explanations* shall be inserted, namely:—

*Explanation IV.—*For the purposes of this proviso, "wages" includes bonus, and "labourer" includes a skilled, unskilled or semi-skilled labourer.

*Explanation V.—*For the purposes of this proviso, the expression "agriculturist" means a person who cultivates land personally and who depends for his livelihood mainly on the income from agricultural land, whether as owner, tenant, partner or agricultural labourer.

*Explanation VI.—*For the purposes of *Explanation V*, an agriculturist shall be deemed to cultivate land personally, if he cultivates land—

(a) by his own labour, or

(b) by the labour of any member of his family, or

(c) by servants or labourers on wages payable in cash or in kind (not being as a share of the produce), or both;

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

"(1A) Notwithstanding anything contained in any other law for the time being in force, an agreement by which a person agrees to waive the benefit of any exemption under this section shall be void."

24. In section 63 of the principal Act, after sub-section (2), the following *Explanation* shall be inserted, namely:—

*Explanation.—*For the purposes of sub-section (2), "proceeding taken by a Court" does not include an order allowing, to a decree-holder who has purchased property at a sale held in execution of a decree, set off to the extent of the purchase price payable by him."

25. In section 66 of the principal Act, in sub-section (1), the following shall be inserted at the end, namely:—

"and in any suit by a person claiming title under a purchase so certified, the defendant shall not be allowed to plead that the purchase was made on his behalf or on behalf of someone through whom the defendant claims."

26. In section 75 of the principal Act, after clause (d), the following clauses shall be inserted, namely:—

(e) to hold a scientific, technical, or expert investigation;

(f) to conduct sale of property which is subject to speedy and natural decay and which is in the custody of the Court pending the determination of the suit;

Amend-  
ment of  
section 63.

Amend-  
ment of  
section 66.

Amend-  
ment of  
section 75.

(g) to perform any ministerial act;”.

Amend-  
ment of  
section 80.

27. Section 80 of the principal Act shall be re-numbered as sub-section (1) thereof, and—

(a) in sub-section (1) as so re-numbered, for the words “No suit shall be instituted”, the words, brackets and figure “Save as otherwise provided in sub-section (2), no suit shall be instituted” shall be substituted; and

(b) after sub-section (1) as so re-numbered, the following sub-sections shall be inserted, namely:—

“(2) A suit to obtain an urgent or immediate relief against the Government (including the Government of the State of Jammu and Kashmir) or any public officer in respect of any act purporting to be done by such public officer in his official capacity, may be instituted, with the leave of the Court, without serving any notice as required by sub-section (1); but the Court shall not grant relief in the suit, whether interim or otherwise, except after giving to the Government or public officer, as the case may be, a reasonable opportunity of showing cause in respect of the relief prayed for in the suit:

Provided that the Court shall, if it is satisfied, after hearing the parties, that no urgent or immediate relief need be granted in the suit, return the plaint for presentation to it after complying with the requirements of sub-section (1).

(3) No suit instituted against the Government or against a public officer in respect of any act purporting to be done by such public officer in his official capacity shall be dismissed merely by reason of any error or defect in the notice referred to in sub-section (1), if in such notice—

(a) the name, description and the residence of the plaintiff had been so given as to enable the appropriate authority or the public officer to identify the person serving the notice and such notice had been delivered or left at the office of the appropriate authority specified in sub-section (1), and

(b) the cause of action and the relief claimed by the plaintiff had been substantially indicated.”.

Amend-  
ment of  
section 82.

28. In section 82 of the principal Act,—

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

“(1) Where, in a suit by or against the Government or by or against a public officer in respect of any act purporting to be done by him in his official capacity, a decree is passed against the Union of India or a State or, as the case may be, the public officer, such decree shall not be executed except in accordance with the provisions of sub-section (2).”;

(ii) in sub-section (2), for the words "such report", the words "such decree" shall be substituted.

29. In section 86 of the principal Act,—

Amend-  
ment of  
section 86.

(i) in sub-section (1),—

(a) the words "Ruler of a" shall be omitted;

(b) in the proviso, for the words "a Ruler", the words "a foreign State" shall be substituted;

(ii) in sub-section (2),—

(a) for the words "the Ruler", wherever they occur, the words "the foreign State" shall be substituted;

(b) in clause (a), for the word "him", the word "it" shall be substituted;

(c) in clause (b), for the word "himself", the word "itself" shall be substituted;

(d) in clause (d), for the word "him", the word "it" shall be substituted;

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

"(3) Except with the consent of the Central Government, certified in writing by a Secretary to that Government, no decree shall be executed against the property of any foreign State.;"

(iv) in sub-section (4),—

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

"(a) any Ruler of a foreign State.;"

(b) in clause (c), for the words "or retinue of the Ruler, Ambassador", the words "of the foreign State or the staff or retinue of the Ambassador" shall be substituted;

(c) for the words "as they apply in relation to the Ruler of a foreign State", the words "as they apply in relation to a foreign State" shall be substituted;

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

"(5) The following persons shall not be arrested under this Code, namely:—

(a) any Ruler of a foreign State;

(b) any Ambassador or Envoy of a foreign State;

(c) any High Commissioner of a Commonwealth country;

(d) any such member of the staff of the foreign State or the staff or retinue of the Ruler, Ambassador or Envoy of a foreign State or of the High Commissioner of a Commonwealth country, as the Central Government may, by general or special order, specify in this behalf.

(6) Where a request is made to the Central Government for the grant of any consent referred to in sub-section (1), the Central Government shall, before refusing to accede to the request in whole or in part, give to the person making the request a reasonable opportunity of being heard."

Amend-  
ment of  
section 91.

30. In section 91 of the principal Act,—

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

"PUBLIC NUISANCES AND OTHER WRONGFUL ACTS AFFECTING THE PUBLIC";

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

"(1) In the case of a public nuisance or other wrongful act affecting, or likely to affect, the public, a suit for a declaration and injunction or for such other relief as may be appropriate in the circumstances of the case, may be instituted,—

(a) by the Advocate-General, or

(b) with the leave of the Court, by two or more persons, even though no special damage has been caused to such persons by reason of such public nuisance or other wrongful act."

Amend-  
ment of  
section 92.

31. In section 92 of the principal Act,—

(i) in sub-section (1), for the words "consent in writing of the Advocate-General," the words "leave of the Court," shall be substituted;

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

"(3) The Court may alter the original purposes of an express or constructive trust created for public purposes of a charitable or religious nature and allow the property or income of such trust or any portion thereof to be applied *cy pres* in one or more of the following circumstances, namely:—

(a) where the original purposes of the trust, in whole or in part,—

(i) have been, as far as may be, fulfilled; or

(ii) cannot be carried out at all, or cannot be carried out according to the directions given in the instrument creating the trust or, where there is no such instrument, according to the spirit of the trust; or

(b) where the original purposes of the trust provide a use for a part only of the property available by virtue of the trust; or

(c) where the property available by virtue of the trust and other property applicable for similar purposes can be more effectively used in conjunction with, and to that end can suitably be made applicable to any other purpose, regard being had to the spirit of the trust and its applicability to common purposes; or

(d) where the original purposes, in whole or in part, were laid down by reference to an area which then was, but has since ceased to be, a unit for such purposes; or

(e) where the original purposes, in whole or in part, have, since they were laid down,—

(i) been adequately provided for by other means, or

(ii) ceased, as being useless or harmful to the community, or

(iii) ceased to be, in law, charitable, or

(iv) ceased in any other way to provide a suitable and effective method of using the property available by virtue of the trust, regard being had to the spirit of the trust.”

32. In section 95 of the principal Act, in sub-section (1), for the words “expense or injury caused to him”, the words and brackets “expense or injury (including injury to reputation) caused to him” shall be substituted. Amendment of section 95.

33. In section 96 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:— Amendment of section 96.

“(4) No appeal shall lie, except on a question of law, from a decree in any suit of the nature cognisable by Courts of Small Causes, when the amount or value of the subject-matter of the original suit does not exceed three thousand rupees.”

34. In section 98 of the principal Act, in sub-section (2), in the proviso, for the words “composed of two Judges belonging to a Court consisting of more than two Judges”, the words “composed of two or other even number of Judges belonging to a Court consisting of more Judges than those constituting the Bench” shall be substituted. Amendment of section 98

35. In section 99 of the principal Act,—

(i) after the words “any misjoinder”, the words “or non-joinder” shall be inserted; Amendment of section 99.

(ii) the following proviso shall be added at the end, namely:—

“Provided that nothing in this section shall apply to non-joinder of a necessary party.”

Insertion of new section 99A.

36. After section 99 of the principal Act, the following section shall be inserted, namely:—

No order under section 47 to be reversed or modified unless decision of the case is prejudicially affected.

“99A. Without prejudice to the generality of the provisions of section 99, no order under section 47 shall be reversed or substantially varied, on account of any error, defect or irregularity in any proceeding relating to such order, unless such error, defect or irregularity has prejudicially affected the decision of the case.”

Substitution of new section for section 100.

37. For section 100 of the principal Act, the following section shall be substituted, namely:—

Second appeal.

-bncm A to item no 100

“100. (1) Save as otherwise expressly provided in the body of this Code or by any other law for the time being in force, an appeal shall lie to the High Court from every decree passed in appeal by any Court subordinate to the High Court, if the High Court is satisfied that the case involves a substantial question of law.

-bncm A to item no 100

(2) An appeal may lie under this section from an appellate decree passed *ex parte*.

(3) In an appeal under this section, the memorandum of appeal shall precisely state the substantial question of law involved in the appeal.

(4) Where the High Court is satisfied that a substantial question of law is involved in any case, it shall formulate that question.

-bncm A to item no 100

(5) The appeal shall be heard on the question so formulated and the respondent shall, at the hearing of the appeal, be allowed to argue that the case does not involve such question. Provided that nothing in this sub-section shall be deemed to take away or abridge the power of the Court to hear, for reasons to be recorded, the appeal on any other substantial question of law, not formulated by it, if it is satisfied that the case involves such question.”

Insertion of new section 100A.

38. After section 100 of the principal Act, the following section shall be inserted, namely:—



100A. Notwithstanding anything contained in any Letters Patent for any High Court or in any other instrument having the force of law or in any other law for the time being in force, where any appeal from an appellate decree or order is heard and decided by a single Judge of a High Court, no further appeal shall lie from the judgment, decision or order of such single Judge in such appeal or from any decree passed in such appeal."

No further appeal in certain cases.

39. In section 102 of the principal Act, for the words "one thousand rupees", the words "three thousand rupees" shall be substituted.

Amendment of section 102.

40. For section 103 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 103.

103. In any second appeal, the High Court may, if the evidence on the record is sufficient, determine any issue necessary for the disposal of the appeal,—

Power of High Court to determine issue of fact.

(a) which has not been determined by the lower Appellate Court or both by the Court of first instance and the lower Appellate Court, or

(b) which has been wrongly determined by such Court or Courts by reason of a decision on such question of law as is referred to in section 100."

41. In section 104 of the principal Act, in sub-section (1), after clause (ff), the following clause shall be inserted, namely:—

Amendment of section 104.

"(ffa) an order under section 91 or section 92 refusing leave to institute a suit of the nature referred to in section 91 or section 92, as the case may be;"

42. In section 105 of the principal Act, in sub-section (2), the words "made after the commencement of this Code" shall be omitted.

Amendment of section 105.

43. Section 115 of the principal Act shall be re-numbered as sub-section (1) thereof, and—

Amendment of section 115.

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

"Provided that the High Court shall not, under this section, vary or reverse any order made, or any order deciding an issue, in the course of a suit or other proceeding, except where—

(a) the order, if it had been made in favour of the party applying for revision, would have finally disposed of the suit or other proceeding, or

(b) the order, if allowed to stand, would occasion a failure of justice or cause irreparable injury to the party against whom it was made."

(b) after sub-section (1) as so re-numbered, the following sub-section and *Explanation* shall be inserted, namely:—

“(2) The High Court shall not, under this section, vary or reverse any decree or order against which an appeal lies either to the High Court or to any Court subordinate thereto.

*Explanation.*—In this section, the expression “any case which has been decided” includes any order made, or any order deciding an issue, in the course of a suit or other proceeding.”

44. In section 123 of the principal Act,—

(i) in sub-sections (3), (4) and (5), for the words “Chief Justice or Chief Judge”, wherever they occur, the words “High Court” shall, subject to such grammatical variations as may be necessary, be substituted;

(ii) in sub-section (3), the proviso shall be omitted.

Amendment of section 123.

Amendment of section 135A.

45. In section 135A of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) No person shall be liable to arrest or detention in prison under civil process—

(a) if he is a member of—

(i) either House of Parliament, or

(ii) the Legislative Assembly or Legislative Council of a State, or

(iii) a Legislative Assembly of a Union territory,

during the continuance of any meeting of such House of Parliament or, as the case may be, of the Legislative Assembly or the Legislative Council;

(b) if he is a member of any committee of—

(i) either House of Parliament, or

(ii) the Legislative Assembly of a State or Union territory, or

(iii) the Legislative Council of a State,

during the continuance of any meeting of such committee;

(c) if he is a member of—

(i) either House of Parliament, or

(ii) a Legislative Assembly or Legislative Council of a State having both such Houses,

during the continuance of a joint sitting, meeting, conference or joint committee of the Houses of Parliament or Houses of the State Legislature, as the case may be;

and during the forty days before and after such meeting, sitting or conference.”

46. In section 139 of the principal Act, after clause (a), the following clause shall be inserted, namely:—

Amend-  
ment of  
section  
139.

53 of 1952.

(aa) any notary appointed under the Notaries Act, 1952; or”.

47. In section 141 of the principal Act, the following *Explanation* shall be inserted, namely:—

Amend-  
ment of  
section  
141.

*Explanation.*—In this section, the expression “proceedings” includes proceedings under Order IX, but does not include any proceeding under article 226 of the Constitution.

48. In section 144 of the principal Act,—

Amend-  
ment of  
section  
144.

(i) in sub-section (1),—

(a) for the words “varied or reversed, the Court of first instance”, the words “varied or reversed in any appeal, revision or other proceeding or is set aside or modified in any suit instituted for the purpose, the Court which passed the decree or order” shall be substituted;

(b) for the words “such part thereof as has been varied or reversed”, the words “such part thereof as has been varied, reversed, set aside or modified” shall be substituted;

(c) for the words “consequential on such variation or reversal”, the words “consequential on such variation, reversal, setting aside or modification of the decree or order” shall be substituted;

(ii) in sub-section (1), the following *Explanation* shall be inserted, namely:—

*Explanation.*—For the purposes of sub-section (1), the expression “Court which passed the decree or order” shall be deemed to include,—

(a) where the decree or order has been varied or reversed in exercise of appellate or revisional jurisdiction, the Court of first instance;

(b) where the decree or order has been set aside by a separate suit, the Court of first instance which passed such decree or order;

(c) where the Court of first instance has ceased to exist or has ceased to have jurisdiction to execute it, the Court which, if the suit wherein the decree or order was passed were instituted at the time of making the application for restitution under this section, would have jurisdiction to try such suit.

49. In section 145 of the principal Act,—

Amend-  
ment of  
section  
145.

(i) for the words “has become liable as surety”, the words “has furnished security or given a guarantee” shall be substituted;

(ii) for the portion beginning with the words “the decree or order may be executed against him”, and ending with the words and

figures "within the meaning of section 47:", the following shall be substituted, namely:—

"the decree or order may be executed in the manner herein provided for the execution of decrees, namely:—

(i) if he has rendered himself personally liable, against him to that extent;

(ii) if he has furnished any property as security, by sale of such property to the extent of the security;

(iii) if the case falls both under clauses (i) and (ii), then to the extent specified in those clauses,

and such person shall be deemed to be a party within the meaning of section 47:".

Insertion  
of new  
section  
148A.

50. After section 148 of the principal Act, the following section shall be inserted, namely:—

Right to  
lodge a  
caveat.

"148A. (1) Where an application is expected to be made, or has been made, in a suit or proceeding instituted, or about to be instituted, in a Court, any person claiming a right to appear before the Court on the hearing of such application may lodge a caveat in respect thereof.

(2) Where a caveat has been lodged under sub-section (1), the person by whom the caveat has been lodged (hereinafter referred to as the caveator) shall serve a notice of the caveat by registered post, acknowledgment due, on the person by whom the application has been, or is expected to be, made, under sub-section (1).

(3) Where, after a caveat has been lodged under sub-section (1), any application is filed in any suit or proceeding, the Court shall serve a notice of the application on the caveator.

(4) Where a notice of any caveat has been served on the applicant, he shall forthwith furnish the caveator, at the caveator's expense, with a copy of the application made by him and also with copies of any paper or document which has been, or may be, filed by him in support of the application.

(5) Where a caveat has been lodged under sub-section (1), such caveat shall not remain in force after the expiry of ninety days from the date on which it was lodged unless the application referred to in sub-section (1) has been made before the expiry of the said period."

Insertion  
of new  
sections  
153A and  
153B.

51. After section 153 of the principal Act, the following sections shall be inserted, namely:—

153A. Where an Appellate Court dismisses an appeal under rule 11 of Order XLI, the power of the Court to amend, under section 152, the decree or order appealed against may be exercised by the Court which had passed the decree or order in the first instance, notwithstanding that the dismissal of the appeal has the effect of confirming the decree or order, as the case may be, passed by the Court of first instance.

Power to amend decree or order where appeal is summarily dismissed.

153B. The place in which any Civil Court is held for the purpose of trying any suit shall be deemed to be an open Court, to which the public generally may have access so far as the same can conveniently contain them:

Place of trial to be deemed to be open Court.

Provided that the presiding Judge may, if he thinks fit, order at any stage of any inquiry into or trial of any particular case, that the public generally, or any particular person, shall not have access to, or be or remain in, the room or building used by the Court."

CHAPTER III

AMENDMENT OF THE ORDERS

52. In the First Schedule to the principal Act (hereinafter referred to as the First Schedule), in Order I,—

Amendment of Order I.

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

"1. All persons may be joined in one suit as plaintiffs where—

Who may be joined as plaintiffs.

(a) any right to relief in respect of, or arising out of, the same act or transaction or series of acts or transactions is alleged to exist in such persons, whether jointly, severally or in the alternative; and

(b) if such persons brought separate suits, any common question of law or fact would arise.";

(ii) for rule 3, the following rule shall be substituted, namely:—

"3. All persons may be joined in one suit as defendants where—

Who may be joined as defendants.

(a) any right to relief in respect of, or arising out of, the same act or transaction or series of acts or transactions is alleged to exist against such persons, whether jointly, severally or in the alternative; and

(b) if separate suits were brought against such persons, any common question of law or fact would arise.";

(iii) after rule 3, the following rule shall be inserted, namely:—

"3A. Where it appears to the Court that any joinder of defendants may embarrass or delay the trial of the suit, the Court may order separate trials or make such other order as may be expedient in the interests of justice.";

Power to order separate trials where joinder of defendants may embarrass or delay trial.

(iv) for rule 8, the following rule shall be substituted, namely:—

One person may sue or defend on behalf of all in same interest.

“8. (1) Where there are numerous persons having the same interest in one suit,—

(a) one or more of such persons may, with the permission of the Court, sue or be sued, or may defend such suit, on behalf of, or for the benefit of, all persons so interested;

(b) the Court may direct that one or more of such persons may sue or be sued, or may defend such suit, on behalf of, or for the benefit of, all persons so interested.

(2) The Court shall, in every case where a permission or direction is given under sub-rule (1), at the plaintiff's expense, give notice of the institution of the suit to all persons so interested, either by personal service, or, where, by reason of the number of persons or any other cause, such service is not reasonably practicable, by public advertisement, as the Court in each case may direct.

(3) Any person on whose behalf, or for whose benefit, a suit is instituted, or defended, under sub-rule (1), may apply to the Court to be made a party to such suit.

(4) No part of the claim in any such suit shall be abandoned under sub-rule (1), and no such suit shall be withdrawn under sub-rule (3), of rule 1 of Order XXIII, and no agreement, compromise or satisfaction shall be recorded in any such suit under rule 3 of that Order, unless the Court has given, at the plaintiff's expense, notice to all persons so interested in the manner specified in sub-rule (2).

(5) Where any person suing or defending in any such suit does not proceed with due diligence in the suit or defence, the Court may substitute in his place any other person having the same interest in the suit.

(6) A decree passed in a suit under this rule shall be binding on all persons on whose behalf, or for whose benefit, the suit is instituted, or defended, as the case may be.

*Explanation.*—For the purpose of determining whether the persons who sue or are sued, or defend, have the same interest in one suit, it is not necessary to establish that such persons have the same cause of action as the persons on whose behalf, or for whose benefit, they sue or are sued, or defend the suit, as the case may be.”;

(v) after rule 8, the following rule shall be inserted, namely:—

Power of Court to permit a person or body of persons to present opinion or to take part in the proceedings.

“8A. While trying a suit, the Court may, if satisfied that a person or body of persons is interested in any question of law which is directly and substantially in issue in the suit and that it is necessary in the public interest to allow that person or body of persons to present his or its opinion on that question of law, permit that person or body of persons to present such opinion and to take such part in the proceedings of the suit as the Court may specify.”;

(vi) to rule 9, the following proviso shall be added, namely:—

“Provided that nothing in this rule shall apply to non-joinder of a necessary party.”;

(vii) after rule 10, the following rule shall be inserted, namely:—

“10A. The Court may, in its discretion, request any pleader to address it as to any interest which is likely to be affected by its decision on any matter in issue in any suit or proceeding, if the party having the interest which is likely to be so affected is not represented by any pleader.”;

Power of Court to request any pleader to address it.

(viii) in rule 11, for the words “the suit”, the words “a suit” shall be substituted.

53. In the First Schedule, in Order II, for rule 6, the following rule shall be substituted, namely:—

Amendment of Order II.

“6. Where it appears to the Court that the joinder of causes of action in one suit may embarrass or delay the trial or is otherwise inconvenient, the Court may order separate trials or make such other order as may be expedient in the interests of justice.”.

Power of Court to order separate trials.

54. In the First Schedule, in Order III,—

(i) in rule 4,—

Amendment of Order III.

(a) in sub-rule (2),—

(i) for the words “filed in Court and shall be”, the words, brackets and figure “filed in Court and shall, for the purposes of sub-rule (1), be” shall be substituted;

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

“Explanation—For the purposes of this sub-rule, the following shall be deemed to be proceedings in the suit,—

(a) an application for the review of decree or order in the suit,

(b) an application under section 144 or under section 152 of this Code, in relation to any decree or order made in the suit,

(c) an appeal from any decree or order in the suit, and

(d) any application or act for the purpose of obtaining copies of documents or return of documents produced or filed in the suit or of obtaining refund of moneys paid into the Court in connection with the suit.”;

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

“(3) Nothing in sub-rule (2) shall be construed—

(a) as extending, as between the pleader and his client, the duration for which the pleader is engaged, or

(b) as authorising service on the pleader of any notice or document issued by any Court other than the Court for which the pleader was engaged, except where such service was expressly agreed to by the client in the document referred to in sub-rule (1).”;

(ii) in rule 5, for the words “Any process served on the pleader of any party”, the words “Any process served on the pleader who has been duly appointed to act in Court for any party” shall be substituted;

(iii) in rule 6, after sub-rule (2), the following sub-rule shall be inserted, namely:—

“(3) The Court may, at any stage of the suit, order any party to the suit not having a recognised agent residing within the jurisdiction of the Court, or a pleader who has been duly appointed to act in the Court on his behalf, to appoint, within a specified time, an agent residing within the jurisdiction of the Court to accept service of the process on his behalf.”.

**Amend.  
ment of  
Order V.**

55. In the First Schedule, in Order V,—

(i) in rule 1, in sub-rule (1), after the proviso, the following further proviso shall be inserted, namely:—

“Provided further that where a summons has been issued, the Court may direct the defendant to file the written statement of his defence, if any, on the date of his appearance and cause an entry to be made to that effect in the summons.”;

(ii) for rule 15, the following rule shall be substituted, namely:—

“15. Where in any suit the defendant is absent from his residence at the time when the service of summons is sought to be effected on him at his residence and there is no likelihood of his being found at the residence within a reasonable time and he has no agent empowered to accept service of the summons on his behalf, service may be made on any adult member of the family, whether male or female, who is residing with him.

**Where  
service  
may be  
on an  
adult  
member  
of defen-  
dant's  
family.**

*Explanation.*—A servant is not a member of the family within the meaning of this rule.”;

(iii) in rule 17, after the words “or where the serving officer, after using all due and reasonable diligence, cannot find the defendant”, the words “who is absent from his residence at the time when service is sought to be effected on him at his residence and there is no likelihood of his being found at the residence within a reasonable time” shall be inserted;



(iv) after rule 19, the following rule shall be inserted, namely:—

“19A. (1) The Court shall, in addition to, and simultaneously with, the issue of summons for service in the manner provided in rules 9 to 19 (both inclusive), also direct the summons to be served by registered post, acknowledgment due, addressed to the defendant, or his agent empowered to accept the service, at the place where the defendant, or his agent, actually and voluntarily resides or carries on business or personally works for gain:

Simultaneous issue of summons for service by post in addition to personal service.

Provided that nothing in this sub-rule shall require the Court to issue a summons for service by registered post, where, in the circumstances of the case, the Court considers it unnecessary.

(2) When an acknowledgment purporting to be signed by the defendant or his agent is received by the Court or the postal article containing the summons is received back by the Court with an endorsement purporting to have been made by a postal employee to the effect that the defendant or his agent had refused to take delivery of the postal article containing the summons, when tendered to him, the Court issuing the summons shall declare that the summons had been duly served on the defendant:

Provided that where the summons was properly addressed, prepaid and duly sent by registered post, acknowledgment due, the declaration referred to in this sub-rule shall be made notwithstanding the fact that the acknowledgment having been lost or mislaid, or for any other reason, has not been received by the Court within thirty days from the date of the issue of the summons.”;

(v) in rule 20, after sub-rule (1), the following sub-rule shall be inserted, namely:—

“(1A) Where the Court acting under sub-rule (1) orders service by an advertisement in a newspaper, the newspaper shall be a daily newspaper circulating in the locality in which the defendant is last known to have actually and voluntarily resided, carried on business or personally worked for gain.”;

(vi) rule 20A shall be omitted;

(vii) in rule 25,—

(a) in the first proviso, for the words “resides in Pakistan,” the words “resides in Bangladesh or Pakistan,” shall be substituted;

(b) in the second proviso, for the words and brackets “(in Pakistan (not belonging to the Pakistan military, naval or air forces))”, the words and brackets “(in Bangladesh or Pakistan (not belonging to the Bangladesh or, as the case may be, Pakistan military, naval or air forces))” shall be substituted;

(viii) for rule 26, the following rules shall be substituted, namely:—

Service  
in  
foreign  
territory  
through  
Political  
Agent or  
Court.

“26. Where—

(a) in the exercise of any foreign jurisdiction vested in the Central Government, a Political Agent has been appointed, or a Court has been established or continued, with power to serve a summons, issued by a Court under this Code, in any foreign territory in which the defendant actually and voluntarily resides, carries on business or personally works for gain, or

(b) the Central Government has, by notification in the Official Gazette, declared, in respect of any Court situate in any such territory and not established or continued in the exercise of any such jurisdiction as aforesaid, that service by such Court of any summons issued by a Court under this Code shall be deemed to be valid service,

the summons may be sent to such Political Agent or Court, by post, or otherwise, or if so directed by the Central Government, through the Ministry of that Government dealing with foreign affairs, or in such other manner as may be specified by the Central Government for the purpose of being served upon the defendant; and, if the Political Agent or Court returns the summons with an endorsement purporting to have been made by such Political Agent or by the Judge or other officer of the Court to the effect that the summons has been served on the defendant in the manner hereinbefore directed, such endorsement shall be deemed to be evidence of service.

Sum-  
monses  
to be  
sent to  
officers  
of  
foreign  
countries.

26A. Where the Central Government has, by notification in the Official Gazette, declared in respect of any foreign territory that summonses to be served on defendants actually and voluntarily residing or carrying on business or personally working for gain in that foreign territory may be sent to an officer of the Government of the foreign territory specified by the Central Government, the summonses may be sent to such officer, through the Ministry of the Government of India dealing with foreign affairs or in such other manner as may be specified by the Central Government; and if such officer returns any such summons with an endorsement purporting to have been made by him that the summons has been served on the defendant, such endorsement shall be deemed to be evidence of service.”

Amend-  
ment of  
Order VI.  
Plead-  
ing to  
state  
material  
facts  
and not  
evidence.

56. In the First Schedule, in Order VI,—

(i) for rule 2, the following rule shall be substituted, namely:—

“2. (1) Every pleading shall contain, and contain only, a statement in a concise form of the material facts on which the party pleading relies for his claim or defence, as the case may be, but not the evidence by which they are to be proved.

(2) Every pleading shall, when necessary, be divided into paragraphs, numbered consecutively, each allegation being, so far as is convenient, contained in a separate paragraph.

(3) Dates, sums and numbers shall be expressed in a pleading in figures as well as in words.”;

(ii) after rule 14, the following rule shall be inserted, namely:—

'14A. (1) Every pleading, when filed by a party, shall be accompanied by a statement in the prescribed form, signed as provided in rule 14, regarding the address of the party.

Address  
for  
service  
of notice.

(2) Such address may, from time to time, be changed by lodging in Court a form duly filled up and stating the new address of the party and accompanied by a verified petition.

(3) The address furnished in the statement made under sub-rule (1) shall be called the "registered address" of the party, and shall, until duly changed as aforesaid, be deemed to be the address of the party for the purpose of service of all processes in the suit or in any appeal from any decree or order therein made and for the purpose of execution, and shall hold good, subject as aforesaid, for a period of two years after the final determination of the cause or matter.

(4) Service of any process may be effected upon a party at his registered address in all respects as though such party resided thereat.

(5) Where the registered address of a party is discovered by the Court to be incomplete, false or fictitious, the Court may, either on its own motion, or on the application of any party, order—

(a) in the case where such registered address was furnished by a plaintiff, stay of the suit, or

(b) in the case where such registered address was furnished by a defendant, his defence be struck out and he be placed in the same position as if he had not put up any defence.

(6) Where a suit is stayed or a defence is struck out under sub-rule (5), the plaintiff or, as the case may be, the defendant may, after furnishing his true address, apply to the Court for an order to set aside the order of stay or, as the case may be, the order striking out the defence.

(7) The Court, if satisfied that the party was prevented by any sufficient cause from filing the true address at the proper time, shall set aside the order of stay or order striking out the defence, on such terms as to costs or otherwise as it thinks fit and shall appoint a day for proceeding with the suit or defence, as the case may be.

(8) Nothing in this rule shall prevent the Court from directing the service of a process at any other address, if, for any reason, it thinks fit to do so.

(iii) for rule 16, the following rule shall be substituted, namely:—

'16. The Court may at any stage of the proceedings order to be struck out or amended any matter in any pleading

Striking  
out plead-  
ings.

(a) which may be unnecessary, scandalous, frivolous or vexatious, or

(b) which may tend to prejudice, embarrass or delay the fair trial of the suit, or

(c) which is otherwise an abuse of the process of the Court.”.

Amend-  
ment of  
Order  
VII.

57. In the First Schedule, in Order VII,—

(i) in rule 2, for the words “the plaint shall state approximately the amount sued for”, the words “or for movables in the possession of the defendant, or for debts of which the value he cannot, after the exercise of reasonable diligence, estimate, the plaint shall state approximately the amount or value sued for” shall be substituted;

(ii) to rule 6, the following proviso shall be added, namely:—

“Provided that the Court may permit the plaintiff to claim exemption from the law of limitation on any ground not set out in the plaint, if such ground is not inconsistent with the grounds set out in the plaint.”;

(iii) in sub-rule (1) of rule 9, for the words “shall present as many copies”, the words “shall present, within such time as may be fixed by the Court or extended by it from time to time, as many copies” shall be substituted;

(iv) after sub-rule (1) of rule 9, the following sub-rule shall be inserted, namely:—

“(1A) The plaintiff shall, within the time fixed by the Court or extended by it under sub-rule (1), pay the requisite fee for the service of summons on the defendants.”;

(v) in sub-rule (1) of rule 10, the following *Explanation* shall be inserted at the end, namely:—

“*Explanation.*—For the removal of doubts, it is hereby declared that a Court of appeal or revision may direct, after setting aside the decree passed in a suit, the return of the plaint under this sub-rule.”;

(vi) in rule 10, for the words “The plaint shall”, the words, figures and letter “Subject to the provisions of rule 10A, the plaint shall” shall be substituted;

(vii) after rule 10, the following rules shall be inserted, namely:—

“10A. (1) Where, in any suit, after the defendant has appeared, the Court is of opinion that the plaint should be returned, it shall, before doing so, intimate its decision to the plaintiff.

(2) Where an intimation is given to the plaintiff under sub-rule (1), the plaintiff may make an application to the Court—

(a) specifying the Court in which he proposes to present the plaint after its return,

(b) praying that the Court may fix a date for the appearance of the parties in the said Court, and

(c) requesting that the notice of the date so fixed may be given to him and to the defendant.

Power of  
Court to  
fix a date  
of appear-  
ance in  
the Court  
where  
plaint  
is to be  
filed  
after its  
return.

(3) Where an application is made by the plaintiff under sub-rule (2), the Court shall, before returning the plaint and notwithstanding that the order for return of plaint was made by it on the ground that it has no jurisdiction to try the suit,—

(a) fix a date for the appearance of the parties in the Court in which the plaint is proposed to be presented, and

(b) give to the plaintiff and to the defendant notice of such date for appearance.

(4) Where the notice of the date for appearance is given under sub-rule (3), —

(a) it shall not be necessary for the Court in which the plaint is presented after its return, to serve the defendant with a summons for appearance in the suit, unless that Court, for reasons to be recorded, otherwise directs, and

(b) the said notice shall be deemed to be a summons for the appearance of the defendant in the Court in which the plaint is presented on the date so fixed by the Court by which the plaint was returned.

(5) Where the application made by the plaintiff under sub-rule (2) is allowed by the Court, the plaintiff shall not be entitled to appeal against the order returning the plaint.

10B. (1) Where, on an appeal against an order for the return of plaint, the Court hearing the appeal confirms such order, the Court of appeal may, if the plaintiff by an application so desires, while returning the plaint, direct plaintiff to file the plaint, subject to the provisions of the Limitation Act, 1963, in the Court in which the suit should have been instituted (whether such Court is within or without the State in which the Court hearing the appeal is situated), and fix a date for the appearance of the parties in the Court in which the plaint is directed to be filed and when the date is so fixed it shall not be necessary for the Court in which the plaint is filed to serve the defendant with the summons for appearance in the suit, unless that Court in which the plaint is filed, for reasons to be recorded, otherwise directs.

(2) The direction made by the Court under sub-rule (1) shall be without any prejudice to the rights of the parties to question the jurisdiction of the Court, in which the plaint is filed, to try the suit.”;

(viii) to rule 11, the following proviso shall be added, namely:—

“Provided that the time fixed by the Court for the correction of the valuation or supplying of the requisite stamp-papers shall not be extended unless the Court, for reasons to be recorded, is satisfied that the plaintiff was prevented by any cause of an exceptional nature from correcting the valuation or supplying the requisite stamp-papers, as the case may be, within the time fixed by the Court and that refusal to extend such time would cause grave injustice to the plaintiff.”.

Power of  
appellate  
Court  
to trans-  
fer suit  
to the  
proper  
Court.

Amend-  
ment of  
Order  
VIII

58. In the First Schedule, in Order VIII,—

(i) for the heading "WRITTEN STATEMENT AND SET-OFF", the heading "WRITTEN STATEMENT, SET-OFF AND COUNTER-CLAIM" shall be substituted;

(ii) rule 1 shall be re-numbered as sub-rule (1) of that rule, and—

(a) in sub-rule (1) as so re-numbered, the words "may, and, if so required by the Court," shall be omitted;

(b) after sub-rule (1) as so re-numbered, the following sub-rules shall be inserted, namely:—

"(2) Save as otherwise provided in rule 8A, where the defendant relies on any document (whether or not in his possession or power) in support of his defence or claim for set-off or counter-claim, he shall enter such documents in a list, and shall,—

(a) if a written statement is presented, annex the list to the written statement:

Provided that where the defendant, in his written statement, claims a set-off or makes a counter-claim based on a document in his possession or power, he shall produce it in Court at the time of presentation of the written statement and shall at the same time deliver the document or copy thereof to be filed with the written statement;

(b) if a written statement is not presented, present the list to the Court at the first hearing of the suit.

(3) Where any such document is not in the possession or power of the defendant, he shall, wherever possible, state in whose possession or power it is.

(4) If no such list is so annexed or presented, the defendant shall be allowed such further period for the purpose as the Court may think fit.

(5) A document which ought to be entered in the list referred to in sub-rule (2), and which is not so entered, shall not, without the leave of the Court, be received in evidence on behalf of the defendant at the hearing of the suit.

(6) Nothing in sub-rule (5) shall apply to documents produced for the cross-examination of plaintiff's witnesses or in answer to any case set up by the plaintiff subsequent to the filing of the plaint, or handed over to a witness merely to refresh his memory.

(7) Where a Court grants leave under sub-rule (5), it shall record its reasons for so doing, and no such leave shall be granted unless good cause is shown to the satisfaction of the Court for the non-entry of the document in the list referred to in sub-rule (2).";

(iii) rule 5 shall be re-numbered as sub-rule (1) of that rule, and after sub-rule (1) as so re-numbered, the following sub-rules shall be inserted, namely:—

“(2) Where the defendant has not filed a pleading, it shall be lawful for the Court to pronounce judgment on the basis of the facts contained in the plaint, except as against a person under a disability, but the Court may, in its discretion, require any such fact to be proved.

(3) In exercising its discretion under the proviso to sub-rule (1) or under sub-rule (2), the Court shall have due regard to the fact whether the defendant could have, or has, engaged a pleader.

(4) Whenever a judgment is pronounced under this rule, a decree shall be drawn up in accordance with such judgment and such decree shall bear the date on which the judgment was pronounced.”;

(iv) after rule 6, the following rules shall be inserted, namely:—

“6A. (1) A defendant in a suit may, in addition to his right of pleading a set-off under rule 6, set up, by way of counter-claim against the claim of the plaintiff, any right or claim in respect of a cause of action accruing to the defendant against the plaintiff either before or after the filing of the suit but before the defendant has delivered his defence or before the time limited for delivering his defence has expired, whether such counter-claim is in the nature of a claim for damages or not:

Counter-claim by defendant.

Provided that such counter-claim shall not exceed the pecuniary limits of the jurisdiction of the Court.

(2) Such counter-claim shall have the same effect as a cross-suit so as to enable the Court to pronounce a final judgment in the same suit, both on the original claim and on the counter-claim.

(3) The plaintiff shall be at liberty to file a written statement in answer to the counter-claim of the defendant within such period as may be fixed by the Court.

(4) The counter-claim shall be treated as a plaint and governed by the rules applicable to plaints.

6B. Where any defendant seeks to rely upon any ground as supporting a right of counter-claim, he shall, in his written statement, state specifically that he does so by way of counter-claim.

Counter-claim to be stated.

6C. Where a defendant sets up a counter-claim and the plaintiff contends that the claim thereby raised ought not to be disposed of by way of counter-claim but in an independent suit, the plaintiff may, at any time before issues are settled in relation to the counter-claim, apply to the Court for an order that such counter-claim may be excluded, and the Court may, on the hearing of such application make such order as it thinks fit.

Exclusion of counter-claim

Effect of discontinuance of suit.

6D. If in any case in which the defendant sets up a counter-claim, the suit of the plaintiff is stayed, discontinued or dismissed, the counter-claim may nevertheless be proceeded with.

Default of plaintiff to reply to counter-claim.

6E. If the plaintiff makes default in putting in a reply to the counter-claim made by the defendant, the Court may pronounce judgment against the plaintiff in relation to the counter-claim made against him, or make such order in relation to the counter-claim as it thinks fit.

Relief to defendant where counter-claim succeeds.

6F. Where in any suit a set-off or counter-claim is established as a defence against the plaintiff's claim, and any balance is found due to the plaintiff or the defendant, as the case may be, the Court may give judgment to the party entitled to such balance.

Rules relating to written statement to apply.

6G. The rules relating to a written statement by a defendant shall apply to a written statement filed in answer to a counter-claim.”;

(v) in rule 7, after the word “set-off”, the words “or counter-claim” shall be inserted;

(vi) in rule 8, after the word “set-off”, the words “or counter-claim” shall be inserted;

(vii) after rule 8, the following rule shall be inserted, namely:—

Duty of defendant to produce documents upon which relief is claimed by him.

“8A. (1) Where a defendant bases his defence upon a document in his possession or power, he shall produce it in Court when the written statement is presented by him and shall, at the same time, deliver the document or a copy thereof, to be filed with the written statement.

(2) A document which ought to be produced in Court by the defendant under this rule, but is not so produced, shall not, without the leave of the Court, be received in evidence on his behalf at the hearing of the suit.

(3) Nothing in this rule shall apply to documents produced,—

(a) for the cross-examination of the plaintiff's witnesses, or

(b) in answer to any case set up by the plaintiff subsequent to the filing of the plaint, or

(c) handed over to a witness merely to refresh his memory.”;

(viii) in rule 9, after the word “set-off”, the words “or counter-claim” shall be inserted;



(ix) in rule 10,—

(a) for the words "is so required", the words and figures "is required under rule 1 or rule 9" shall be substituted;

(b) for the words "fixed by the Court, the Court may", the words "permitted or fixed by the Court, as the case may be, the Court shall" shall be substituted;

(c) the words "and on the pronouncement of such judgment, a decree shall be drawn up" shall be inserted at the end.

59. In the First Schedule, in Order IX,—

(i) in rule 2,—

(a) after the words "chargeable for such service," the words and figures "or to present copies of the plaint or concise statements, as required by rule 9 of Order VII," shall be inserted;

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

"Provided that no such order shall be made, if, notwithstanding such failure, the defendant attends in person (or by agent when he is allowed to appear by agent) on the day fixed for him to appear and answer.";

(ii) in rule 4, for the words and brackets "his not paying the Court-fee and postal charges (if any) required within the time fixed before the issue of the summons", the words and figure "such failure as is referred to in rule 2" shall be substituted;

(iii) in rule 5, in sub-rule (1), for the words "three months", the words "one month" shall be substituted;

(iv) in rule 6, in sub-rule (1), for clause (a), the following clause shall be substituted, namely:—

"(a) if it is proved that the summons was duly served, the Court may make an order that the suit be heard *ex parte*,";

(v) to rule 13, after the proviso, the following further proviso shall be added, namely:—

"Provided further that no Court shall set aside a decree passed *ex parte* merely on the ground that there has been an irregularity in the service of summons, if it is satisfied that the defendant had notice of the date of hearing and had sufficient time to appear and answer the plaintiff's claim.";

(vi) in rule 13, the following *Explanation* shall be inserted at the end, namely:—

"*Explanation*.—Where there has been an appeal against a decree passed *ex parte* under this rule, and the appeal has been disposed of on any ground other than the ground that the appellant has withdrawn the appeal, no application shall lie under this rule for setting aside that *ex parte* decree."

Amend-  
ment of  
Order  
IX.

Amend-  
ment  
of Order  
X.

60. In the First Schedule, in Order X, for rule 2, the following rule shall be substituted, namely:—

Oral  
examina-  
tion of  
party, or  
compa-  
nion of  
party.

"2. (1) At the first hearing of the suit, the Court—

(a) shall, with a view to elucidating matters in controversy in the suit, examine orally such of the parties to the suit appearing in person or present in Court, as it deems fit; and

(b) may orally examine any person, able to answer any material question relating to the suit, by whom any party appearing in person or present in Court or his pleader is accompanied.

(2) At any subsequent hearing, the Court may orally examine any party appearing in person or present in Court, or any person, able to answer any material question relating to the suit, by whom such party or his pleader is accompanied.

(3) The Court may, if it thinks fit, put in the course of an examination under this rule questions suggested by either party."

Amend-  
ment of  
Order  
XI.

61. In the First Schedule, in Order XI,—

(i) in rule 6, for the words "or on any other ground", the words "or on the ground of privilege or any other ground" shall be substituted;

(ii) in rule 15, after the words "in whose pleadings or affidavits reference is made to any document," the words "or who has entered any document in any list annexed to his pleadings," shall be inserted;

(iii) in rule 19, in sub-rule (2), the words "unless the document relates to matters of State" shall be inserted at the end;

(iv) rule 21 shall be re-numbered as sub-rule (1) of that rule, and,—

(a) in sub-rule (1) as so re-numbered, for the words "an order may be made accordingly", the words "an order may be made on such application accordingly, after notice to the parties and after giving them a reasonable opportunity of being heard" shall be substituted;

(b) after sub-rule (1) as so re-numbered, the following sub-rule shall be inserted, namely:—

"(2) Where an order is made under sub-rule (1) dismissing any suit, the plaintiff shall be precluded from bringing a fresh suit on the same cause of action."

## 62. In the First Schedule, in Order XII.—

(i) in rule 2, for the words “to admit any document”, the words “to admit, within fifteen days from the date of service of the notice any document,” shall be substituted;

(ii) after rule 2, the following rule shall be inserted, namely:—

“2A. (1) Every document which a party is called upon to admit, if not denied specifically or by necessary implication, or stated to be not admitted in the pleading of that party or in his reply to the notice to admit documents, shall be deemed to be admitted except as against a person under a disability:

Provided that the Court may, in its discretion and for reasons to be recorded, require any document so admitted to be proved otherwise than by such admission.

(2) Where a party unreasonably neglects or refuses to admit a document after the service on him of the notice to admit documents, the Court may direct him to pay costs to the other party by way of compensation.”;

(iii) for rule 6, the following rule shall be substituted, namely:—

“6. (1) Where admissions of fact have been made either in the pleading or otherwise, whether orally or in writing, the Court may at any stage of the suit, either on the application of any party or of its own motion and without waiting for the determination of any other question between the parties, make such order or give such judgment as it may think fit, having regard to such admissions.

(2) Whenever a judgment is pronounced under sub-rule (1) a decree shall be drawn up in accordance with the judgment and the decree shall bear the date on which the judgment was pronounced.”.

## 63. In the First Schedule, in Order XIII,—

(i) in rule 1,—

(a) in the marginal heading, for the words “at first hearing”, the words “at or before the settlement of issues” shall be substituted;

(b) in sub-rule (1), for the words “at the first hearing of the suit”, the words “at or before the settlement of issues” shall be substituted;

(ii) rule 2 shall be re-numbered as sub-rule (1) of that rule, and after sub-rule (1) as so re-numbered, the following sub-rule shall be inserted, namely:—

“(2) Nothing in sub-rule (1) shall apply to documents,—

(a) produced for the cross-examination of the witnesses of the other party, or

Amend-  
ment of  
Order  
XII.

Docu-  
ment to  
be deem-  
ed to be  
admitted  
if not  
denied  
after  
service of  
notice to  
admit  
docu-  
ments.

Judg-  
ment on  
admis-  
sions.

Amend-  
ment of  
Order  
XIII.

(b) handed over to a witness merely to refresh his memory.”;

(iii) in rule 9, in sub-rule (1), for the first proviso, the following proviso shall be substituted, namely:—

“Provided that a document may be returned at any time earlier than that prescribed by this rule if the person applying therefor—

(a) delivers to the proper officer for being substituted for the original,—

(i) in the case of a party to the suit, a certified copy, and

(ii) in the case of any other person, an ordinary copy which has been examined, compared and certified in the manner mentioned in sub-rule (2) of rule 17 of Order VII, and

(b) undertakes to produce the original, if required to do so.”.

Amend-  
ment of  
Order  
XIV.

64. In the First Schedule, in Order XIV,—

(i) in rule 1, in sub-rule (5), for the words “after such examination of the parties as may appear necessary”, the words and figures “after examination under rule 2 of Order X and after hearing the parties or their pleaders” shall be substituted;

(ii) for rule 2, the following rule shall be substituted, namely:—

Court to  
pronounce  
judgment  
on all  
issues.

“2. (1) Notwithstanding that a case may be disposed of on a preliminary issue, the Court shall, subject to the provisions of sub-rule (2), pronounce judgment on all issues.

(2) Where issues both of law and of fact arise in the same suit, and the Court is of opinion that the case or any part thereof may be disposed of on an issue of law only, it may try that issue first if that issue relates to—

(a) the jurisdiction of the Court, or

(b) a bar to the suit created by any law for the time being in force,

and for that purpose may, if it thinks fit, postpone the settlement of the other issues until after that issue has been determined, and may deal with the suit in accordance with the decision on that issue.”.

Amend-  
ment of  
Order  
XV.

65. In the First Schedule, in Order XV, rule 2 shall be re-numbered as sub-rule (1) of that rule, and after sub-rule (1) as so re-numbered, the following sub-rule shall be inserted, namely:—

“(2) Whenever a judgment is pronounced under this rule, a decree shall be drawn up in accordance with such judgment and the decree shall bear the date on which the judgment was pronounced.”.

66. In the First Schedule, in Order XVI,—

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

Amend.  
ment of  
Order  
XVI.

“1. (1) On or before such date as the Court may appoint, and not later than fifteen days after the date on which the issues are settled, the parties shall present in Court a list of witnesses whom they propose to call either to give evidence or to produce documents and obtain summonses to such persons for their attendance in Court.

List of  
witnesses  
and sum-  
mons to  
witnesses.

(2) A party desirous of obtaining any summons for the attendance of any person shall file in Court an application stating therein the purpose for which the witness is proposed to be summoned.

(3) The Court may, for reasons to be recorded, permit a party to call, whether by summoning through Court or otherwise, any witness, other than those whose names appear in the list referred to in sub-rule (1), if such party shows sufficient cause for the omission to mention the name of such witness in the said list.

(4) Subject to the provisions of sub-rule (2), summonses referred to in this rule may be obtained by the parties on an application to the Court or to such officer as may be appointed by the Court in this behalf.”;

(ii) for rule 1A, the following rule shall be substituted, namely:—

“1A. Subject to the provisions of sub-rule (3) of rule 1, any party to the suit may, without applying for summons under rule 1, bring any witness to give evidence or to produce documents.”;

Produc-  
tion of  
witnesses  
without  
summons.

(iii) in rule 2, after sub-rule (3), the following sub-rule shall be inserted, namely:—

“(4) Where the summons is served directly by the party on a witness, the expenses referred to in sub-rule (1) shall be paid to the witness by the party or his agent.”;

Expens-  
es to be  
directly  
paid to  
witnesses.

(iv) after rule 7, the following rule shall be inserted, namely:—

“7A. (1) The Court may, on the application of any party for the issue of a summons for the attendance of any person, permit such party to effect service of such summons on such person and shall, in such a case, deliver the summons to such party for service.

Summons  
given to  
party for  
service.

(2) The service of such summons shall be effected by or on behalf of such party by delivering or tendering to the witness personally, a copy thereof signed by the Judge or such officer of the Court as he may appoint in this behalf and sealed with the seal of the Court.

(3) The provisions of rules 16 and 18 of Order V shall apply to a summons personally served under this rule as if the person effecting service were a serving officer.

(4) If such summons, when tendered, is refused or if the person served refuses to sign an acknowledgment of service or for any reason such summons cannot be served personally, the Court shall, on the application of the party, re-issue such summons to be served by the Court in the same manner as a summons to a defendant.

(5) Where a summons is served by a party under this rule, the party shall not be required to pay the fees otherwise chargeable for the service of summons.”;

(v) in rule 8, for the words “under this Order,” the words, figure and letter “under this Order, not being a summons delivered to a party for service under rule 7A,” shall be substituted;

(vi) in rule 10, for sub-rule (1), the following sub-rule shall be substituted, namely:—

“(1) Where a person to whom a summons has been issued either to attend to give evidence or to produce a document, fails to attend or to produce the document in compliance with such summons, the Court—

(a) shall, if the certificate of the serving officer has not been verified by affidavit, or if service of the summons has been effected by a party or his agent, or

(b) may, if the certificate of the serving officer has been so verified,

examine on oath the serving officer or the party or his agent, as the case may be, who has effected service, or cause him to be so examined by any Court, touching the service or non-service of the summons.”;

(vii) rule 12 shall be re-numbered as sub-rule (1) of that rule, and after sub-rule (1) as so re-numbered, the following sub-rule shall be inserted, namely:—

“(2) Notwithstanding that the Court has not issued a proclamation under sub-rule (2) of rule 10, nor issued a warrant nor ordered attachment under sub-rule (3) of that rule, the Court may impose fine under sub-rule (1) of this rule after giving notice to such person to show cause why the fine should not be imposed.”;

(viii) in rule 14, for the words “to examine any person other than a party to the suit”, the words “to examine any person, including a party to the suit,” shall be substituted;

(ix) in rule 19 in clause (b), for the word “fifty”, the words “one hundred”, and for the words “two hundred miles”, the words “five hundred kilometres” shall be substituted;

(x) to rule 19, the following proviso shall be added, namely:—

“Provided that where transport by air is available between the two places mentioned in this rule and the witness is paid the fare by air, he may be ordered to attend in person.”

67. In the First Schedule, after Order XVI, the following Order shall be inserted, namely:—

Insertion of new Order XVIA.

‘ORDER XVIA

ATTENDANCE OF WITNESSES CONFINED OR DETAINED IN PRISONS

1. In this Order,—

Definitions.

(a) “detained” includes detained under any law providing for preventive detention;

(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.

2. Where it appears to a Court that the evidence of a person confined or detained in a prison within the State is material in a suit, the Court may make an order requiring the officer in charge of the prison to produce that person before the Court to give evidence:

Power to require attendance of prisoners to give evidence.

Provided that, if the distance from the prison to the Court-house is more than twenty-five kilometres, no such order shall be made unless the Court is satisfied that the examination of such person on commission will not be adequate.

3. (1) Before making any order under rule 2, the Court shall require the party at whose instance or for whose benefit the order is to be issued, to pay into Court such sum of money as appears to the Court to be sufficient to defray the expenses of the execution of the order, including the travelling and other expenses of the escort provided for the witness.

Expenses to be paid into Court.

(2) Where the Court is subordinate to a High Court, regard shall be had, in fixing the scale of such expenses, to any rules made by the High Court in that behalf.

4. (1) The State Government may, at any time, having regard to the matters specified in sub-rule (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 or detained, and thereupon, so long as the order remains in force, no order made under rule 2, whether before or after the date of the order made by the State Government, shall have effect in respect of such person or class of persons.

Power of State Government to exclude certain persons from the operation of rule 2.

(2) Before making an order under sub-rule (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 person or class of persons have been ordered to be confined or detained in prison;

(b) the likelihood of the disturbance of public order if the person or class of persons is allowed to be removed from the prison; and

(c) the public interest, generally.

5. Where the person in respect of whom an order is made under rule 2—

(a) is certified by the medical officer attached to the prison as unfit to be removed from the prison by reason of sickness or infirmity; or

(b) is under committal for trial or under remand pending trial or pending a preliminary investigation; or

(c) is in custody for a period which would expire before the expiration of the time required for complying with the order and for taking him back to the prison in which he is confined or detained; or

(d) is a person to whom an order made by the State Government under rule 4 applies,

the officer in charge of the prison shall abstain from carrying out the Court's order and shall send to the Court a statement of reasons for so abstaining.

6. In any other case, the officer in charge of the prison shall, upon delivery of the Court's order, cause the person named therein to be taken to the Court so as to be present at the time mentioned in such order, and shall cause him to be kept in custody in or near the Court until he has been examined or until the Court authorises him to be taken back to the prison in which he is confined or detained.

7. (1) Where it appears to the Court that the evidence of a person confined or detained in a prison, whether within the State or elsewhere in India, is material in a suit but the attendance of such person cannot be secured under the preceding provisions of this Order, the Court may issue a commission for the examination of that person in the prison in which he is confined or detained.

(2) The provisions of Order XXVI shall, so far as may be, apply in relation to the examination on commission of such person in prison as they apply in relation to the examination on commission of any other person.

68. In the First Schedule, in Order XVII,—

Officer in charge of prison to abstain from carrying out order in certain cases.

Prisoner to be brought to Court in custody.

Power to issue commission for examination of witness in prison.

Amendment of Order XVII.



(i) in rule 1, for the proviso to sub-rule (2), the following proviso shall be substituted, namely:—

“Provided that,—

(a) when the hearing of the suit has commenced, it shall be continued from day-to-day until all the witnesses in attendance have been examined, unless the Court finds that, for the exceptional reasons to be recorded by it, the adjournment of the hearing beyond the following day is necessary;

(b) no adjournment shall be granted at the request of a party, except where the circumstances are beyond the control of that party,

(c) the fact that the pleader of a party is engaged in another Court, shall not be a ground for adjournment,

(d) where the illness of a pleader or his inability to conduct the case for any reason, other than his being engaged in another Court, is put forward as a ground for adjournment, the Court shall not grant the adjournment unless it is satisfied that the party applying for adjournment could not have engaged another pleader in time,

(e) where a witness is present in Court but a party or his pleader is not present or the party or his pleader, though present in Court, is not ready to examine or cross-examine the witness, the Court may, if it thinks fit, record the statement of the witness and pass such orders as it thinks fit dispensing with the examination-in-chief or cross-examination of the witness, as the case may be, by the party or his pleader not present or not ready as aforesaid.”;

(ii) in rule 2, the following Explanation shall be inserted at the end, namely:—

“Explanation.—Where the evidence or a substantial portion of the evidence of any party has already been recorded and such party fails to appear on any day to which the hearing of the suit is adjourned, the Court may, in its discretion, proceed with the case as if such party were present.”;

(iii) in rule 3, for the words “the Court may, notwithstanding such default, proceed to decide the suit forthwith.”, the following shall be substituted, namely:—

“the Court may, notwithstanding such default,—

(a) if the parties are present, proceed to decide the suit forthwith; or

(b) if the parties are, or any of them is, absent, proceed under rule 2.”.

69. In the First Schedule, in Order XVIII,—

(i) in rule 2, after sub-rule (3), the following sub-rule shall be inserted, namely:—

“(4) Notwithstanding anything contained in this rule, the Court may, for reasons to be recorded, direct or permit any party to examine any witness at any stage.”;

Amend.  
ment of  
Order  
XVIII.

(ii) after rule 3, the following rule shall be inserted, namely:—

Party to  
appear  
before  
other  
witnesses.

“3A. Where a party himself wishes to appear as a witness, he shall so appear before any other witness on his behalf has been examined, unless the Court, for reasons to be recorded, permits him to appear as his own witness at a later stage.”;

(iii) for rule 5, the following rule shall be substituted, namely:—

How  
evidence  
shall be  
taken  
in appeal-  
able  
cases.

“5. In cases in which an appeal is allowed, the evidence of each witness shall be,—

(a) taken down in the language of the Court,—

(i) in writing by, or in the presence and under the personal direction and superintendence of, the Judge, or

(ii) from the dictation of the Judge directly on a typewriter; or

(b) if the Judge, for reasons to be recorded, so directs, recorded mechanically in the language of the Court in the presence of the Judge.”;

(iv) in rule 8, after the words “in writing by the Judge,” the words “or from his dictation in the open Court, or recorded mechanically in his presence,” shall be inserted;

(v) for rule 9, the following rule shall be substituted, namely:—

When  
evidence  
may be  
taken in  
English.

“9. (1) Where English is not the language of the Court, but all the parties to the suit who appear in person, and the pleaders of such of the parties as appear by pleaders, do not object to having such evidence as is given in English, being taken down in English, the Judge may so take it down or cause it to be taken down.

(2) Where evidence is not given in English but all the parties who appear in person, and the pleaders of such of the parties as appear by pleaders, do not object to having such evidence being taken down in English, the Judge may take down, or cause to be taken down, such evidence in English.”;

(vi) for rule 13, the following rule shall be substituted, namely:—

Memoran-  
dum or  
evidence  
in un-  
appeal-  
able cases

“13. In cases in which an appeal is not allowed, it shall not be necessary to take down or dictate or record the evidence of the witnesses at length; but the Judge, as the examination of each witness proceeds, shall make in writing, or dictate directly on the typewriter, or cause to be mechanically recorded, a memorandum of the substance of what the witness deposes, and such memorandum shall be signed by the Judge or otherwise authenticated, and shall form part of the record.”;

(vii) rule 14 shall be omitted;

(viii) after rule 17, the following rule shall be inserted, namely:—

“17A. Where a party satisfies the Court that, after the exercise of due diligence, any evidence was not within his knowledge or could not be produced by him at the time when that party was leading his evidence, the Court may permit that party to produce that evidence at a later stage on such terms as may appear to it to be just.”;

Production of evidence not previously known or which could not be produced despite due diligence.

(ix) in rule 18, after the words “any question may arise”, the words “and where the Court inspects any property or thing it shall, as soon as may be practicable, make a memorandum of any relevant facts observed at such inspection and such memorandum shall form a part of the record of the suit” shall be inserted.

70. In the First Schedule, in Order XX,—

Amendment of Order XX.

(i) rule 1 shall be re-numbered as sub-rule (1) of that rule, and,—

(a) to sub-rule (1) as so re-numbered, the following provisos shall be added, namely:—

“Provided that where the judgment is not pronounced at once, every endeavour shall be made by the Court to pronounce the judgment within fifteen days from the date on which the hearing of the case was concluded but, where it is not practicable so to do, the Court shall fix a future day for the pronouncement of the judgment, and such day shall not ordinarily be a day beyond thirty days from the date on which the hearing of the case was concluded; and due notice of the day so fixed shall be given to the parties or their pleaders;

Provided further that, where a judgment is not pronounced within thirty days from the date on which the hearing of the case was concluded, the Court shall record the reasons for such delay and shall fix a future day on which the judgment will be pronounced and due notice of the day so fixed shall be given to the parties or their pleaders.”;

(b) after sub-rule (1) as so re-numbered, the following sub-rules shall be inserted, namely:—

“(2) Where a written judgment is to be pronounced, it shall be sufficient if the findings of the Court on each issue and the final order passed in the case are read out and it shall not be necessary for the Court to read out the whole judgment, but a copy of the whole judgment shall be made available for the perusal of the parties or the pleaders immediately after the judgment is pronounced.

(3) The judgment may be pronounced by dictation in open Court to a shorthand writer if the judge is specially empowered by the High Court in this behalf:

Provided that, where the judgment is pronounced by dictation in open Court, the transcript of the judgment so pronounced shall, after making such correction therein as may be necessary, be signed by the judge, bear the date on which it was pronounced, and form a part of the record.”;

(ii) in rule 2, for the words “A Judge may”, the words “A Judge shall” shall be substituted;

(iii) after rule 5, the following rule shall be inserted, namely:—

“5A. Except where both the parties are represented by pleaders, the Court shall, when it pronounces its judgment in a case subject to appeal, inform the parties present in Court as to the Court to which an appeal lies and the period of limitation for the filing of such appeal and place on record the information so given to the parties.”;

(iv) in rule 6, in sub-rule (1), for the words “names and descriptions of the parties”, the words “names and descriptions of the parties, their registered addresses,” shall be substituted;

(v) after rule 6, the following rules shall be inserted, namely:—

“6A. (1) The last paragraph of the judgment shall state in precise terms the relief which has been granted by such judgment.

(2) Every endeavour shall be made to ensure that the decree is drawn up as expeditiously as possible, and, in any case, within fifteen days from the date on which the judgment is pronounced; but where the decree is not drawn up within the time aforesaid, the Court shall if requested so to do by a party desirous of appealing against the decree, certify that the decree has not been drawn up, and indicate in the certificate the reasons for the delay, and thereupon—

(a) an appeal may be preferred against the decree without filing a copy of the decree and in such a case the last paragraph of the judgment shall, for the purposes of rule 1 of Order XLI, be treated as the decree; and

(b) so long as the decree is not drawn up, the last paragraph of the judgment shall be deemed to be the decree for the purpose of execution and the party interested shall be entitled to apply for a copy of that paragraph only without being required to apply for a copy of the whole of the judgment; but as soon as a decree is drawn up, the last paragraph of the judgment shall cease to have the effect of a decree for the purpose of execution or for any other purpose.”

Court to inform parties as to where an appeal lies in cases where parties are not represented by pleaders.

Last paragraph of judgment to indicate in precise terms the reliefs granted.

Provided that, where an application is made for obtaining a copy of only the last paragraph of the judgment, such copy shall indicate the name and address of all the parties to the suit.

6B. Where the judgment is type-written, copies of the type-written judgment shall, where it is practicable so to do, be made available to the parties immediately after the pronouncement of the judgment on payment, by the party applying for such copy, of such charges as may be specified in the rules made by the High Court.”;

Copies of type-written judgments when to be made available.

(vi) in rule 11, in sub-rule (1), for the words “at the time of passing the decree order that”, the words “incorporate in the decree, after hearing such of the parties who had appeared personally or by pleader at the last hearing, before judgment, an order that” shall be substituted;

(vii) in rule 12, in sub-rule (1), for clause (b), the following clauses shall be substituted, namely:—

“(b) for the rents which have accrued on the property during the period prior to the institution of the suit or directing an inquiry as to such rent;

(ba) for the mesne profits or directing an inquiry as to such mesne profits;”;

(viii) after rule 12, the following rule shall be inserted, namely:—

“12A. Where a decree for the specific performance of a contract for the sale or lease of immovable property orders that the purchase-money or other sum be paid by the purchaser or lessee, it shall specify the period within which the payment shall be made.”;

Decree for specific performance of contract for the sale or lease of immovable property.

(ix) in rule 19, in sub-rules (1) and (2), after the word “set-off”, wherever it occurs, the words “or counter-claim” shall be inserted.

71. In the First Schedule, after Order XX, the following Order shall be inserted, namely:—

Insertion of new Order XXA.

“ORDER XXA

COSTS

1. Without prejudice to the generality of the provisions of this Code relating to costs, the Court may award costs in respect of,—

Provisions relating to certain items.

(a) expenditure incurred for the giving of any notice required to be given by law before the institution of the suit;

(b) expenditure incurred on any notice which, though not required to be given by law, has been given by any party to the suit to any other party before the institution of the suit;

(c) expenditure incurred on the typing, writing or printing of pleadings filed by any party;

(d) charges paid by a party for inspection of the records of the Court for the purposes of the suit;

(e) expenditure incurred by a party for producing witnesses, even though not summoned through Court; and

(f) in the case of appeals, charges incurred by a party for obtaining any copies of judgments and decrees which are required to be filed along with the memorandum of appeal.

Costs to be awarded in accordance with the rules made by High Court.

2. The award of costs under this rule shall be in accordance with such rules as the High Court may make in that behalf."

Amendment of Order XXI.

72. In the First Schedule, in Order XXI,—

Modes of paying money under decree.

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

1. (1) All money payable under a decree shall be paid as follows, namely:—

(a) by deposit into the Court whose duty it is to execute the decree, or sent to that Court by postal money order or through a bank; or

(b) out of Court, to the decree-holder by postal money order or through a bank or by any other mode wherein payment is evidenced in writing; or

(c) otherwise, as the Court which made the decree, directs.

(2) Where any payment is made under clause (a) or clause (c) of sub-rule (1), the judgment-debtor shall give notice thereof to the decree-holder either through the Court or directly to him, by registered post, acknowledgment due.

(3) Where money is paid by postal money order or through a bank under clause (a) or clause (b) of sub-rule (1), the money order or payment through bank, as the case may be, shall accurately state the following particulars, namely:—

(a) the number of the original suit;

(b) the names of the parties or where there are more than two plaintiffs or more than two defendants, as the case may be, the names of the first two plaintiffs and the first two defendants;

(c) how the money remitted is to be adjusted, that is to say, whether it is towards the principal, interest or costs;

(d) the number of the execution case of the Court, and where such case is pending; and

(e) the name and address of the payer.

(4) On any amount paid under clause (a) or clause (c) of sub-rule (1), interest, if any, shall cease to run from the date of service of the notice referred to in sub-rule (2).

(5) On any amount paid under clause (b) of sub-rule (1), interest, if any, shall cease to run from the date of such payment:

Provided that, where the decree-holder refuses to accept the postal money order or payment through a bank, interest shall cease to run from the date on which the money was tendered to him; or where he avoids acceptance of the postal money order or payment through bank, interest shall cease to run from the date on which the money would have been tendered to him in the ordinary course of business of the postal authorities or the bank, as the case may be.”;

(ii) in rule 2,—

(a) in sub-rule (1), for the words “or the decree is otherwise adjusted”, the words “or a decree of any kind is otherwise adjusted” shall be substituted;

(b) in sub-rule (2), after the words “the judgment-debtor”, the words “or any person who has become surety for the judgment-debtor” shall be inserted;

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

“(2A) No payment or adjustment shall be recorded at the instance of the judgment-debtor unless—

(a) the payment is made in the manner, provided in rule 1; or

(b) the payment or adjustment is proved by documentary evidence; or

(c) the payment or adjustment is admitted by, or on behalf of, the decree-holder in his reply to the notice given under sub-rule (2) of rule 1, or before the Court.”;

(iii) for rule 5, the following rule shall be substituted, namely:—

“5. Where a decree is to be sent for execution to another Court, the Court which passed such decree shall send the decree directly to such other Court whether or not such other Court is situated in the same State, but the Court to which the decree is sent for execution shall, if it has no jurisdiction to execute the decree, send it to the Court having such jurisdiction.”;

(iv) in rule 11, in sub-rule (2), in clause (j), for sub-clause (ii), the following sub-clause shall be substituted, namely:—

“(ii) by the attachment, or by the attachment and sale, or by the sale without attachment, of any property.”;

(v) after rule 11, the following rule shall be inserted, namely:—

“11A. Where an application is made for the arrest and detention in prison of the judgment-debtor, it shall state, or be accompanied by an affidavit stating, the grounds on which arrest is applied for.”;

Mode of  
transfer

Appli-  
cation for  
arrest  
to state  
grounds.

(vi) in rule 16, the following *Explanation* shall be inserted at the end, namely:—

*Explanation.*—Nothing in this rule shall affect the provisions of section 146, and a transferee of rights in the property, which is the subject-matter of the suit, may apply for execution of the decree without a separate assignment of the decree as required by this rule.”;

(vii) in rule 17,—

(a) in sub-rule (1), for the words “the Court may reject the application, or may allow”, the words “the Court shall allow” shall be substituted;

(b) after sub-rule (1), the following sub-rule shall be inserted, namely:—

“(1A) If the defect is not so remedied, the Court shall reject the application:

Provided that where, in the opinion of the Court, there is some inaccuracy as to the amount referred to in clauses (g) and (h) of sub-rule (2) of rule 11, the Court shall, instead of rejecting the application, decide provisionally (without prejudice to the right of the parties to have the amount finally decided in the course of the proceedings) the amount and make an order for the execution of the decree for the amount so provisionally decided.”;

(viii) in rule 22, in sub-rule (1),—

(a) for the words “one year”, wherever they occur, the words “two years” shall be substituted;

(b) in clause (b), the word “or” shall be inserted at the end;

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

“(c) against the assignee or receiver in insolvency, where the party to the decree has been adjudged to be an insolvent.”;

(ix) after rule 22, the following rule shall be inserted, namely:—

“22A. Where any property is sold in execution of a decree, the sale shall not be set aside merely by reason of the death of the judgment-debtor between the date of issue of the proclamation of sale and the date of the sale notwithstanding the failure of the decree-holder to substitute the legal representative of such deceased judgment-debtor, but, in case of such failure, the Court may set aside the sale if it is satisfied that the legal representative of the deceased judgment-debtor has been prejudiced by the sale.”;

(x) in rule 24, for sub-rule (3), the following sub-rule shall be substituted, namely:—

“(3) In every such process, a day shall be specified on or before which it shall be executed and a day shall also be specified

Sale not to be set aside on the death of the judgment-debtor before the sale but after the service of the proclamation of sale.



on or before which it shall be returned to the Court, but no process shall be deemed to be void if no day for its return is specified therein.”;

(xi) in rule 26, in sub-rule (3), for the words “the Court may require”, the words “the Court shall require” shall be substituted;

(xii) in rule 29,—

(a) after the words “a decree of such Court”, the words “or of a decree which is being executed by such Court” shall be inserted;

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

“Provided that if the decree is one for payment of money, the Court shall, if it grants stay without requiring security, record its reasons for so doing.”;

(xiii) in rule 31, in sub-rules (2) and (3), for the words “six months”, wherever they occur, the words “three months” shall be substituted;

(xiv) in rule 32, in sub-rules (3) and (4), for the words “one year”, wherever they occur, the words “six months” shall be substituted;

(xv) in rule 34, for sub-rule (6), the following sub-rule shall be substituted, namely:—

“(6) (a) Where the registration of the document is required under any law for the time being in force, the Court, or such officer of the Court as may be authorised in this behalf by the Court, shall cause the document to be registered in accordance with such law.

(b) Where the registration of the document is not so required, but the decree-holder desires it to be registered, the Court may make such order as it thinks fit.

(c) Where the Court makes any order for the registration of any document, it may make such order as it thinks fit as to the expenses of registration.”;

(xvi) rule 41 shall be re-numbered as sub-rule (1) of that rule, and—

(a) in sub-rule (1) as so re-numbered, in clause (b), for the words “in the case of a corporation”, the words “where the judgment-debtor is a corporation” shall be substituted;

(b) after sub-rule (1) as so re-numbered, the following sub-rules shall be inserted, namely:—

“(2) Where a decree for the payment of money has remained unsatisfied for a period of thirty days, the Court may, on the application of the decree-holder and without prejudice to its power under sub-rule (1), by order require the judgment-debtor or where the judgment-debtor is a corporation, any officer thereof, to make an affidavit stating the particulars of the assets of the judgment-debtor.

(3) In case of disobedience of any order made under sub-rule (2), the Court making the order, or any Court to which the proceeding is transferred, may direct that the person disobeying the order be detained in the civil prison for a term not exceeding three months unless before the expiry of such term the Court directs his release.”;

(xvii) after rule 43, the following rule shall be inserted, namely:—

Custody  
of mov-  
able  
property.

‘43A. (1) Where the property attached consists of live-stock, agricultural implements or other articles which cannot conveniently be removed and the attaching officer does not act under the proviso to rule 43, he may, at the instance of the judgment-debtor or of the decree-holder or of any other person claiming to be interested in such property, leave it in the village or place where it has been attached, in the custody of any respectable person (hereinafter referred to as the “custodian”).

(2) If the custodian fails, after due notice, to produce such property at the place named by the Court before the officer deputed for the purpose or to restore it to the person in whose favour restoration is ordered by the Court, or if the property, though so produced or restored, is not in the same condition as it was when it was entrusted to him,—

(a) the custodian shall be liable to pay compensation to the decree-holder, judgment-debtor or any other person who is found to be entitled to the restoration thereof, for any loss or damage caused by his default; and

(b) such liability may be enforced—

(i) at the instance of the decree-holder, as if the custodian were a surety under section 145;

(ii) at the instance of the judgment-debtor or such other person, on an application in execution; and

(c) any order determining such liability shall be appealable as a decree.”;

(xviii) after rule 46, the following rules shall be inserted, namely:—

Notice to  
garnishee.

“46A. (1) The Court may in the case of a debt (other than a debt secured by a mortgage or a charge) which has been attached under rule 46, upon the application of the attaching creditor, issue notice to the garnishee liable to pay such debt, calling upon him either to pay into Court the debt due from him to the judgment-debtor or so much thereof as may be sufficient to satisfy the decree and costs of execution, or to appear and show cause why he should not do so.

(2) An application under sub-rule (1) shall be made on affidavit verifying the facts alleged and stating that, in the belief of the deponent, the garnishee is indebted to the judgment-debtor.

(3) Where the garnishee pays in the Court the amount due from him to the judgment-debtor or so much thereof as is sufficient to satisfy the decree and the costs of the execution the Court may direct that the amount may be paid to the decree-holder towards satisfaction of the decree and costs of the execution.

46B. Where the garnishee does not forthwith pay into Court the amount due from him to the judgment-debtor or so much thereof as is sufficient to satisfy the decree and the costs of execution, and does not appear and show cause in answer to the notice, the Court may order the garnishee to comply with the terms of such notice, and on such order, execution may issue as though such order were a decree against him.

Order against garnishee.

46C. Where the garnishee disputes liability, the Court may order that any issue or question necessary for the determination of liability shall be tried as if it were an issue in a suit, and upon the determination of such issue shall make such order or orders as it deems fit:

Trial of disputed questions.

Provided that if the debt in respect of which the application under rule 46A is made is in respect of a sum of money beyond the pecuniary jurisdiction of the Court, the Court shall send the execution case to the Court of the District Judge to which the said Court is subordinate, and thereupon the Court of the District Judge or any other competent Court to which it may be transferred by the District Judge shall deal with it in the same manner as if the case had been originally instituted in that Court.

46D. Where it is suggested or appears to be probable that the debt belongs to some third person, or that any third person has a lien or charge on, or other interest in, such debt, the Court may order such third person to appear and state the nature and particulars of his claim, if any, to such debt and prove the same.

Procedure where debt belongs to third person.

46E. After hearing such third person and any person or persons who may subsequently be ordered to appear, or where such third or other person or persons do not appear when so ordered, the Court may make such order as is hereinbefore provided, or such other order or orders upon such terms, if any, with respect to the lien, charge or interest, as the case may be, of such third or other person or persons as it may deem fit and proper.

Order as regards third person.

46F. Payment made by the garnishee on notice under rule 46A or under any such order as aforesaid shall be a valid discharge to him as against the judgment-debtor and any other person ordered to appear as aforesaid for the amount paid or levied, although the decree in execution of which the application under rule 46A was made, or the order passed in the proceedings on such application, may be set aside or reversed.

Payment by garnishee to be valid discharge.

46G. The costs of any application made under rule 46A and of any proceeding arising therefrom or incidental thereto shall be in the discretion of the Court.

Costs.

46H. An order made under rule 46B, rule 46C or rule 46E shall be appealable as a decree.

Appeals.

46I. The provisions of rules 46A to 46H (both inclusive) shall, so far as may be, apply in relation to negotiable instruments attached under rule 51 as they apply in relation to debts."

Application to negotiable instruments.

(xix) in rule 48,—

(a) in sub-rule (1), after the words "local authority", the words and figures "or of a servant of a corporation engaged in any trade or industry which is established by a Central, Provincial or State Act, or a Government company as defined in section 617 of the Companies Act, 1956," shall be inserted;

1 of 1956.

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

"(3) Every order made under this rule, unless it is returned in accordance with the provisions of sub-rule (2), shall, without further notice or other process, bind the appropriate Government or the railway company or local authority or corporation or Government company, as the case may be, while the judgment-debtor is within the local limits to which this Code for the time being extends and while he is beyond those limits, if he is in receipt of any salary or allowances payable out of the Consolidated Fund of India or the Consolidated Fund of the State or the funds of a railway company or local authority or corporation or Government company in India; and the appropriate Government or the railway company or local authority or corporation or Government company, as the case may be, shall be liable for any sum paid in contravention of this rule.";

(c) for the *Explanation*, the following *Explanation* shall be substituted, namely:—

*Explanation.*—In this rule, "appropriate Government" means,—

(i) as respects any person in the service of the Central Government, or any servant of a railway administration or of a cantonment authority or of the port authority of a major port, or any servant of a corporation engaged in any trade or industry which is established by a Central Act, or any servant of a Government company in which any part of the share capital is held by the Central Government or by more than one State Governments or partly by the Central Government and partly by one or more State Governments, the Central Government.;

(ii) as respects any other servant of the Government, or a servant of any other local or other authority, or any servant of a corporation engaged in any trade or industry which is established by a Provincial or State Act, or a servant of any other Government company, the State Government.;

(xx) after rule 48, the following rule shall be inserted, namely:—

"48A. (1) Where the property to be attached is the salary or allowances of an employee other than an employee to whom rule 48 applies, the Court, where the disbursing officer of the employee is within the local limits of the Court's jurisdiction, may order that the amount shall, subject to the provisions of section 60, be withheld from such salary or allowances either in

Attach-  
ment of  
salary  
or allow-  
ances of  
private  
emplo-  
yees.

one payment or by monthly instalments as the Court may direct; **and upon notice of the order to such disbursing officer, such disbursing officer shall remit to the Court the amount due under the order, or the monthly instalments, as the case may be.**

(2) Where the attachable portion of such salary or allowances is already being withheld or remitted to the Court in pursuance of a previous and unsatisfied order of attachment, the disbursing officer shall forthwith return the subsequent order to the Court issuing it with a full statement of all the particulars of the existing attachment.

(3) Every order made under this rule, unless it is returned in accordance with the provisions of sub-rule (2), shall, without further notice or other process, bind the employer while the judgment-debtor is within the local limits to which this Code for the time being extends and while he is beyond those limits, if he is in receipt of salary or allowances payable out of the funds of an employer in any part of India; and the employer shall be liable for any sum paid in contravention of this rule.”;

(xxi) in rule 50,—

(a) in the proviso to sub-rule (1), for the words and figures “section 247 of the Indian Contract Act, 1872”, the words and figures “section 30 of the Indian Partnership Act, 1932” shall be substituted;

(b) after sub-rule (4), the following sub-rule shall be inserted, namely:—

“(5) Nothing in this rule shall apply to a decree passed against a Hindu undivided family by virtue of the provisions of rule 10 of Order XXX.”;

(xxii) in rule 53,—

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

“(ii) (a) the holder of the decree sought to be executed,  
or

(b) his judgment-debtor with the previous consent in writing of such decree-holder, or with the permission of the attaching Court,

applies to the Court receiving such notice to execute the attached decree.”;

(b) in sub-rule (6), after the words “in contravention of such order”, the words “with knowledge thereof or” shall be inserted;

(xxiii) in rule 54,—

(a) after sub-rule (1), the following sub-rule shall be inserted, namely:—

“(1A) The order shall also require the judgment-debtor to attend Court on a specified date to take notice of the date to be fixed for settling the terms of the proclamation of sale.”;

(b) in sub-rule (2), the words "and, where the property is land situate in a village, also in the office of the Gram Panchayat, if any, having jurisdiction over that village," shall be added at the end;

(xxiv) for rule 57, the following rule shall be substituted, namely:—

Deter-  
mination  
of attach-  
ment.

"57. (1) Where any property has been attached in execution of a decree and the Court, for any reason, passes an order dismissing the application for the execution of the decree, the Court shall direct whether the attachment shall continue or cease and shall also indicate the period up to which such attachment shall continue or the date on which such attachment shall cease.

(2) If the Court omits to give such direction, the attachment shall be deemed to have ceased.";

(xxv) for the sub-heading "Investigation of claims and objections" and for rules 58 to 63, the following sub-heading and rules shall be substituted, namely:—

*"Adjudication of claims and objections*

Adjudi-  
cation of  
claims to,  
or objec-  
tions to  
attach-  
ment of,  
property.

58. (1) Where any claim is preferred to, or any objection is made to the attachment of, any property attached in execution of a decree on the ground that such property is not liable to such attachment, the Court shall proceed to adjudicate upon the claim or objection in accordance with the provisions herein contained:

Provided that no such claim or objection shall be entertained—

(a) where, before the claim is preferred or objection is made, the property attached has already been sold; or

(b) where the Court considers that the claim or objection was designedly or unnecessarily delayed.

(2) All questions (including questions relating to right, title or interest in the property attached) arising between the parties to a proceeding or their representatives under this rule and relevant to the adjudication of the claim or objection, shall be determined by the Court dealing with the claim or objection and not by a separate suit.

(3) Upon the determination of the questions referred to in sub-rule (2), the Court shall, in accordance with such determination,—

(a) allow the claim or objection and release the property from attachment either wholly or to such extent as it thinks fit; or

(b) disallow the claim or objection; or

(c) continue the attachment subject to any mortgage, charge or other interest in favour of any person; or

(d) pass such order as in the circumstances of the case it deems fit.

(4) Where any claim or objection has been adjudicated upon under this rule, the order made thereon shall have the same force and be subject to the same conditions as to appeal or otherwise as if it were a decree.

(5) Where a claim or an objection is preferred and the Court, under the proviso to sub-rule (1), refuses to entertain it, the party against whom such order is made may institute a suit to establish the right which he claims to the property in dispute; but, subject to the result of such suit, if any, an order so refusing to entertain the claim or objection shall be conclusive.

59. Where before the claim was preferred or the objection was made, the property attached had already been advertised for sale, the Court may—

Stay of sale.

(a) if the property is movable, make an order postponing the sale pending the adjudication of the claim or objection, or

(b) if the property is immovable, make an order that, pending the adjudication of the claim or objection, the property shall not be sold, or, that pending such adjudication, the property may be sold but the sale shall not be confirmed, and any such order may be made subject to such terms and conditions as to security or otherwise as the Court thinks fit.”;

(xxvi) in rule 66,—

(a) in sub-rule (2), in clause (a), after the words “the property to be sold”, the words “or, where a part of the property would be sufficient to satisfy the decree, such part” shall be inserted;

(b) to sub-rule (2), the following provisos shall be added, namely:—

“Provided that where notice of the date for settling the terms of the proclamation has been given to the judgment-debtor by means of an order under rule 54, it shall not be necessary to give notice under this rule to the judgment-debtor unless the Court otherwise directs:

Provided further that nothing in this rule shall be construed as requiring the Court to enter in the proclamation of sale its own estimate of the value of the property, but the proclamation shall include the estimate, if any, given, by either or both of the parties.”;

(xxvii) in rule 68,—

(a) for the words “thirty days”, the words “fifteen days” shall be substituted;

(b) for the words “fifteen days”, the words “seven days” shall be substituted;

(xxviii) in rule 69, in sub-rule (2), for the word "seven", the word "thirty" shall be substituted;

(xxix) after rule 72, the following rule shall be inserted, namely:—

Mort-  
gagee  
not to  
bid at  
sale  
without  
the leave  
of the  
Court.

"72A. (1) Notwithstanding anything contained in rule 72, a mortgagee of immovable property shall not bid for or purchase property sold in execution of a decree on the mortgage unless the Court grants him leave to bid for or purchase the property.

(2) If leave to bid is granted to such mortgagee, then the Court shall fix a reserve price as regards the mortgagee, and unless the Court otherwise directs, the reserve price shall be—

(a) not less than the amount then due for principal, interest and costs in respect of the mortgage if the property is sold in one lot; and

(b) in the case of any property sold in lots, not less than such sum as shall appear to the Court to be properly attributable to each lot in relation to the amount then due for principal, interest and costs on the mortgage.

(3) In other respects, the provisions of sub-rules (2) and (3) of rule 72 shall apply in relation to purchase by the decree-holder under that rule.";

(xxx) in rule 89, in sub-rule (1), for the words "any person, either owning such property or holding an interest therein by virtue of a title acquired before such sale", the words "any person claiming an interest in the property sold at the time of the sale or at the time of making the application, or acting for or in the interest of such person," shall be substituted;

(xxxi) for rule 90, the following rule shall be substituted, namely:—

Appli-  
cation  
to set  
aside  
sale on  
ground  
of irregu-  
larity or  
fraud.

"90. (1) Where any immovable property has been sold in execution of a decree, the decree-holder, or the purchaser, or any other person entitled to share in a rateable distribution of assets, or whose interests are affected by the sale, may apply to the Court to set aside the sale on the ground of a material irregularity or fraud in publishing or conducting it.

(2) No sale shall be set aside on the ground of irregularity or fraud in publishing or conducting it unless, upon the facts proved, the Court is satisfied that the applicant has sustained substantial injury by reason of such irregularity or fraud.

(3) No application to set aside a sale under this rule shall be entertained upon any ground which the applicant could have taken on or before the date on which the proclamation of sale was drawn up.

*Explanation.*—The mere absence of, or defect in, attachment of the property sold shall not, by itself, be a ground for setting aside a sale under this rule.";



(~~xxxi~~) in rule 92,—

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

“Provided that, where any property is sold in execution of a decree pending the final disposal of any claim to, or any objection to the attachment of, such property, the Court shall not confirm such sale until the final disposal of such claim or objection.”;

(b) in sub-rule (2), for the words “the Court shall make an order setting aside the sale”, the following shall be substituted, namely:—

“or in cases where the amount deposited under rule 89 is found to be deficient owing to any clerical or arithmetical mistake on the part of the depositor and such deficiency has been made good within such time as may be fixed by the Court, the Court shall make an order setting aside the sale”;

(c) after sub-rule (3), the following sub-rules shall be inserted, namely:—

“(4) Where a third party challenges the judgment-debtor's title by filing a suit against the auction-purchaser, the decree-holder and the judgment-debtor shall be necessary parties to the suit.

(5) If the suit referred to in sub-rule (4) is decreed, the Court shall direct the decree-holder to refund the money to the auction-purchaser, and where such an order is passed the execution proceeding in which the sale had been held shall, unless the Court otherwise directs, be revived at the stage at which the sale was ordered.”;

(~~xxxiii~~) in rule 97, for sub-rule (2), the following sub-rule shall be substituted, namely:—

“(2) Where any application is made under sub-rule (1), the Court shall proceed to adjudicate upon the application in accordance with the provisions herein contained.”;

(~~xxxiv~~) for rules 98 to 103, the following rules shall be substituted, namely:—

98. (1) Upon the determination of the questions referred to in rule 101, the Court shall, in accordance with such determination and subject to the provisions of sub-rule (2),—

(a) make an order allowing the application and directing that the applicant be put into the possession of the property or dismissing the application; or

(b) pass such other order as, in the circumstances of the case, it may deem fit.

(2) Where, upon such determination, the Court is satisfied that the refusal or obstruction was occasioned without any just cause by the judgment-debtor or by some other person at

Orders  
after  
adjudi-  
cation.

his instigation or on his behalf, or by any transferee, where such transfer was made during the pendency of the suit or execution proceeding, it shall direct that the applicant be put into possession of the property, and where the applicant is still resisted or obstructed in obtaining possession, the Court may also, at the instance of the applicant, order the judgment-debtor, or any person acting at his instigation or on his behalf, to be detained in the civil prison for a term which may extend to thirty days.

Dispossession by decree-holder or purchaser.

99. (1) Where any person other than the judgment-debtor is dispossessed of immovable property by the holder of a decree for the possession of such property or, where such property has been sold in execution of a decree, by the purchaser thereof, he may make an application to the Court complaining of such dispossession.

(2) Where any such application is made, the Court shall proceed to adjudicate upon the application in accordance with the provisions herein contained.

Order to be passed upon application complaining of dispossession.

100. Upon the determination of the questions referred to in rule 101, the Court shall, in accordance with such determination,—

(a) make an order allowing the application and directing that the applicant be put into the possession of the property or dismissing the application; or

(b) pass such other order as, in the circumstances of the case, it may deem fit.

Question to be determined.

101. All questions (including questions relating to right, title or interest in the property) arising between the parties to a proceeding on an application under rule 97 or rule 99 or their representatives, and relevant to the adjudication of the application, shall be determined by the Court dealing with the application and not by a separate suit and for this purpose, the Court shall, notwithstanding anything to the contrary contained in any other law for the time being in force, be deemed to have jurisdiction to decide such questions.

Rules not applicable to transferee pendente lite.

102. Nothing in rules 98 and 100 shall apply to resistance or obstruction in execution of a decree for the possession of immovable property by a person to whom the judgment-debtor has transferred the property after the institution of the suit in which the decree was passed or to the dispossession of any such person.

*Explanation.*—In this rule, “transfer” includes a transfer by operation of law.

Orders to be treated as decrees.

103. Where any application has been adjudicated upon under rule 98 or rule 100, the order made thereon shall have the same force and be subject to the same conditions as to an appeal or otherwise as if it were a decree.

(xxxv) after rule 103, the following rules shall be inserted, namely:—

“104. Every order made under rule 101 or rule 103 shall be subject to the result of any suit that may be pending on the date of commencement of the proceeding in which such order is made, if in such suit the party against whom the order under rule 101 or rule 103 is made has sought to establish a right which he claims to the present possession of the property.

Order under rule 101 or rule 103 to be subject to the result of pending suit.

105. (1) The Court, before which an application under any of the foregoing rules of this Order is pending, may fix a day for the hearing of the application.

Hearing of application.

(2) Where on the day fixed or on any other day to which the hearing may be adjourned the applicant does not appear when the case is called on for hearing, the Court may make an order that the application be dismissed.

(3) Where the applicant appears and the opposite party to whom the notice has been issued by the Court does not appear, the Court may hear the application *ex parte* and pass such order as it thinks fit.

*Explanation.*—An application referred to in sub-rule (1) includes a claim or objection made under rule 58.

106. (1) The applicant, against whom an order is made under sub-rule (2) of rule 105 or the opposite party against whom an order is passed *ex parte* under sub-rule (3) of that rule or under sub-rule (1) of rule 23, may apply to the Court to set aside the order, and if he satisfies the Court that there was sufficient cause for his non-appearance when the application was called on for hearing, the Court shall set aside the order on such terms as to costs or otherwise as it thinks fit, and shall appoint a day for the further hearing of the application.

Setting aside orders passed *ex parte*, etc.

(2) No order shall be made on an application under sub-rule (1) unless notice of the application has been served on the other party.

(3) An application under sub-rule (1) shall be made within thirty days from the date of the order, or where, in the case of an *ex parte* order, the notice was not duly served, within thirty days from the date when the applicant had knowledge of the order.”.

73. In the First Schedule, in Order XXII,—

Amendment of Order XXII.

(i) in rule 4, after sub-rule (3), the following sub-rules shall be inserted, namely:—

“(4) The Court whenever it thinks fit, may exempt the plaintiff from the necessity of substituting the legal representatives of any such defendant who has failed to file a written statement or who, having filed it, has failed to appear and contest the suit at the hearing; and judgment may, in such case, be pronounced against the said defendant notwithstanding the death of such defendant and shall have the same force and effect as if it has been pronounced before death took place.

## (5) Where—

(a) the plaintiff was ignorant of the death of a defendant, and could not, for that reason, make an application for the substitution of the legal representative of the defendant under this rule within the period specified in the Limitation Act, 1963, and the suit has, in consequence, abated, and

36 of 1963.

(b) the plaintiff applies after the expiry of the period specified therefor in the Limitation Act, 1963, for setting aside the abatement and also for the admission of that application under section 5 of that Act on the ground that he had, by reason of such ignorance, sufficient cause for not making the application within the period specified in the said Act,

36 of 1963.

the Court shall, in considering the application under the said section 5, have due regard to the fact of such ignorance, if proved.”;

(ii) after rule 4, the following rule shall be inserted, namely:—

“4A. (1) If, in any suit, it shall appear to the Court that any party who has died during the pendency of the suit has no legal representative, the Court may, on the application of any party to the suit, proceed in the absence of a person representing the estate of the deceased person, or may by order appoint the Administrator-General, or an officer of the Court or such other person as it thinks fit to represent the estate of the deceased person for the purpose of the suit; and any judgment or order subsequently given or made in the suit shall bind the estate of the deceased person to the same extent as he would have been bound if a personal representative of the deceased person had been a party to the suit.

Procedure where there is no legal representative.

(2) Before making an order under this rule, the Court—

(a) may require notice of the application for the order to be given to such (if any) of the persons having an interest in the estate of the deceased person as it thinks fit; and

(b) shall ascertain that the person proposed to be appointed to represent the estate of the deceased person is willing to be so appointed and has no interest adverse to that of the deceased person.”;

(iii) to rule 5, the following proviso shall be added, namely:—

“Provided that where such question arises before an Appellate Court, that Court may, before determining the question, direct any subordinate Court to try the question and to return the records together with evidence, if any, recorded at such trial, its findings and reasons therefor, and the Appellate Court may take the same into consideration in determining the question.”;

(iv) in rule 9, the following *Explanation* shall be inserted at the end, namely:—

“*Explanation.*—Nothing in this rule shall be construed as barring, in any later suit, a defence based on the facts which constituted the cause of action in the suit which had abated or had been dismissed under this Order.”;

(v) after rule 10, the following rule shall be inserted, namely:—

“10A. Whenever a pleader appearing for a party to the suit comes to know of the death of that party, he shall inform the Court about it, and the Court shall thereupon give notice of such death to the other party, and, for this purpose, the contract between the pleader and the deceased party shall be deemed to subsist.”.

Duty of pleader to communicate to Court death of a party.

74. In the First Schedule, in Order XXIII,—

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

Amendment of Order XXIII.

“1. (1) At any time after the institution of a suit, the plaintiff may as against all or any of the defendants abandon his suit or abandon a part of his claim:

Withdrawal of suit or abandonment of part of claim.

Provided that where the plaintiff is a minor or other person to whom the provisions contained in rules 1 to 14 of Order XXXII extend, neither the suit nor any part of the claim shall be abandoned without the leave of the Court.

(2) An application for leave under the proviso to sub-rule (1) shall be accompanied by an affidavit of the next friend and also, if the minor or such other person is represented by a pleader, by a certificate of the pleader to the effect that the abandonment proposed is, in his opinion, for the benefit of the minor or such other person.

(3) Where the Court is satisfied,—

- (a) that a suit must fail by reason of some formal defect,
- or
- (b) that there are sufficient grounds for allowing the plaintiff to institute a fresh suit for the subject-matter of a suit or part of a claim,

it may, on such terms as it thinks fit, grant the plaintiff permission to withdraw from such suit or such part of the claim with liberty to institute a fresh suit in respect of the subject-matter of such suit or such part of the claim.

(4) Where the plaintiff—

(a) abandons any suit or part of claim under sub-rule (1), or

(b) withdraws from a suit or part of a claim without the permission referred to in sub-rule (3),

he shall be liable for such costs as the Court may award and shall be precluded from instituting any fresh suit in respect of such subject-matter or such part of the claim.

(5) Nothing in this rule shall be deemed to authorise the Court to permit one of several plaintiffs to abandon a suit or part of a claim under sub-rule (1), or to withdraw, under sub-rule (3), any suit or part of a claim, without the consent of the other plaintiffs.”;

(ii) after rule 1, the following rule shall be inserted, namely:—

“1A. Where a suit is withdrawn or abandoned by a plaintiff under rule 1, and a defendant applies to be transposed as a plaintiff under rule 10 of Order I, the Court shall, in considering such application, have due regard to the question whether the applicant has a substantial question to be decided as against any of the other defendants.”;

(iii) in rule 3,—

(a) after the words “lawful agreement or compromise”, the words “in writing and signed by the parties” shall be inserted;

(b) for the words “so far as it relates to the suit”, the words “so far as it relates to the parties to the suit, whether or not the subject-matter of the agreement, compromise or satisfaction is the same as the subject-matter of the suit” shall be substituted;

(iv) to rule 3, the following proviso shall be added, namely:—

“Provided that where it is alleged by one party and denied by the other that an adjustment or satisfaction has been arrived at, the Court shall decide the question; but no adjournment shall be granted for the purpose of deciding the question, unless the Court, for reasons to be recorded, thinks fit to grant such adjournment.”;

(v) in rule 3, the following *Explanation* shall be inserted at the end, namely:—

“*Explanation.*—An agreement or compromise which is void or voidable under the Indian Contract Act, 1872, shall not be deemed to be lawful within the meaning of this rule.”;

9 of 1872.

(vi) after rule 3, the following rules shall be inserted, namely:—

3A. No suit shall lie to set aside a decree on the ground that the compromise on which the decree is based was not lawful.

3B. (1) No agreement or compromise in a representative suit shall be entered into without the leave of the Court expressly recorded in the proceedings; and any such agreement or compromise entered into without the leave of the Court so recorded shall be void.

(2) Before granting such leave, the Court shall give notice in such manner as it may think fit to such persons as may appear to it to be interested in the suit.

*Explanation.*—In this rule, “representative suit” means,—

(a) a suit under section 91 or section 92,

(b) a suit under rule 8 of Order I,

When  
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of defen-  
dants  
as plain-  
tiffs  
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Bar to  
suit.

No agree-  
ment or  
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promise  
to be  
entered  
in a re-  
presen-  
tative  
suit  
without  
leave  
of Court.

(c) a suit in which the manager of an undivided Hindu family sues or is sued as representing the other members of the family,

(d) any other suit in which the decree passed may, by virtue of the provisions of this Code or of any other law for the time being in force, bind any person who is not named as party to the suit.

75. In the First Schedule, in Order XXVI,—

(i) to rule 1, the following proviso and *Explanation* shall be added, namely:—

“Provided that a commission for examination on interrogatories shall not be issued unless the Court, for reasons to be recorded, thinks it necessary so to do.

*Explanation.*—The Court may, for the purpose of this rule, accept a certificate purporting to be signed by a registered medical practitioner as evidence of the sickness or infirmity of any person, without calling the medical practitioner as a witness.”;

(ii) in rule 4,—

(a) in sub-rule (1), for the words “for the examination of”, the words “for the examination on interrogatories or otherwise of—” shall be substituted;

(b) to sub-rule (1), the following provisos shall be added, namely:—

“Provided that where, under rule 19 of Order XVI, a person cannot be ordered to attend a Court in person, a commission shall be issued for his examination if his evidence is considered necessary in the interests of justice:

Provided further that a commission for examination of such person on interrogatories shall not be issued unless the Court, for reasons to be recorded, thinks it necessary so to do.”;

(iii) in rule 7, for the brackets and words “(subject to the provisions of the next following rule)”, the brackets, words and figure “(subject to the provisions of rule 8)” shall be substituted;

(iv) after rule 10, the following heading and rules shall be inserted, namely:—

“Commissions for scientific investigation, performance of ministerial act and sale of movable property

10A. (1) Where any question arising in a suit involves any scientific investigation which cannot, in the opinion of the Court, be conveniently conducted before the Court the Court may, if it thinks it necessary or expedient in the interests of justice so to do, issue a commission to such person as it thinks fit, directing him to inquire into such question and report thereon to the Court.

Amendment of Order XXVI.

Commission for scientific investigation.

(2) The provisions of rule 10 of this Order shall, as far as may be, apply in relation to a Commissioner appointed under this rule as they apply in relation to a Commissioner appointed under rule 9.

Commis-  
sion for  
perform-  
ance of  
a minis-  
terial  
act.

10B. (1) Where any question arising in a suit involves the performance of any ministerial act which cannot, in the opinion of the Court, be conveniently performed before the Court, the Court may, if, for reasons to be recorded, it is of opinion that it is necessary or expedient in the interests of justice so to do, issue a commission to such person as it thinks fit, directing him to perform that ministerial act and report thereon to the Court.

(2) The provisions of rule 10 of this Order shall apply in relation to a Commissioner appointed under this rule as they apply in relation to a Commissioner appointed under rule 9.

Commis-  
sion for  
the sale  
of mova-  
ble pro-  
perty.

10C. (1) Where, in any suit, it becomes necessary to sell any movable property which is in the custody of the Court pending the determination of the suit and which cannot be conveniently preserved, the Court may, if, for reasons to be recorded, it is of opinion that it is necessary or expedient in the interests of justice so to do, issue a commission to such person as it thinks fit, directing him to conduct such sale and report thereon to the Court.

(2) The provisions of rule 10 of this Order shall apply in relation to a Commissioner appointed under this rule as they apply in relation to a Commissioner appointed under rule 9.

(3) Every such sale shall be held, as far as may be, in accordance with the procedure prescribed for the sale of movable property in execution of a decree.”;

(v) after rule 16, the following rule shall be inserted, namely:—

Questions  
objected  
to be-  
fore the  
Com-  
missioner.

“16A. (1) Where any question put to a witness is objected to by a party or his pleader in proceedings before a Commissioner appointed under this Order, the Commissioner shall take down the question, the answer, the objections and the name of the party or, as the case may be, the pleader so objecting:

Provided that the Commissioner shall not take down the answer to a question which is objected to on the ground of privilege but may continue with the examination of the witness, leaving the party to get the question of privilege decided by the Court, and, where the Court decides that there is no question of privilege, the witness may be recalled by the Commissioner and examined by him or the witness may be examined by the Court with regard to the question which was objected to on the ground of privilege.

(2) No answer taken down under sub-rule (1) shall be read as evidence in the suit except by the order of the Court.”;

(vi) to sub-rule (1) of rule 17, the following proviso shall be added, namely:—

“Provided that when the Commissioner is not a Judge of a Civil Court, he shall not be competent to impose penalties; but,



such penalties may be imposed on the application of such Commissioner by the Court by which the commission was issued.”;

(vii) after rule 18, the following rules shall be inserted, namely:—

“18A. The provisions of this Order shall apply, so far as may be, to proceedings in execution of a decree or order.

Applica-  
tion of  
Order  
to exe-  
cution  
pro-  
ceedings.

18B. The Court issuing a commission shall fix a date on or before which the commission shall be returned to it after execution, and the date so fixed shall not be extended except where the Court, for reasons to be recorded, is satisfied that there is sufficient cause for extending the date.”;

Court to  
fix a  
time for  
return  
of com-  
mission.

(viii) in rule 22, for the figures and word “16, 17 and 18”, the words, brackets, figures and letters “sub-rule (1) of rule 16A, 17, 18 and 18B” shall be substituted.

76. In the First Schedule, in Order XXVII,—

(i) in rule 5, the words “but the time so extended shall not exceed two months in the aggregate” shall be inserted at the end;

Amend-  
ment of  
Order  
XXVII.

(ii) after rule 5, the following rules shall be inserted, namely:—

“5A. Where a suit is instituted against a public officer for damages or other relief in respect of any act alleged to have been done by him in his official capacity, the Government shall be joined as a party to the suit.

Govern-  
ment  
to be  
joined  
as a  
party in  
a suit  
against  
a public  
officer.

5B. (1) In every suit or proceeding to which the Government, or a public officer acting in his official capacity, is a party, it shall be the duty of the Court to make, in the first instance, every endeavour, where it is possible to do so consistently with the nature and circumstances of the case, to assist the parties in arriving at a settlement in respect of the subject-matter of the suit.

Duty of  
Court  
in suits  
against  
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arriving  
at a settle-  
ment.

(2) If, in any such suit or proceeding, at any stage, it appears to the Court that there is a reasonable possibility of a settlement between the parties, the Court may adjourn the proceeding for such period as it thinks fit, to enable attempts to be made to arrive at a settlement.

(3) The power conferred under sub-rule (2) is in addition to any other power of the Court to adjourn proceedings.”

Amend-  
ment of  
Order  
XXVIA.

77. In the First Schedule, in Order XXVIA,—

(i) in the heading, after the words "INTERPRETATION OF THE CONSTITUTION", the words "OR AS TO THE VALIDITY OF ANY STATUTORY INSTRUMENT" shall be inserted;

(ii) after rule 1, the following rule shall be inserted, namely:—

"1A. In any suit in which it appears to the Court that any question as to the validity of any statutory instrument, not being a question of the nature mentioned in rule 1, is involved, the Court shall not proceed to determine that question except after giving notice—

(a) to the Government Pleader, if the question concerns the Government, or

(b) to the authority which issued the statutory instrument, if the question concerns an authority other than Government.";

(iii) after rule 2, the following rule shall be inserted, namely:—

"2A. The Court may, at any stage of the proceedings in any suit involving any such question as is referred to in rule 1A, order that the Government or other authority shall be added as a defendant if the Government Pleader or the pleader appearing in the case for the authority which issued the instrument, as the case may be, whether upon receipt of notice under rule 1A or otherwise, applies for such addition, and the Court is satisfied that such addition is necessary or desirable for the satisfactory determination of the question.";

(iv) for rule 3, the following rule shall be substituted, namely:—

"3. Where, under rule 2 or rule 2A, the Government or any other authority is added as a defendant in a suit, the Attorney-General, Advocate-General, or Government Pleader or Government or other authority shall not be entitled to, or liable for, costs in the Court which ordered the addition unless the Court, having regard to all the circumstances of the case for any special reason, otherwise orders.";

(v) after rule 4, the following *Explanation* shall be inserted, namely:—

*Explanation.*—In this Order, "statutory instrument" means a rule, notification, bye-law, order, scheme or form made as specified under any enactment.

Proce-  
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Power of  
Court  
to add  
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ment or  
other  
authority  
as a  
defen-  
dant in  
a suit  
relating  
to the  
validity  
of any  
statutory  
instru-  
ment.

Costs.

78. In the First Schedule, in Order XXX,—

(i) in rule 2, for the proviso below sub-rule (3), the following proviso shall be substituted, namely:—

“Provided that all proceedings shall nevertheless continue in the name of the firm, but the name of the partners disclosed in the manner specified in sub-rule (1) shall be entered in the decree.”;

(ii) for rule 8, the following rule shall be substituted, namely:—

“8. (1) Any person served with summons as a partner under rule 3 may enter an appearance under protest, denying that he was a partner at any material time.

(2) On such appearance being made, either the plaintiff or the person entering the appearance may, at any time before the date fixed for hearing and final disposal of the suit, apply to the Court for determining whether that person was a partner of the firm and liable as such.

(3) If, on such application, the Court holds that he was a partner at the material time, that shall not preclude the person from filing a defence denying the liability of the firm in respect of the claim against the defendant.

(4) If the Court, however, holds that such person was not a partner of the firm and was not liable as such, that shall not preclude the plaintiff from otherwise serving a summons on the firm and proceeding with the suit; but in that event, the plaintiff shall be precluded from alleging the liability of that person as a partner of the firm in execution of any decree that may be passed against the firm.”;

(iii) for rule 10, the following rule shall be substituted, namely:—

“10. Any person carrying on business in a name or style other than his own name, or a Hindu undivided family carrying on business under any name, may be sued in such name or style as if it were a firm name, and, in so far as the nature of such case permits, all rules under this Order shall apply accordingly.”.

79. In the First Schedule, in Order XXXII,—

(i) in rule 1, the following Explanation shall be inserted at the end, namely:—

‘Explanation.—In this Order, “minor” means a person who has not attained his majority within the meaning of section 3 of the Indian Majority Act, 1875, where the suit relates to any of the matters mentioned in clauses (a) and (b) of section 2 of that Act or to any other matter.’

Amend-  
ment of  
Order  
XXX.

Appear-  
ance  
under  
protest.

Suit  
against  
person  
carry-  
ing on  
business  
in name  
other  
than  
his own.

Amend-  
ment of  
order  
XXXII.

(ii) after rule 2, the following rule shall be inserted, namely:—

Security to be furnished by next friend when so ordered.

"2A. (1) Where a suit has been instituted on behalf of the minor by his next friend, the Court may, at any stage of the suit, either of its own motion or on the application of any defendant, and for reasons to be recorded, order the next friend to give security for the payment of all costs incurred or likely to be incurred by the defendant.

(2) Where such a suit is instituted by an indigent person, the security shall include the court-fees payable to the Government.

(3) The provisions of rule 2 of Order XXV shall, so far as may be, apply to a suit where the Court makes an order under this rule directing security to be furnished.";

(iii) in rule 3,—

(a) in sub-rule (4),—

(i) the words "to the minor and" shall be omitted;

(ii) for the words "upon notice to the father or other natural guardian", the words "upon notice to the father or where there is no father, to the mother, or where there is no father or mother, to other natural guardian" shall be substituted;

(iii) for the words "no father or other natural guardian", the words "no father, mother or other natural guardian" shall be substituted;

(b) after sub-rule (4), the following sub-rule shall be inserted, namely:—

"(4A) The Court may, in any case, if it thinks fit, issue notice under sub-rule (4) to the minor also.";

(iv) after rule 3, the following rule shall be inserted, namely:—

Decree against minor not to be set aside unless prejudice has been caused to his interests.

"3A. (1) No decree passed against a minor shall be set aside merely on the ground that the next friend or guardian for the suit of the minor had an interest in the subject-matter of the suit adverse to that of the minor, but the fact that by reason of such adverse interest of the next friend or guardian for the suit, prejudice has been caused to the interests of the minor, shall be a ground for setting aside the decree.

(2) Nothing in this rule shall preclude the minor from obtaining any relief available under any law by reason of the misconduct or gross negligence on the part of the next friend or guardian for the suit resulting in prejudice to the interests of the minor.";

(v) in rule 4,—

(d) in sub-rule (3), after the word "consent", the words "in writing" shall be inserted;

(b) in sub-rule (4), after the words "any fund in Court in which the minor is interested", the words "or out of the property of the minor" shall be inserted;

(vi) in rule 6, to sub-rule (2), the following proviso shall be added, namely:—

"Provided that the Court may, for reasons to be recorded, dispense with such security while granting leave to the next friend or guardian for the suit to receive money or other movable property under a decree or order, where such next friend or guardian—

(a) is the manager of a Hindu undivided family and the decree or order relates to the property or business of the family; or

(b) is the parent of the minor."

(vii) in rule 7, after sub-rule (1), the following sub-rule shall be inserted, namely:—

"(1A) An application for leave under sub-rule (1) shall be accompanied by an affidavit of the next friend or the guardian for the suit, as the case may be, and also, if the minor is represented by a pleader, by the certificate of the pleader, to the effect that the agreement or compromise proposed is, in his opinion, for the benefit of the minor:

Provided that the opinion so expressed, whether in the affidavit or in the certificate shall not preclude the Court from examining whether the agreement or compromise proposed is for the benefit of the minor."

(viii) for rule 15, the following rule shall be substituted, namely:—

"15. Rules 1 to 14 (except rule 2A) shall, so far as may be, apply to persons adjudged, before or during the pendency of the suit, to be of unsound mind and shall also apply to persons who, though not so adjudged, are found by the Court on enquiry to be incapable, by reason of any mental infirmity, of protecting their interest when suing or being sued."

(ix) for rule 16, the following rule shall be substituted, namely:—

"16. (1) Nothing contained in this Order shall apply to the Ruler of a foreign State suing or being sued in the name of his State, or being sued by the direction of the Central Government in the name of an agent or in any other name.

(2) Nothing contained in this Order shall be construed as affecting or in any way derogating from the provisions of any local law for the time being in force relating to suits by or against minors or by or against lunatics or other persons of unsound mind."

Rules  
1 to 14  
(except  
rule 2A)  
to apply  
to per-  
sons of  
unsound  
mind.

Savings

Insertion  
of new  
Order.  
XXXIIA.

80. In the First Schedule, after Order XXXII, the following Order shall be inserted, namely:—

ORDER XXXIIA

SUITS RELATING TO MATTERS CONCERNING THE FAMILY

Applica-  
tion of  
the  
Order

1. (1) The provisions of this Order shall apply to suits or proceedings relating to matters concerning the family.

(2) In particular, and without prejudice to the generality of the provisions of sub-rule (1), the provisions of this Order shall apply to the following suits or proceedings concerning the family, namely:—

(a) a suit or proceeding for matrimonial relief, including a suit or proceeding for declaration as to the validity of a marriage or as to the matrimonial status of any person;

(b) a suit or proceeding for a declaration as to the legitimacy of any person;

(c) a suit or proceeding in relation to the guardianship of the person or the custody of any minor or other member of the family, under a disability;

(d) a suit or proceeding for maintenance;

(e) a suit or proceeding as to the validity or effect of an adoption;

(f) a suit or proceeding, instituted by a member of the family, relating to wills, intestacy and succession;

(g) a suit or proceeding relating to any other matter concerning the family in respect of which the parties are subject to their personal law.

(3) So much of this Order as relates to a matter provided for by a special law in respect of any suit or proceeding shall not apply to that suit or proceeding.

Proceed-  
ings  
to be  
held  
*in*  
*camera*.

2. In every suit or proceeding to which this Order applies, the proceedings may be held *in camera* if the Court so desires and shall be so held if either party so desires.

Duty of  
Court  
to make  
efforts  
for  
settle-  
ment.

3. (1) In every suit or proceeding to which this Order applies, an endeavour shall be made by the Court in the first instance, where it is possible to do so consistent with the nature and circumstances of the case, to assist the parties in arriving at a settlement in respect of the subject-matter of the suit.

(2) If, in any such suit or proceeding, at any stage it appears to the Court that there is a reasonable possibility of a settlement between the parties, the Court may adjourn the proceedings for such period as it thinks fit to enable attempts to be made to effect such a settlement.

(3) The power conferred by sub-rule (2) shall be in addition to, and not in derogation of, any other power of the Court to adjourn the proceedings.

4. In every suit or proceeding to which this Order applies, it shall be open to the Court to secure the services of such person (preferably a woman where available), whether related to the parties or not, including a person professionally engaged in promoting the welfare of the family as the Court may think fit, for the purpose of assisting the Court in discharging the functions imposed by rule 3 of this Order.

Assistance of welfare expert.

5. In every suit or proceeding to which this Order applies, it shall be the duty of the Court to inquire, so far it reasonably can, into the facts alleged by the plaintiff and into any facts alleged by the defendant.

Duty to inquire into facts.

6. For the purposes of this Order, each of the following shall be treated as constituting a family, namely:—

“Family” —meaning of.

(a) (i) a man and his wife living together,

(ii) any child or children, being issue of theirs; or of such man or such wife,

(iii) any child or children being maintained by such man and wife;

(b) a man not having a wife or not living together with his wife, any child or children, being issue of his, and any child or children being maintained by him;

(c) a woman not having a husband or not living together with her husband, any child or children being issue of hers, and any child or children being maintained by her;

(d) a man or woman and his or her brother, sister, ancestor or lineal descendant living with him or her; and

(e) any combination of one or more of the groups specified in clause (a), clause (b), clause (c) or clause (d) of this rule.

*Explanation.*—For the avoidance of doubts, it is hereby declared that the provisions of rule 6 shall be without any prejudice to the concept of “family” in any personal law or in any other law for the time being in force.

81. In the First Schedule, in Order XXXIII,—

Amendment of Order XXXIII.

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

“SUITS BY INDIGENT PERSONS”;

(ii) in the Order, for the word “pauper”, wherever it occurs, the words “indigent person”, shall, with such grammatical variations or cognate expressions as may be necessary, be substituted;

(iii) in rule 1, for the *Explanation*, the following *Explanations* shall be substituted, namely:—

“*Explanation I.*—A person is an indigent person,—

(a) if he is not possessed of sufficient means (other than property exempt from attachment in execution of a decree and the subject-matter of the suit) to enable him to pay the fee prescribed by law for the plaint in such suit, or

(b) where no such fee is prescribed, if he is not entitled to property worth one thousand rupees other than the property exempt from attachment in execution of a decree, and the subject-matter of the suit.

*Explanation II.*—Any property which is acquired by a person after the presentation of his application for permission to sue as an indigent person, and before the decision of the application, shall be taken into account in considering the question whether or not the applicant is an indigent person.

*Explanation III.*—Where the plaintiff sues in a representative capacity, the question whether he is an indigent person shall be determined with reference to the means possessed by him in such capacity.”;

(iv) after rule 1, the following rule shall be inserted, namely:—

“1A. Every inquiry into the question whether or not a person is an indigent person shall be made, in the first instance, by the chief ministerial officer of the Court, unless the Court otherwise directs, and the Court may adopt the report of such officer as its own finding or may itself make an inquiry into the question.”;

(v) to rule 3, the following proviso shall be added, namely:—

“Provided that, where there are more plaintiffs than one, it shall be sufficient if the application is presented by one of the plaintiffs.”;

(vi) in rule 5,—

(a) to clause (c), the following proviso shall be added, namely:—

“Provided that no application shall be rejected if, even after the value of the property disposed of by the applicant is taken into account, the applicant would be entitled to sue as an indigent person.”;

(b) in clause (e), the word “or” shall be inserted at the end;

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

“(f) where the allegations made by the applicant in the application show that the suit would be barred by any law for the time being in force, or

(g) where any other person has entered into an agreement with him to finance the litigation.”;

(vii) in rule 7,—

(a) in sub-rule (1), for the words “a memorandum of the substance of their evidence”, the words “a full record of their evidence” shall be substituted;

(b) after sub-rule (1), the following sub-rule shall be inserted, namely:—

“(1A) The examination of the witnesses under sub-rule (1) shall be confined to the matters specified in clause (b),

Inquiry into the means of an indigent person.



clause (c) and clause (e) of rule 5 but the examination of the applicant or his agent may relate to any of the matters specified in rule 5.”;

(c) in sub-rule (2), for the words “as herein provided”, the words and figure “under rule 6 or under this rule” shall be substituted;

(viii) in rule 8, for the brackets and words “(other than fees payable for service of process)”, the words “or fees payable for service of process” shall be substituted;

(ix) after rule 9, the following rule shall be inserted, namely:—

“9A. (1) Where a person, who is permitted to sue as an indigent person, is not represented by a pleader, the Court may, if the circumstances of the case so require, assign a pleader to him.

Court to assign a pleader to an unrepresented indigent person.

(2) The High Court may, with the previous approval of the State Government, make rules providing for—

(a) the mode of selecting pleaders to be assigned under sub-rule (1);

(b) the facilities to be provided to such pleaders by the Court;

(c) any other matter which is required to be or may be provided by the rules for giving effect to the provisions of sub-rule (1).”;

(x) in rule 11, in clause (a), after the words “such service”, the words “or to present copies of the plaint or concise statement” shall be inserted;

(xi) in rule 15, for the words “provided that he first pays”, the words “provided that the plaint shall be rejected if he does not pay, either at the time of the institution of the suit or within such time thereafter as the Court may allow,” shall be substituted;

(xii) after rule 15, the following rule shall be inserted, namely:—

“15A. Nothing contained in rule 5, rule 7 or rule 15 shall prevent a Court, while rejecting an application under rule 5 or refusing an application under rule 7, from granting time to the applicant to pay the requisite court-fee within such time as may be fixed by the Court or extended by it from time to time; and upon such payment and on payment of the costs referred to in sub-rule (2) of rule 15 within that time, the suit shall be deemed to have been instituted on the date on which the application for permission to sue as an indigent person was presented.”;

Grant of time for payment of court-fee.

(xiii) after rule 16, the following rules shall be inserted, namely:—

“17. Any defendant, who desires to plead a set-off or counter-claim, may be allowed to set up such claim as an indigent person, and the rules contained in this Order shall so far as may be, apply to him as if he were a plaintiff and his written statement were a plaint.

Defence by an indigent person.

Power of Government to provide for free legal services to indigent persons.

18. (1) Subject to the provisions of this Order, the Central or State Government may make such supplementary provisions as it thinks fit for providing free legal services to those who have been permitted to sue as indigent persons.

(2) The High Court may, with the previous approval of the State Government, make rules for carrying out the supplementary provisions made by the Central or State Government for providing free legal services to indigent persons referred to in sub-rule (1), and such rules may include the nature and extent of such legal services, the conditions under which they may be made available, the matters in respect of which, and the agencies through which, such services may be rendered.”.

Amendment of Order XXXIV.

82. In the First Schedule, in Order XXXIV,—

(i) in rule 6, for the words “the last preceding rule”, the word and figure “rule 5” shall be substituted;

(ii) in rule 8A,—

(a) for the words “the last preceding rule”, the word and figure “rule 8” shall be substituted;

(b) for the words “on application by him”, the words “on application by him in execution” shall be substituted;

(iii) to rule 10, the following proviso shall be added, namely:—

“Provided that where the mortgagor, before or at the time of the institution of the suit, tenders or deposits the amount due on the mortgage, or such amount as is not substantially deficient in the opinion of the Court, he shall not be ordered to pay the costs of the suit to the mortgagee and the mortgagor shall be entitled to recover his own costs of the suit from the mortgagee, unless the Court, for reasons to be recorded, otherwise directs.”;

(iv) after rule 10, the following rule shall be inserted, namely:—

“10A. Where in a suit for foreclosure, the mortgagor has, before or at the time of the institution of the suit, tendered or deposited the sum due on the mortgage, or such sum as is not substantially deficient in the opinion of the Court, the Court shall direct the mortgagee to pay to the mortgagor mesne profits for the period beginning with the institution of the suit.”;

Power of Court to direct mortgagee to pay mesne profits.

(v) rule 15 shall be re-numbered as sub-rule (1) of that rule, and after sub-rule (1) as so re-numbered, the following sub-rule shall be inserted, namely:—

“(2) Where a decree orders payment of money and charges on immovable property on default of payment, the amount may be realised by sale of that property in execution of that decree.”.

Amendment of Order XXXVI.

83. In the First Schedule, in Order XXXVI,—

(i) in rule 3,—

(a) in sub-rule (1), after the words “may be filed”, the words “with an application” shall be inserted;

(b) in sub-rule (2),—

(i) for the words “The agreement”, the words “The application” shall be substituted;

(ii) for the words “it was presented”, the words “the application was presented” shall be substituted;

(ii) after rule 5, the following rule shall be inserted, namely:—

“6. No appeal shall lie from a decree passed under rule 5.”

No appeal from a decree passed under rule 5.

84. In the First Schedule, in Order XXXVII,—

(i) in the heading, the words “ON NEGOTIABLE INSTRUMENTS” shall be omitted;

Amendment of Order XXXVII

(ii) for rule 1, the following rule shall be substituted, namely:—

“1. (1) This Order shall apply to the following Courts, namely:—

Courts and classes of suits to which the Order is to apply

(a) High Courts, City Civil Courts and Courts of Small Causes; and

(b) other Courts:

Provided that in respect of the Courts referred to in clause (b), the High Court may, by notification in the Official Gazette, restrict the operation of this Order only to such categories of suits as it deems proper, and may also, from time to time, as the circumstances of the case may require, by subsequent notification in the Official Gazette, further restrict, enlarge or vary, the categories of suits to be brought under the operation of this Order as it deems proper.

(2) Subject to the provisions of sub-rule (1), the Order applies to the following classes of suits, namely:—

(a) suits upon bills of exchange, hundies and promissory notes;

(b) suits in which the plaintiff seeks only to recover a debt or liquidated demand in money payable by the defendant, with or without interest, arising,—

(i) on a written contract; or

(ii) on an enactment, where the sum sought to be recovered is a fixed sum of money or in the nature of a debt other than a penalty; or

(iii) on a guarantee, where the claim against the principal is in respect of a debt or liquidated demand only.”;

(iii) for rule 2, the following rule shall be substituted, namely:—

“2. (1) A suit, to which this Order applies, may if the plaintiff desires to proceed hereunder, be instituted by presenting a plaint which shall contain,—

Institution of summary suits.

(a) a specific averment to the effect that the suit is filed under this Order;

(b) that no relief, which does not fall within the ambit of this rule, has been claimed in the plaint; and

(c) the following inscription, immediately below the number of the suit in the title of the suit, namely:—

“(Under Order XXXVII of the Code of Civil Procedure, 1908).”.

(2) The summons of the suit shall be in Form No. 4 in Appendix B or in such other Form as may, from time to time, be prescribed.

(3) The defendant shall not defend the suit referred to in sub-rule (1) unless he enters an appearance and in default of his entering an appearance the allegations in the plaint shall be deemed to be admitted and the plaintiff shall be entitled to a decree for any sum, not exceeding the sum mentioned in the summons, together with interest at the rate specified, if any, up to the date of the decree and such sum for costs as may be determined by the High Court from time to time by rules made in that behalf and such decree may be executed forthwith;’

(iv) for rule 3, the following rule shall be substituted, namely —

Procedure for the appearance of defendant.

“3. (1) In a suit to which this Order applies, the plaintiff shall, together with the summons under rule 2, serve on the defendant a copy of the plaint and annexures thereto and the defendant may, at any time within ten days of such service, enter an appearance either in person or by pleader and, in either case, he shall file in Court an address for service of notices on him.

(2) Unless otherwise ordered, all summonses, notices and other judicial processes, required to be served on the defendant, shall be deemed to have been duly served on him if they are left at the address given by him for such service.

(3) On the day of entering the appearance, notice of such appearance shall be given by the defendant to the plaintiff’s pleader, or, if the plaintiff sues in person, to the plaintiff himself, either by notice delivered at or sent by a pre-paid letter directed to the address of the plaintiff’s pleader or of the plaintiff, as the case may be.

(4) If the defendant enters an appearance, the plaintiff shall thereafter serve on the defendant a summons for judgment in Form No. 4A in Appendix B or such other Form as may be prescribed from time to time, returnable not less than ten days from the date of service supported by an affidavit verifying the cause of action and the amount claimed and stating that in his belief there is no defence to the suit.

(5) The defendant may, at any time within ten days from the service of such summons for judgment, by affidavit or otherwise disclosing such facts as may be deemed sufficient to entitle him to defend, apply on such summons for leave to defend such suit, and leave to defend may be granted to him

unconditionally or upon such terms as may appear to the Court or Judge to be just:

Provided that leave to defend shall not be refused unless the Court is satisfied that the facts disclosed by the defendant do not indicate that he has a substantial defence to raise or that the defence intended to be put up by the defendant is frivolous or vexatious:

Provided further that, where a part of the amount claimed by the plaintiff is admitted by the defendant to be due from him, leave to defend the suit shall not be granted unless the amount so admitted to be due is deposited by the defendant in Court.

(6) At the hearing of such summons for judgment,—

(a) if the defendant has not applied for leave to defend, or if such application has been made and is refused, the plaintiff shall be entitled to judgment forthwith; or

(b) if the defendant is permitted to defend as to the whole or any part of the claim, the Court or Judge may direct him to give such security and within such time as may be fixed by the Court or Judge and that, on failure to give such security within the time specified by the Court or Judge or to carry out such other directions as may have been given by the Court or Judge, the plaintiff shall be entitled to judgment forthwith.

(7) The Court or Judge may, for sufficient cause shown by the defendant, excuse the delay of the defendant in entering an appearance or in applying for leave to defend the suit.

85. In the First Schedule, in Order XXXVIII,—

(i) in rule 5, after sub-rule (3), the following sub-rule shall be inserted, namely:—

“(4) If an order of attachment is made without complying with the provisions of sub-rule (1) of this rule, such attachment shall be void.”;

(ii) for rule 8, the following rule shall be substituted, namely:—

“8. Where any claim is preferred to property attached before judgment, such claim shall be adjudicated upon in the manner hereinbefore provided for the adjudication of claims to property attached in execution of a decree for the payment of money.”;

(iii) after rule 11, the following rule shall be inserted, namely:—

“11A. (1) The provisions of this Code applicable to an attachment made in execution of a decree shall, so far as may be, apply to an attachment made before judgment which continues after the judgment by virtue of the provisions of rule 11.

(2) An attachment made before judgment in a suit which is dismissed for default shall not become revived merely by rea-

Amend-  
ment of  
Order  
XXXVIII.

Adjudi-  
cation of  
claim to  
property  
attached  
before  
judgment.

Provisions  
applicable  
to attach-  
ment.

son of the fact that the order for the dismissal of the suit for default has been set aside and the suit has been restored.”.

Amend-  
ment of  
Order  
XXXIX.

86. In the First Schedule, in Order XXXIX,—

(i) in rule 1,—

(a) in clause (b), for the word “defraud”, the word “defrauding” shall be substituted;

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

“(c) that the defendant threatens to dispossess the plaintiff or otherwise cause injury to the plaintiff in relation to any property in dispute in the suit;”;

(c) after the words “sale, removal or disposition of the property”, the words “or dispossession of the plaintiff, or otherwise causing injury to the plaintiff in relation to any property in dispute in the suit” shall be inserted;

(ii) in rule 2, sub-rules (3) and (4) shall be omitted;

(iii) after rule 2, the following rule shall be inserted, namely:—

“2A. (1) In the case of disobedience of any injunction granted or other order made under rule 1 or rule 2 or breach of any of the terms on which the injunction was granted or the order made, the Court granting the injunction or making the order, or any Court to which the suit or proceeding is transferred, may order the property of the person guilty of such disobedience or breach to be attached, and may also order such person to be detained in the civil prison for a term not exceeding three months, unless in the meantime the Court directs his release.

(2) No attachment made under this rule shall remain in force for more than one year, at the end of which time, if the disobedience or breach continues, the property attached may be sold and out of the proceeds, the Court may award such compensation as it thinks fit to the injured party and shall pay the balance, if any, to the party entitled thereto.”;

(iv) to rule 3, the following proviso shall be added, namely:—

“Provided that, where it is proposed to grant an injunction without giving notice of the application to the opposite party, the court shall record the reasons for its opinion that the object of granting the injunction would be defeated by delay, and require the applicant—

(a) to deliver to the opposite party, or to send to him by registered post, immediately after the order granting the injunction has been made, a copy of the application for injunction together with—

(i) a copy of the affidavit filed in support of the application;

(ii) a copy of the plaint; and

Conse-  
quence  
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ence or  
breach of  
injec-  
tion.

(iii) copies of documents on which the applicant relies, and

(b) to file, on the day on which such injunction is granted or on the day immediately following that day, an affidavit stating that the copies aforesaid have been so delivered or sent.”;

(v) after rule 3, the following rule shall be inserted, namely:—

“3A. Where an injunction has been granted without giving notice to the opposite party, the Court shall make an endeavour to finally dispose of the application within thirty days from the date on which the injunction was granted; and where it is unable so to do, it shall record its reasons for such inability.”;

Court to dispose of application for injunction within thirty days.

(vi) to rule 4, the following provisos shall be added, namely:—

“Provided that if in an application for temporary injunction or in any affidavit supporting such application, a party has knowingly made a false or misleading statement in relation to a material particular and the injunction was granted without giving notice to the opposite party, the Court shall vacate the injunction unless, for reasons to be recorded, it considers that it is not necessary so to do in the interests of justice:

Provided further that where an order for injunction has been passed after giving to a party an opportunity of being heard, the order shall not be discharged, varied or set aside on the application of that party except where such discharge, variation or setting aside has been necessitated by a change in the circumstances, or unless the Court is satisfied that the order has caused undue hardship to that party.”;

(vii) in rule 8,—

(a) in sub-rule (1), the words “after notice to the defendant” shall be omitted;

(b) in sub-rule (2), the words “after notice to the plaintiff” shall be omitted;

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

“(3) Before making an order under rule 6 or rule 7 on an application made for the purpose, the Court shall, except where it appears that the object of making such order would be defeated by the delay, direct notice thereof to be given to the opposite party.”.

87. In the First Schedule, in Order XLI,—

(i) rule 1,—

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

“Provided that where two or more suits have been tried together and a common judgment has been delivered therefor and two or more appeals are filed against any

Amendment of Order XLI.

decree covered by that judgment, whether by the same appellant or by different appellants, the Appellate Court may dispense with the filing of more than one copy of the judgment.”;

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

“(3) Where the appeal is against a decree for payment of money, the appellant shall, within such time as the Appellate Court may allow, deposit the amount disputed in the appeal or furnish such security in respect thereof as the Court may think fit.”.

(ii) after rule 3, the following rule shall be inserted, namely:—

“3A. (1) When an appeal is presented after the expiry of the period of limitation specified therefor, it shall be accompanied by an application supported by affidavit setting forth the facts on which the appellant relies to satisfy the Court that he had sufficient cause for not preferring the appeal within such period.

(2) If the Court sees no reason to reject the application without the issue of a notice to the respondent, notice thereof shall be issued to the respondent and the matter shall be finally decided by the Court before it proceeds to deal with the appeal under rule 11 or rule 13, as the case may be.

(3) Where an application has been made under sub-rule (1), the Court shall not make an order for the stay of execution of the decree against which the appeal is proposed to be filed so long as the Court does not, after hearing under rule 11, decide to hear the appeal.”;

(iii) in rule 5,—

(a) in sub-rule (1), the following *Explanation* shall be inserted at the end, namely:—

“*Explanation.*—An order by the Appellate Court for the stay of execution of the decree shall be effective from the date of the communication of such order to the Court of first instance, but an affidavit sworn by the appellant, based on his personal knowledge, stating that an order for the stay of execution of the decree has been made by the Appellate Court shall, pending the receipt from the Appellate Court of the order for the stay of execution or any order to the contrary, be acted upon by the Court of first instance.”;

(b) in sub-rule (4), for the words “Notwithstanding anything contained in sub-rule (3),”, the words “Subject to the provision of sub-rule (3),” shall be substituted;

(iv) after sub-rule (4), the following sub-rule shall be inserted, namely:—

“(5) Notwithstanding anything contained in the foregoing sub-rules, where the appellant fails to make the deposit or furnish

Applica-  
tion for  
condona-  
tion of  
delay.



the security specified in sub-rule (3) of rule 1, the Court shall not make an order staying the execution of the decree.”;

(v) in rule 11, after sub-rule (3), the following sub-rule shall be inserted, namely:—

“(4) Where an Appellate Court, not being the High Court, dismisses an appeal under sub-rule (1), it shall deliver a judgment, recording in brief its grounds for doing so, and a decree shall be drawn up in accordance with the judgment.”;

(va) after rule 11, the following rule shall be inserted, namely:—

“11A. Every appeal shall be heard under rule 11 as expeditiously as possible and endeavour shall be made to conclude such hearing within sixty days from the date on which the memorandum of appeal is filed.”;

Time within which hearing under rule 11 should be concluded.

(vi) in rule 14, after sub-rule (2), the following sub-rules shall be inserted, namely:—

“(3) The notice to be served on the respondent shall be accompanied by a copy of the memorandum of appeal.

(4) Notwithstanding anything to the contrary contained in sub-rule (1), it shall not be necessary to serve notice of any proceeding incidental to an appeal on any respondent other than a person impleaded for the first time in the Appellate Court, unless he has appeared and filed an address for the service in the Court of first instance or has appeared in the appeal.

(5) Nothing in sub-rule (4) shall bar the respondent referred to in the appeal from defending it.”;

(vii) in rule 17, in sub-rule (1), the following *Explanation* shall be inserted at the end, namely:—

“*Explanation.*—Nothing in this sub-rule shall be construed as empowering the Court to dismiss the appeal on the merits.”;

(viii) in rule 18, after the words “defray the cost of serving the notice”, the words “or, if the notice is returned unserved, and it is found that the notice to the respondent has not been issued in consequence of the failure of the appellant to deposit, within any subsequent period fixed, the sum required to defray the cost of any further attempt to serve the notice,” shall be inserted;

(ix) rule 20 shall be re-numbered as sub-rule (1) of that rule, and after sub-rule (1) as so re-numbered, the following sub-rule shall be inserted, namely:—

“(2) No respondent shall be added under this rule, after the expiry of the period of limitation for appeal, unless the Court, for reasons to be recorded, allows that to be done, on such terms as to costs as it thinks fit.”;

(x) in rule 22,—

(a) in sub-rule (1), for the words “on any of the grounds decided against him in the Court below, but take any cross-objection”, the words “but may also state that the finding against him in the Court below in respect of any issue ought to have been in his favour; and may also take any cross-objection” shall be substituted;

(b) in sub-rule (1), the following *Explanation* shall be inserted at the end, namely:—

“*Explanation.*—A respondent aggrieved by a finding of the Court in the judgment on which the decree appealed against is based may, under this rule, file cross-objection in respect of the decree in so far as it is based on that finding, notwithstanding that by reason of the decision of the Court on any other finding which is sufficient for the decision of the suit, the decree, is, wholly or in part, in favour of that respondent.”;

(xi) after rule 23, the following rule shall be inserted, namely:—

“23A. Where the Court from whose decree an appeal is preferred has disposed of the case otherwise than on a preliminary point, and the decree is reversed in appeal and a re-trial is considered necessary, the Appellate Court shall have the same powers as it has under rule 23.”;

(xii) in rule 25, after the words “and the reasons therefor”, the words “within such time as may be fixed by the Appellate Court or extended by it from time to time” shall be inserted;

(xiii) after rule 26, the following rule shall be inserted, namely:—

“26A. Where the Appellate Court remands a case under rule 23 or rule 23A, or frames issues and refers them for trial under rule 25, it shall fix a date for the appearance of the parties before the Court from whose decree the appeal was preferred for the purpose of receiving the directions of that Court as to further proceedings in the suit.”;

(xiv) in rule 27, in sub-rule (1), after clause (a), the following clause shall be inserted, namely:—

“(aa) the party seeking to produce additional evidence, establishes that notwithstanding the exercise of due diligence, such evidence was not within his knowledge or could not, after the exercise of due diligence, be produced by him at the time when the decree appealed against was passed, or”;

Remand  
in other  
cases.

Order of  
remand  
to mention  
date  
of next  
hearing.

(xv) rule 30 shall be re-numbered as sub-rule (1) of that rule, and after sub-rule (1) as so re-numbered, the following sub-rule shall be inserted, namely:—

“(2) Where a written judgment is to be pronounced, it shall be sufficient if the points for determination, the decision thereon and the final order passed in the appeal are read out and it shall not be necessary for the Court to read out the whole judgment, but a copy of the whole judgment shall be made available for the perusal of the parties or their pleaders immediately after the judgment is pronounced.”;

(xvi) in rule 33, after the words “may not have filed any appeal or objection”, the words “and may, where there have been decrees in cross-suits or where two or more decrees are passed in one suit, be exercised in respect of all or any of the decrees, although an appeal may not have been filed against such decrees” shall be inserted.

88. In the First Schedule, in Order XLII, after rule 1, the following rules shall be inserted, namely:—

Amend-  
ment of  
Order  
XLII.

“2. At the time of making an order under rule 11 of Order XLI for the hearing of a second appeal, the Court shall formulate the substantial question of law as required by section 100, and in doing so, the Court may direct that the second appeal be heard on the question so formulated and it shall not be open to the appellant to urge any other ground in the appeal without the leave of the Court, given in accordance with the provision of section 100.

Power  
of  
Court to  
direct  
that the  
appeal  
be heard  
on the  
question  
formulated  
by it.

3. Reference in sub-rule (4) of rule 14 of Order XLI to the Court of first instance shall, in the case of an appeal from an appellate decree or order, be construed as a reference to the Court to which the appeal was preferred from the original decree or order.”.

Appli-  
cation of  
rule 14  
of Order  
XLI.

89. In the First Schedule, in Order XLIII,—

Amend-  
ment of  
Order  
XLIII.

(i) in rule 1,—

(a) in clause (a), the words, figures and letter “except where the procedure specified in rule 10A of Order VII has been followed” shall be inserted at the end;

(b) clauses (b), (e), (g), (h), (m), (o) and (v) shall be omitted;

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

“(ja) an order rejecting an application made under sub-rule (1) of rule 106 of Order XXI, provided that an order on the original application, that is to say, the application referred to in sub-rule (1) of rule 105 of that Order is appealable.”;

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

“(na) an order under rule 5 or rule 7 of Order XXXIII rejecting an application for permission to sue as an indigent person;”;

(e) in clause (r), after the word and figure “rule 2”, the word, figure and letter “, rule 2A” shall be inserted;

(f) in clause (u), after the figures “23”, the words, figures and letter “or rule 23A” shall be inserted;

(ii) after rule 1, the following rule shall be inserted, namely:—

“1A. (1) Where any order is made under this Code against a party and thereupon any judgment is pronounced against such party and a decree is drawn up, such party may, in an appeal against the decree, contend that such order should not have been made and the judgment should not have been pronounced.

(2) In an appeal against a decree passed in a suit after recording a compromise or refusing to record a compromise, it shall be open to the appellant to contest the decree on the ground that the compromise should, or should not, have been recorded.”

Right to challenge non-appealable orders in appeal against decrees.

Amendment of Order XLIV.

90. In the First Schedule, in Order XLIV,—

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

“APPEALS BY INDIGENT PERSONS”;

(ii) in rule 1,—

(a) in the marginal heading, for the words “as pauper”, the words “as an indigent person” shall be substituted;

(b) in sub-rule (1), for the word “pauper” or “paupers”, the words “indigent person” or “indigent persons” shall, as the case may be, be substituted;

(c) sub-rule (2) shall be omitted;

(iii) for rule 2, the following rules shall be substituted, namely:—

“2. Where an application is rejected under rule 1, the Court may, while rejecting the application, allow the applicant to pay the requisite Court-fee, within such time as may be fixed by the Court or extended by it from time to time; and upon such payment, the memorandum of appeal in respect of which such fee is payable shall have the same force and effect as if such fee had been paid in the first instance.

Grant of time for payment of Court-fee.

3. (1) Where an applicant, referred to in rule 1, was allowed to sue or appeal as an indigent person in the Court from whose decree the appeal is preferred, no further inquiry in respect of the question whether or not he is an indigent person shall be necessary if the applicant has made an affidavit stating that he has not ceased to be an indigent person since the date of the

Inquiry as to whether applicant is an indigent person.

decree appealed from; but if the Government Pleader or the respondent disputes the truth of the statement made in such affidavit, an inquiry into the question aforesaid shall be held by the Appellate Court, or, under the orders of the Appellate Court, by an officer of that Court.

(2) Where the applicant, referred to in rule 11, is alleged to have become an indigent person since the date of the decree appealed from, the inquiry into the question whether or not he is an indigent person shall be made by the Appellate Court or, under the orders of the Appellate Court, by an officer of that Court unless the Appellate Court considers it necessary in the circumstances of the case that the inquiry should be held by the Court from whose decision the appeal is preferred."

91. In the First Schedule, in Order XLV, rule 2 shall be re-numbered as sub-rule (1) of that rule, and after sub-rule (1), as so re-numbered, the following sub-rule shall be inserted, namely:—

Amendment of Order XLV.

"(2) Every petition under sub-rule (1) shall be heard as expeditiously as possible and endeavour shall be made to conclude the disposal of the petition within sixty days from the date on which the petition is presented to the Court under sub-rule (1)."

92. In the First Schedule, in Order XLVII,—

Amendment of Order XLVII.

(i) in rule 1, the following *Explanation* shall be inserted at the end, namely:—

"*Explanation.*—The fact that the decision on a question of law on which the judgment of the Court is based has been reversed or modified by the subsequent decision of a superior Court in any other case, shall not be a ground for the review of such judgment.";

(ii) in rule 7, for sub-rule (1), the following sub-rule shall be substituted, namely:—

"(1) An order of the Court rejecting the application shall not be appealable; but an order granting an application may be objected to at once by an appeal from the order granting the application or in an appeal from the decree or order finally passed or made in the suit."

#### CHAPTER IV

##### AMENDMENT OF THE FORMS

93. In the First Schedule, in Appendix A, under the heading "(3) PLAINTS",—

Amendment of Appendix A.

(i) in Form No. 37, for paragraph 2, the following paragraph shall be substituted, namely:—

"\*2. The plaintiff has obtained the leave of the Court for the institution of this suit.

\*Not applicable where suit is instituted by the Advocate General.";

(ii) in Form No. 45, in sub-section (2) of paragraph 6, for the words "a decree for the balance", the words "an order for the balance" shall be substituted;

(iii) in Form No. 46, in paragraph 6, the words "together with mesne profits" shall be added at the end.

**Amend-  
ment of  
Appendix  
B.**

94. In the First Schedule, in Appendix B,—

(i) in Form No. 2, for the words "and you are directed to produce on that day all the documents upon which you intend to rely in support of your defence", the words "and further you are hereby directed to file on that day a written statement of your defence and to produce on the said day all documents in your possession or power upon which you base your defence or claim for set-off or counter-claim, and where you rely on any other document whether in your possession or power or not, as evidence in support of your defence or claim for set-off or counter-claim, you shall enter such documents in a list to be annexed to the written statement" shall be substituted;

(ii) for Form No. 4, the following Form shall be substituted, namely:—

"No. 4

**SUMMONS IN A SUMMARY SUIT**

(Order XXXVII, rule 2)

(Title)

To

[Name, description and place of residence]

WHEREAS has instituted a suit against you under Order XXXVII of the Code of Civil Procedure, 1908, for Rs. and interest, you are hereby summoned to cause an appearance to be entered for you, within ten days from the service hereof, in default whereof the plaintiff will be entitled, after the expiration of the said period of ten days, to obtain a decree for any sum not exceeding the sum of Rs. and the sum of Rs. for costs, together with such interest, if any, as the Court may order.

If you cause an appearance to be entered for you, the plaintiff will thereafter serve upon you a summons for judgment at the hearing of which you will be entitled to move the Court for leave to defend the suit.

Leave to defend may be obtained if you satisfy the Court by affidavit or otherwise that there is a defence to the suit on the merits or that it is reasonable that you should be allowed to defend.

Given under my hand and the seal of the Court, this day of 19

Judge.;

(iii) after Form No. 4, the following Form shall be inserted, namely:—

“No. 4A

SUMMONS FOR JUDGMENT IN A SUMMARY SUIT

(Order XXXVII, rule 3)

(Title)

In the Court, at Suit No. of 19 .
X Y Z Plaintiff.

Versus

A B C Defendant.

Upon reading the affidavit of the plaintiff the Court makes the following order, namely:—

Let all parties concerned attend the Court or Judge, as the case may be, on the day of 19 , at o'clock in the forenoon on the hearing of the application of the plaintiff that he be at liberty to obtain judgment in this suit against the defendant (or if against one or some or several, insert names) for Rs. and for interest and costs.

Dated the day of 19 .”.

95. In the First Schedule, in Appendix E,—

Amend- ment of Appendix E.

(i) in Form No. 7, after the words “by assignment”, the words “or without assignment” shall be inserted;

(ii) in Form No. 14, the word “annas” shall be omitted;

(iii) after Form No. 16, the following Form shall be inserted, namely:—

“No. 16A

AFFIDAVIT OF ASSETS TO BE MADE BY A JUDGMENT-DEBTOR

[Order XXI, rule 41 (2)]

In the Court of

A.B.....

Decree-holder,

Vs.

C.....

Judgment-debtor

I of

oath

state on as follows:—

solemn affirmation

1. My full name is.....  
(Block capitals)

2. I live at

\*3. I am married

single

widower (widow)

divorced

4. The following persons are dependent upon me:—

5. My employment, trade or profession is that of  
carried on by me at

I am a director of the following companies:—

6. My present annual/monthly/weekly income, after paying  
income-tax, is as follows:—

(a) From my employment, trade or profession Rs.

(b) From other sources Rs.

\*7. (a) I own the house in which I live; its value is Rs.

I pay as outgoings by way of rates, mortgage, interest etc.,  
the annual sum of Rs.

(b) I pay as rent the annual sum of Rs.

8. I possess the following:—

(a) Banking accounts;

(b) Stocks and shares;

(c) Life and endowment policies;

(d) House property;

(e) Other property;

(f) Other securities;

} Give particulars.

9. The following debts are due to me:—

(give particulars)

(a) From \_\_\_\_\_ of

Rs.

(b) From \_\_\_\_\_ of

Rs.

(etc.)

Sworn before me, etc.”;

(iv) in Form No. 24, after the first paragraph, the following para-  
graph shall be inserted, namely:—

“It is also ordered that you should attend Court on the  
day of \_\_\_\_\_ 19\_\_\_\_, to take notice of the date fixed for  
settling the terms of the proclamation of sale.”;

\*Strike off the words which are not applicable.



(v) in Form No. 29, in the Schedule of Property, after the existing columns, the following columns shall be added, namely:—

|   |  |
|---|--|
| <p><del>“The value of the property, as stated by the decree-holder.</del></p> | <p>The value of the property as stated by the judgment-debtor.”.</p> |
|---|--|

96. In the First Schedule, in Appendix H,—

Amendment of Appendix H.

(i) after Form No. 2, the following Form shall be inserted, namely:—

“No. 2A

LIST OF WITNESSES PROPOSED TO BE CALLED BY PLAINTIFF/DEFENDANT.  
(Order XVI, rule 1)

| Name of the party which proposes to call the witness | Name and address of the witness | Remarks”; |
|--|---------------------------------|-----------|
|--|---------------------------------|-----------|

(ii) for Form No. 11, the following Forms shall be substituted, namely:—

“No. 11

NOTICE TO CERTIFICATED, NATURAL, OR, *de facto* GUARDIAN.

(Order XXXII, rule 3)

(Title)

To

(*Certificated/Natural/de facto Guardian*)

WHEREAS an application has been presented on the part of the plaintiff\* on behalf of the minor defendant\* in the above suit for the appointment of a guardian for the suit for the minor defendant....., you (insert the name of the guardian appointed or declared by Court, or natural guardian, or the person in whose care the minor is) are hereby required to take notice that unless you appear before this Court on or before the day appointed for the hearing of the case and stated in the appended summons, and express your consent to act as guardian for the suit for the minor, the Court will proceed to appoint some other person to act as a guardian for the minor, for the purposes of the said suit.

Given under my hand and the seal of the Court, this ..... day of ..... 19.....

Judge.

No. 11A

NOTICE TO MINOR DEFENDANT

(Order XXXII, rule 3)

(Title)

To

*Minor Defendant.*

WHEREAS an application has been presented on the part of the plaintiff in the above suit for the appointment of .....\* as guardian for the

\*Strike off the words which are not applicable.

suit for you, the minor defendant, you are hereby required to take notice to appear in this Court in person on the                      day of                      19                      , at                      o'clock in the forenoon to show cause against the application, failing which the said application will be heard and determined *ex parte*.

Given under my hand and the seal of the Court, this                      day of                      19                      .

Judge."

## CHAPTER V

### REPEAL AND SAVINGS

Repeal  
and  
savings.

97. (1) Any amendment made, or any provision inserted in the principal Act by a State Legislature or a High Court before the commencement of this Act shall, except in so far as such amendment or provision is consistent with the provisions of the principal Act as amended by this Act, stand repealed.

(2) Notwithstanding that the provisions of this Act have come into force or the repeal under sub-section (1) has taken effect, and without prejudice to the generality of the provisions of section 6 of the General Clauses Act, 1897,—

10 of 1897.

(a) the amendment made to clause (2) of section 2 of the principal Act by section 3 of this Act shall not affect any appeal against the determination of any such question as is referred to in section 47 and every such appeal shall be dealt with as if the said section 3 had not come into force;

(b) the provisions of section 20 of the principal Act, as amended by section 7 of this Act, shall not apply to or affect any suit pending immediately before the commencement of the said section 7; and every such suit shall be tried as if the said section 7 had not come into force;

(c) the provisions of section 21 of the principal Act, as amended by section 8 of this Act, shall not apply to or affect any suit pending immediately before the commencement of the said section 8; and every such suit shall be tried as if the said section 8 had not come into force;

(d) the provisions of section 25 of the principal Act, as substituted by section 11 of this Act, shall not apply to or affect any suit, appeal or other proceeding wherein any report has been made under the provisions of section 25 before the commencement of the said section 11; and every such suit, appeal or other proceeding shall be dealt with as if the said section 11 had not come into force;

(e) the provisions of section 34 of the principal Act, as amended by section 13 of this Act, shall not affect the rate at which interest may be allowed on a decree in any suit instituted before the commencement of the said section 13 and interest on a decree passed in such suit shall be ordered in accordance with the provisions of section 34 as they stood before the commencement of the said section 13 as if the said section 13 had not come into force;

(f) the provisions of section 35A of the principal Act, as amended by section 14 of this Act, shall not apply to or affect any proceedings for revision, pending immediately before the commencement of the said section 14 and every such proceeding shall be dealt with and disposed of as if the said section 14 had not come into force;

(g) the provisions of section 60 of the principal Act, as amended by section 23 of this Act, shall not apply to any attachment made before the commencement of the said section 23;

(h) the amendment of section 80 of the principal Act by section 27 of this Act shall not apply to or affect any suit instituted before the commencement of the said section 27; and every such suit shall be dealt with as if section 80 had not been amended by the said section 27;

(i) the provisions of section 82 of the principal Act, as amended by section 28 of this Act, shall not apply to or affect any decree passed against the Union of India or a State or, as the case may be, a public officer, before the commencement of the said section 28 or to the execution of any such decree; and every such decree or execution shall be dealt with as if the said section 28 had not come into force;

(j) the provisions of section 91 of the principal Act, as amended by section 30 of this Act, shall not apply to or affect any suit, appeal or proceeding instituted or filed before the commencement of the said section 30; and every such suit, appeal or proceeding shall be disposed of as if the said section 30 had not come into force;

(k) the provisions of section 92 of the principal Act, as amended by section 31 of this Act, shall not apply to or affect any suit, appeal or proceeding instituted or filed before the commencement of the said section 31; and every such suit, appeal or proceeding shall be disposed of as if the said section 31 had not come into force;

(l) the provisions of section 96 of the principal Act, as amended by section 33 of this Act, shall not apply to or affect any appeal against the decree passed in any suit instituted before the commencement of the said section 33; and every such appeal shall be dealt with as if the said section 33 had not come into force;

(m) the provisions of section 100 of the principal Act, as substituted by section 37 of this Act, shall not apply to or affect any appeal from an appellate decree or order which had been admitted, before the commencement of the said section 37, after hearing under rule 11 of Order XLI; and every such admitted appeal shall be dealt with as if the said section 37 had not come into force;

(n) section 100A, as inserted in the principal Act by section 38 of this Act, shall not apply to or affect any appeal against the decision of a single Judge of a High Court under any Letters Patent which had been admitted before the commencement of the said section 38; and every such admitted appeal shall be disposed of as if the said section 38 had not come into force;

(o) the amendment of section 115 of the principal Act by section 43 of this Act shall not apply to or affect any proceeding for revision which had been admitted, after preliminary hearing, before the commencement of the said section 43; and every such proceeding for revision shall be disposed of as if the said section 43 had not come into force;

(p) the provisions of section 141 of the principal Act, as amended by section 47 of this Act, shall not apply to or affect any proceeding which is pending immediately before the commencement of the said section 47; and every such proceeding shall be dealt with as if the said section 47 had not come into force;

(q) the provisions of rules 31, 32, 48A, 57 to 59, 90 and 97 to 103 of Order XXI of the First Schedule as amended or, as the case may be, substituted or inserted by section 72 of this Act shall not apply to or affect—

(i) any attachment subsisting immediately before the commencement of the said section 72, or

(ii) any suit instituted before such commencement under rule 63 aforesaid to establish right to attached property or under rule 103 aforesaid to establish possession, or

(iii) any proceeding to set aside the sale of any immovable property,

and every such attachment, suit or proceeding shall be continued as if the said section 72 had not come into force;

(r) the provisions of rule 4 of Order XXII of the First Schedule, as substituted by section 73 of this Act, shall not apply to any order of abatement made before the commencement of the said section 73;

(s) the amendment, as well as substitution, made in Order XXIII of the First Schedule by section 74 of this Act shall not apply to any suit or proceeding pending before the commencement of the said section 74;

(t) the provisions of rules 5A and 5B of Order XXVII, as inserted by section 76 of this Act, shall not apply to any suit, pending immediately before the commencement of the said section 76 against the Government or any public officer; and every such suit shall be dealt with as if the said section 76 had not come into force;

(u) the provisions of rules 1A, 2A and 3 of Order XXVIII, as inserted or substituted, as the case may be, by section 77 of this Act shall not apply to or affect any suit which is pending before the commencement of the said section 77;

(v) rules 2A, 3A and 15 of Order XXXII of the First Schedule, as amended, or as the case may be, substituted by section 79 of this Act, shall not apply to a suit pending at the commencement of the said section 79 and every such suit shall be dealt with and disposed of as if the said section 79 had not come into force;

(w) the provisions of Order XXXIII of the First Schedule, as amended by section 81 of this Act, shall not apply to or affect any suit or proceeding pending before the commencement of the said section 81 for permission to sue as a pauper; and every such suit or proceeding shall be dealt with and disposed of as if the said section 81 had not come into force;

(x) the provisions of Order XXXVII of the First Schedule, as amended by section 84 of this Act, shall not apply to any suit pending before the commencement of the said section 84; and every such suit shall be dealt with and disposed of as if the said section 84 had not come into force;

(y) the provisions of Order XXXIX of the First Schedule, as amended by section 86 of this Act, shall not apply to or affect any injunction subsisting immediately before the commencement of the said section 86; and every such injunction and proceeding for disobedience of such injunction shall be dealt with as if the said section 86 had not come into force;

(z) the provisions of Order XLI of the First Schedule, as amended by section 87 of this Act, shall not apply to or affect any appeal pending immediately before the commencement of the said section 87; and every such appeal shall be disposed of as if the said section 87 had not come into force;

(za) the provisions of Order XLII of the First Schedule, as amended by section 88 of this Act, shall not apply to or affect any appeal from an appellate decree or order which had been admitted, before the commencement of the said section 88, after hearing under rule 11 of Order XLI; and every such admitted appeal shall be dealt with as if the said section 88 had not come into force;

(zb) the provisions of Order XLIII of the First Schedule, as amended by section 89 of this Act, shall not apply to any appeal against any order pending immediately before the commencement of the said section 89; and every such appeal shall be disposed of as if the said section 89 had not come into force.

(3) Save as otherwise provided in sub-section (2), the provisions of the principal Act, as amended by this Act, shall apply to every suit, proceeding, appeal or application, pending at the commencement of this Act or instituted or filed after such commencement, notwithstanding the fact that the right, or cause of action, in pursuance of which such suit, proceeding, appeal or application is instituted or filed, had been acquired or had accrued before such commencement.

## CHAPTER VI

### AMENDMENT OF THE LIMITATION ACT, 1963

98. (1) In the Limitation Act, 1963, in the Schedule, in the entry in the second column, against article 127, for the words "Thirty days", the words "Sixty days" shall be substituted.

Amend-  
ment of  
Sche-  
dule of  
Act 36  
of 1963.

36 of 1963.

(2) Where the period specified in article 127 of the Schedule to the Limitation Act, 1963, had expired on or before the commencement of this Act, nothing contained in sub-section (1) shall be construed as enabling such application as is referred to in the said article, to be filed after the commencement of this Act by reason only of the fact that a longer period therefor is specified in the Act aforesaid by reason of the provisions of sub-section (1).

THE SALARIES AND ALLOWANCES OF MEMBERS OF  
PARLIAMENT (AMENDMENT) ACT, 1976

No. 105 OF 1976

[9th September, 1976.]

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

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

Short  
title.

1. This Act may be called the Salaries and Allowances of Members  
of Parliament (Amendment) Act, 1976.

Amend-  
ment of  
long title.

2. In the Salaries and Allowances of Members of Parliament Act, 1954 30 of 1954.  
(hereinafter referred to as the principal Act), in the long title, for the  
words "salaries and allowances", the words "salary, allowances and  
pension" shall be substituted.

Amend-  
ment of  
section 1.

3. In section 1 of the principal Act, in sub-section (1), for the words  
"Salaries and Allowances", the words "Salary, Allowances and Pension"  
shall be substituted.

Amend-  
ment of  
section 2.

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

(b) in relation to a new member,—

(i) where such new member is a member of the Council of  
States elected in a biennial election, or nominated, to that House,  
the period beginning with the date of publication of the  
notification in the official Gazette notifying his name under  
section 71 of the Representation of the People Act, 1951; or 43 of 1951.

(ii) where such new member is a member of the House of the People elected in a general election held for the purpose of constituting a new House of the People, the period beginning with the date of publication of the notification of the Election Commission under section 73 of the said Act; or

(iii) where such new member is a member of either House of Parliament elected in a bye-election to that House or a member nominated to the House of the People, the period beginning with the date of his election referred to in section 67A of the said Act or, as the case may be, the date of his nomination,

and ending with, in each such case, the date on which his seat becomes vacant.

5. Section 5 of the principal Act shall be re-numbered as sub-section (1) thereof and after that sub-section as so re-numbered, the following sub-section shall be inserted, namely:—

Amendment of section 5.

“(2) Where in any year a member does not perform during any session any such journey as is referred to in the second proviso to sub-section (1), or the number of such journeys performed by him during any session is less than the maximum specified in that proviso with respect to such session, then, such member shall be entitled to perform all or, as the case may be, the remaining number, of such journeys during any other session or sessions in that year, in addition to the number of journeys which he is otherwise entitled to perform under that proviso during such other session or sessions.”

6. After section 6B of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 6C.

“6C. Without prejudice to the other provisions of this Act, where during any part of a year the usual place of residence of a member in his constituency is inaccessible to or from any place outside his constituency by road, rail or steamer due to climatic conditions, but there is air service between any place in his constituency, and the nearest place, having rail service, outside his constituency, such member shall be entitled to travel to and fro by air from the nearest place in his constituency where there is air service to such place having rail service:

Air travel facilities in certain circumstances.

Provided that where the nearest place having air service is outside his constituency, such member shall be entitled to travel to and fro by air only from such place to the nearest place having rail service.”

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

Insertion of new section 8A.

“8A. (1) With effect from the commencement of the Salaries and Allowances of Members of Parliament (Amendment) Act, 1976, there shall be paid a pension of three hundred rupees per mensem

Pension.

to every person who has served for a period of five-years, whether continuous or not,—

(i) as a member of the Council of States; or

(ii) as a member of the House of the People; or

(iii) partly as a member of the Council of States and partly as a member of the House of the People; or

(iv) as a member of the Provisional Parliament; or

(v) partly as a member of the Provisional Parliament and—

(a) partly as a member of the Council of States and partly as a member of the House of the People, or

(b) partly as a member of the Council of States or partly as a member of the House of the People:

Provided that where any person has served as aforesaid for a period exceeding five years, there shall be paid to him an additional pension of fifty rupees per mensem for every year in excess of five, so, however, that in no case the pension payable to such person shall exceed five hundred rupees per mensem.

*Explanation.*—For the purposes of clauses (iv) and (v) of sub-section (1), "Provisional Parliament" shall include the body which functioned as the Constituent Assembly of the Dominion of India immediately before the Commencement of the Constitution.

(2) Where any person entitled to pension under sub-section (1),—

(i) is elected to the office of the President or Vice-President or is appointed to the office of the Governor of any State or the Administrator of any Union territory; or

(ii) becomes a member of the Council of States or the House of the People or any Legislative Assembly of a State or Union territory or any Legislative Council of a State or the Metropolitan Council of Delhi constituted under section 3 of the Delhi Administration Act, 1966; or

(iii) is employed on a salary under the Central Government or any State Government, or any corporation owned or controlled by the Central Government or any State Government, or any local authority or becomes otherwise entitled to any remuneration from such Government, corporation or local authority,

such person shall not be entitled to any pension under sub-section (1) for the period during which he continues to hold such office or as such member, or is so employed, or continues to be entitled to such remuneration:

Provided that where the salary payable to such person for holding such office or being such member or so employed, or where the remuneration referred to in clause (iii) payable to such person, is, in either case, less than the pension payable to him under sub-section (1), such person shall be entitled only to receive the balance as pension under that sub-section.



(3) Where any person entitled to pension under sub-section (1) is also entitled to any pension from the Central Government or any State Government, or any corporation owned or controlled by the Central Government or any State Government, or any local authority, under any law or otherwise, then,—

(a) where the amount of pension to which he is entitled under such law or otherwise, is equal to or in excess of that to which he is entitled under sub-section (1), such person shall not be entitled to any pension under that sub-section; and

(b) where the amount of pension to which he is entitled under such law or otherwise, is less than that to which he is entitled under sub-section (1), such person shall be entitled to pension under that sub-section only of an amount which falls short of the amount of pension to which he is otherwise entitled under that sub-section.

(4) In computing the number of years, for the purposes of sub-section (1), the period during which a person has served as a Minister as defined in the Salaries and Allowances of Ministers Act, 1952 or an Officer of Parliament as defined in the Salaries and Allowances of Officers of Parliament Act, 1953, (other than the Chairman of the Council of States), or both, by virtue of his membership in the House of the People or in the Council of States shall also be taken into account.”.

58 of 1952.  
20 of 1953.

8. In sub-section (3) of section 9 of the principal Act,—

Amend-  
ment of  
section 9.

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

“(ee) the form in which certificates, if any, shall be furnished by any person for the purpose of claiming any pension under this Act;”;

(b) in clause (g), for the words “daily and travelling allowances”, the words “daily and travelling allowances and pension” shall be substituted.

THE UNTOUCHABILITY (OFFENCES) AMENDMENT AND  
MISCELLANEOUS PROVISION ACT, 1976

No. 106 OF 1976

[13th September, 1976.]

An Act to amend the Untouchability (Offences) Act, 1955 and  
further to amend the Representation of the People Act, 1951.

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

CHAPTER I

PRELIMINARY

Short title  
and com-  
mence-  
ment.

1. (1) This Act may be called the Untouchability (Offences) Amend-  
ment and Miscellaneous Provision Act, 1976.

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

CHAPTER II

AMENDMENT OF THE UNTOUCHABILITY (OFFENCES) ACT, 1955

Amend-  
ment of  
the long  
title.

2. In the Untouchability (Offences) Act, 1955 (hereinafter referred to as the principal Act), in the long title, for the words 'practice of "Untouchability"', the words 'preaching and practice of "Untouchability"' shall be substituted.

22 of 1955.

3. In section 1 of the principal Act, in sub-section (1), for the words and brackets "the Untouchability (Offences) Act", the words "the Protection of Civil Rights Act" shall be substituted.

Amend-  
ment of  
section 1.

4. In section 2 of the principal Act,—

Amend-  
ment of  
section 2.

(i) clause (a) shall be re-lettered as clause (aa), and before clause (aa) as so re-lettered, the following clause shall be inserted, namely:—

'(a) "civil rights" means any right accruing to a person by reason of the abolition of "untouchability" by article 17 of the Constitution;';

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

'(b) "place" includes a house, building and other structure and premises; and also includes a tent, vehicle and vessel;';

(iii) in clause (d), for the words "and includes all lands and subsidiary shrines appurtenant or attached to any such place;", the following shall be substituted, namely:—

"and includes—

(i) all lands and subsidiary shrines appurtenant or attached to any such place,

(ii) a privately owned place of worship which is, in fact, allowed by the owner thereof to be used as a place of public worship, and

(iii) such land or subsidiary shrine appurtenant to such privately owned place of worship as is allowed by the owner thereof to be used as a place of public religious worship;";

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

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

(db) "Scheduled Castes" has the meaning assigned to it in clause (24) of article 366 of the Constitution;';

(v) in clause (e), for the words "and includes a laundry, a hair cutting saloon and any other place where services are rendered to customers", the following shall be substituted, namely:—

"and includes—

(i) any place from where goods are sold by a hawker or vendor or from a mobile van or cart,

(ii) a laundry and a hair cutting saloon,

(iii) any other place where services are rendered to customers";

Amend-  
ment of  
section 3.

5. In section 3 of the principal Act,—

(i) in clause (a), the words “or belonging to the same religious denomination” shall be omitted;

(ii) in clause (b),—

(a) after the word “water-course,” the words “river or lake or bathing at any ghat of such tank, water-course, river or lake” shall be inserted;

(b) the words “or belonging to the same religious denomination” shall be omitted;

(iii) for the words “shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both”, the words “shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees” shall be substituted.

Amend-  
ment of  
section 4.

6. In section 4 of the principal Act,—

(i) for the words “persons professing the same religion or belonging to the same religious denomination or any section thereof, as such person”, wherever they occur, the words “any section thereof” shall be substituted;

(ii) in clause (ii), after the words “trade or business”, the words “or employment in any job” shall be inserted;

(iii) in clause (x), for the words “taking part in any religious procession”, the words “taking part in, or taking out, any religious, social or cultural procession” shall be substituted;

(iv) for the words “shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both”, the words “shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees” shall be substituted;

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

*Explanation.*—For the purposes of this section, “enforcement of any disability” includes any discrimination on the ground of “untouchability”.

Amend-  
ment of  
section 5.

7. In section 5 of the principal Act,—

(i) in clause (a), the words “attached thereto” shall be omitted;

(ii) for the words “shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both”, the words “shall be punishable with

imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees" shall be substituted.

8. In section 6 of the principal Act, for the words "shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both", the words "shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees" shall be substituted.

Amend-  
ment of  
section 6.

9. In section 7 of the principal Act,—

Amend-  
ment of  
section 7.

(i) in sub-section (1),—

(a) in clause (c), the word "or" shall be inserted at the end;

(b) after clause (c), as so amended, the following clause shall be inserted, namely:—

(d) insults or attempts to insult, on the ground of "untouchability", a member of a Scheduled Caste;

(c) for the words "shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both", the words "shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees" shall be substituted;

(d) the *Explanation* shall be re-numbered as *Explanation I*, and after *Explanation I* as so re-numbered, the following *Explanation* shall be inserted, namely:—

*Explanation II.*—For the purposes of clause (c), a person shall be deemed to incite or encourage the practice of "untouchability"—

(i) if he, directly or indirectly, preaches "untouchability" or its practice in any form; or

(ii) if he justifies, whether on historical, philosophical or religious grounds or on the ground of any tradition of the caste system or on any other ground, the practice of "untouchability" in any form;

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

(1A) Whoever commits any offence against the person or property of any individual as a reprisal or revenge for his having exercised any right accruing to him by reason of the abolition of "untouchability" under article 17 of the Constitution, shall, where the offence is punishable with imprisonment for a term exceed-

ing two years, be punishable with imprisonment for a term which shall not be less than two years and also with fine.;

(iii) in sub-section (2), in clause (ii), for the words "shall be punishable with imprisonment which may extend to six months or with fine which may extend to five hundred rupees, or with both" the words "shall be punishable with imprisonment for a term of, not less than one month and not more than six months, and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees" shall be substituted.

10. After section 7 of the principal Act, the following section shall be inserted, namely:—

Insertion  
of new  
section  
7A.

Unlawful  
compul-  
sory  
labour  
when to be  
deemed  
to be a  
practice of  
untouch-  
ability.

"7A. (1) Whoever compels any person, on the ground of "untouchability", to do any scavenging or sweeping or to remove any carcass or to flay any animal or to remove the umbilical cord or to do any other job of a similar nature, shall be deemed to have enforced a disability arising out of "untouchability".

(2) Whoever is deemed under sub-section (1) to have enforced a disability arising out of "untouchability" shall be punishable with imprisonment for a term which shall not be less than three months and not more than six months and also with fine which shall not be less than one hundred rupees and not more than five hundred rupees.

*Explanation.*—For the purposes of this section, "compulsion" includes a threat of social or economic boycott.

Amend-  
ment of  
section 9.

11. In section 9 of the principal Act, after the words "place of public worship", the words "or any educational institution or hostel" shall be inserted.

Amend-  
ment of  
section 10.

12. In section 10 of the principal Act, the following *Explanation* shall be inserted at the end, namely:—

*Explanation.*—A public servant who wilfully neglects the investigation of any offence punishable under this Act shall be deemed to have abetted an offence punishable under this Act."

Insertion  
of new  
section  
10A.

Power of  
State Gov-  
ernment  
to impose  
collective  
fine.

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

"10A. (1) If, after an inquiry in the prescribed manner, the State Government is satisfied that the inhabitants of an area are concerned in, or abetting the commission of, any offence punishable under this Act, or harbouring persons concerned in the commission of such offence or failing to render all the assistance in their power to discover or apprehend the offender or offenders or suppressing material evidence of the commission of such offence, the State Government may, by notification in the Official Gazette, impose a collective fine on such inhabitants and apportion such fine amongst the inhabitants who are liable collectively to pay it, and such apportionment shall be made according to the State Government's judgment of the respective means of such inhabitants and in making any such apportionment the State Government may assign a portion of such fine to a Hindu undivided family to be payable by it:

Provided that the fine apportioned to an inhabitant shall not be realised until the petition, if any, filed by him under sub-section (3) is disposed of.

(2) The notification made under sub-section (1) shall be proclaimed in the area by beat of drum or in such other manner as the State Government may think best in the circumstances to bring the imposition of the collective fine to the notice of the inhabitants of the said area.

(3) (a) Any person aggrieved by the imposition of the collective fine under sub-section (1) or by the order of apportionment, may, within the prescribed period, file a petition before the State Government or such other authority as that Government may specify in this behalf for being exempted from such fine or for modification of the order of apportionment:

Provided that no fee shall be charged for filing such petition.

(b) The State Government or the authority specified by it shall, after giving to the petitioner a reasonable opportunity of being heard, pass such order as it may think fit:

Provided that the amount of the fine exempted or reduced under this section shall not be realisable from any person, and the total fine imposed on the inhabitants of an area under sub-section (1) shall be deemed to have been reduced to that extent.

(4) Notwithstanding anything contained in sub-section (3), the State Government may exempt the victims of any offence punishable under this Act or any person who does not, in its opinion, fall within the category of persons specified in sub-section (1), from the liability to pay the collective fine imposed under sub-section (1) or any portion thereof.

(5) The portion of collective fine payable by any person (including a Hindu undivided family) may be recovered in the manner provided by the Code of Criminal Procedure, 1973, for the recovery of fines imposed by a Court as if such portion were a fine imposed by a Magistrate."

2 of 1974.

14. In section 11 of the principal Act, for the words "shall, on every such subsequent conviction, be punishable with both imprisonment and fine", the words, brackets and letters "shall, on conviction, be punishable—

Amend-  
ment of  
section 11.

(a) for the second offence, with imprisonment for a term of not less than six months and not more than one year, and also with fine which shall be not less than two hundred rupees and not more than five hundred rupees;

(b) for the third offence or any offence subsequent to the third offence, with imprisonment for a term of not less than one year and not more than two years, and also with fine which shall be not less than five hundred rupees and not more than one thousand rupees" shall be substituted.

15. In section 12 of the principal Act, the words, brackets and figures "as defined in clause (24) of article 366 of the Constitution" shall be omitted.

Amend-  
ment of  
section 12.

Insertion  
of new  
section  
14A.

Protection  
of action  
taken in  
good  
faith.

Substitu-  
tion of  
section 15.

Offences  
to be  
cognizable  
and  
triable  
sum-  
marily.

Duty of  
State  
Govern-  
ment to  
ensure  
that the  
rights  
accruing  
from the  
abolition  
of "un-  
touchabi-  
lity" may  
be avail-  
ed of by  
the con-  
cerned  
persons.

16. After section 14 of the principal Act, the following section shall be inserted, namely:—

"14A. (1) No suit, prosecution or other legal proceeding shall lie against the Central Government or a State Government for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or a State Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act."

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

'15. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence punishable under this Act shall be cognizable and every such offence, except where it is punishable with imprisonment for a minimum term exceeding three months, may be tried summarily by a Judicial Magistrate of the first class or in a metropolitan area by a Metropolitan Magistrate in accordance with the procedure specified in the said Code.

2 of 1974.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, when any public servant is alleged to have committed the offence of abetment of an offence punishable under this Act, while acting or purporting to act in the discharge of his official duty, no court shall take cognisance of such offence of abetment except with the previous sanction—

2 of 1974.

(a) of the Central Government, in the case of a person employed in connection with the affairs of the Union; and

(b) of the State Government, in the case of a person employed in connection with the affairs of a State.

15A. (1) Subject to such rules as the Central Government may make in this behalf, the State Government shall take such measures as may be necessary for ensuring that the rights arising from the abolition of "untouchability" are made available to, and are availed of by, the persons subjected to any disability arising out of "untouchability".

AVI 10

(2) In particular, and without prejudice to the generality of the provisions of sub-section (1), such measures may include—

(i) the provision of adequate facilities, including legal aid, to the persons subjected to any disability arising out of "untouchability" to enable them to avail themselves of such rights;

(ii) the appointment of officers for initiating or exercising supervision over prosecutions for the contravention of the provisions of this Act;

(iii) the setting up of special courts for the trial of offences under this Act;

(iv) the setting up of Committees at such appropriate levels as the State Government may think fit to assist the State Government in formulating or implementing such measures;

AVI 11



(v) provision for a periodic survey of the working of the provisions of this Act with a view to suggesting measures for the better implementation of the provisions of this Act;

(vi) the identification of the areas where persons are under any disability arising out of "untouchability" and adoption of such measures as would ensure the removal of such disability from such areas.

(3) The Central Government shall take such steps as may be necessary to co-ordinate the measures taken by the State Governments under sub-section (1).

(4) The Central Government shall, every year, place on the Table of each House of Parliament, a report on the measures taken by itself and by the State Governments in pursuance of the provisions of this section.

18. After section 16 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 16A and 16B.

20 of 1958.

"16A. The provisions of the Probation of Offenders Act, 1958, shall not apply to any person above the age of fourteen years who is found guilty of having committed any offence punishable under this Act.

Probation of Offenders Act, 1958, not to apply to persons above the age of fourteen years.

16B. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

Power to make rules.

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

CHAPTER III

MISCELLANEOUS

22 of 1953.

19. References in any Act, rule, notification or order to the Untouchability (Offences) Act, 1955, shall, on the commencement of this Act, be construed as references to the Protection of Civil Rights Act, 1955.

Construction of references.

Savings.

20. The alteration of the short title of the Untouchability (Offences) Act, 1955; shall not—

22 of 1955.

(a) affect the previous operation of the Untouchability (Offences) Act, 1955, or anything duly done or suffered thereunder previous to such alteration; or

(b) affect any right, privilege, obligation or liability acquired, accrued or incurred under the Untouchability (Offences) Act, 1955, previous to the alteration of its short title; or

(c) affect any penalty or punishment incurred in respect of any offence committed against the Untouchability (Offences) Act, 1955, before the commencement of this Act; or

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

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty or punishment may be imposed as if this Act had not been passed.

#### CHAPTER IV

##### AMENDMENT OF THE REPRESENTATION OF THE PEOPLE ACT, 1951

Amend-  
ment of  
Act 43  
of 1951.

21. In section 8 of the Representation of the People Act, 1951, in subsection (1), after the words "the Indian Penal Code," the words and figures "or under the Protection of Civil Rights Act, 1955" shall be inserted.

THE ADVOCATES (AMENDMENT) ACT, 1976

No. 107 OF 1976

[13th September, 1976.]

An Act further to amend the Advocates Act, 1961.

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

1. (1) This Act may be called the Advocates (Amendment) Act, 1976.

Short title  
and com-  
mence-  
ment.

(2) Save as otherwise provided in this Act, it shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

25 of 1961.

2. In section 2 of the Advocates Act, 1961 (hereinafter referred to as the principal Act), in sub-section (1),—

Amend-  
ment of  
section 2.

(i) clause (c) shall be omitted;

(ii) in clause (i), for the words “, vakil or attorney”, the words “or vakil” shall be substituted.

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

Amend-  
ment of  
section 3.

“(3) There shall be a Chairman of each State Bar Council as follows:—

(a) in the case of the State Bar Council of Delhi, such advocate as may be nominated by the Central Government shall be the Chairman for a period of two years;

(b) in the case of the State Bar Council of Assam, Nagaland, Meghalaya, Manipur and Tripura, the Advocate-General of each of the States of Assam, Manipur, Meghalaya, Nagaland and Tripura, *ex-officio* shall, by rotation in that order, be the Chairman for a period of two years;

(c) in the case of the State Bar Council of Punjab and Haryana, the Advocate-General of each of the States of Punjab and Haryana, *ex-officio* shall, by rotation in that order, be the Chairman for a period of two years; and

(d) in the case of any other State Bar Council, the Advocate-General of the State, *ex-officio*, shall be the Chairman.

(3A) There shall be a Vice-Chairman of each State Bar Council who shall be the senior-most advocate amongst the members of that Council.”

Amend-  
ment of  
section 4.

4. In section 4 of the principal Act,—

(i) in sub-section (1), after clause (b), the following clause shall be inserted, namely:—

“(bb) a person appointed by virtue of office (whether or not under Government) by the Central Government;”;

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

“(2) The Attorney-General of India *ex-officio* and the Solicitor-General of India *ex-officio* shall be the Chairman and Vice-Chairman respectively of the Bar Council of India.

(2A) The term of office of the member of the Bar Council of India appointed under clause (bb) of sub-section (1) shall be two years from the date of his appointment or till he ceases to hold the office by virtue of which he was appointed, whichever is earlier.”

Amend-  
ment of  
section 15.

5. In sub-section (2) of section 15 of the principal Act,—

(i) clause (c) shall be omitted;

(ii) in clause (d), the words “or to the office of the Chairman or Vice-Chairman” shall be omitted.

Amend-  
ment of  
section 24.

6. In section 24 of the principal Act,—

(i) in clause (c) of sub-section (1), after the words, figures and letters “the 31st day of December, 1976;”, the following shall be inserted, namely:—

“or has passed the articulated clerk's examination or any other examination specified by the High Court at Bombay or Calcutta for enrolment as an attorney of that High Court;”;

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

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| 7. Section 31 of the principal Act shall be omitted with effect from the 1st day of January, 1977. | Omission of section 31. |
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| 8. In section 34 of the principal Act, sub-sections (2) and (3) shall be omitted with effect from the 1st day of January, 1977. | Amendment of section 34. |
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| 9. For section 46 of the principal Act, the following section shall be substituted, namely:— | Substitution of new section for section 46. |
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|---|--|
| <p>“46. Every State Bar Council shall, for each financial year commencing on or after the 1st day of April, 1976, pay to the Bar Council of India a sum equivalent to twenty per cent. of the total of the enrolment fees realised by it under this Act during that year, before the thirtieth day of April of the succeeding financial year.”.</p> | Payment of part of enrolment fees to the Bar Council of India. |
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| 10. In section 55 of the principal Act, clause (b) shall be omitted with effect from the 1st day of January, 1977. | Amendment of section 55 |
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| 11. Every person holding office as— | Transitional provisions. |
|-------------------------------------|--------------------------|

- |   |                                 |
|---|---------------------------------|
| <ul style="list-style-type: none"> <li>(i) Chairman or Vice-Chairman of the Bar Council of India; or</li> <li>(ii) Chairman or Vice-Chairman of any State Bar Council,</li> </ul> <p>immediately before the coming into force of section 4 or, as the case may be, section 3 of this Act, shall cease to hold such office on such commencement.</p> | <p>Transitional provisions.</p> |
|---|---------------------------------|

THE SCHEDULED CASTES AND SCHEDULED TRIBES  
ORDERS (AMENDMENT) ACT, 1976

No. 108 OF 1976

[18th September, 1976]

An Act to provide for the inclusion in, and the exclusion from, the lists of Scheduled Castes and Scheduled Tribes, of certain castes and tribes, for the re-adjustment of representation of parliamentary and assembly constituencies in so far as such re-adjustment is necessitated by such inclusion or exclusion and for matters connected therewith.

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

Short title  
and com-  
mence-  
ment.

1. (1) This Act may be called the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976.

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

Defini-  
tions.

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

(a) "census authority" means the Registrar General and *ex officio* Census Commissioner for India;

(b) "Commission" means the Election Commission appointed by the President under article 324 of the Constitution;

(c) "Delimitation Act" means the Delimitation Act, 1972;

(d) "last census" means the census held in India in 1971;

76 of 1972.

(e) "Scheduled Castes Order" means the Constitution (Scheduled Castes) Order, 1950, made by the President under article 341 of the Constitution;

(f) "Scheduled Tribes Orders" means the Constitution (Scheduled Tribes) Order, 1950 and the Constitution (Andaman and Nicobar Islands) Scheduled Tribes Order, 1959, made by the President under article 342 of the Constitution;

(g) "State" means a State included in the Scheduled Castes Order and the Scheduled Tribes Orders, and includes the Union territory of the Andaman and Nicobar Islands;

3. The Scheduled Castes Order is hereby amended in the manner and to the extent specified in the First Schedule.

Amend-  
ment of  
Scheduled  
Castes  
Order.

4. The Scheduled Tribes Orders are hereby amended in the manner and to the extent specified in the Second Schedule.

Amend-  
ment of  
Scheduled  
Tribes  
Orders.

5. (1) As soon as may be after the commencement of this Act, the population as at the last census of the Scheduled Castes or, as the case may be, of the Scheduled Tribes, in each State shall be ascertained or estimated by the census authority.

Determi-  
nation of  
popula-  
tion of  
Scheduled  
Castes  
and  
Scheduled  
Tribes.

(2) Where by reason of the amendments made by section 3 or section 4—

(a) any locality in a State specified in relation to any caste or tribe in any of the parts of the Schedules to the Orders referred to in the said sections is varied so as to specify a larger area in relation to such caste or tribe, the census authority shall take into account the population figures of the caste or tribe as ascertained in the last census and in any previous census wherein the population figures of the caste or tribe in respect of the increased area had been ascertained and determine the population of that caste or tribe as on the 1st day of April, 1971 by increasing or decreasing such figures by the proportion in which the general population of the State or, as the case may be, the division, district, taluk, tahsil, police station, development block or other territorial division in relation to which such caste or tribe has been specified by the said amendments has increased or decreased between the previous census aforesaid and the last census;

(b) any caste or tribe which is deemed to be both a Scheduled Caste and Scheduled Tribe in relation to a State or part thereof is varied so as to specify such caste or tribe only as a Scheduled Caste or Scheduled Tribe in relation to that State or part, the census authority shall take into account the population figures of such Scheduled Caste and Scheduled Tribe as ascertained in the last census:

Provided that it shall not be necessary for the census authority to determine the population of any Scheduled Caste or Tribe as on the

1st day of April, 1971, if the population of that caste or tribe was not ascertained at the last census and in any of the previous censuses and is, in the opinion of that authority, numerically small.

*Explanation.*—Where the population figures of any caste or tribe in respect of any increased area referred to in clause (a) had been ascertained in more than one previous census, the census authority shall take into account, for the purposes of that clause, the population figures of such caste or tribe as ascertained in the previous census which is nearest in point of time to the last census.

(3) The population figures ascertained or determined under sub-section (2) shall be notified by the census authority in the Gazette of India.

(4) The population figures so notified shall be taken to be the relevant population figures as ascertained at the last census and shall supersede any figures previously published; and the figures so notified shall be final and shall not be called in question in any court.

Re-ad-  
justment  
of consti-  
tuencies  
by the  
Election  
Com-  
mission.

6. (1) After the population figures have been notified for any State under section 5, it shall be the duty of the Commission to make such amendments as may be necessary in the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, (without altering the extent of any constituency as given in such Order) having regard to the provisions of articles 81, 170, 330 and 332 of the Constitution, of section 8 of the Delimitation Act, and of this Act, for the purpose of giving proper representation to the Scheduled Castes or, as the case may be, to the Scheduled Tribes of that State on the basis of the number of reserved seats as specified in that Order as hereunder amended by the Commission, and the First Schedule and Second Schedule to the Representation of the People Act, 1950 shall be deemed to have been amended accordingly.

43 of 1950.

(2) In making any amendments under sub-section (1), the Commission shall, as far as may be necessary, have regard to the provisions of clauses (c) and (d) of sub-section (1) of section 9 of the Delimitation Act.

(3) The Commission shall—

(a) publish its proposals for the amendments in the Gazette of India and the Official Gazette of the State concerned and also in such other manner as it thinks fit;

(b) specify a date on or after which such proposals will be further considered by it;



(c) consider all objections and suggestions which may have been received by it before the date so specified; and

(d) thereafter make the necessary amendments in the order.

5 of 1908.

7. (1) In the discharge of its functions under this Act, the Commission shall determine its own procedure and 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:—

Procedure and powers of the Commission.

(a) summoning and enforcing the attendance of witnesses;

(b) requiring the production of any document; and

(c) requisitioning any public record from any court or office.

(2) The Commission shall have the power to require any person to furnish any information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, any matter, under the consideration of the Commission.

2 of 1974.

(3) The Commission shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973.

*Explanation.*—For the purpose of enforcing the attendance of witnesses, the local limits of the jurisdiction of the Commission shall be the limits of the Territory of India.

8. (1) The Commission shall cause the amendments made by it in the Delimitation of Parliamentary and Assembly Constituencies Order, 1976 to be published in the Gazette of India and in the Official Gazettes of the States concerned.

Publication of amendments and their dates of operation.

(2) Upon publication in the Gazette of India, every such amendment shall have the force of law and shall not be called in question in any court.

(3) As soon as may be after such publication in the Gazette of India, every such amendment shall be laid before the House of the People and the Legislative Assemblies of the States concerned.

43 of 1950.

(4) Subject to the provisions of sub-section (5), the readjustment of representation of any territorial constituencies in the House of the People or in the Legislative Assembly of a State necessitated by any amendments made by the Commission in the Delimitation of Parliamentary and Assembly Constituencies Order, 1976 and provided for in that Order as so amended shall apply in relation to every election to the House or, as the case may be, to the Assembly, hereafter the publication in the Gazette of India under sub-section (1) of such amendments and shall so apply in supersession of the provisions relating to representation contained in the Representation of the People Act, 1950.

(5) Nothing contained in the foregoing sub-sections shall affect the representation in the House of the People or in the Legislative Assembly of a State, existing on the date of publication in the Gazette of India under sub-section (1) of the amendments made by the Commission under this Act.

Certain  
other  
powers of  
Election  
Commis-  
sion.

9. (1) The Commission may, from time to time, by notification in the Gazette of India and in the Official Gazette of the State concerned—

(a) correct any printing mistake in the Delimitation of Parliamentary and Assembly Constituencies Order, 1976 as amended under this Act, or any error occurring therein from any inadvertent slip or omission; and

(b) where the boundaries or the name of any district or any territorial division mentioned in the said Order are or is altered, make such amendments as appear to it to be necessary or expedient for bringing the Order up-to-date.

(2) Every notification under this section shall be laid, as soon as may be after it is issued, before the House of the People and the Legislative Assembly of the State concerned.

Valida-  
tion of  
acts  
done pre-  
vious to  
the com-  
mence-  
ment of  
the Act.

10. All things done, and all steps taken, before the commencement of this Act by the census authority for the determination of population of Scheduled Castes and Scheduled Tribes, or by the Commission for the purpose of re-adjustment of constituencies shall, in so far as they are in conformity with the provisions of this Act, be deemed to have been done or taken under these provisions as if such provisions were in force at the time such things were done or such steps were taken.

#### THE FIRST SCHEDULE

(See section 3)

In the Constitution (Scheduled Castes) Order, 1950—

(a) in paragraph 2, for the figures "XVII", the figures "XIX" shall be substituted;

(b) for paragraph 4, substitute—

"4. Any reference in this Order to a State or to a district or other territorial division thereof shall be construed as a reference to the State, district or other territorial division as constituted on the 1st day of May, 1976."

(c) for the Schedule substitute—

THE SCHEDULE

PART I.—*Andhra Pradesh*

- |                                    |                                   |
|------------------------------------|-----------------------------------|
| 1. Adi Andhra                      | 31. Madasi Kuruva, Madari, Kuruva |
| 2. Adi Dravida                     | 32. Madiga                        |
| 3. Anamuk                          | 33. Madiga Dasu, Mashteen         |
| 4. Aray Mala                       | 34. Mahar                         |
| 5. Arundhatiya                     | 35. Mala                          |
| 6. Arwa Mala                       | 36. Mala Dasari                   |
| 7. Bariki                          | 37. Mala Dasu                     |
| 8. Bavuri                          | 38. Mala Hannai                   |
| 9. Beda Jangam, Budga Jangam       | 39. Malajangam                    |
| 10. Bindla                         | 40. Mala Masti                    |
| 11. Byagara                        | 41. Mala Sale, Netkani            |
| 12. Chachati                       | 42. Mala Sanyasi                  |
| 13. Chalavadi                      | 43. Mang                          |
| 14. Chamar, Mochi, Muchi           | 44. Mang Garodi                   |
| 15. Chambhar                       | 45. Manne                         |
| 16. Chandala                       | 46. Mashti                        |
| 17. Dakkal, Dokkalwar              | 47. Matangi                       |
| 18. Dandasi                        | 48. Mehtar                        |
| 19. Dhor                           | 49. Mitha Ayyalvar                |
| 20. Dom, Dombara, Paidi, Pano      | 50. Mundala                       |
| 21. Ellamalawar, Yellammala-wandlu | 51. Paky, Moti, Thoti             |
| 22. Ghasi, Haddi, Relli, Chaehandi | 52. Pambada, Pambanda             |
| 23. Godagali                       | 53. Pamidi                        |
| 24. Godari                         | 54. Panchama, Pariah              |
| 25. Gosangi                        | 55. Relli                         |
| 26. Holey a                        | 56. Samagara                      |
| 27. Holey a Dasari                 | 57. Samban                        |
| 28. Jaggali                        | 58. Sapru                         |
| 29. Jambuvulu                      | 59. Sindhollu, Chindollu          |
| 30. Kolupulvandlu                  |                                   |

PART II.—*Assam*

- |                            |                      |
|----------------------------|----------------------|
| 1. Bansphor                | 9. Kaibartta, Jaliya |
| 2. Bhuinmali, Mali         | 10. Lalbegi          |
| 3. Brittil Bania, Bania    | 11. Mahara           |
| 4. Dhupi, Dhobi            | 12. Mehtar, Bhangi   |
| 5. Dugla, Dholi            | 13. Muchi, Rishi     |
| 6. Hira                    | 14. Namasudra        |
| 7. Jalkeot                 | 15. Patni            |
| 8. Jhalo, Malo, Jhalo-Malo | 16. Sutradhar        |

PART III.—*Bihar*

- |           |  |
|-----------|--|
| 1. Bantar | 5. Bhumij (excluding North Chotanagpur and South Chotanagpur divisions and Santal-Ranganas District) |
| 2. Bauri  |  |
| 3. Bhogta |  |
| 4. Bhuiya |  |

- |                           |                 |
|---------------------------|-----------------|
| 6. Chamar, Mochi          | 15. Kanjar      |
| 7. Chaupal                | 16. Kurariar    |
| 8. Dabgar                 | 17. Lalbegi     |
| 9. Dhobi                  | 18. Musahar     |
| 10. Dom, Dhangad          | 19. Nat         |
| 11. Dusadh, Dhari, Dharhi | 20. Pan, Sawasi |
| 12. Ghasi                 | 21. Pasi        |
| 13. Halalkhor             | 22. Rajwar      |
| 14. Hari, Mehtar, Bhangi  | 23. Turi        |

## PART IV.—Gujarat

- |   |   |
|---|---|
| 1. Ager   | 14. Holar, Valhar   |
| 2. Bakad, Bant  | 15. Holaya, Holer   |
| 3. Bawa-Dedh, Dedh-Sadhu  | 16. Lingader  |
| 4. Bhambi, Bhambhi, Asadaru, Asodi, Chamadia, Chamar, Chambhar, Chamgar, Haralayya, Harali, Khalpa, Machigar, Mochigar, Madar, Madig, Mochi, Nalia, Telegu Mochi, Kamati Mochi, Ranigar, Rohidas, Rohit, Samgar | 17. Mahar, Tarai, Dhegu Megu                              |
| 5. Bhangi, Mehtar, Olgana, Rukhi, Malkana, Halalkhor, Lalbegi, Balmiki, Korar, Zadmalli   | 18. Mahyavanshi, Dhed, Dhedh, Vankar, Maru Vankar, Antyaj |
| 6. Chalvadi, Channayya  | 19. Mang, Matang, Minimadig                               |
| 7. Chenna Dasar, Holaya Dasar   | 20. Mang-Garudi   |
| 8. Dangashia  | 21. Meghval, Meghwal, Menghvar                            |
| 9. Dhor, Kakkayya, Kankayya   | 22. Mukri   |
| 10. Garmatang   | 23. Nadia, Hadi   |
| 11. Garoda, Garo  | 24. Pasi  |
| 12. Halleer   | 25. Senva, Shenva, Chenya, Sedma, Rawat                   |
| 13. Halsar, Haslar, Hulasvar, Halasvar  | 26. Shemalia  |
|   | 27. Thori   |
|   | 28. Tirgar, Tirbanda                                      |
|   | 29. Turi  |
|   | 30. Turi Barot, Dedh Barot                                |

## PART V.—Haryana

- |   |                              |
|---|------------------------------|
| 1. Ad Dharmi  | 14. Dhanak                   |
| 2. Balmiki, Chura, Bhangi                                   | 15. Dhogri, Dhangri, Sigg    |
| 3. Bangali  | 16. Dumna, Mahasha, Doom     |
| 4. Barar, Burar, Berar                                      | 17. Gagra                    |
| 5. Batwal   | 18. Gandhila, Gandil Gondola |
| 6. Bauria, Bawaria  | 19. Kabirpanthi, Julaha      |
| 7. Bazigar  | 20. Khatik                   |
| 8. Bhanjra  | 21. Kori, Koli               |
| 9. Chamar, Jatia, Chamar, Rehgar, Raigar, Ramdasi, Ravidasi | 22. Marija, Marecha          |
| 10. Chanal  | 23. Mazhabi                  |
| 11. Dagi  | 24. Megh                     |
| 12. Darain  | 25. Nat                      |
| 13. Deha, Dhaya, Dheh                                       | 26. Od                       |
|   | 27. Pasi                     |
|   | 28. Perna                    |

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|----------------------------|---------------|
| 29. Pherera                | 34. Sapela    |
| 30. Sanhai                 | 35. Sarera    |
| 31. Sanhal                 | 36. Sikligar  |
| 32. Sansi, Bhedkut, Manesh | 37. Sirkiband |
| 33. Sansoi                 |               |

PART VI.—Himachal Pradesh

- |  |   |
|--|---|
| 1. Ad Dharmi   | 28. Hali                                    |
| 2. Badhi, Nagalu   | 29. Hesi                                    |
| 3. Balmiki, Bhangi, Chuhra, Chura, Chuhre                                    | 30. Jogi                                    |
| 4. Bandhela  | 31. Julaha, Julahe, Kabirpanthi, Keer       |
| 5. Bangali   | 32. Kamoh, Dagoli                           |
| 6. Banjara   | 33. Karoack                                 |
| 7. Bansi   | 34. Khatik                                  |
| 8. Barad   | 35. Kori, Koli                              |
| 9. Barar, Burar, Berar   | 36. Lohar                                   |
| 10. Batwal   | 37. Marija, Marecha                         |
| 11. Bauria, Bawaria  | 38. Mazhabi                                 |
| 12. Bazigar  | 39. Megh                                    |
| 13. Bhanjra, Bhanjre   | 40. Nat                                     |
| 14. Chamar, Jatia Chamar, Rehgar, Raigar, Ramdasi, Ravidasi, Ramdasia, Mochi | 41. Od                                      |
| 15. Chanal   | 42. Pasi                                    |
| 16. Chhimbe, Dhobi   | 43. Perna                                   |
| 17. Dagi   | 44. Phrera, Pherera                         |
| 18. Darain   | 45. Rehar, Rehara                           |
| 19. Darai, Daryai  | 46. Sanhai                                  |
| 20. Daule, Daole   | 47. Sanhal                                  |
| 21. Dhaki, Toori   | 48. Sansi, Bhedkut, Manesh                  |
| 22. Dhanak   | 49. Sansoi                                  |
| 23. Dhaogri, Dhuai   | 50. Sapela                                  |
| 24. Dhogri, Dhangri, Sigg  | 51. Sarde, Sarera, Sarare, Siryare, Sarehde |
| 25. Doom, Doomna, Dumna, Dumne, Mahasha                                      | 52. Sikligar                                |
| 26. Gagra  | 53. Sipi                                    |
| 27. Gandhila, Gandil Gondola   | 54. Sirkiband                               |
|  | 55. Teli                                    |
|  | 56. Thathiar, Thathera                      |

PART VII.—Karnataka

- |                                |   |
|--------------------------------|---|
| 1. Adi Andhra                  | Dharwar and North Kanara districts)   |
| 2. Adi Dravida                 |   |
| 3. Adi Karnataka               | 14. Bakuda  |
| 4. Adiya (in Coorg district)   | 15. Balagai   |
| 5. Ager                        | 16. Bandi   |
| 6. Ajila                       | 17. Banjara, Lambani  |
| 7. Anamuk                      | 18. Bathada   |
| 8. Aray Mala                   | 19. Beda Jangam, Budga Jangam.  |
| 9. Arunthathiyar               | 20. Bellara   |
| 10. Arwa Mala                  | 21. Bhangi, Mehtar, Oigana, Rukhi, Malkana, Halakhor, Lalbegi, Balmiki, Korar, Zadmalli |
| 11. Baira                      |   |
| 12. Bakad                      |   |
| 13. Bant (in Belgaum, Bijapur, |   |

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|---|--|
| 22. Bhambi, Bhambhi, Asadaru, Asodi, Chamadia, Chamar, Chambhar, Chamgar, Haralaya, Harali, Khalpa, Machigar, Mochigar, Madar, Madig, Mochi, Muchi, Telegu Mochi, Kamati Mochi, Rani-gar, Rohidas, Rohit, Samgar. | 59. Machala                                |
| 23. Bhovi   | 60. Madari                                 |
| 24. Bindla  | 61. Madiga                                 |
| 25. Byagara   | 62. Mahar, Taral, Dhegu, Megu              |
| 26. Chakkiliyan   | 63. Mahyavanshi, Dhed, Vankar, Maru Vankar |
| 27. Chalavadi, Chalvadi, Chan-nayya   | 64. Maila                                  |
| 28. Chandala  | 65. Mala                                   |
| 29. Chenna Dasar, Holaya Dasar  | 66. Mala Dasari                            |
| 30. Dakkal, Dokkalwar   | 67. Mala Hannai                            |
| 31. Dakkaliga   | 68. Mala Jangam                            |
| 32. Dhor, Kakkayya, Kankayya  | 69. Mala Masti                             |
| 33. Dom, Dombara, Paidi, Pano   | 70. Mala Sale, Netkani                     |
| 34. Ellamalwar, Yellammalawan-<br>dlu   | 71. Mala Sanyasi                           |
| 35. Ganti Chores  | 72. Mang, Matang, Minimadig                |
| 36. Garoda, Garo  | 73. Mang Garudi, Mang Garodi               |
| 37. Godda   | 74. Manne                                  |
| 38. Gosangi   | 75. Maghti                                 |
| 39. Halleer   | 76. Mavilan                                |
| 40. Halsar, Haslar, Hulasvar,<br>Halasvar   | 77. Meghval, Menghvar                      |
| 41. Handi Jogis   | 78. Moger                                  |
| 42. Hasla   | 79. Mukri                                  |
| 43. Holar, Valhar   | 80. Mundala                                |
| 44. Holaya, Holer, Holey  | 81. Nadia, Hadi                            |
| 45. Holey Dasari  | 82. Nalkadaya                              |
| 46. Jaggali   | 83. Nalakeyava                             |
| 47. Jambuvolu   | 84. Nayadi                                 |
| 48. Kadaiyan  | 85. Pale                                   |
| 49. Kalladi   | 86. Pallan                                 |
| 50. Kepmaris  | 87. Pambada                                |
| 51. Kolupulvandlu   | 88. Panchama                               |
| 52. Koosa   | 89. Panniandi                              |
| 53. Koracha   | 90. Paraiyan, Paraya                       |
| 54. Korama  | 91. Paravan                                |
| 55. Kotegar, Metri  | 92. Raneyar                                |
| 56. Kudumban  | 93. Samagara                               |
| 57. Kuravan   | 94. Samban                                 |
| 58. Lingader  | 95. Sapari                                 |
|   | 96. Sillekyathas                           |
|   | 97. Sindhollu, Chindollu                   |
|   | 98. Sudugadu Siddha                        |
|   | 99. Thoti                                  |
|   | 100. Tirgar, Tinbanda                      |
|   | 101. Valluvan                              |

## PART VIII.—Kerala

- |                  |              |
|------------------|--------------|
| 1. Adi Andhra    | 7. Baira     |
| 2. Adi Dravida   | 8. Bakuda    |
| 3. Adi Karnataka | 9. Bandi     |
| 4. Ajila         | 10. Bathada  |
| 5. Arunthathiyar | 11. Bellara  |
| 6. Ayyanavar     | 12. Bharatar |

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|--|---------------------------------|
| 13. Boyan [excluding the areas comprising the Malabar district as specified by sub-section (2) of section 5 of the States Reorganisation Act, 1956 (37 of 1956)] | 37. Mannan                      |
| 14. Chakiliyan   | 38. Mavilan                     |
| 15. Chamar, Muchi  | 39. Moger                       |
| 16. Chandala   | 40. Mundala                     |
| 17. Cheruman   | 41. Nalakeyava                  |
| 18. Domban   | 42. Nalkadaya                   |
| 19. Gavara   | 43. Nayadi                      |
| 20. Godagali   | 44. Padannan                    |
| 21. Godda  | 45. Pallan                      |
| 22. Gosangi  | 46. Palluvan                    |
| 23. Hasla  | 47. Pambada                     |
| 24. Holeya   | 48. Panan                       |
| 25. Kadaiyan   | 49. Pançama                     |
| 26. Kakkalan   | 50. Paraiyan, Parayan, Sambavar |
| 27. Kalladi  | 51. Paravan                     |
| 28. Kanakkan, Padanna  | 52. Pathiyan                    |
| 29. Karimpalan   | 53. Perumannan                  |
| 30. Kavara   | 54. Pulayan, Cheramar           |
| 31. Koosa  | 55. Pulaya Vettuvan             |
| 32. Kootan, Koodan   | 56. Puthirai Vannan             |
| 33. Kudumban   | 57. Raneyar                     |
| 34. Kuravan, Sidhanar  | 58. Samagara                    |
| 35. Maila  | 59. Samban                      |
| 36. Malayan [in the areas comprising the Malabar district as specified by sub-section (2) of section 5 of the States Reorganisation Act, 1956 (37 of 1956)]      | 60. Semman                      |
|  | 61. Thandan                     |
|  | 62. Thoti                       |
|  | 63. Vallon                      |
|  | 64. Valluvan                    |
|  | 65. Vannan                      |
|  | 66. Velan                       |
|  | 67. Vetan                       |
|  | 68. Vettuvan                    |

PART IX.—*Madhya Pradesh*

- |   |  |
|---|--|
| 1. Audhelia   | Satnam, Surjyabanshi, Surjyaramnam, Ahirwar, Chamar Mangan, Raidas |
| 2. Bagri, Bagdi   |  |
| 3. Bahna, Bahana  |  |
| 4. Balahi, Balai  | 15. Chidar   |
| 5. Banchada   | 16. Chikwa, Chikvi   |
| 6. Barahar, Basod   | 17. Chitar   |
| 7. Bargunda   | 18. Dahait, Dahayat, Dahat   |
| 8. Basor, Burud, Bansor, Bansodi, Bansphor, Bassar  | 19. Dewar  |
| 9. Bedia  | 20. Dhanuk   |
| 10. Beldar, Sunkar  | 21. Dhed, Dher   |
| 11. Bhangi, Mehtar, Balmik, Lalbegi, Dharkar  | 22. Dhobi (in Bhopal, Raïsen and Sehore districts)                 |
| 12. Bhanumati   | 23. Dohor  |
| 13. Chadar  | 24. Dom, Dumar, Dome, Domar, Doris                                 |
| 14. Chamar, Chamari, Bairwa, Bhambi, Jatav, Mochi, Regar, Nona, Rohidas, Ramnam, Satnam, Surjyabanshi, Surjyaramnam, Ahirwar, Chamar Mangan, Raidas | 25. Ganda, Gandi   |
|   | 26. Ghasi, Ghasia  |
|   | 27. Holiva   |

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|--|--|
| 28. Kanjar   | Mahasi, Madari, Garudi,  |
| 29. Katia, Patharia  | Radhe Mang   |
| 30. Khatik   |  |
| 31. Koli, Kori   | 38. Meghwal  |
| 32. Kotwal (in Bhind, Dhar, Dewas, Guna, Gwalior, Indore, Jhabua, Khargone, Mandsaur, Morena, Rajgarh, Ratlam, Shajapur, Shivpuri, Ujjain and Vidisha districts) | 39. Moghia   |
| 33. Khangar, Kanera, Mirdha  | 40. Muskhan  |
| 34. Kuchbandhia  | 41. Nat, Kalbelia, Sapera, Navdigar, Kubutar   |
| 35. Kumhar (in Chhatarpur, Datia, Panna, Rewa, Satna, Shahdol, Sidhi and Tikamgarh districts)  | 42. Pardhi (in Bhind, Dhar, Dewas, Guna, Gwalior, Indore, Jhabua, Khargone, Mandsaur, Morena, Rajgarh, Ratlam, Shajapur, Shivpuri, Ujjain and Vidisha districts) |
| 36. Mahar, Mehra, Mehar  | 43. Pasi   |
| 37. Mang, Mang Garodi, Mang Garudi, Dankhni Mang, Mang   | 44. Rujjhar  |
|  | 45. Sansi, Sansia  |
|  | 46. Silawat  |
|  | 47. Zamral   |

## PART X.—Maharashtra

- |   |  |
|---|--|
| 1. Ager   | 20. Ellamalvar, Yellamalawandlu  |
| 2. Anamuk   | 21. Ganda, Gandi   |
| 3. Aray Mala  | 22. Garoda, Garo   |
| 4. Arwa Mala  | 23. Ghasi, Ghasia  |
| 5. Bahna, Bahana  | 24. Halleer  |
| 6. Bakad, Bant  | 25. Halsar, Haslar, Hulasvar, Halasvar   |
| 7. Balahi, Balai  | 26. Holar, Valhar  |
| 8. Basor, Burud, Bansor, Bansodi  | 27. Holaya, Holer, Holey, Holiya   |
| 9. Beda Jangam, Budga Jangam  | 28. Kaikadi (in Akola, Amravati, Bhandara, Buldana, Nagpur, Wardha and Yavatmal districts and Chandrapur district, other than Rajura tahsil) |
| 10. Bedar   | 29. Katia, Patharia  |
| 11. Bhambi, Bhambhi, Asadaru, Asodi, Chamadia, Chamar, Chamari, Chambhar, Chamgar, Haralayya, Harali, Khalpa, Machigar, Mochigar, Madar, Madig, Mochi, Telegu Mochi, Kamati Mochi, Ranigar, Rohidas, Nona, Ramnami, Rohit, Samgar, Samagara, Satnami, Surjyabanshi, Surjyaramnami | 30. Khangar, Kanera, Mirdha  |
| 12. Bhangi, Mehtar, Olgana, Rukhi, Malkana, Halalkhor, Lalbegi, Balmiki, Korar, Zadmali   | 31. Khatik, Chikwa, Chikvi   |
| 13. Bindla  | 32. Kolupulvandlu  |
| 14. Byagara   | 33. Kori   |
| 15. Chalvadi, Channayya   | 34. Lingader   |
| 16. Chenna Dasar, Holaya Dasar, Holey Dasari  | 35. Madgi  |
| 17. Dakkal, Dokkalwar   | 36. Madiga   |
| 18. Dhor, Kakkayya, Kankayya, Dohor   | 37. Mahar, Mehra, Taral, Dhegu Megu  |
| 19. Dom, Dumar  | 38. Mahyavanshi, Dhed, Vankar, Maru Vankar   |
|   | 39. Mala   |
|   | 40. Mala Dasari  |
|   | 41. Mala Hannai  |
|   | 42. Mala Jangam  |
|   | 43. Mala Masti   |
|   | 44. Mala Sale, Netkani   |



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|--|-------------------------------------|
| 45. Mala Saryasi   | 51. Mitha Ayyalvar                  |
| 46. Mang, Matang, Minimadig,<br>Dankhni Mang, Mang Maha-<br>shi, Madari, Garudi, Radhe<br>Mang | 52. Mukri                           |
| 47. Mang Garodi, Mang Garudi   | 53. Nadia, Hadi                     |
| 48. Manne  | 54. Pasi                            |
| 49. Mashti   | 55. Sansi                           |
| 50. Meghval, Menghvar  | 56. Shenva, Chenva, Sedma,<br>Ravat |
|  | 57. Sindhollu, Chindollu            |
|  | 58. Tirgar, Tirbanda                |
|  | 59. Turi.                           |

PART XI.—*Manipur*

- |                   |              |
|-------------------|--------------|
| 1. Dhupi, Dhobi   | 5. Patni     |
| 2. Leis           | 6. Sutradhar |
| 3. Muchi, Ravidas | 7. Yaithibi. |
| 4. Namasudra      |              |

PART XII.—*Meghalaya*

- |                            |                      |
|----------------------------|----------------------|
| 1. Bansphor                | 9. Kaibartta, Jaliya |
| 2. Bhuinmali, Mali         | 10. Lalbegi          |
| 3. Brittial Bania, Bania   | 11. Mahara           |
| 4. Dhupi, Dhobi            | 12. Mehtar, Bhangi   |
| 5. Dugla, Dholi            | 13. Muchi, Rishi     |
| 6. Hira                    | 14. Namasudra        |
| 7. Jalkeot                 | 15. Patni            |
| 8. Jhalo, Malo, Jhalo-Malo | 16. Sutradhar.       |

PART XIII.—*Orissa*

- |  |                           |
|--|---------------------------|
| 1. Adi Andhra                          | 24. Dewar                 |
| 2. Amant, Amat                         | 25. Dhanwar               |
| 3. Audhelia                            | 26. Dhoba, Dhobi          |
| 4. Badaik                              | 27. Dom, Dombo, Duria Dom |
| 5. Bagheti, Baghuti                    | 28. Dosadha               |
| 6. Bajikar                             | 29. Ganda                 |
| 7. Bari                                | 30. Ghantarghada, Ghantra |
| 8. Bariki                              | 31. Ghasi, Ghasia         |
| 9. Basor, Burud                        | 32. Ghogia                |
| 10. Bauri                              | 33. Ghusuria              |
| 11. Bauti                              | 34. Godagali              |
| 12. Bavuri                             | 35. Godari                |
| 13. Bedia, Bejia                       | 36. Godra                 |
| 14. Beldar                             | 37. Gokha                 |
| 15. Bhata                              | 38. Gorait, Korait        |
| 16. Bhoi                               | 39. Haddi, Hadi, Hari     |
| 17. Chachati                           | 40. Irika                 |
| 18. Chakali                            | 41. Jaggali               |
| 19. Chamar, Mochi, Muchi, Sat-<br>nami | 42. Kandra, Kandara       |
| 20. Chandala                           | 43. Karua                 |
| 21. Chandhai Maru                      | 44. Katia                 |
| 22. Chervu, Chhelia                    | 45. Kela                  |
| 23. Dandasi                            | 46. Khadala               |

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|-----------------------------|---|
| 47. Kodalo, Khodalo         | 71. Panika                                |
| 48. Kori                    | 72. Penka                                 |
| 49. Kummari                 | 73. Perantanti                            |
| 50. Kurunga                 | 74. Pap                                   |
| 51. Laban                   | 75. Pasi                                  |
| 52. Laheri                  | 76. Patial, Patikar, Patratanti,<br>Patua |
| 53. Madari                  | 77. Rajna                                 |
| 54. Madiga                  | 78. Relli                                 |
| 55. Mahuria                 | 79. Sabakhia                              |
| 56. Mala, Jhala, Malo, Zala | 80. Samasi                                |
| 57. Mang                    | 81. Sanei                                 |
| 58. Mangan                  | 82. Sapari                                |
| 59. Mehra, Mahar            | 83. Sauntia, Santia                       |
| 60. Mehtar, Bhangi          | 84. Sidhria                               |
| 61. Mewar                   | 85. Sinduria                              |
| 62. Mundapotta              | 86. Siyal                                 |
| 63. Musahar                 | 87. Tamadia                               |
| 64. Nagarchi                | 88. Tamudia                               |
| 65. Namasudra               | 89. Tanla                                 |
| 66. Paidi                   | 90. Tiar, Tior                            |
| 67. Painda                  | 91. Turi                                  |
| 68. Pamidi                  | 92. Ujia                                  |
| 69. Pan, Pano               | 93. Valamiki, Valmiki.                    |
| 70. Panchama                |   |

## PART XIV.—Punjab

- |   |                            |
|---|----------------------------|
| 1. Ad Dharmi  | 19. Kabirpanthi, Julaha    |
| 2. Balmiki, Chuhra, Bhangi                                  | 20. Khatik                 |
| 3. Bangali  | 21. Kori, Koli             |
| 4. Barar, Burar, Berar                                      | 22. Marija, Marecha        |
| 5. Batwal   | 23. Mazhabi                |
| 6. Bauria, Bawaria  | 24. Megh                   |
| 7. Bazigar  | 25. Nat                    |
| 8. Bhanjra  | 26. Od                     |
| 9. Chamar, Jatia, Chamar, Rehgar, Raigar, Ramdasi, Ravidasi | 27. Pasi                   |
| 10. Chanal  | 28. Perna                  |
| 11. Dagi  | 29. Pherera                |
| 12. Darain  | 30. Sanhai                 |
| 13. Deha, Dhaya, Dhea                                       | 31. Sanhal                 |
| 14. Dhanak  | 32. Sansi, Bhedkut, Manesh |
| 15. Dhogri, Dhāngri, Siggī                                  | 33. Sansoi                 |
| 16. Dumna, Mahasha, Ddona                                   | 34. Sapela                 |
| 17. Gagra   | 35. Sarera                 |
| 18. Gandhila, Gandil, Gondola                               | 36. Sikligar               |
|   | 37. Sarkiband.             |

PART XV.—*Rajasthan*

- |  |   |
|--|---|
| 1. Adi Dharmi  | 27. Garo, Garura, Gurda, Garoda                       |
| 2. Aheri   | 28. Gavaria   |
| 3. Badi  | 29. Godhi   |
| 4. Bagri, Bagdi  | 30. Jingar  |
| 5. Bairwa, Berwa   | 31. Kalbelia, Sapera                                  |
| 6. Bajgar  | 32. Kamad, Kamadia                                    |
| 7. Balai   | 33. Kanjar, Kunjar                                    |
| 8. Bansphor, Bansphod  | 34. Kapadia Sansi                                     |
| 9. Baori   | 35. Khangar   |
| 10. Bargi, Vargi, Birgi  | 36. Khatik  |
| 11. Bawaria  | 37. Koli, Kori  |
| 12. Bedia, Beria   | 38. Kooch Band, Kuchband                              |
| 13. Bhand  | 39. Korla   |
| 14. Bhangi, Chura, Mehtar,<br>Olgana, Rukhi, Malkana,<br>Halalkhor, Lalbegi, Balmiki,<br>Valmiki, Korar, Zadmali.  | 40. Madari, Bazigar                                   |
| 15. Bidakia  | 41. Mahar, Taral, Dhegumegu                           |
| 16. Bola   | 42. Mahyavanshi, Dheda, Dheda,<br>Vankar, Maru Vankar |
| 17. Chamar, Bhambhi, Bambhi,<br>Bhambi, Jatia, Jatav, Jatava,<br>Mochi, Raidas, Rohidas, Regar<br>Raigar, Ramdasia, Asadaru,<br>Asodi, Chamadia, Chambhar,<br>Chamgar, Haralayya, Harali,<br>Khalpa, Machigar, Mochigar,<br>Madar, Madig, Telegu Mochi,<br>Kamati Mochi, Ranigar, Rohit,<br>Samgar | 43. Majhabi   |
| 18. Chandal  | 44. Mang, Matang, Minimadig                           |
| 19. Dabgar   | 45. Mang Garodi, Mang Garudi                          |
| 20. Dhanak, Dhanuk   | 46. Megh, Meghval, Meghwal,<br>Menghvar               |
| 21. Dhankia  | 47. Mehar   |
| 22. Dhobi  | 48. Nat, Nut  |
| 23. Dholi  | 49. Pasi  |
| 24. Dome, Dom  | 50. Rawal   |
| 25. Gandia   | 51. Salvi   |
| 26. Garanchar, Gancha  | 52. Sansi   |
|  | 53. Santia, Sati                                      |
|  | 54. Sarbhangi   |
|  | 55. Sargara   |
|  | 56. Singiwala   |
|  | 57. Thori, Nayak                                      |
|  | 58. Tirgar, Tirbanda                                  |
|  | 59. Turi  |

PART XVI.—*Tamil Nadu*

- |  |                               |
|--|-------------------------------|
| 1. Adi Andhra  | 12. Chakkiliyan               |
| 2. Adi Dravida   | 13. Chalavadi                 |
| 3. Adi Karnataka   | 14. Chamar, Muchi             |
| 4. Ajila   | 15. Chandala                  |
| 5. Arunthathiyar   | 16. Cheruman                  |
| 6. Ayyanavar (in Kanyakumari<br>district and Shenkottah taluk<br>of Tirunelveli district). | 17. Devendrakulathan          |
| 7. Baira   | 18. Dom, Dombara, Paidi, Panò |
| 8. Bakuda  | 19. Domban                    |
| 9. Baudi   | 20. Godagali                  |
| 10. Bellara  | 21. Godda                     |
| 11. Bharatar (in Kanyakumari<br>district and Shenkottah taluk<br>of Tirunelveli district). | 22. Gosangi                   |
|  | 23. Holeyá                    |
|  | 24. Jaggali                   |
|  | 25. Jambuvulu                 |

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|---|---|
| 26. Kadaiyan  | 52. Panan (in Kanyakumari district and Shenkottah taluk of Tirunelveli district)    |
| 27. Kakkalan (in Kanyakumari district and Shenkottah taluk of Tirunelveli district)       | 53. Panchama  |
| 28. Kalladi   | 54. Pannadi   |
| 29. Kanakkan, Padanna (in the Nilgiris district)  | 55. Panniandi   |
| 30. Karimpalan  | 56. Paraiyan, Parayan, Sambavar   |
| 31. Kavara (in Kanyakumari district and Shenkottah taluk of Tirunelveli district)         | 57. Paravan (in Kanyakumari district and Shenkottah taluk of Tirunelveli district)  |
| 32. Koliyan   | 58. Pathiyan (in Kanyakumari district and Shenkottah taluk of Tirunelveli district) |
| 33. Koosa   | 59. Pulayan, Cheramar   |
| 34. Kootan, Koodan (in Kanyakumari district and Shenkottah taluk of Tirunelveli district) | 60. Puthirai Vannan   |
| 35. Kudumban  | 61. Raneyar   |
| 36. Kuravan, Sidhanar   | 62. Samagara  |
| 37. Madari  | 63. Samban  |
| 38. Madiga  | 64. Sapari  |
| 39. Maila   | 65. Semman  |
| 40. Mala  | 66. Thandan (in Kanyakumari district and Shenkottah taluk of Tirunelveli district)  |
| 41. Mannan (in Kanyakumari district and Shenkottah taluk of Tirunelveli district)         | 67. Thoti   |
| 42. Mavilan   | 68. Tiruvalluvar  |
| 43. Moger   | 69. Vallon  |
| 44. Mundala   | 70. Valluvan  |
| 45. Nalakeyava  | 71. Vannan (in Kanyakumari district and Shenkottah taluk of Tirunelveli district)   |
| 46. Nayadi  | 72. Vathiriyar  |
| 47. Padannan (in Kanyakumari district and Shenkottah taluk of Tirunelveli district)       | 73. Velan   |
| 48. Pagadai   | 74. Vetan (in Kanyakumari district and Shenkottah taluk of Tirunelveli district)    |
| 49. Pallan  | 75. Vettiyan  |
| 50. Palluvan  | 76. Vettuvan (in Kanyakumari district and Shenkottah taluk of Tirunelveli district) |
| 51. Pambada   |   |

## PART XVII.—Tripura

- |                    |                |
|--------------------|----------------|
| 1. Bagdi           | 17. Kanugh     |
| 2. Bhuimali        | 18. Keot       |
| 3. Bhunar          | 19. Khadit     |
| 4. Chamar, Muchi   | 20. Kharia     |
| 5. Dandasi         | 21. Koch       |
| 6. Dhenuar         | 22. Koir       |
| 7. Dhoba           | 23. Kol        |
| 8. Dum             | 24. Kora       |
| 9. Ghasi           | 25. Kotal      |
| 10. Gour           | 26. Mahisyadas |
| 11. Gur            | 27. Mali       |
| 12. Jalia Kaibarta | 28. Mehtor     |
| 13. Kaber          | 29. Musahar    |
| 14. Kalindi        | 30. Namasudra  |
| 15. Kan            | 31. Patni      |
| 16. Kanda          | 32. Sabar      |

PART XVIII.—Uttar Pradesh

- |                                    |                             |
|------------------------------------|-----------------------------|
| 1. Agariya                         | 34. Gharami                 |
| 2. Badhik                          | 35. Ghasiya                 |
| 3. Badi                            | 36. Gond                    |
| 4. Baheliya                        | 37. Gual                    |
| 5. Baiga                           | 38. Habura                  |
| 6. Baiswar                         | 39. Hari                    |
| 7. Bajaniya                        | 40. Hela                    |
| 8. Bajgi                           | 41. Kalabaz                 |
| 9. Balahar                         | 42. Kanjar                  |
| 10. Balai                          | 43. Kapariya                |
| 11. Balmiki                        | 44. Karwal                  |
| 12. Bangali                        | 45. Khairaha                |
| 13. Banmanus                       | 46. Kharwar (excluding Ben- |
| 14. Bansphor                       | bansi)                      |
| 15. Barwar                         | 47. Khatik                  |
| 16. Basor                          | 48. Khorot                  |
| 17. Bawariya                       | 49. Kol                     |
| 18. Beldar                         | 50. Kori                    |
| 19. Beriya                         | 51. Korwa                   |
| 20. Bhantu                         | 52. Lalbegi                 |
| 21. Bhuiya                         | 53. Majhwar                 |
| 22. Bhuyiar                        | 54. Mazhabi                 |
| 23. Boria                          | 55. Musahar                 |
| 24. Chamar, Dhusia, Jhusia, Jatava | 56. Nat                     |
| 25. Chero                          | 57. Pankha                  |
| 26. Dabgar                         | 58. Parahiya                |
| 27. Dhangar                        | 59. Pasi, Tarmali           |
| 28. Dhanuk                         | 60. Patari                  |
| 29. Dharkar                        | 61. Rawat                   |
| 30. Dhobi                          | 62. Saharya                 |
| 31. Dom                            | 63. Sanaurhiya              |
| 32. Domar                          | 64. Sansiya                 |
| 33. Dusadh                         | 65. Shilpkar                |
|                                    | 66. Turaiha.                |

PART XIX.—West Bengal

- |   |                                   |
|---|-----------------------------------|
| 1. Bagdi, Duley   | 14. Damai (Nepali)                |
| 2. Bahelia  | 15. Dhoba, Dhobi                  |
| 3. Baiti  | 16. Doai                          |
| 4. Bantar   | 17. Dom, Dhangad                  |
| 5. Bauri  | 18. Dosadh, Dusadh, Dhari,        |
| 6. Beldar   | Dharhi                            |
| 7. Bhogta   | 19. Ghasi                         |
| 8. Bhuimali   | 20. Gonrhi                        |
| 9. Bhuiya   | 21. Halalkhor                     |
| 10. Bind  | 22. Hari, Mehtan, Mehtar, Bhangri |
| 11. Chamar, Charmakar, Mochi, Muchi, Rabidas, Ruidas, Rishi | 23. Jalia Kaibartta               |
| 12. Chaupal   | 24. Jhalo Malo, Malo              |
| 13. Dabgar  | 25. Kadar                         |

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|----------------------|----------------------------|
| 26. Kami (Nepali)    | 43. Mal                    |
| 27. Kandra           | 44. Mallah                 |
| 28. Kanjar           | 45. Musahar                |
| 29. Kaora            | 46. Namasudra              |
| 30. Karella, Koranga | 47. Nat                    |
| 31. Kaur             | 48. Nuniya                 |
| 32. Keot, Keyot      | 49. Paliya                 |
| 33. Khaira           | 50. Pan, Sawasi            |
| 34. Khatik           | 51. Pasi                   |
| 35. Koch             | 52. Patni                  |
| 36. Konai            | 53. Pod, Poundra           |
| 37. Konwar           | 54. Rajbanshi              |
| 38. Kotal            | 55. Rajwar                 |
| 39. Kurariar         | 56. Sarki (Nepali)         |
| 40. Lalbegi          | 57. Sunri (excluding Saha) |
| 41. Lohar            | 58. Tiyar                  |
| 42. Mahar            | 59. Turi."                 |

### THE SECOND SCHEDULE

(See section 4)

#### CHAPTER I

In the Constitution (Scheduled Tribes) Order, 1950,—

(a) for paragraph 3, substitute—

"3. (Any reference in this Order to a State or to a district or other territorial division thereof shall be construed as a reference to the State, district or other territorial division as constituted on the 1st day of May, 1976.";

(b) for the Schedule, substitute—

### THE SCHEDULE

#### PART I.—Andhra Pradesh

- |                                |  |
|--------------------------------|--|
| 1. Andh                        | 16. Kondhs, Kodi, Kodhu, Desaya  |
| 2. Bagata                      | Kondhs, Dongria Kondhs, Kutiya Kondhs, Tikiria Kondhs, Yenity Kondhs   |
| 3. Bhil                        |  |
| 4. Chenchu, Chenchwar          | 17. Kotia, Benth Oriya, Bartika, Dhulia, Dulia, Holva, Paiko, Putiya, Sanrona, Sidhopatke                                      |
| 5. Gadabas                     |  |
| 6. Gond, Naikpod, Rajgond      | 18. Koya, Goud, Rajah, Rasha Koya, Lingadhari Koya (ordinary), Kottu Koya, Bhine Koya, Rajkoya                                 |
| 7. Goud (in the Agency tracts) |  |
| 8. Hill Reddis                 | 19. Kulia  |
| 9. Jatapus                     |  |
| 10. Kammara                    | 20. Malis (excluding Adilabad, Hyderabad, Karimnagar, Khammam, Mahbubnagar, Medak, Nalgonda, Nizamabad and Warangal districts) |
| 11. Kattunayakan               |  |
| 12. Kolam, Mannervarlu         | 21. Manna Dhora  |
| 13. Konda, Dhoras              |  |
| 14. Konda Kapus                |  |
| 15. Kondareddis                |  |

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|---|---|
| 22. Mukha Dhora, Nooka Dhora                              | 30. Thoti (in Adilabad, Hyderabad, Karimnagar, Khammam, Mahbubnagar, Medak, Nalgonda, Nizamabad and Warangal districts) |
| 23. Nayaks (in the Agency tracts)                         |   |
| 24. Pardhan   |   |
| 25. Porja, Parangiperja                                   | 31. Valmiki (in the Agency tracts)  |
| 26. Reddi Dhoras  | 32. Yenadis   |
| 27. Rona, Rena  | 33. Yerukulas.  |
| 28. Savaras, Kapu Savaras, Maliya Savaras, Khutto Savaras |   |
| 29. Sugalis, Lambadis                                     |   |

PART II.—Assam

- I. In the autonomous districts:—
- |  |   |
|--|---|
| 1. Chakma  | (xxiv) Lhouvun  |
| 2. Dimasa, Kachari                                   | (xxv) Lupheng   |
| 3. Garo  | (xxvi) Mangjcl  |
| 4. Hajong  | (xxvii) Misao   |
| 5. Hmar  | (xxviii) Riang  |
| 6. Khasi, Jaintia, Synteng, Pnar, War, Bhoi, Lynggam | (xxix) Sairhem  |
| 7. Any Kuki Tribes, including:—                      | (xxx) Selnam  |
| (i) Biate, Biete                                     | (xxxii) Singson   |
| (ii) Changsan  | (xxxiii) Sitlhou  |
| (iii) Chongloi                                       | (xxxiv) Sukte   |
| (iv) Doungel   | (xxxv) Thado  |
| (v) Gamalhou   | (xxxvi) Thanggeu  |
| (vi) Gangte  | (xxxvii) Uibuh  |
| (vii) Guite  | (xxxviii) Vaiphei   |
| (viii) Hanneng                                       | 8. Lakhér   |
| (ix) Haokip, Haupit                                  | 9. Man (Tai speaking)   |
| (x) Haolai   | 10. Any Mizo (Lushai) tribes                                    |
| (xi) Hengna  | 11. Mikir   |
| (xii) Hongsungn                                      | 12. Any Naga tribes   |
| (xiii) Hrangkhwal, Rangkhoh                          | 13. Pawi  |
| (xiv) Jongbe   | 14. Synteng   |
| (xv) Khawehung                                       |   |
| (xvi) Khawathlang, Khothalong                        | II. In the State of Assam, excluding the autonomous districts:— |
| (xvii) Kheima  | 1. Barmans in Cachar  |
| (xviii) Khothou                                      | 2. Boro, Borokachari  |
| (xix) Kipgen   | 3. Deori  |
| (xx) Kuki  | 4. Hojai  |
| (xxi) Lengthang                                      | 5. Kachari, Sonwal  |
| (xxii) Lhangum                                       | 6. Lalung   |
| (xxiii) Lhoujem                                      | 7. Mech   |
|  | 8. Miri   |
|  | 9. Rabha.   |

PART III.—Bihar

- |            |  |
|------------|--|
| 1. Asur    | 6. Bhumij (in North Chotanagpur and South Chotanagpur divisions and Santal Parganas districts) |
| 2. Baiga   |  |
| 3. Banjara |  |
| 4. Bathudi |  |
| 5. Bedla   | 7. Binjharia   |

- |                 |                    |
|-----------------|--------------------|
| 8. Birhor       | 20. Kora           |
| 9. Birjia       | 21. Korwa          |
| 10. Chero       | 22. Lohara, Lohra  |
| 11. Chik Baraik | 23. Mahli          |
| 12. Gond        | 24. Mal Paharia    |
| 13. Gorait      | 25. Munda          |
| 14. Ho          | 26. Oraon          |
| 15. Karmali     | 27. Parhaiya       |
| 16. Kharia      | 28. Santal         |
| 17. Kharwar     | 29. Sauria Paharia |
| 18. Khond       | 30. Savar.         |
| 19. Kisan       |                    |

## PART IV.—Gujarat

- |   |  |
|---|--|
| 1. Barda  | 15. Koli (in Kutch district)   |
| 2. Bavacha, Bamcha  | 16. Koli Dhor, Tokre Koli, Kolcha, Kolgha  |
| 3. Bharwad (in the Nesses of the forests of Alech, Barada and Gir)  | 17. Kunbi (in the Dangs district)  |
| 4. Bhil, Bhil Garasia, Dholi Bhil, Dungri Bhil, Dungri Garasia, Mewasi Bhil, Rawal Bhil, Tadvi Bhil, Bhagalia, Bhilala, Pawra, Vasava, Vasave | 18. Naikda, Nayaka, Cholivala Nayaka, Kapadia Nayaka, Mota Nayaka, Nana Nayaka   |
| 5. Charan (in the Nesses of the forests of Alech, Barada and Gir)   | 19. Padhar   |
| 6. Chaudhri (in Surat and Val-sad districts)  | 20. Paradhi (in Kutch district)  |
| 7. Chodhara   | 21. Pardhi, Advichincher, Phanse Pardhi (excluding Amreli, Bhavnagar, Jamnagar, Junagadh, Kutch, Rajkot and Surendranagar districts) |
| 8. Dhanka, Tadvi, Tetaria, Valvi  | 22. Patelia  |
| 9. Dhodia   | 23. Pomla  |
| 10. Dubla, Talavia, Halpati   | 24. Rabari (in the Nesses of the forests of Alech, Barada and Gir)   |
| 11. Gamit, Gamta, Gavit, Mavchi, Padvi  | 25. Rathawa  |
| 12. Gond, Rajgond   | 26. Siddi (in Amreli, Bhavnagar, Jamnagar, Junagadh, Rajkot and Surendranagar districts)   |
| 13. Kathodi, Katkari, Dhor Kathodi, Dhor Katkari, Son Kathodi, Son Katkari  | 27. Vaghri (in Kutch district)   |
| 14. Kokna, Kokni, Kukna   | 28. Varli  |
|   | 29. Vitola, Kotwalia, Barodia.   |

## PART V.—Himachal Pradesh

- |  |   |
|--|---|
| 1. Bhot, Bodh  | (1) of section 5 of the Punjab Reorganisation Act, 1966 (31 of 1966)] |
| 2. Gaddi [excluding the territories specified in sub-section (1) of section 5 of the Punjab Reorganisation Act, 1966 (31 of 1966), other than the Lahaul and Spiti district] | 4. Jad, Lamba, Khampa   |
|  | 5. Kanaura, Kinnara   |
|  | 6. Lahaula  |
|  | 7. Pangwala   |
| 3. Gujjar [excluding the territories specified in sub-section  | 8. Swangia.   |



PART VI.—*Karnataka*

- |  |  |
|--|--|
| 1. Adiyán  | 23. Konda Kapus  |
| 2. Barda   | 24. Koraga   |
| 3. Bavacha, Bamcha   | 25. Kota   |
| 4. Bhil, Bhil Garasia, Dholi Bhil, Dungri Bhil, Dungri Garasia, Mewasi Bhil, Rawal Bhil, Tadvi Bhil, Bhagalia, Bhi-lala, Pawra, Vasava, Vasave | 26. Koya, Bhine Koya, Rajkoya  |
| 5. Chenchu, Chenchwar  | 27. Kudiya, Melakudi   |
| 6. Chodhara  | 28. Kuruba (in Coorg district)   |
| 7. Dubla, Talavia, Halpati   | 29. Kurumans   |
| 8. Garnit, Gamta, Gavít, Mavchi, Padvi, Valvi  | 30. Maha Malasar   |
| 9. Gond, Naikpod, Rajgond  | 31. Malaikudi  |
| 10. Gowdalu  | 32. Malasar  |
| 11. Hakkipikki   | 33. Malayekandi  |
| 12. Hasalaru   | 34. Maleru   |
| 13. Irular   | 35. Maratha (in Coorg district)  |
| 14. Iruliga  | 36. Marati (in South Kanara district)  |
| 15. Jenu Kuruba  | 37. Meda   |
| 16. Kadu Kuruba  | 38. Naikda, Nayaka, Cholivala Nayaka, Kapadia Nayaka, Mota Nayaka, Nana Nayaka |
| 17. Kammara (in South Kanara district and Kollegal taluk of Mysore district)   | 39. Palliyan   |
| 18. Kaniyan, Kanyan (in Kollegal taluk of Mysore district)   | 40. Paniyan  |
| 19. Kathodi, Katkari, Dhor Kathodi, Dhor Katkari, Son Kathodi, Son Katkari   | 41. Pardhi, Advichincher, Phanse Pardhi  |
| 20. Kattunayakan   | 42. Patelia  |
| 21. Kokna, Kokni, Kukna  | 43. Rathawa  |
| 22. Koli Dhor, Tokre Koli, Kolcha, Kolgha  | 44. Sholaga  |
|  | 45. Soligarú   |
|  | 46. Toda   |
|  | 47. Varli  |
|  | 48. Vitolia, Kotwalia, Barodia   |
|  | 49. Yerava.  |

PART VII.—*Kerala*

- |  |  |
|--|--|
| 1. Adiyán  | 17. Kurumans   |
| 2. Arandan   | 18. Kurumbas   |
| 3. Eravallan   | 19. Maha Malasar   |
| 4. Hill Pulaya   | 20. Malai Arayan   |
| 5. Irular, Irulan  | 21. Malai Pandaram   |
| 6. Kadar   | 22. Malai Vedan  |
| 7. Kammara [in the areas comprising the Malabar district as specified by sub-section (2) of section 5 of the States Reorganisation Act, 1956 (37 of 1956)] | 23. Malakkuravan   |
| 8. Kanikaran, Kanikkar   | 24. Malasar  |
| 9. Kattunayakan  | 25. Malayan [excluding the areas comprising the Malabar district as specified by sub-section (2) of section 5 of the States Reorganisation Act, 1956 (37 of 1956)] |
| 10. Kochu Velan  | 26. Malayarayar  |
| 11. Konda Kapus  | 27. Mannan   |
| 12. Kondareddis  | 28. Marati (in Hosdrug and Kasaragod taluks of Cannanore district)   |
| 13. Koraga   | 29. Muthuvan, Mudugar, Muduvan   |
| 14. Kota   | 30. Palleyan   |
| 15. Kudiya, Melakudi   |  |
| 16. Kurichchan   |  |

- |              |             |
|--------------|-------------|
| 31. Palliyan | 34. Ulladan |
| 33. Paniyan  | 35. Uraly.  |
| 33. Paniyan  |             |

PART VIII.—*Madhya Pradesh*

- |   |   |
|---|---|
| 1. Agariya  | 26. Kolam   |
| 2. Andh   | 27. Korku, Bopchi, Mouasi, Nihal, Nahul, Bondhi, Bondeya  |
| 3. Baiga  | 28. Korwa, Kodaku   |
| 4. Bhaina   | 29. Majhi   |
| 5. Bharia, Bhumia, Bhuinhar, Bhumia, Bhumiya, Bharia, Paliha, Pando   | 30. Majhwar   |
| 6. Bhatta   | 31. Mawasi  |
| 7. Bhil, Bhilala, Barela, Patelia   | 32. Mina (in Sironj sub-division of Vidisha district)   |
| 8. Bhil Mina  | 33. Munda   |
| 9. Bhunjia  | 34. Nagesia, Nagasia  |
| 10. Biar, Biyar   | 35. Oraon, Dhanka, Dhangad  |
| 11. Binjwar   | 36. Panika (in Chhatarpur, Datia, Panna, Rewa, Satna, Shahdol, Sidhi and Tikamgarh districts)   |
| 12. Birhul, Birhor  | 37. Pao   |
| 13. Damor, Damaria  | 38. Pardhan, Pathari, Saroti  |
| 14. Dhanwar   | 39. Pardhi (in Bhopal, Raisen and Sehore districts)   |
| 15. Gadaba, Gadba   | 40. Pardhi; Bahelia, Bahellia, Chita Pardhi, Langoli Pardhi, Phans Pardhi, Shikari, Takankar, Takia [in (1) Bastar, Chhindwara, Mandla, Raigarh, Seoni and Surguja districts, (2) Baihar tahsil of Balaghat district, (3) Betul and Bhainsdehi tahsils of Betul district, (4) Bilaspur and Katghora tahsils of Bilaspur district, (5) Durg and Balod tahsils of Durg district, (6) Chowki, Manpur and Mohala Revenue Inspectors' Circles of Rajnandgaon district, (7) Murwara, Patan and Sihora tahsils of Jabalpur district, (8) Hoshangabad and Sohagpur tahsils of Hoshangabad district and Narsimhapur district, (9) Harsud tahsil of Khandwa district, (10) Bindra-Nawagarh, Dhamtari and Mahasamund tahsils of Raipur district] |
| 16. Gond; Arakh, Arrakh, Agaria, Asur, Badi Maria, Bada Maria, Bhatola, Bhimma, Bhuta, Koilabhuta, Koliabhuti, Bhar, Bisonhorn Maria, Chota Maria, Dandami Maria, Dhuru, Dhurwa, Dhoba, Dhulia, Dorla, Gaiki, Gatta, Gatti, Gaita, Gond Gowari, Hill Maria, Kandra, Kalanga, Khatola, Koitar, Koya, Khirwar, Khirwara, Kucha Maria, Kuchaki Maria, Madia, Maria, Mana, Mannewar, Moghya, Mogia, Monghya, Mudia, Muria, Nagarchi, Nagwanshi, Ojha, Raj, Sonjhari, Jhaneka, Thatia, Thotya, Wade Maria, Vade Maria, Daroi | 41. Parja   |
| 17. Halba, Halbi  | 42. Sahariya, Saharia, Seharia, Sehria, Sosia, Sor  |
| 18. Kamar   | 43. Saonta, Saunta  |
| 19. Karku   | 44. Saur  |
| 20. Kawar, Kanwar, Kaur, Cherwa, Rathia, Tanwar, Chattri  | 45. Sawar, Sawara   |
| 21. Keer (in Bhopal, Raisen and Sehore districts)   | 46. Sonr.   |
| 22. Khairwan, Kondar  |   |
| 23. Kharia  |   |
| 24. Konth, Khond, Kandh   |   |
| 25. Kol   |   |

## PART IX.—Maharashtra

- |   |   |
|---|---|
| 1. Andh   | 20. Kamar   |
| 2. Baiga  | 21. Kathodi, Katkari, Dhor Kathodi, Dhor Kathkari, Son Kathodi, Son Katkari   |
| 3. Barda  | 22. Kawar, Kanwar, Kaur, Cherwa, Rathia, Tanwar, Chattri  |
| 4. Bavacha, Bamcha  | 23. Khairwar  |
| 5. Bhaina   | 24. Kharia  |
| 6. Bharia Bhumia, Bhuinhar Bhumia, Pando  | 25. Kokna, Kokni, Kukna   |
| 7. Bhattra  | 26. Kol   |
| 8. Bhil, Bhil Garasia, Dholi Bhil, Dungri Bhil, Dungri Garasia, Mewasi Bhil, Rawal Bhil, Tadvi Bhil, Bhagalia, Bhilala, Pawra, Vasava, Vasave   | 27. Kolam, Mannervaru   |
| 9. Bhunjia  | 28. Koli, Dhor, Tokre Koli, Kolcha, Kolgha  |
| 10. Binjhwar  | 29. Koli Mahadev, Dongar Koli   |
| 11. Birhul, Birkor  | 30. Koli Malhar   |
| 12. Chodhara (excluding Akola, Amravati, Bhandara, Buldana, Chandrapur, Nagpur, Wardha, Yavatmal, Aurangabad, Bhir, Nanded, Osmanabad and Parbhani districts)   | 31. Kondh, Khond, Kandh   |
| 13. Dhanka, Tadvi, Tetaria, Valvi   | 32. Korku, Bopchi, Mouasi, Nihal, Nahul, Bondhi, Bondeya  |
| 14. Dhanwar   | 33. Koya, Bhine Koya, Rajkoya   |
| 15. Dhodia  | 34. Nagesia, Nagasia  |
| 16. Dubla, Talavia, Halpati   | 35. Naikda, Nayaka, Cholivala Nayaka, Kapadia Nayaka, Mota Nayaka, Nana Nayaka  |
| 17. Gamit, Gamta, Gavit, Mavchi, Padvi  | 36. Oraon, Dhangad  |
| 18. Gond, Rajgond, Arakh, Arakh, Agaria, Asur, Badi Maria, Bada Maria, Bhatola, Bhimma, Bhuta, Koilabhuta, Koilabhuti, Bhar, Bisonhorn Maria, Chota Maria, Dandami Maria, Dhuru, Dhurwa, Dhoba, Dhulia, Dorla, Gaiki, Gatta, Gatti, Gaita, Gond Gowari, Hill Maria, Kandra, Kalanga, Khatola, Koitar, Koya, Khirwar, Khirwara, Kucha Maria, Kuchaki Maria, Madia, Maria, Mana, Mannewar, Moghya, Mogia, Monghya, Mudia, Muria, Nagarchi, Naikpod, Naganshi, Ojha, Raj, Sonjhari Jhareka, Thatia, Thotya, Wade Maria, Vade Maria | 37. Pardhan, Pathari, Saroti  |
| 19. Halba, Halbi  | 38. Pardhi; Advichincher, Phans Pardhi, Phanse Pardhi, Langoli Pardhi, Bahellia, Bahellia, Chita Pardhi, Shikari, Takankar, Takia |
|   | 39. Parja   |
|   | 40. Patelia   |
|   | 41. Pomla   |
|   | 42. Rathawa   |
|   | 43. Sawar, Sawara   |
|   | 44. Thakur, Thakar, Ka Thakur, Ka Thakar, Ma Thakur, Ma Thakar  |
|   | 45. Thoti (in Aurangabad, Bhir, Nanded, Osmanabad and Parbhani districts and Rajura tahsil of Chandrapur district)                |
|   | 46. Varli   |
|   | 47. Vitolia, Kotwalia, Barodia  |

## PART X.—Manipur

- |           |               |
|-----------|---------------|
| 1. Aimol  | 7. Hmar       |
| 2. Anal   | 8. Kabui      |
| 3. Angami | 9. Kacha Naga |
| 4. Chiru  | 10. Koirao    |
| 5. Chothe | 11. Koireng   |
| 6. Gangte | 12. Kom       |

- |                              |              |
|------------------------------|--------------|
| 13. Lamgang                  | 22. Ralte    |
| 14. Mao                      | 23. Sema     |
| 15. Maram                    | 24. Simte    |
| 16. Maring                   | 25. Suhte    |
| 17. Any Mizo (Lushai) tribes | 26. Tangkhul |
| 18. Monsang                  | 27. Thadou   |
| 19. Moyon                    | 28. Vaiphui  |
| 20. Paite                    | 29. Zou.     |
| 21. Purum                    |              |

## PART XI.—Meghalaya

- |  |                              |
|--|------------------------------|
| 1. Chakma  | (xix) Kipgen                 |
| 2. Dimasa, Kachari                                       | (xx) Kuki                    |
| 3. Garo  | (xxi) Lengthang              |
| 4. Hajong  | (xxii) Lhangum               |
| 5. Hmar  | (xxiii) Lhoujem              |
| 6. Khasi, Jaintia, Synteng, Pnar,<br>War, Bhoi, Lyngngam | (xxiv) Lhouvun               |
|  | (xxv) Lupheng                |
| 7. Any Kuki Tribes includ-<br>ing:—                      | (xxvi) Mangjel               |
| (i) Biate, Biete   | (xxvii) Misao                |
| (ii) Changsan  | (xxviii) Riang               |
| (iii) Chongloi   | (xxix) Sairhem               |
| (iv) DOUNGEL   | (xxx) Selnam                 |
| (v) Gamalhou   | (xxxi) Singson               |
| (vi) Gangte  | (xxxii) Sitlhou              |
| (vii) Guite  | (xxxiii) Sakte               |
| (viii) Hanneng   | (xxxiv) Thado                |
| (ix) Haokip, Haupt                                       | (xxxv) Thangngeu             |
| (x) Haolai   | (xxxvi) Uibuh                |
| (xi) Hengna  | (xxxvii) Vaiphei             |
| (xii) Hongsungh  | 8. Lakher                    |
| (xiii) Hrangkhwal, Rangkhoh                              | 9. Man (Tai speaking)        |
| (xiv) Jongbe   | 10. Any Mizo (Lushai) tribes |
| (xv) Khawchung   | 11. Mikir                    |
| (xvi) Khawathlang, Khothalong                            | 12. Any Naga tribes          |
| (xvii) Khelma  | 13. Pawi                     |
| (xviii) Kholhou  | 14. Synteng.                 |

## PART XII.—Orissa

- |                      |                  |
|----------------------|------------------|
| 1. Bagata            | 12. Birhor       |
| 2. Baiga             | 13. Bondo Poraja |
| 3. Banjara, Banjari  | 14. Chenchu      |
| 4. Bathudi           | 15. Dal          |
| 5. Bhattada, Dhotada | 16. Desua Bhumij |
| 6. Bhuiya, Bhuyan    | 17. Dharua       |
| 7. Bhumia            | 18. Didayi       |
| 8. Bhumij            | 19. Gadaba       |
| 9. Bhunjia           | 20. Gandia       |
| 10. Binjhal          | 21. Ghara        |
| 11. Binjhia, Binjhoa | 22. Gond, Gondo  |

- |   |   |
|---|---|
| 23. Ho  | 43. Lodha                                 |
| 24. Holva   | 44. Madia                                 |
| 25. Jatapu  | 45. Mahali                                |
| 26. Juang   | 46. Mankidi                               |
| 27. Kandha Gauda                                      | 47. Mankirdia                             |
| 28. Kawar   | 48. Matya                                 |
| 29. Kharia, Kharian                                   | 49. Mirdhas                               |
| 30. Kharwar   | 50. Munda, Munda Lohara,<br>Munda Mahalis |
| 31. Khond, Kond, Kandha, Nanguli Kandha, Sitha Kandha | 51. Mundari                               |
| 32. Kisan   | 52. Omanatya                              |
| 33. Kol   | 53. Oraon                                 |
| 34. Kolah Loharas, Kol Loharas                        | 54. Parenga                               |
| 35. Kolha   | 55. Paroja                                |
| 36. Koli, Malhar                                      | 56. Pentia                                |
| 37. Kondadora   | 57. Rajuar                                |
| 38. Kora  | 58. Santal                                |
| 39. Korua   | 59. Saora, Savar, Saura, Sahara           |
| 40. Kotia   | 60. Shabar, Lodha                         |
| 41. Koya  | 61. Sounti                                |
| 42. Kulis   | 62. Tharua.                               |

PART XIII.—*Rajasthan*

- |   |  |
|---|--|
| 1. Bhil, Bhil Garasia, Dholi Bhil, Dungri Bhil, Dungri Garasia, Mewasi Bhil, Rawal Bhil, Tadvi Bhil, Bhagalia, Bhilala, Pawra, Vasava, Vasave | 7. Kokna, Kokni, Kukna   |
| 2. Bhil Mina  | 8. Koli Dhor, Tokre Koli, Kolcha, Kolgha                                       |
| 3. Damnor, Damaria  | 9. Mina  |
| 4. Dhanka, Tadvi, Tetaria, Valvi  | 10. Naikda, Nayaka, Cholivala Nayaka, Kapadia Nayaka, Mota Nayaka, Nana Nayaka |
| 5. Garasia (excluding Rajput Garasia)   | 11. Patelia  |
| 6. Kathodi, Katkari, Dhor Kathodi, Dhor Katkari, Son Kathodi, Son Katkari   | 12. Seharia, Sehria, Sahariya.   |

PART XIV.—*Tamil Nadu*

- |   |  |
|---|--|
| 1. Adiyar   | 10. Kochu Velan  |
| 2. Aranadan   | 11. Konda Kapus  |
| 3. Eravallan  | 12. Kondareddis  |
| 4. Irular   | 13. Koraga   |
| 5. Kadar  | 14. Kota (excluding Kanyakumari district and Shenkottah taluk of Tirunelveli district) |
| 6. Kammara (excluding Kanyakumari district and Shenkottah taluk of Tirunelveli district)      | 15. Kudiya, Melakudi   |
| 7. Kanikaran, Kanikkar (in Kanyakumari district and Shenkottah taluk of Tirunelveli district) | 16. Kurichchan   |
| 8. Kaniyan, Kanyan  | 17. Kurumbas (in the Nilgiris district)  |
| 9. Kattunayakan   | 18. Kurumans   |
|   | 19. Maha Malasar   |
|   | 20. Malai Arayan   |

- |   |  |
|---|--|
| 21. Malai Pandaram  | 28. Mudugar, Muduvan   |
| 22. Malai Vedan   | 29. Muthuvan   |
| 23. Malakkuravan  | 30. Palleyan   |
| 24. Malasar   | 31. Palliyan   |
| 25. Malayali (in Dharmapuri,<br>North Arcot, Pudukottai,<br>Salem, South Arcot and Tiru-<br>chirapalli districts) | 32. Palliyar   |
| 26. Malayekandi   | 33. Paniyan  |
| 27. Mannan  | 34. Sholaga  |
|   | 35. Toda (excluding Kanya-<br>kumari district, and Shen-<br>kottah taluk of Tirunelveli<br>district) |
|   | 36. Uraly.   |

PART XV.—*Tripura*

- |  |                               |
|--|-------------------------------|
| 1. Bhil  | (x) Laifang                   |
| 2. Bhutia  | (xi) Lentei                   |
| 3. Chaimal                                       | (xii) Mizel                   |
| 4. Chakma  | (xiii) Namte                  |
| 5. Garoo   | (xiv) Paitu, Paite            |
| 6. Halam   | (xv) Rangchan                 |
| 7. Jarnatia                                      | (xvi) Rangkhole               |
| 8. Khasia  | (xvii) Thangluya              |
| 9. Kuki, including the following<br>sub-tribes:— | 10. Lepcha                    |
| (i) Balte  | 11. Lushai                    |
| (ii) Belalhut                                    | 12. Mag                       |
| (iii) Chhalya                                    | 13. Munda, Kaur               |
| (iv) Fun   | 14. Noatia                    |
| (v) Hajango                                      | 15. Orang                     |
| (vi) Jangtei                                     | 16. Riang                     |
| (vii) Khareng                                    | 17. Santal                    |
| (viii) Khephong                                  | 18. Tripura, Tripuri, Tippera |
| (ix) Kuntei                                      | 19. Uchai.                    |

PART XVI.—*West Bengal*

- |  |                           |
|--|---------------------------|
| 1. Asur  | 20. Koras                 |
| 2. Baiga   | 21. Korwa                 |
| 3. Bedia, Bediya   | 22. Lepcha                |
| 4. Bhumij  | 23. Lodha, Kheria, Kharia |
| 5. Bhutia, Sherpa, Toto, Dukpa,<br>Kagatay, Tibetan, Yolmo | 24. Lohara, Lohra         |
| 6. Birhor  | 25. Magh                  |
| 7. Birjia  | 26. Mahali                |
| 8. Chakma  | 27. Mahli                 |
| 9. Chero   | 28. Mal Pahariya          |
| 10. Chik Baraik  | 29. Mech                  |
| 11. Garo   | 30. Mru                   |
| 12. Gond   | 31. Munda                 |
| 13. Gorait   | 32. Nagesia               |
| 14. Hajang   | 33. Oraon                 |
| 15. Ho   | 34. Parhaiya              |
| 16. Karmali  | 35. Rabha                 |
| 17. Kharwar  | 36. Santal                |
| 18. Khond  | 37. Sauria Paharia        |
| 19. Kisan  | 38. Savar.                |

CHAPTER II

In the Constitution (Andaman and Nicobar Islands) Scheduled Tribes Order, 1959,—

(a) in paragraph 2, for the words “resident in the localities specified in relation to them in that Schedule”, the words “resident in that Union territory” shall be substituted;

(b) for the Schedule, substitute—

“THE SCHEDULE

- |  |                 |
|--|-----------------|
| 1. Andamanese, Chariar, Chari,<br>Kora, Tabo, Bo, Yere, Kede,<br>Bea, Balawa, Bojigiyab, Juwai,<br>Koi | 3. Nicobarese   |
| 2. Jarawas   | 4. Onges        |
|  | 5. Sentinelese  |
|  | 6. Shom Pens.”. |

THE HOUSE OF THE PEOPLE (EXTENSION OF DURATION)  
AMENDMENT ACT, 1976

No. 109 OF 1976

[24th November, 1976]

An Act to provide for the further extension of the duration of the present House of the People.

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

Short  
title.

1. This Act may be called the House of the People (Extension of Duration) Amendment Act, 1976.

Further  
extension  
of  
duration  
of the  
present  
House of  
the  
People.

2. The duration of the present House of the People which was extended for a period of one year by the House of the People (Extension of Duration) Act, 1976, is hereby extended for a further period of one year and accordingly, in section 2 of that Act,— 30 of 1976.

(1) in the opening paragraph, for the words "one year", the words "two years" shall be substituted;

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

"Provided that if both or either of the said Proclamations cease or ceases to operate before the expiration of the said period of two years, the present House of the People shall, unless previously dissolved under clause (2) of article 85 of the Constitution, continue until six months after the cesser of operation of the said Proclamations or Proclamation but not beyond the said period of two years."



THE APPROPRIATION (RAILWAYS) No. 4 ACT, 1976

No. 110 OF 1976

[25th November, 1976.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1976-77 for the purposes of Railways.

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

1. This Act may be called the Appropriation (Railways) No. 4 Act, 1976.

Short  
title.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of three lakhs and sixty-two thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1976-77, in respect of the services relating to Railways specified in column 2 of the Schedule.

Issue of  
Rs. 3,62,000  
out of  
the  
Consolida-  
ted Fund  
of India  
for the  
financial  
year  
1976-77.

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

Appro-  
priation.

**THE SCHEDULE**  
(See sections 2 and 3)

| 1<br>No. of<br>Vote | 2<br>Services and purposes  | 3<br>Sums not exceeding |  |          |
|---------------------|---|-------------------------|--|----------|
|                     |   | Voted by<br>Parliament  | Charged on<br>the Consoli-<br>dated Fund | Total    |
|                     |   | Rs.                     | Rs.                                      | Rs.      |
| 9                   | Working Expenses—Miscellaneous Expenses . . . . .                                 | ..                      | <b>1,21,000</b>                          | 1,21,000 |
| 14                  | Construction of New Lines—Capital and Depreciation Reserve Fund . . . . .         | ..                      | <b>2,40,000</b>                          | 2,40,000 |
| 15                  | Open Line Works—Capital, Depreciation Reserve Fund and Development Fund . . . . . | 1,000                   | ..                                       | 1,000    |
|                     | <b>TOTAL . . . . .</b>  | 1,000                   | <b>3,61,000</b>                          | 3,62,000 |



**THE SCHEDULE**  
(See sections 2 and 3)

| 1<br>No. of<br>Vote | 2<br>Services and purposes  | 3<br>Sums aggregating to |  |              |
|---------------------|---|--------------------------|--|--------------|
|                     |   | Voted by<br>Parliament   | Charged on<br>the Consoli-<br>dated Fund | Total        |
|                     |   | Rs.                      | Rs.                                      | Rs.          |
| 1                   | Railway Board . . . . .   | 5,58,431                 | ..                                       | 5,58,431     |
| 3                   | Payments to Worked Lines and<br>Others . . . . .  | 52,265                   | ..                                       | 52,265       |
| 5                   | Working Expenses—Repairs and<br>Maintenance . . . . .                                       | ..                       | 23,983                                   | 23,983       |
| 8                   | Working Expenses—Operation other<br>than Staff and Fuel . . . . .                           | 1,11,15,907              | ..                                       | 1,11,15,907  |
| 10                  | Working Expenses—Staff Welfare .  | ..                       | 3,223                                    | 3,223        |
| 15                  | Open Line Works—Capital, Depre-<br>ciation Reserve Fund and Deve-<br>lopment Fund . . . . . | 16,78,53,181             | ..                                       | 16,78,53,181 |
|                     | TOTAL   | 17,95,79,784             | 27,206                                   | 17,96,06,990 |

THE APPROPRIATION (RAILWAYS) No. 5 ACT, 1976

No. III OF 1976

[25th November, 1976.]

An Act to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31st day of March, 1975, in excess of the amounts granted for those services and for that year.

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

1. This Act may be called the Appropriation (Railways) No. 5 Act, 1976.

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 seventeen crores, ninety-six lakhs, six thousand, nine hundred and ninety rupees shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services relating to Railways specified in column 2 of the Schedule during the financial year ended on the 31st day of March, 1975, in excess of the amounts granted for those services and for that year.

3. The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of India under this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ended on the 31st day of March, 1975.

Short  
title.

Issue of  
Rs. 17,96,  
06,990  
out of  
the  
Consoli-  
dated  
Fund of  
India to  
meet  
certain  
expendi-  
ture for  
the year  
ended on  
the 31st  
March,  
1975.

Appro-  
priation.

**THE SCHEDULE**  
(See sections 2 and 3)

| I<br>No. of<br>Vote | 2<br>Services and purposes  | 3                      |  |              |
|---------------------|---|------------------------|--|--------------|
|                     |   | Sums aggregating to    |  |              |
|                     |   | Voted by<br>Parliament | Charged on<br>the Consoli-<br>dated Fund | Total        |
|                     |   | Rs.                    | Rs.                                      | Rs.          |
| 1                   | Railway Board . . . . .   | 5,58,431               | ..                                       | 5,58,431     |
| 3                   | Payments to Worked Lines and<br>Others . . . . .  | 52,265                 | ..                                       | 52,265       |
| 5                   | Working Expenses—Repairs and<br>Maintenance . . . . .                                       | ..                     | 23,983                                   | 23,983       |
| 8                   | Working Expenses—Operation other<br>than Staff and Fuel . . . . .                           | 1,11,15,907            | ..                                       | 1,11,15,907  |
| 10                  | Working Expenses—Staff Welfare .  | ..                     | 3,223                                    | 3,223        |
| 15                  | Open Line Works—Capital, Depre-<br>ciation Reserve Fund and Deve-<br>lopment Fund . . . . . | 16,78,53,181           | ..                                       | 16,78,53,181 |
|                     | <b>TOTAL</b>  | 17,95,79,784           | 27,206                                   | 17,96,06,990 |

THE APPROPRIATION (No. 7) ACT, 1976

No. 112 OF 1976

[25th November, 1976.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1976-77.

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

- |   |   |
|---|---|
| <p>1. This Act may be called the Appropriation (No. 7) Act, 1976.</p>   | <p>Short title.</p>   |
| <p>2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one hundred and forty-three crores, ninety-nine lakhs and twelve thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1976-77, in respect of the services specified in column 2 of the Schedule.</p> | <p>Issue of Rs. 143,99,12,000 out of the Consolidated Fund of India for the year 1976-77.</p> |
| <p>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.</p>   | <p>Appropriation.</p>   |





THE GUJARAT APPROPRIATION (No. 2) ACT, 1976

NO. 113 OF 1976

[25th November, 1976.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year 1976-77.

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

1. This Act may be called the Gujarat Appropriation (No. 2) Act, 1976. Short title.
2. From and out of the Consolidated Fund of the State of Gujarat 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, ninety-two lakhs and fifty-two thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1976-77, in respect of the services specified in column 2 of the Schedule. Issue of Rs. 15,92,52,000 out of the Consolidated Fund of the State of Gujarat for the financial year 1976-77.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat 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<br>No.<br>of<br>Vote/<br>Ap-<br>pro-<br>pri-<br>ation | 2<br>Services and purposes  | 3<br>Sums not exceeding       |  |              |
|---|---|-------------------------------|--|--------------|
|   |   | Voted by<br>Parliament<br>Rs. | Charged on<br>the Conso-<br>lidated<br>Fund<br>Rs. | Total<br>Rs. |
| 3   | Elections . . . Revenue   | 21,00,000                     | ..   | 21,00,000    |
| 9   | Tax Collection<br>Charges (Finance<br>Department) . Revenue                               | 18,91,000                     | 22,000   | 19,13,000    |
| 12  | Other Expenditure<br>pertaining to<br>Finance Depart-<br>ment . Revenue                   | 6,15,000                      | ..   | 6,15,000     |
| 13  | Repayment of Debt<br>pertaining to Fin-<br>ance Department<br>and its servicing . Revenue | ..                            | 6,56,000   | 6,56,000     |
|   | Capital   | ..                            | 3,79,000   | 3,79,000     |
| 16  | Other Expenditure<br>pertaining to Legal<br>Department . Revenue                          | 1,04,000                      | ..   | 1,04,000     |
| 19  | Food . . . Capital  | ..                            | 5,000  | 5,000        |
| 26  | Agriculture . . . Revenue   | 1,000                         | ..   | 1,000        |
|   | Capital   | 1,00,00,000                   | ..   | 1,00,00,000  |
| 28  | Animal Husbandry<br>and Dairy Deve-<br>lopment . Revenue                                  | 3,09,000                      | ..   | 3,09,000     |
| 29  | Fisheries . . . Revenue   | ..                            | 1,000  | 1,000        |
| 30  | Forests . . . Capital   | 26,09,000                     | ..   | 26,09,000    |
| 35  | Education . . . Capital   | 12,00,000                     | ..   | 12,00,000    |
| 36  | Labour and<br>Employment . Revenue  | ..                            | 1,000  | 1,000        |

| 1                          | 2  | 3                   |                                  |             |
|----------------------------|--|---------------------|----------------------------------|-------------|
|                            |  | Voted by Parliament | Charged on the Consolidated Fund | Total       |
| No. of Vote/ Appropriation | Services and purposes  | Rs.                 | Rs.                              | Rs.         |
| 39                         | Tribal Area Sub-Plan . . . . . Revenue   | 1,000               | 1,000                            | 1,000       |
| 43                         | Jails . . . . . Revenue  | 1,000               | 1,000                            | 1,000       |
| 49                         | Industries . . . . . Revenue   | ..                  | 1,000                            | 1,000       |
|                            | Capital  | 6,39,48,000         | ..                               | 6,39,48,000 |
| 50                         | Mines and Minerals Revenue   | ..                  | 6,000                            | 6,000       |
| 53                         | Panchayats and Health Department . Revenue   | ..                  | 1,000                            | 1,000       |
| 55                         | Medical . . . . . Revenue  | 2,000               | 64,000                           | 66,000      |
| 57                         | Public Health . . . . . Revenue  | 6,00,000            | 86,000                           | 6,86,000    |
| 58                         | Urban Development Revenue  | 1,02,000            | ..                               | 1,02,000    |
|                            | Capital  | 60,00,000           | ..                               | 60,00,000   |
| 60                         | Other Expenditure pertaining to Panchayats and Health Department . . . . . Revenue | 2,00,00,000         | ..                               | 2,00,00,000 |
| 63                         | Non-Residential Buildings . . . . . Revenue  | 5,06,000            | 1,000                            | 5,07,000    |
| 65                         | Irrigation and Soil Conservation Revenue   | ..                  | 36,000                           | 36,000      |
|                            | Capital  | 10,51,000           | 5,000                            | 10,56,000   |
| 67                         | Roads and Bridges Revenue  | ..                  | 1,000                            | 1,000       |
| 73                         | District Administration . . . . . Revenue  | 43,73,000           | ..                               | 43,73,000   |
| 74                         | Relief on Account of Natural Calamities Revenue                                    | ..                  | 15,000                           | 15,000      |
|                            | Capital  | 4,00,00,000         | ..                               | 4,00,00,000 |
| 76                         | Compensations and Assignments . . . . . Capital                                    | 19,03,000           | ..                               | 19,03,000   |

| 1                          | 2  | 3                   |                                  |                     |
|----------------------------|--|---------------------|----------------------------------|---------------------|
| No. of Vote/ Appropriation | Services and purposes  | Sums not exceeding  |                                  |                     |
|                            |  | Voted by Parliament | Charged on the Consolidated Fund | Total               |
|                            |  | Rs.                 | Rs.                              | Rs.                 |
| 78                         | Repayment of Debt pertaining to Revenue Department and its servicing Revenue | ..                  | 6,56,000                         | 6,56,000            |
|                            | <b>TOTAL</b>   | <b>15,73,15,000</b> | <b>19,37,000</b>                 | <b>15,92,52,000</b> |

THE PONDICHERRY APPROPRIATION (No. 4) ACT, 1976

No. 114 OF 1976

[25th November, 1976.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the Union territory of Pondicherry for the services of the financial year 1976-77.

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

1. This Act may be called the Pondicherry Appropriation (No. 4) Act, 1976.

Short title.

2. From and out of the Consolidated Fund of the Union territory of Pondicherry 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 fourteen thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1976-77, in respect of the services specified in column 2 of the Schedule.

Issue of Rs. 14,000 from and out of the Consolidated Fund of the Union territory of Pondicherry for the financial year 1976-77.

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

Appropriation.

## THE SCHEDULE

(See sections 2 and 3)

| 1           | 2                          | 3                   |                                  |        |
|-------------|----------------------------|---------------------|----------------------------------|--------|
|             |                            | Sums not exceeding  |                                  |        |
| No. of Vote | Services and purposes      | Voted by Parliament | Charged on the Consolidated Fund | Total  |
|             |                            | Rs.                 | Rs.                              | Rs.    |
| 18          | Education . . . Revenue    | ..                  | 1,000                            | 1,000  |
| 22          | Social Welfare . . Revenue | ..                  | 13,000                           | 13,000 |
|             | TOTAL                      | ..                  | 14,000                           | 14,000 |

# THE ELECTRICITY (SUPPLY) AMENDMENT ACT, 1976

No. 115 OF 1976

[30th November, 1976.]

## An Act further to amend the Electricity (Supply) Act, 1948.

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

1. (1) This Act may be called the Electricity (Supply) Amendment Act, 1976. Short title and commencement.

(2) It shall be deemed to have come into force on the 8th day of October, 1976.

54 of 1948.

2. In section 1 of the Electricity (Supply) Act, 1948 (hereinafter referred to as the principal Act), for sub-section (3), the following sub-section shall be substituted, namely:— Amendment of section 1.

“(3) This section and sections 2, 3, 4, 4A, 4B, 4C, 15A, 18A, 26A, 28 to 34 (both inclusive), sub-section (2) of section 39, section 42, sub-section (3) of section 43 and sections 57, 57A, 57B, 58, 75A, 76, 77, 77A, 77B, 77C, 82 and 83 and the provisions of the Sixth and Seventh Schedules shall come into force at once.”

3. In section 2 of the principal Act,—

(a) after clause (4), the following clause shall be inserted, Amendment of section 2.  
namely:—

“(4A) “Generating Company” means a company formed—

(a) either by the Central Government or by any State Government; or

(b) jointly by the Central Government and one or more State Governments or by two or more State Governments,

and registered under the Companies Act, 1956;'

1 of 1956.

(b) in clause (5),—

(i) after the words "including any building and plant", the brackets and words "(with step-up transformer, switchgear, cables or other appurtenant equipment, if any)" shall be inserted;

(ii) the words "for transforming, converting or distributing electricity" shall be omitted;

(c) in clause (6), for the words and figures "but, the provisions of section 26 of this Act notwithstanding, does not include the Board", the words, figures and letter "but, the provisions of section 26 or 26A of this Act notwithstanding, does not include the Board or a Generating Company" shall be substituted;

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

'(8A) "power system" means a system under the control of the Government or any Board or Generating Company or other agency and having one or more—

(i) generating stations; or

(ii) main transmission lines and sub-stations; or

(iii) generating stations and main transmission lines and sub-stations;'

(e) in clause (9), for the words and figures "made under section 78", the words "made under this Act" shall be substituted;

(f) after clause (11), the following clauses shall be inserted, namely:—

'(11A) "sub-station" means a station for transforming or converting electricity for the transmission or distribution thereof and includes transformers, convertors, switchgear, capacitors, synchronous condensers, structures, cables and other appurtenant equipments and any buildings used for that purpose and the site thereof, a site intended to be used for any such purpose and any buildings used for housing the staff of the sub-station;

(11B) "tie-line" means a line for the transfer of electricity between two power systems together with switchgear and other works necessary to, and used for, the control of such line;'

(g) in clause (13), after the words "the Board", the words "or a Generating Company" shall be inserted.



## 4. In section 3 of the principal Act,—

(1) in sub-section (1),—

(a) in clause (i), for the words “and particularly to co-ordinate the activities of the planning agencies”, the words “formulate short-term and perspective plans for power development and co-ordinate the activities of the planning agencies” shall be substituted;

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

“(iii) collect and record the data concerning the generation, distribution and utilisation of power and carry out studies relating to cost, efficiency, losses, benefits and such like matters;”;

(c) after clause (iv), the following clauses shall be inserted namely:—

“(v) advise any State Government, Board, Generating Company or other agency engaged in the generation or supply of electricity on such matters as will enable such Government, Board, Generating Company or agency to operate and maintain the power system, under its ownership or control, in an improved manner and, where necessary, in co-ordination with any other Government, Board, Generating Company or other agency owning or having the control of another power system;

(vi) promote and assist in the timely completion of schemes sanctioned under Chapter V;

(vii) make arrangements for advancing the skill of persons in the generation and supply of electricity;

(viii) carry out, or make arrangements for, any investigation for the purpose of generating or transmitting electricity;

(ix) promote research in matters affecting the generation, transmission and supply of electricity;

(x) advise the Central Government on any matter on which its advice is sought or make recommendation to that Government on any matter if, in the opinion of the Authority, the recommendation would help in improving the generation, distribution and utilisation of electricity; and

(xi) discharge such other functions as may be entrusted to it by or under any other law.”;

(2) in sub-section (2), for the words “not more than six members”, the words “not more than fourteen members of whom not more than eight shall be full-time members” shall be substituted;

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

“(2A) A full-time member shall be a person who has experience of, and has shown capacity in,—

(a) design, construction, operation and maintenance of generating stations;

(b) transmission and supply of electricity;

(c) applied research in the field of electricity;

(d) applied economics; or

(e) industrial, commercial or financial matters.”;

(4) in sub-section (3), for the words “one of the members”, the words “one of the full-time members” shall be substituted;

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

“(4A) The Chairman of the Authority and the other full-time members shall receive such salaries and allowances as may be determined by the Central Government and the other members shall receive such allowances and fees for attending the meetings of the Authority, as the Central Government may prescribe.

(4B) The other terms and conditions of service of the members of the Authority [including, subject to the provisions of sub-section (4), their terms of office] shall be such as the Central Government may prescribe.”;

(6) in sub-section (5),—

(i) for the words “be directly or indirectly concerned or interested in or have any share or interest”, the words “have any share or interest for his own benefit, whether in his own name or otherwise,” shall be substituted;

(ii) for the words “fuel, solid or liquid, for the generation of electricity”, the words “fuel, in whatever form, for the generation of electricity or in the manufacture of electrical equipment” shall be substituted;

(7) for sub-section (7), the following sub-sections shall be substituted, namely:—

“(7) The Chairman of the Authority may, by order, appoint any two or more members of the Authority to act on behalf of the Authority in relation to any matter referred to in clause (ii) of sub-section (1).

(8) No act or proceeding of the Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the Authority.”.

Amend-  
ment of  
section 4.

5. In section 4 of the principal Act,—

(a) for the words “State Electricity Board”, the words “State Electricity Board, Generating Company,” shall be substituted;

(b) after the words “or his own use”, the words “or consuming electricity” shall be inserted:

(c) for the words "and returns", the words ", returns or other information" shall be substituted.

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

Insertion of new sections 4A, 4B and 4C:

"4A. (1) In the discharge of its functions, the Authority shall be guided by such directions in matters of policy involving public interest as the Central Government may give to it in writing.

Directions by Central Government to the Authority.

(2) If any question arises as to whether any such direction relates to a matter of policy involving public interest, the decision of the Central Government thereon shall be final.

4B. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Chapter.

Power of Central Government to make rules.

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

(a) the functions and duties of the Authority and the manner in which such functions and duties shall be exercised and performed, under sub-section (1) of section 3;

(b) the terms and conditions of service of the Chairman and other members of the Authority (including the allowances and fees payable to members, but not including the salaries and allowances payable to the Chairman and other full-time members, of the Authority) under sub-section (4A) and sub-section (4B) of section 3;

(c) any other matter which is required to be, or may be, prescribed by the Central Government.

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

4C. The Authority may make regulations, not inconsistent with the provisions of this Act and the rules made by the Central Government thereunder, to provide for all or any of the following matters, namely:—

Power of Authority to make regulations.

(a) summoning and holding of meetings of the Authority, the times and places at which such meetings shall be held, the conduct of business thereat and the number of members required to constitute a quorum;

(b) any other matter arising out of the functions of the Authority under this Act for which it is necessary or expedient to make regulations.”.

**Substitution of new heading for Chapter III.** 7. In Chapter III of the principal Act, for the heading “STATE ELECTRICITY BOARDS”, the following heading shall be substituted, namely:—

“STATE ELECTRICITY BOARDS, GENERATING COMPANIES, STATE ELECTRICITY CONSULTATIVE COUNCILS AND LOCAL ADVISORY COMMITTEES”.

**Insertion of new section 15A.** 8. After section 15 of the principal Act, the following section shall be inserted, namely:—

“15A. (1) The Central Government or any State Government, or the Central Government and one or more State Governments, or two or more State Governments, jointly may form a Generating Company with such name as may be specified in the memorandum of association of the company.

(2) The main objects of a Generating Company shall be—

(i) establishing, operating and maintaining generating stations and tie-lines, sub-stations and main transmission lines connected therewith;

(ii) operating and maintaining such generating stations, tie-lines, sub-stations and main transmission lines as are assigned to it by the Government or Governments forming the Generating Company (hereinafter referred to as the promoting government).

(3) The Generating Company shall carry on its activities within such areas as the promoting government or promoting governments may, from time to time, specify in this behalf.

(4) Such number of the members of the Board of directors of a Generating Company as the promoting government thinks fit or, where there are more promoting governments than one, as may be agreed upon by such promoting governments, may be appointed as full-time members thereof.

(5) A full-time member of the Board of directors of a Generating Company shall be a person who has experience of, and has shown capacity in,—

(a) design, construction, operation and maintenance of generating stations;

(b) transmission and supply of electricity;

(c) applied economics;

(d) organising workers;

(e) industrial, commercial or financial matters; or

(f) administration in a Government Department or other establishment.

1 of 1956.

(6) The provisions of section 9 shall, so far as may be, apply to every member of the Board of directors of a Generating Company as they apply to a member of the Board.

(7) A company within the meaning of section 3 of the Companies Act, 1956, formed before the commencement of the Electricity (Supply) Amendment Act, 1976, by the Central Government or any State Government or the Central Government and one or more State Governments, or two or more State Governments, jointly and functioning on such commencement, having as its main objects all or any of the matters specified in sub-section (2), shall be deemed, for all purposes, to be a Generating Company under this Act."

9. In section 16 of the principal Act,—

(1) in sub-section (2), for the words "the members of the Board", the words "the members of the Board and, if there are any Generating Company or Generating Companies operating in the State, one representative of the Generating Company or each of the Generating Companies, to be nominated by the Generating Company concerned," shall be substituted;

(2) in sub-section (5),—

(a) in clause (i) and clause (ii), for the words "the Board", the words "the Board and the Generating Company or Generating Companies, if any, operating in the State" shall be substituted;

(b) in clause (iii), for the words "the Board", the words "the Board or the Generating Company or Generating Companies, if any, operating in the State" shall be substituted.

10. In Chapter IV of the principal Act, in the heading, for the words "STATE ELECTRICITY BOARDS", the words "STATE ELECTRICITY BOARDS AND GENERATING COMPANIES" shall be substituted.

11. For section 18 of the principal Act, the following sections shall be substituted, namely:—

"18. Subject to the provisions of this Act, the Board shall be charged with the following general duties, namely:—

(a) to arrange, in co-ordination with the Generating Company or Generating Companies, if any, operating in the State, for the supply of electricity that may be required within the State and for the transmission and distribution of the same, in the most efficient and economical manner with particular reference to those areas which are not for the time being supplied or adequately supplied with electricity;

(b) to supply electricity as soon as practicable to a licensee or other person requiring such supply if the Board is competent under this Act so to do;

(c) to exercise such control in relation to the generation, distribution and utilisation of electricity within the State as is provided for by or under this Act;

Amendment of section 16.

Amendment of heading under Chapter IV.

Substitution of new sections for section 18.

General duties of the Board.

(d) to collect data on the demand for, and the use of, electricity and to formulate perspective plans in co-ordination with the Generating Company or Generating Companies, if any, operating in the State, for the generation, transmission and supply of electricity within the State;

(e) to prepare and carry out schemes for transmission, distribution and generally for promoting the use of electricity within the State; and

(f) to operate the generating stations under its control in co-ordination with the Generating Company or Generating Companies, if any, operating in the State and with the Government or any other Board or agency having control over a power system.

18A. (1) Subject to the provisions of this Act, a Generating Company shall be charged with the following duties, namely:—

(a) to establish, operate and maintain such generating stations and tie-lines, sub-stations and main transmission lines connected therewith, as may be required to be established by the promoting government or promoting governments in relation to the Generating Company;

(b) to operate and maintain in the most efficient and economical manner the generating stations, tie-lines, sub-stations and main transmission lines, assigned to it by the promoting government or promoting governments in co-ordination with the Board or Boards, as the case may be, and the Government or agency having control over the power system, if any, connected therewith; and

(c) to carry out, subject to the provisions of section 21, detailed investigations and prepare schemes, in co-ordination with the Board or Boards, as the case may be, for establishing generating stations and tie-lines, sub-stations and transmission lines connected therewith, in such manner as may be specified by the Authority.

(2) Without prejudice to the generality of its duties under section 18, the Board shall, until a Generating Company begins to operate in any State, perform the duties of a Generating Company under this section in that State.”

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

“20A. The State Government may, in respect of any generating station owned by it (including transmission lines and other works connected therewith) make arrangements with the Board or a Generating Company for its operation and maintenance on such terms and conditions as may be agreed upon between the State Government and the Board or the Generating Company, as the case may be.”

13. In section 21 of the principal Act, in the opening paragraph:—

(a) for the words “The Board may”, the words “The Board or a Generating Company may” shall be substituted;

Duties  
of  
Genera-  
ting  
Company

Substitu-  
tion of  
new  
section  
for  
section  
20A.

Leasing  
out, etc.,  
of gene-  
rating  
stations.

Amend-  
ment of  
section  
21.

(b) for the words "in the opinion of the Board", the words "in the opinion of the Board or the Generating Company, as the case may be," shall be substituted;

(c) the words "and in such manner as the Authority may, from time to time, specify" shall be inserted at the end.

14. After section 26 of the principal Act, the following section shall be inserted, namely:—

Insertion  
of new  
section  
26A.

Applica-  
bility of  
the provi-  
sions of  
Act 9 of  
1910 to  
Generat-  
ing Com-  
pany.

9 of 1910.

"26A. (1) Notwithstanding anything contained in sub-section (2), nothing in the Indian Electricity Act, 1910, shall be deemed to require a Generating Company to take out a licence under that Act, or to obtain sanction of the State Government for the purpose of carrying on any of its activities.

9 of 1910.

(2) Subject to the provisions of this Act, sections 12 to 19 (both inclusive) of the Indian Electricity Act, 1910 and clauses XIV to XVII (both inclusive) of the Schedule thereto, shall, as far as may be, apply in relation to a Generating Company as they apply in relation to a licensee under that Act (hereafter in this section referred to as the licensee) and in particular a Generating Company may, in connection with the performance of its duties, exercise—

9 of 1910.

(a) all or any of the powers conferred on a licensee by sub-section (1) of section 12 of the Indian Electricity Act, 1910, as if—

(i) the reference therein to licensee were a reference to the Generating Company;

(ii) the reference to the terms and conditions of licence were a reference to the provisions of this Act and to the articles of association of the Generating Company; and

(iii) the reference to the area of supply were a reference to the area specified under sub-section (3) of section 15A in relation to the Generating Company;

9 of 1910.

(b) all or any of the powers conferred on a licensee by sub-section (1) of section 14 of the Indian Electricity Act, 1910, as if—

(i) the references therein to licensee were references to the Generating Company; and

(ii) the Generating Company had the powers of a licensee under the said Act.

9 of 1910.

(3) The provisions of section 30 of the Indian Electricity Act, 1910, shall not apply to the transmission or use of energy by a Generating Company.

9 of 1910.

(4) For the removal of doubts, it is hereby declared that sections 31 to 34 (both inclusive) of the Indian Electricity Act, 1910, shall apply to a Generating Company."

15. In section 27 of the principal Act, for the words "The Board", the words "The Board or a Generating Company" shall be substituted.

Amend-  
ment of  
section 27.

Substitution of new heading for heading under Chapter V.

16. In Chapter V of the principal Act, for the heading, the following heading shall be substituted, namely:—

“THE WORKS AND TRADING PROCEDURE OF THE BOARD AND THE GENERATING COMPANY”.

Substitution of new sections for sections 28 and 29.

17. For sections 28 and 29 of the principal Act, the following sections shall be substituted, namely:—

Preparation and sanctioning of schemes.

“28. (1) For the efficient performance of its duties under this Act, the Board or a Generating Company, as the case may be, may prepare one or more schemes, relating to the establishment or acquisition of generating stations, tie-lines, sub-stations or transmission lines as are referred to in clause (e) of section 18 or clause (c) of sub-section (1) of section 18A, as the case may be.

(2) The Board or, as the case may be, the Generating Company, which has prepared a scheme, may sanction such scheme either generally or in respect of any part of the area specified in the scheme and where a scheme has been sanctioned in respect of any part of the area, such scheme may subsequently be sanctioned in respect of any other part of that area:

Provided that where the scheme is of the nature referred to in sub-section (1) of section 29, the scheme shall not be sanctioned (generally or for part of an area) by the Board or the Generating Company except with the previous concurrence of the Authority.

(3) Every scheme sanctioned under this section shall be published in the Official Gazette and in such local newspapers as the Board or, as the case may be, the Generating Company may consider necessary.

Submission of schemes for concurrence of Authority, etc.

29. (1) Every scheme estimated to involve a capital expenditure exceeding one crore of rupees shall, as soon as may be after its preparation, be submitted to the Authority for its concurrence.

(2) Before finalisation of any scheme of the nature referred to in sub-section (1) and the submission thereof to the Authority for concurrence, the Board or, as the case may be, the Generating Company shall cause such scheme, which among other things shall contain the estimates of the capital expenditure involved, salient features thereof and the benefits that may accrue therefrom, to be published in the Official Gazette of the State concerned and in such local newspapers as the Board or the Generating Company may consider necessary along with a notice of the date, not being less than two months after the date of such publication, before which licensees and other persons interested may make representations on such scheme.

(3) The Board or, as the case may be, the Generating Company may, after considering the representations, if any, that may have been received by it and after making such inquiries as it thinks fit.



modify the scheme and the scheme so finally prepared (with or without modifications) shall be submitted by it to the Authority along with the representations.

(4) A copy of the scheme finally prepared by the Board or, as the case may be, the Generating Company under sub-section (3) shall be forwarded to the State Government or State Governments concerned:

Provided that where the scheme has been prepared by a Generating Company in relation to which the Central Government is the promoting government or one of the promoting governments, a copy of the scheme finally prepared shall be forwarded also to the Central Government.

(5) The Authority may give such directions as to the form and contents of a scheme and the procedure to be followed in, and any other matter relating to, the preparation, submission and approval of such scheme, as it may think fit.

(6) In respect of any scheme submitted to the Authority for its concurrence under sub-section (1), the Board or, as the case may be, the Generating Company shall, if required by the Authority so to do, supply any information incidental or supplementary to the scheme within such period, being not less than one month, as may be specified by the Authority."

18. In section 30 of the principal Act,—

(a) for the opening paragraph, the following shall be substituted, namely:—

Amend-  
ment of  
section 30.

"The Authority shall, before concurring in any scheme submitted to it under sub-section (1) of section 29, have particular regard to, whether or not in its opinion—";

(b) in clause (a),—

(i) the words "by the Board" shall be omitted;

(ii) for the words "shall satisfy itself", the words "shall satisfy itself, after consultation with the State Government, the Central Government, or such other agencies as it may deem appropriate," shall be substituted;

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

"(f) in the case of a scheme in respect of thermal power generation, the location of the generating station is best suited to the region, taking into account the optimum utilisation of fuel resources, the distance of load centre, transportation facilities, water availability and environmental considerations;

(g) the scheme conforms to any other technical, economic or other criteria laid down by the Authority in accordance with the national power policy evolved by it in pursuance of the provisions contained in clause (i) of sub-section (1) of section 3."

Substitution of new sections for sections 31, 32 and 33.

Concurrence of Authority to scheme submitted to it by Board or Generating Company.

19. For sections 31, 32 and 33 of the principal Act, the following sections shall be substituted, namely:—

“31. (1) Where a scheme is submitted to the Authority under sub-section (1) of section 29, the Authority may, having regard to the matters referred to in section 30, either concur in the scheme without modification or require the Board or, as the case may be, the Generating Company to modify the scheme in such manner as the Authority specifies in the requisition so as to ensure that the scheme conforms to the national power policy evolved by the Authority in pursuance of the provisions contained in clause (i) of sub-section (1) of section 3 and in either case the Authority shall also communicate its decision to the State Government or State Governments concerned:

Provided that where the scheme was submitted for concurrence by a Generating Company in relation to which the Central Government is the promoting government or one of the promoting governments, the decision shall be communicated also to that Government.

(2) Where under sub-section (1) the Authority requires that a scheme may be modified, the Board or, as the case may be, the Generating Company may prepare a revised scheme in accordance with such requisition and submit it to the Authority for concurrence and thereupon the Authority shall, if satisfied that the revised scheme complies with the requisition, concur in the same.

Power to alter or extend schemes.

32. The Board or, as the case may be, the Generating Company may, from time to time, alter or extend a scheme by a supplementary scheme prepared and sanctioned in the manner hereinbefore provided:

Provided that any alterations or extensions of a scheme which are, in the opinion of the Board or, as the case may be, the Generating Company, minor in character may be made without preparing a supplementary scheme:

Provided further that where any alteration or extension of the nature referred to in the first proviso is made in respect of a scheme concurred in by the Authority, details of such alteration or extension shall be intimated to the Authority as soon as may be after such alteration or extension is made.

Provisions applicable to scheme prepared by State Government.

33. The provisions of sections 28 to 32 (both inclusive) shall, so far as may be, apply also in relation to a scheme prepared by a State Government for the generation, transmission or distribution of electricity.”

Amendment of section 34.

20. Section 34 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1), as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) Notwithstanding anything contained in this Act or any scheme made thereunder, no generating station owned by a Generating Company shall be designated as a controlled station.”

21. Section 38 of the principal Act shall be omitted.

Omission  
of sec-  
tion 38.  
Amend-  
ment of  
section 39.

22. Section 39 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) Where a Generating Company has been established having its activities wholly or partly in a State, the State Government may direct the Board to make over any generating station established or acquired by the Board to the Generating Company subject to such terms and conditions as may be specified in the direction and the Board shall comply with such direction:

Provided that where the Central Government is the promoting government or one of the promoting governments in relation to the Generating Company, no direction shall be made by any State Government under this sub-section without the concurrence of the Central Government.”.

23. In section 41 of the principal Act,—

Amend-  
ment of  
section 41.

(a) in sub-section (1), for the words “the Board”, wherever they occur, the words “the Board or a Generating Company” shall be substituted;

(b) in sub-section (2), for the words “The Board may”, the words “The Board or a Generating Company may” shall be substituted.

24. Section 42 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:—

Amend-  
ment of  
section 42.

“(2) A Generating Company may, for the placing of wires, poles, wall-brackets, stays, apparatus and appliances for the transmission of electricity, or for the transmission of telegraphic or telephonic communications necessary for the proper co-ordination of the works of the Generating Company, exercise all or any of the powers which the Board may exercise under sub-section (1) and subject to the conditions referred to therein.”.

25. In section 43 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

Amend-  
ment of  
section 43.

“(3) A Generating Company may, on such terms as may be agreed upon, enter into arrangements for the sale of electricity generated by it—

(a) with the Board constituted for the State or any of the States wherein such Generating Company is operating; or

(b) with any other person with the consent of the Government or Governments which, in relation to that Generating Company, is the promoting government or promoting governments.”.

Amend-  
ment of  
section 41.

26. In section 44 of the principal Act,—

(a) in sub-section (1), in the opening paragraph, after the words “created by a Central Act”, the words “or any Generating Company” shall be inserted;

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

“(2A) The Board shall, before giving consent under sub-section (1), to the establishment or acquisition of a new generating station or to the extension or replacement of any major unit of plant or works, consult the Authority, in cases where the capacity of the new generating station or, as the case may be, the additional capacity proposed to be created by the extension or replacement exceeds twenty-five thousand kilowatts.”.

Amend-  
ment of  
section 72.

27. In section 72 of the principal Act,

(a) for the words “the Board”, the words “the Board or a Generating Company” shall be substituted;

(b) for the words “or that the Board is unable so to develop”, the words “or the Generating Company so to develop” shall be substituted.

Amend-  
ment of  
section 73.

28. In section 73 of the principal Act, for the words “the Board shall co-ordinate its activities”, the words “the Board and the Generating Company shall co-ordinate their activities” shall be substituted.

Amend-  
ment of  
section 74.

29. In section 74 of the principal Act,—

(a) for the words “servant of the Board”, the words “servant of the Board or of a Generating Company” shall be substituted;

(b) for the words “authorised by the Board”, the words “authorised by the Board or by the Generating Company, as the case may be,” shall be substituted;

(c) for the words “duties by the Board”, the words “duties by the Board or by the Generating Company, as the case may be,” shall be substituted.

Amend-  
ment of  
section 75.

30. In section 75 of the principal Act, in sub-section (3),—

(a) for the words “or person”, the words “or person or agency” shall be substituted;

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

“Provided that nothing in this sub-section shall be deemed to empower the Board to require a Generating Company to furnish it with any information or accounts.”.

31. After section 75 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 75A.

75A. (1) A Generating Company shall, before the expiry of the 31st December of each year, submit to the promoting government, or where there are more than one promoting government to all such promoting governments, a report giving an account of the activities, if any, which are likely to be undertaken by such Generating Company in the ensuing year together with a statement of the estimated capital and revenue receipts and expenditure for that year in such form as may be specified by the promoting government or, as the case may be, the promoting governments.

Annual reports and accounts of Generating Company.

(2) A Generating Company shall, as soon as may be after the end of each year, prepare a report giving an account of its activities during the previous year and shall, within six months from the date of closure of the year, forward to the promoting government, or where there are more than one promoting government, to all such promoting governments, the report together with a statement of accounts, in such form and containing such particulars as may be specified by the promoting government or the promoting governments, as the case may be, a copy of the balance-sheet and profit and loss account and the auditor's report, in relation to the accounts of the year aforesaid.

(3) For the purpose of preparing the statement of accounts referred to in sub-section (2), the depreciation to be provided every year shall be calculated in accordance with the same method as laid down by or under this Act for calculating depreciation in relation to the Board.

1 of 1956.

(4) The provisions of sub-sections (1) and (2) shall be in addition to and not in derogation of the provisions contained in the Companies Act, 1956, in relation to reports, statement of accounts and other documents required to be prepared or kept or submitted by a company within the meaning of section 3 of that Act.”.

32. In the Fifth Schedule to the principal Act,—

Amendment of Fifth Schedule.

(a) in the heading, for the words “BY BOARD”, the words “BY BOARD OR GENERATING COMPANY” shall be substituted;

(b) in paragraph I and paragraph II, for the words “the Board”, wherever they occur, the words “the Board or the Generating Company” shall be substituted.

33. In the Sixth Schedule to the principal Act, in paragraph II, after sub-paragraph (3), the following sub-paragraph shall be inserted, namely:—

Amendment of Sixth Schedule.

“(4) On the purchase of the undertaking, after the expiry, or on the revocation, of its licence or otherwise, all amounts of rebate lying undistributed to the consumers on the date of such

purchase shall be handed over to the purchaser who, in turn, shall enter the same in his books of account, under the heading Consumers' Rebate Reserve and any amount lying undistributed in that Reserve shall be carried forward for distribution to the consumer concerned:

Provided that the share of money in the Consumers' Rebate Reserve payable to the consumers who are not traceable or who have ceased to be consumers in relation to that undertaking, may be utilised in the development works of the purchaser."

Repeal and saving.

34. (1) The Electricity (Supply) Amendment Ordinance, 1976, is hereby repealed.

13 of 1976.

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

Amend- ment of the Electricity (Supply) Act, 1948.

THE CONSTITUTION (FORTIETH AMENDMENT)

ACT, 1976

[27th May, 1976]

An Act further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Fortieth Amendment) Act, 1976. Short title.

2. For article 297 of the Constitution, the following article shall be substituted, namely:— Substitution of new article for article 297.

“297. (1) All lands, minerals and other things of value underlying the ocean within the territorial waters, or the continental shelf, or the exclusive economic zone, of India shall vest in the Union and be held for the purposes of the Union. Things of value within territorial waters or continental shelf and resources of the exclusive economic zone to vest in the Union.

(2) All other resources of the exclusive economic zone of India shall also vest in the Union and be held for the purposes of the Union.

(3) The limits of the territorial waters, the continental shelf, the exclusive economic zone, and other maritime zones, of India shall be such as may be specified, from time to time, by or under any law made by Parliament.”

Amend-  
ment of  
the Ninth  
Schedule.

3. In the Ninth Schedule to the Constitution, after entry 124 and before the *Explanation*, the following entries shall be inserted, namely:—

“125. Section 66A and Chapter IVA of the Motor Vehicles Act, 1939 (Central Act 4 of 1939).

126. The Essential Commodities Act, 1955 (Central Act 10 of 1955).

127. The Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (Central Act 13 of 1976).

128. The Bonded Labour System (Abolition) Act, 1976 (Central Act 19 of 1976).

129. The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Act, 1976 (Central Act 20 of 1976).

130. The Prevention of Publication of Objectionable Matter Act, 1976 (Central Act 27 of 1976).

131. The Levy Sugar Price Equalisation Fund Act, 1976 (Central Act 31 of 1976).

132. The Urban Land (Ceiling and Regulation) Act, 1976 (Central Act 33 of 1976).

133. The Departmentalisation of Union Accounts (Transfer of Personnel) Act, 1976 (Central Act 59 of 1976).

134. The Assam Fixation of Ceiling on Land Holdings Act, 1956 (Assam Act I of 1957).

135. The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958 (Bombay Act XCIX of 1958).

136. The Gujarat Private Forests (Acquisition) Act, 1972 (Gujarat Act 14 of 1973).

137. The Haryana Ceiling on Land Holdings (Amendment) Act, 1976 (Haryana Act 17 of 1976).

138. The Himachal Pradesh Tenancy and Land Reforms Act, 1972 (Himachal Pradesh Act 8 of 1974).

139. The Himachal Pradesh Village Common Lands Vesting and Utilization Act, 1974 (Himachal Pradesh Act 18 of 1974).

140. The Karnataka Land Reforms (Second Amendment and Miscellaneous Provisions) Act, 1974 (Karnataka Act 31 of 1974).

141. The Karnataka Land Reforms (Second Amendment) Act, 1976 (Karnataka Act 27 of 1976).

142. The Kerala Prevention of Eviction Act, 1966 (Kerala Act 12 of 1966).



143. The Thiruppuvaram Payment (Abolition) Act, 1969 (Kerala Act 19 of 1969).
144. The Sreepadam Lands Enfranchisement Act, 1969 (Kerala Act 20 of 1969).
145. The Sree Pandaravaka Lands (Vesting and Enfranchisement) Act, 1971 (Kerala Act 20 of 1971).
146. The Kerala Private Forests (Vesting and Assignment) Act, 1971 (Kerala Act 26 of 1971).
147. The Kerala Agricultural Workers Act, 1974 (Kerala Act 18 of 1974).
148. The Kerala Cashew Factories (Acquisition) Act, 1974 (Kerala Act 29 of 1974).
149. The Kerala Chitties Act, 1975 (Kerala Act 23 of 1975).
150. The Kerala Scheduled Tribes (Restriction on Transfer of Lands and Restoration of Alienated Lands) Act, 1975 (Kerala Act 31 of 1975).
151. The Kerala Land Reforms (Amendment) Act, 1976 (Kerala Act 15 of 1976).
152. The Kanam Tenancy Abolition Act, 1976 (Kerala Act 16 of 1976).
153. The Madhya Pradesh Ceiling on Agricultural Holdings (Amendment) Act, 1974 (Madhya Pradesh Act 20 of 1974).
154. The Madhya Pradesh Ceiling on Agricultural Holdings (Amendment) Act, 1975 (Madhya Pradesh Act 2 of 1976).
155. The West Khandesh Mehwassii Estates (Proprietary Rights Abolition, etc.) Regulation, 1961 (Maharashtra Regulation I of 1962).
156. The Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974 (Maharashtra Act XIV of 1975).
157. The Maharashtra Agricultural Lands (Lowering of Ceiling on Holdings) and (Amendment) Act, 1972 (Maharashtra Act XXI of 1975).
158. The Maharashtra Private Forests (Acquisition) Act, 1975 (Maharashtra Act XXIX of 1975).
159. The Maharashtra Agricultural Lands (Lowering of Ceiling on Holdings) and (Amendment) Act, 1975 (Maharashtra Act XLVII of 1975).
160. The Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 1975 (Maharashtra Act II of 1976).
161. The Orissa Estates Abolition Act, 1951 (Orissa Act I of 1952).
162. The Rajasthan Colonisation Act, 1954 (Rajasthan Act XXVII of 1954).

163. The Rajasthan Land Reforms and Acquisition of Landowners' Estates Act, 1963 (Rajasthan Act 11 of 1964).

164. The Rajasthan Imposition of Ceiling on Agricultural Holdings (Amendment) Act, 1976 (Rajasthan Act 8 of 1976).

165. The Rajasthan Tenancy (Amendment) Act, 1976 (Rajasthan Act 12 of 1976).

166. The Tamil Nadu Land Reforms (Reduction of Ceiling on Land) Act, 1970 (Tamil Nadu Act 17 of 1970).

167. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1971 (Tamil Nadu Act 41 of 1971).

168. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1972 (Tamil Nadu Act 10 of 1972).

169. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Second Amendment Act, 1972 (Tamil Nadu Act 20 of 1972).

170. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Third Amendment Act, 1972 (Tamil Nadu Act 37 of 1972).

171. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Fourth Amendment Act, 1972 (Tamil Nadu Act 39 of 1972).

172. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Sixth Amendment Act, 1972 (Tamil Nadu Act 7 of 1974).

173. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Fifth Amendment Act, 1972 (Tamil Nadu Act 10 of 1974).

174. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1974 (Tamil Nadu Act 15 of 1974).

175. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Third Amendment Act, 1974 (Tamil Nadu Act 30 of 1974).

176. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Second Amendment Act, 1974 (Tamil Nadu Act 32 of 1974).

177. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1975 (Tamil Nadu Act 11 of 1975).

178. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Second Amendment Act, 1975 (Tamil Nadu Act 21 of 1975).

179. Amendments made to the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (Uttar Pradesh Act I of 1951) by the Uttar Pradesh Land Laws (Amendment) Act, 1971 (Uttar Pradesh Act 21 of 1971) and the Uttar Pradesh Land Laws (Amendment) Act, 1974 (Uttar Pradesh Act 34 of 1974).

180. The Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1976 (Uttar Pradesh Act 20 of 1976).

181. The West Bengal Land Reforms (Second Amendment) Act, 1972 (West Bengal Act XXVIII of 1972).

182. The West Bengal Restoration of Alienated Land Act, 1973 (West Bengal Act XXIII of 1973).

183. The West Bengal Land Reforms (Amendment) Act, 1974 (West Bengal Act XXXIII of 1974).

184. The West Bengal Land Reforms (Amendment) Act, 1975 (West Bengal Act XXIII of 1975).

185. The West Bengal Land Reforms (Amendment) Act, 1976 (West Bengal Act XII of 1976).

186. The Delhi Land Holdings (Ceiling) Amendment Act, 1976 (Central Act 15 of 1976).

187. The Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Goa, Daman and Diu Act 1 of 1976).

188. The Pondicherry Land Reforms (Fixation of Ceiling on Land) Act, 1973 (Pondicherry Act 9 of 1974).",

THE CONSTITUTION (FORTY-FIRST AMENDMENT)  
ACT, 1976

[7th September, 1976]

An Act further to amend the Constitution of India.

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

Short  
title.

1. This Act may be called the Constitution (Forty-first Amendment) Act, 1976.

Amend-  
ment of  
article  
316.

2. In article 316 of the Constitution, in clause (2), for the words "sixty years", the words "sixty-two years" shall be substituted.

THE CONSTITUTION (FORTY-SECOND AMENDMENT)  
ACT, 1976

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and commencement.
2. Amendment of the Preamble.
3. Insertion of new sub-heading after article 31.
4. Amendment of article 31C.
5. Insertion of new article 31D.
6. Insertion of new article 32A.
7. Amendment of article 39.
8. Insertion of new article 39A.
9. Insertion of new article 43A.
10. Insertion of new article 48A.
11. Insertion of new Part IVA.
12. Amendment of article 55.
13. Amendment of article 74.
14. Amendment of article 77.
15. Amendment of article 81.
16. Amendment of article 82.
17. Amendment of article 83.
18. ~~Amendment of article 100.~~ *omit*
19. ~~Amendment of article 102.~~ *omit*
20. Substitution of new article for article 103.
21. ~~Amendment of article 105.~~ *omit*
22. ~~Amendment of article 118.~~ *omit*
23. Insertion of new article 131A.
24. Insertion of new article 139A.
25. Insertion of new article 144A.
26. Amendment of article 145.
27. Substitution of new article for article 150.
28. Amendment of article 166.
29. Amendment of article 170.
30. Amendment of article 172.
31. ~~Amendment of article 189.~~ *omit*
32. ~~Amendment of article 191.~~ *omit*
33. Substitution of new article for article 192.
34. ~~Amendment of article 194.~~ *omit*

## SECTIONS

35. ~~Amendment of article 208.~~ (Omit)
36. Amendment of article 217.
37. Amendment of article 225.
38. Substitution of new article for article 226.
39. Insertion of new article 226A.
40. Amendment of article 227.
41. Amendment of article 228.
42. Insertion of new article 228A.
43. Insertion of new article 257A.
44. Amendment of article 311.
45. Amendment of article 312.
46. Insertion of new Part XIVA.
47. Amendment of article 330.
48. Amendment of article 352.
49. Amendment of article 353.
50. Amendment of article 356.
51. Amendment of article 357.
52. Amendment of article 358.
53. Amendment of article 359.
54. Amendment of article 366.
55. Amendment of article 368.
56. Amendment of article 371F.
57. Amendment of the Seventh Schedule.
58. ~~Special provisions as to pending petitions under article 226.~~ (Omit)
59. ~~Power of the President to remove difficulties.~~ (Omit)

**THE CONSTITUTION (FORTY-SECOND AMENDMENT)  
ACT, 1976**

[18th December, 1976.]

**An Act further to amend the Constitution of India.**

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

1. (1) This Act may be called the Constitution (Forty-second Amendment) Act, 1976.

Short  
title  
and com-  
mence-  
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. In the Preamble to the Constitution,—

Amend-  
ment of  
the  
Preamble.

(a) for the words "SOVEREIGN DEMOCRATIC REPUBLIC", the words "SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC" shall be substituted; and

(b) for the words "unity of the Nation", the words "unity and integrity of the Nation" shall be substituted.

3. After article 31 of the Constitution, the following sub-heading shall be inserted, namely:—

Inser-  
tion of  
new sub-  
heading  
after  
article  
31.

*"Saving of Certain Laws"*

4. In article 31C of the Constitution, for the words, brackets, letters and figures "the principles specified in clause (b) or clause (c) of article 39", the words and figures "all or any of the principles laid down in Part IV" shall be substituted.

Amend-  
ment of  
article  
31C.

Insertion  
of new  
article  
31D.

5. After article 31C of the Constitution and before the sub-heading "*Right to Constitutional Remedies*", the following article shall be inserted, namely:—

Saving of  
laws in  
respect of  
anti-na-  
tional  
activities.

**31D. (1)** Notwithstanding anything contained in article 13, no law providing for—

- (a) the prevention or prohibition of anti-national activities;
- or
- (b) the prevention of formation of, or the prohibition of, anti-national associations,

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.

(2) Notwithstanding anything in this Constitution, Parliament shall have, and the Legislature of a State shall not have, power to make laws with respect to any of the matters referred to in sub-clause (a) or sub-clause (b) of clause (1).

(3) Any law with respect to any matter referred to in sub-clause (a) or sub-clause (b) of clause (1) which is in force immediately before the commencement of section 5 of the Constitution (Forty-second Amendment) Act, 1976, shall continue in force until altered or repealed or amended by Parliament.

(4) In this article,—

(a) "association" means an association of persons;

(b) "anti-national activity", in relation to an individual or association, means any action taken by such individual or association—

(i) which is intended, or which supports any claim, to bring about, on any ground whatsoever, the cession of a part of the territory of India or the secession of a part of the territory of India or which incites any individual or association to bring about such cession or secession;

(ii) which disclaims, questions, threatens, disrupts or is intended to threaten or disrupt the sovereignty and integrity of India or the security of the State or the unity of the nation;

(iii) which is intended, or which is part of a scheme which is intended, to overthrow by force the Government as by law established;

(iv) which is intended, or which is part of a scheme which is intended, to create internal disturbance or the disruption of public services;

(v) which is intended, or which is part of a scheme which is intended, to threaten or disrupt harmony between different religious, racial, language or regional groups or castes or communities;



(c) "anti-national association" means an association—

- (i) which has for its object any anti-national activity;
- (ii) which encourages or aids persons to undertake or engage in any anti-national activity;
- (iii) the members whereof undertake or engage in any anti-national activity.

6. After article 32 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 32A.

"32A. Notwithstanding anything in article 32, the Supreme Court shall not consider the constitutional validity of any State law in any proceedings under that article unless the constitutional validity of any Central law is also in issue in such proceedings."

Constitutional validity of State laws not to be considered in proceedings under article 32.

7. In article 39 of the Constitution, for clause (f), the following clause shall be substituted, namely:—

Amendment of article 39.

"(f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment."

8. After article 39 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 39A.

"39A. The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities."

Equal justice and free legal aid.

9. After article 43 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 43A.

"43A. The State shall take steps, by suitable legislation or in any other way, to secure the participation of workers in the management of undertakings, establishments or other organisations engaged in any industry."

Participation of workers in management of industries.

Inser-  
tion of  
new arti-  
cle 48A.

10. After article 48 of the Constitution, the following article shall be inserted, namely:—

Protec-  
tion and  
improve-  
ment of  
environ-  
ment and  
safeguard-  
ing of  
forests  
and wild  
life.

"48A. The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country."

Inser-  
tion of  
new Part  
IVA.

11. After Part IV of the Constitution, the following Part shall be inserted, namely:—

#### "PART IVA

#### FUNDAMENTAL DUTIES

Funda-  
mental  
duties.

51A. It shall be the duty of every citizen of India—

(a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;

(b) to cherish and follow the noble ideals which inspired our national struggle for freedom;

(c) to uphold and protect the sovereignty, unity and integrity of India;

(d) to defend the country and render national service when called upon to do so;

(e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;

(f) to value and preserve the rich heritage of our composite culture;

(g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;

(h) to develop the scientific temper, humanism and the spirit of inquiry and reform;

(i) to safeguard public property and to abjure violence;

(j) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement."

Amend-  
ment of  
article  
55.

12. In article 55 of the Constitution, for the *Explanation*, the following *Explanation* shall be substituted, namely:—

*Explanation.*—In this article, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published:

Provided that the reference in this *Explanation* to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2000 have been published, be construed as a reference to the 1971 census.

13. In article 74 of the Constitution, for clause (1), the following clause shall be substituted, namely:—

Amendment of article 74.

“(1) There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President who shall, in the exercise of his functions, act in accordance with such advice.”.

14. In article 77 of the Constitution, after clause (3), the following clause shall be inserted, namely:—

Amendment of article 77.

“(4) No court or other authority shall be entitled to require the production of any rules made under clause (3) for the more convenient transaction of the business of the Government of India.”.

15. In article 81 of the Constitution, to clause (3), the following proviso shall be added, namely:—

Amendment of article 81.

“Provided that the reference in this clause to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2000 have been published, be construed as a reference to the 1971 census.”.

16. In article 82 of the Constitution, after the proviso, the following provisos shall be inserted, namely:—

Amendment of article 82.

“Provided further that such readjustment shall take effect from such date as the President may, by order, specify and until such readjustment takes effect, any election to the House may be held on the basis of the territorial constituencies existing before such readjustment:

Provided also that until the relevant figures for the first census taken after the year 2000 have been published, it shall not be necessary to readjust the allocation of seats in the House of the People to the States and the division of each State into territorial constituencies under this article.”.

17. (1) In article 83 of the Constitution, in clause (2), for the words “five years” in the two places where they occur, the words “six years” shall be substituted.

Amendment of article 83.

(2) The amendments made by sub-section (1) to clause (2) of article 83 shall apply also to the House of the People in existence on the date of coming into force of this section without prejudice to the power of Parliament with respect to the extension of the duration of that House under the proviso to that clause.

18. In article 100 of the Constitution, clauses (3) and (4) shall be omitted.

Amendment of article 100.

424) Deleted by the Const. (42<sup>nd</sup> Amend.) Act, 1978, s. 45 (ref. 20.5.79)

Amend-  
ment of  
article  
102.

~~19. In article 102 of the Constitution, for sub-clause (a) of clause (1), the following sub-clause shall be substituted, namely:—~~ (✓ x x x)

~~“(a) if he holds any such office of profit under the Government of India or the Government of any State as is declared by Parliament by law to disqualify its holder;”.~~

Substitu-  
tion of  
new arti-  
cle for  
article  
103.

20. For article 103 of the Constitution, the following article shall be substituted, namely:—

“103. (1) If any question arises—

(a) as to whether a member of either House of Parliament has become subject to any of the disqualifications mentioned in clause (1) of article 102, or

(b) as to whether a person, found guilty of a corrupt practice at an election to a House of Parliament under any law made by Parliament, shall be disqualified for being chosen as, and for being, a member of either House of Parliament, or of a House of the Legislature of a State, or as to the period for which he shall be so disqualified, or as to the removal of, or the reduction of the period of, such disqualification,

the question shall be referred for the decision of the President and his decision shall be final.

(2) Before giving any decision on any such question, the President shall consult the Election Commission and the Election Commission may, for this purpose, make such inquiry as it thinks fit.”

Decision  
on ques-  
tions as  
to disquali-  
fication.

Amend-  
ment of  
article  
105.

~~21. In article 105 of the Constitution, for clause (3), the following clause shall be substituted, namely:—~~ (✓ x x x)

~~“(3) In other respects, the powers, privileges and immunities of each House of Parliament, and of the members and the committees of each House, shall be those of that House, and of its members and committees, at the commencement of section 21 of the Constitution (Forty-second Amendment) Act, 1976, and as may be evolved by such House of Parliament from time to time.”.~~

Amend-  
ment of  
article  
118.

~~22. In article 118 of the Constitution, in clause (1), after the words “its procedure”, the brackets and words “(including the quorum to constitute a meeting of the House)” shall be inserted.~~ (✓ x x x)

Inser-  
tion of  
new arti-  
cle 131A;

23. After article 131 of the Constitution, the following article shall be inserted, namely:—

“131A. (1) Notwithstanding anything contained in any other provision of this Constitution, the Supreme Court shall, to the exclusion of any other court, have jurisdiction to determine all questions relating to the constitutional validity of any Central law.

(2) Where a High Court is satisfied—

(a) that a case pending before it or before a court subordinate to it involves questions as to the constitutional validity of any Central law or, as the case may be, of both Central and State laws; and

Exclusive  
jurisdic-  
tion of  
the Sup-  
reme  
Court in  
regard  
to ques-  
tions as  
to consti-  
tutional  
validity of  
Central  
laws.

4. *Amended by Const. (44th A.A.) Act, 1978, s. 45 (w.e.f. 20.6.79)*

(b) that the determination of such questions is necessary for the disposal of the case,

the High Court shall refer the questions for the decision of the Supreme Court.

(3) Without prejudice to the provisions of clause (2), where, on an application made by the Attorney-General of India, the Supreme Court is satisfied,—

(a) that a case pending before a High Court or before a court subordinate to a High Court involves questions as to the constitutional validity of any Central law or, as the case may be, of both Central and State laws; and

(b) that the determination of such questions is necessary for the disposal of the case,

the Supreme Court may require the High Court to refer the questions to it for its decision.

(4) When a reference is made under clause (2) or clause (3), the High Court shall stay all proceedings in respect of the case until the Supreme Court decides the questions so referred.

(5) The Supreme Court shall, after giving the parties an opportunity of being heard, decide the questions so referred, and may—

(a) either dispose of the case itself; or

(b) return the case to the High Court together with a copy of its judgment on such questions for disposal of the case in conformity with such judgment by the High Court or, as the case may be, the court subordinate to it.”

24. After article 139 of the Constitution, the following article shall be inserted, namely:—

“139A. (1) If, on an application made by the Attorney-General of India, the Supreme Court is satisfied that cases involving the same or substantially the same questions of law are pending before it and one or more High Courts or before two or more High Courts and that such questions are substantial questions of general importance, the Supreme Court may withdraw the case or cases pending before the High Court or the High Courts and dispose of all the cases itself.

(2) The Supreme Court may, if it deems it expedient so to do for the ends of justice, transfer any case, appeal or other proceedings pending before any High Court to any other High Court.”

25. After article 144 of the Constitution, the following article shall be inserted, namely:—

“144A. (1) The minimum number of Judges of the Supreme Court who shall sit for the purpose of determining any question as to the constitutional validity of any Central law or State law shall be seven.

(2) A Central law or a State law shall not be declared to be constitutionally invalid by the Supreme Court unless a majority of not less than two-thirds of the Judges sitting for the purpose of determining the question as to the constitutional validity of such law hold it to be constitutionally invalid.”

Insertion of new article 139A. Transfer of certain cases.

Insertion of new article 144A. Special provisions as to disposal of questions relating to constitutional validity of laws.

Amend-  
ment of  
article  
145.

26. In article 145 of the Constitution,—

(a) in clause (1), after sub-clause (c), the following sub-clause shall be inserted, namely:—

“(cc) rules as to the proceedings in the Court under articles 131A and 139A;”;

(b) in clause (2), for the words, brackets and figure “provisions of clause (3)”, the words, figures, letter and brackets “provisions of article 144A and of clause (3)” shall be substituted;

(c) in clause (3), for the words “The minimum number”, the words, figures and letter “Subject to the provisions of article 144A, the minimum number” shall be substituted.

Substitu-  
tion of  
new arti-  
cle for  
article  
150.

27. For article 150 of the Constitution, the following article shall be substituted, namely:—

“150. The accounts of the Union and of the States shall be kept in such form as the President may, after consultation with the Comptroller and Auditor-General of India, prescribe.”.

Form of  
accounts  
of the  
Union  
and of  
the  
States.

Amend-  
ment of  
article  
166.

28. In article 166 of the Constitution, after clause (3), the following clause shall be inserted, namely:—

“(4) No court or other authority shall be entitled to require the production of any rules made under clause (3) for the more convenient transaction of the business of the Government of the State.”.

Amend-  
ment of  
article  
170.

29. In article 170 of the Constitution,—

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

‘*Explanation*.—In this clause, the expression “population” means the population as ascertained at the last preceding census of which the relevant figures have been published:

Provided that the reference in this *Explanation* to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2000 have been published, be construed as a reference to the 1971 census.’;

(b) in clause (3), after the proviso, the following provisos shall be inserted, namely:—

“Provided further that such readjustment shall take effect from such date as the President may, by order, specify and until such readjustment takes effect, any election to the Legislative Assembly may be held on the basis of the territorial constituencies existing before such readjustment:

Provided also that until the relevant figures for the first census taken after the year 2000 have been published, it shall not be necessary to readjust the total number of seats in the Legislative Assembly of each State and the division of such State into territorial constituencies under this clause."

30. (1) In article 172 of the Constitution, in clause (1), for the words "five years" in the two places where they occur, the words "six years" shall be substituted.

Amendment of article 172.

(2) The amendments made by sub-section (1) to clause (1) of article 172 shall apply also to every Legislative Assembly (including the Legislative Assembly of the State of Kerala) in existence on the date of coming into force of this section without prejudice to the power of Parliament with respect to the extension of the duration of such Assembly under the proviso to that clause.

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~~31. In article 189 of the Constitution, clauses (3) and (4) shall be omitted.~~

~~Amendment of article 189.~~

~~32. In article 191 of the Constitution, for sub-clause (a) of clause (1), the following sub-clause shall be substituted, namely:—~~

~~Amendment of article 191.~~

~~"(a) if he holds any such office of profit under the Government of India or the Government of any State specified in the First Schedule as is declared by Parliament by law to disqualify its holder;"~~

33. For article 192 of the Constitution, the following article shall be substituted, namely:—

Substitution of new article for article 192.

"192. (1) If any question arises—

(a) as to whether a member of a House of the Legislature of a State has become subject to any of the disqualifications mentioned in clause (1) of article 191, or

Decision on questions as to disqualification.

(b) as to whether a person, found guilty of a corrupt practice at an election to a House of the Legislature of a State under any law made by Parliament, shall be disqualified for being chosen as, and for being, a member of either House of Parliament or of a House of the Legislature of a State, or as to the period for which he shall be so disqualified, or as to the removal of, or the reduction of the period of, such disqualification,

the question shall be referred for the decision of the President and his decision shall be final.

(2) Before giving any decision on any such question, the President shall consult the Election Commission and the Election Commission may, for this purpose, make such inquiry as it thinks fit."

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~~34. In article 194 of the Constitution, for clause (3), the following clause shall be substituted, namely:—~~

~~Amendment of article 194.~~

~~"(3) In other respects, the powers, privileges and immunities of a House of the Legislature of a State, and of the members and the committees of a House of such Legislature, shall be those of that House, and of its members and committees, at the commencement of section 34 of the Constitution (Forty-second Amendment) Act, 1976, and as may be evolved by such House of the Legislature of a~~

1 Omitted by Const. (44th Amend.) Act, 1978, s. 45 (w.e.f. 20.6.79)

State, so far as may be, in accordance with those of the House of the People, and of its members and committees where such House is the Legislative Assembly and in accordance with those of the Council of States, and of its members and committees where such House is the Legislative Council."

Amendment of article 208.

35. In article 208 of the Constitution, in clause (1), after the words "its procedure", the brackets and words "(including the quorum to constitute a meeting of the House)" shall be inserted. ( 1777 )

Amendment of article 217.

36. In article 217 of the Constitution, in clause (2),—

(a) in sub-clause (b), the word "or" shall be inserted at the end;

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

(c) in the *Explanation*, in clause (a), for the words "has held jurist.;"

(c) in the *Explanation*, in clause (a), for the words "has held judicial office", the words "has held judicial office or the office of a member of a tribunal or any post, under the Union or a State, requiring special knowledge of law" shall be substituted.

Amendment of article 225.

37. In article 225 of the Constitution, the proviso shall be omitted.

Substitution of new article for article 226.

38. For article 226 of the Constitution, the following article shall be substituted, namely:—

Power of High Courts to issue certain writs.

"226. (1) Notwithstanding anything in article 32 but subject to the provisions of article 131A and article 226A, every High Court shall have power, throughout the territories in relation to which it exercises jurisdiction, to issue to any person or authority, including in appropriate cases, any Government, within those territories directions, orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari*, or any of them,—

(a) for the enforcement of any of the rights conferred by the provisions of Part III; or

(b) for the redress of any injury of a substantial nature by reason of the contravention of any other provision of this Constitution or any provision of any enactment or Ordinance or any order, rule, regulation, bye-law or other instrument made thereunder; or

(c) for the redress of any injury by reason of any illegality in any proceedings by or before any authority under any provi-

Out. by Const. (44<sup>th</sup> Amend.) Act, 1978, S. 45 (Wg. 20.6.79)



sion referred to in sub-clause (b) where such illegality has resulted in substantial failure of justice.

(2) The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories.

(3) No petition for the redress of any injury referred to in sub-clause (b) or sub-clause (c) of clause (1) shall be entertained if any other remedy for such redress is provided for by or under any other law for the time being in force.

(4) No interim order (whether by way of injunction or stay or in any other manner) shall be made on, or in any proceedings relating to, a petition under clause (1) unless—

(a) copies of such petition and of all documents in support of the plea for such interim order are furnished to the party against whom such petition is filed or proposed to be filed; and

(b) opportunity is given to such party to be heard in the matter.

(5) The High Court may dispense with the requirements of sub-clauses (a) and (b) of clause (4) and make an interim order as an exceptional measure if it is satisfied for reasons to be recorded in writing that it is necessary so to do for preventing any loss being caused to the petitioner which cannot be adequately compensated in money but any such interim order shall, if it is not vacated earlier, cease to have effect on the expiry of a period of fourteen days from the date on which it is made unless the said requirements have been complied with before the expiry of that period and the High Court has continued the operation of the interim order.

(6) Notwithstanding anything in clause (4) or clause (5), no interim order (whether by way of injunction or stay or in any other manner) shall be made on, or in any proceedings relating to, a petition under clause (1) where such order will have the effect of delaying any inquiry into a matter of public importance or any investigation or inquiry into an offence punishable with imprisonment or any action for the execution of any work or project of public utility, or the acquisition of any property for such execution, by the Government or any corporation owned or controlled by the Government.

(7) The power conferred on a High Court by this article shall not be in derogation of the power conferred on the Supreme Court by clause (2) of article 32."

39. After article 226 of the Constitution, the following article shall be inserted, namely:—

Insertion  
of new  
article  
226A.

Constitutional validity of Central laws not to be considered in proceedings under article 226.

"226A. Notwithstanding anything in article 226, the High Court shall not consider the constitutional validity of any Central law in any proceedings under that article."

Amendment of article 227.

40. In article 227 of the Constitution,—

(a) for clause (1), the following clause shall be substituted, namely:—

"(1) Every High Court shall have superintendence over all courts subject to its appellate jurisdiction.";

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

"(5) Nothing in this article shall be construed as giving to a High Court any jurisdiction to question any judgment of any inferior court which is not otherwise subject to appeal or revision."

Amendment of article 228.

41. In article 228 of the Constitution, for the words "it shall withdraw the case and may—", the words, figures and letter "it shall withdraw the case and, subject to the provisions of article 131A, may—" shall be substituted.

Insertion of new article 228A.

42. After article 228 of the Constitution, the following article shall be inserted, namely:—

"228A. (1) No High Court shall have jurisdiction to declare any Central law to be constitutionally invalid.

(2) Subject to the provisions of article 131A, the High Court may determine all questions relating to the constitutional validity of any State law.

(3) The minimum number of Judges who shall sit for the purpose of determining any question as to the constitutional validity of any State law shall be five:

Provided that where the High Court consists of less than five Judges, all the Judges of the High Court may sit and determine such question.

(4) A State law shall not be declared to be constitutionally invalid by the High Court unless—

(a) where the High Court consists of five Judges or more, not less than two-thirds of the Judges sitting for the purpose of determining the validity of such law, hold it to be constitutionally invalid; and

Special provisions as to disposal of questions relating to constitutional validity of State laws.

(b) where the High Court consists of less than five Judges, all the Judges of the High Court sitting for the purpose hold it to be constitutionally invalid.

(5) The provisions of this article shall have effect notwithstanding anything contained in this Part.

*Explanation.*—In computing the number of Judges of a High Court for the purposes of this article, a Judge who is disqualified by reason of personal or pecuniary bias shall be excluded.”.

43. After article 257 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 257A.

“257A. (1) The Government of India may deploy any armed force of the Union or any other force subject to the control of the Union for dealing with any grave situation of law and order in any State.

Assistance to States by deployment of armed forces or other forces of the Union.

(2) Any armed force or other force or any contingent or unit thereof deployed under clause (1) in any State shall act in accordance with such directions as the Government of India may issue and shall not, save as otherwise provided in such directions, be subject to the superintendence or control of the State Government or any officer or authority subordinate to the State Government.

(3) Parliament may, by law, specify the powers, functions, privileges and liabilities of the members of any force or any contingent or unit thereof deployed under clause (1) during the period of such deployment.”.

44. In article 311 of the Constitution, in clause (2),—

Amendment of article 311.

(a) the words “and where it is proposed, after such inquiry, to impose on him any such penalty, until he has been given a reasonable opportunity of making representation on the penalty proposed, but only on the basis of the evidence adduced during such inquiry” shall be omitted;

(b) for the words “Provided that this clause shall not apply—”, the following shall be substituted, namely:—

“Provided that where it is proposed after such inquiry, to impose upon him any such penalty, such penalty may be imposed on the basis of the evidence adduced during such inquiry and it shall not be necessary to give such person any opportunity of making representation on the penalty proposed:

Provided further that this clause shall not apply—”.

45. In article 312 of the Constitution,—

Amendment of article 312.

(a) in clause (1),—

(i) for the word and figures “Part XI”, the words and figures “Chapter VI of Part VI or Part XI” shall be substituted;

(ii) after the words “all-India services”, the brackets and words “(including an all-India judicial service)” shall be inserted;

(b) after clause (2), the following clauses shall be inserted, namely:—

“(3) The all-India judicial service referred to in clause (1) shall not include any post inferior to that of a district judge as defined in article 236.

(4) The law providing for the creation of the all-India judicial service aforesaid may contain such provisions for the amendment of Chapter VI of Part VI as may be necessary for giving effect to the provisions of that law and no such law shall be deemed to be an amendment of this Constitution for the purposes of article 368.”.

Inser-  
tion of  
new  
Part  
XIVA.

46. After Part XIV of the Constitution, the following Part shall be inserted, namely:—

#### PART XIVA TRIBUNALS

Adminis-  
trative  
tribu-  
nals.

323A. (1) Parliament may, by law, provide for the adjudication or trial by administrative tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation owned or controlled by the Government.

(2) A law made under clause (1) may—

(a) provide for the establishment of an administrative tribunal for the Union and a separate administrative tribunal for each State or for two or more States;

(b) specify the jurisdiction, powers (including the power to punish for contempt) and authority which may be exercised by each of the said tribunals;

(c) provide for the procedure (including provisions as to limitation and rules of evidence) to be followed by the said tribunals;

(d) exclude the jurisdiction of all courts, except the jurisdiction of the Supreme Court under article 136, with respect to the disputes or complaints referred to in clause (1);

(e) provide for the transfer to each such administrative tribunal of any cases pending before any court or other authority immediately before the establishment of such tribunal as would have been within the jurisdiction of such tribunal if the causes of action on which such suits or proceedings are based had arisen after such establishment;

(f) repeal or amend any order made by the President under clause (3) of article 371D;

(g) contain such supplemental, incidental and consequential provisions (including provisions as to fees) as Parliament may deem necessary for the effective functioning of, and for the speedy disposal of cases by, and the enforcement of the orders of, such tribunals.

(3) The provisions of this article shall have effect notwithstanding anything in any other provision of this Constitution or in any other law for the time being in force.

323B. (1) The appropriate Legislature may, by law, provide for the adjudication or trial by tribunals of any disputes, complaints, or offences with respect to all or any of the matters specified in clause (2) with respect to which such Legislature has power to make laws.

Tribunals  
for  
other

(2) The matters referred to in clause (1) are the following, namely:—

- (a) levy, assessment, collection and enforcement of any tax;
- (b) foreign exchange, import and export across customs frontiers;
- (c) industrial and labour disputes;
- (d) land reforms by way of acquisition by the State of any estate as defined in article 31A or of any rights therein or the extinguishment or modification of any such rights or by way of ceiling on agricultural land or in any other way;
- (e) ceiling on urban property;
- (f) elections to either House of Parliament or the House or either House of the Legislature of a State, but excluding the matters referred to in article 329 and article 329A;
- (g) production, procurement, supply and distribution of food-stuffs (including edible oilseeds and oils) and such other goods as the President may, by public notification, declare to be essential goods for the purpose of this article and control of prices of such goods;
- (h) offences against laws with respect to any of the matters specified in sub-clauses (a) to (g) and fees in respect of any of those matters;
- (i) any matter incidental to any of the matters specified in sub-clauses (a) to (h).

(3) A law made under clause (1) may—

- (a) provide for the establishment of a hierarchy of tribunals;
- (b) specify the jurisdiction, powers (including the power to punish for contempt) and authority which may be exercised by each of the said tribunals;
- (c) provide for the procedure (including provisions as to limitation and rules of evidence) to be followed by the said tribunals;
- (d) exclude the jurisdiction of all courts, except the jurisdiction of the Supreme Court under article 136, with respect to all or any of the matters falling within the jurisdiction of the said tribunals;
- (e) provide for the transfer to each such tribunal of any cases pending before any court or any other authority immediately before the establishment of such tribunal as would have been

within the jurisdiction of such tribunal if the causes of action on which such suits or proceedings are based had arisen after such establishment;

(f) contain such supplemental, incidental and consequential provisions (including provisions as to fees) as the appropriate Legislature may deem necessary for the effective functioning of, and for the speedy disposal of cases by, and the enforcement of the orders of, such tribunals.

(4) The provisions of this article shall have effect notwithstanding anything in any other provision of this Constitution or in any other law for the time being in force.

*Explanation.*—In this article, “appropriate Legislature”, in relation to any matter, means Parliament or, as the case may be, a State Legislature competent to make laws with respect to such matter in accordance with the provisions of Part XI.’

Amend-  
ment of  
article 330.

47. In article 330 of the Constitution, the following *Explanation* shall be inserted at the end, namely:—

*Explanation.*—In this article and in article 332, the expression “population” means the population as ascertained at the last preceding census of which the relevant figures have been published:

Provided that the reference in this *Explanation* to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2000 have been published, be construed as a reference to the 1971 census.’

Amend-  
ment of  
article  
352.

48. In article 352 of the Constitution,—

(a) in clause (1), after the words “make a declaration to that effect”, the following shall be inserted, namely:—

“in respect of the whole of India or of such part of the territory thereof as may be specified in the Proclamation”;

(b) in clause (2), in sub-clause (a), after the word “revoked”, the words “or varied” shall be inserted;

(c) after clause (2), the following clause shall be inserted, namely:—

“(2A) Where a Proclamation issued under clause (1) is varied by a subsequent Proclamation, the provisions of clause (2) shall, so far as may be, apply in relation to such subsequent Proclamation as they apply in relation to a Proclamation issued under clause (1).”.

Amend-  
ment of  
article  
353.

49. To article 353 of the Constitution, the following proviso shall be added, namely:—

“Provided that where a Proclamation of Emergency is in operation only in any part of the territory of India,—

(i) the executive power of the Union to give directions under clause (a), and

(ii) the power of Parliament to make laws under clause (b), shall also extend to any State other than a State in which or in any part of which the Proclamation of Emergency is in operation if and in so far as the security of India or any part of the territory thereof is threatened by activities in or in relation to the part of the territory of India in which the Proclamation of Emergency is in operation.”.

50. In article 356 of the Constitution, in clause (4), for the words “six months”, wherever they occur, the words “one year” shall be substituted.

Amend-  
ment  
of  
article  
356.

51. (1) In article 357 of the Constitution, for clause (2), the following clause shall be substituted, namely:—

Amend-  
ment of  
article 357

“(2) Any law made in exercise of the power of the Legislature of the State by Parliament or the President or other authority referred to in sub-clause (a) of clause (1) which Parliament or the President or such other authority would not, but for the issue of a Proclamation under article 356, have been competent to make shall, after the Proclamation has ceased to operate, continue in force until altered or repealed or amended by a competent Legislature or other authority.”.

(2) The amendment made by sub-section (1) shall apply also to any law referred to in clause (2) of article 357 of the Constitution which is in force immediately before the coming into force of this section.

52. To article 358 of the Constitution, the following proviso shall be added, namely:—

Amend-  
ment of  
article  
358.

“Provided that where a Proclamation of Emergency is in operation only in any part of the territory of India, any such law may be made, or any such executive action may be taken, under this article in relation to or in any State or Union territory in which or in any part of which the Proclamation of Emergency is not in operation, if and in so far as the security of India or any part of the territory thereof is threatened by activities in or in relation to the part of the territory of India in which the Proclamation of Emergency is in operation.”.

53. In article 359 of the Constitution,—

Amend-  
ment  
of  
article 359.

(a) to clause (1A), the following proviso shall be added, namely:—

“Provided that where a Proclamation of Emergency is in operation only in any part of the territory of India, any such law may be made, or any such executive action may be taken, under this article in relation to or in any State or Union territory in which or in any part of which the Proclamation of Emergency is not in operation, if and in so far as the security of India or any part of the territory thereof is threatened by activities in or in relation to the part of the territory of India in which the Proclamation of Emergency is in operation.”;

(b) to clause (2), the following proviso shall be added, namely:—

“Provided that where a Proclamation of Emergency is in operation only in a part of the territory of India, any such order

shall not extend to any other part of the territory of India unless the President, being satisfied that the security of India or any part of the territory thereof is threatened by activities in or in relation to the part of the territory of India in which the Proclamation of Emergency is in operation, considers such extension to be necessary.”

Amend-  
ment of  
article  
366.

54. In article 366 of the Constitution,—

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

“(4A) “Central law” means any law other than a State law but does not include any amendment of this Constitution made under article 368;”

(b) after clause (26), the following clause shall be inserted, namely:—

“(26A) “State law” means—

(a) a State Act or an Act of the Legislature of a Union territory;

(b) an Ordinance promulgated by the Governor of a State under article 213 or by the administrator of a Union territory under article 239B;

(c) any provision with respect to a matter in the State List in a Central Act made before the commencement of this Constitution;

(d) any provision with respect to a matter in the State List or the Concurrent List in a Provincial Act;

(e) any notification, order, scheme, rule, regulation or bye-law or any other instrument having the force of law made under any Act, Ordinance or provisions referred to in sub-clause (a), sub-clause (b), sub-clause (c) or sub-clause (d);

(f) any notification, order, scheme, rule, regulation or bye-law or any other instrument having the force of law, not falling under sub-clause (e), and made by a State Government or the administrator of a Union territory or an officer or authority subordinate to such Government or administrator; and

(g) any other law (including any usage or custom having the force of law) with respect to a matter in the State List.”

Amend-  
ment  
of  
article  
368.

55. In article 368 of the Constitution, after clause (3), the following clauses shall be inserted, namely:—

“(4) No amendment of this Constitution (including the provisions of Part III) made or purporting to have been made under this article [whether before or after the commencement of section 55 of the Constitution (Forty-second Amendment) Act, 1976] shall be called in question in any court on any ground.

(5) For the removal of doubts, it is hereby declared that there shall be no limitation whatever on the constituent power of Parliament to amend by way of addition, variation or repeal the provisions of this Constitution under this article.”



56. In article 371F of the Constitution, in clause (c), for the words "five years", the words "six years" shall be substituted and for the words "four years" in the two places where they occur, the words "five years" shall be substituted.

Amendment of article 371F.

57. In the Seventh Schedule to the Constitution,—

Amendment of the Seventh Schedule.

(a) in List I—Union List, after entry 2, the following entry shall be inserted, namely:—

"2A. Deployment of any armed force of the Union or any other force subject to the control of the Union or any contingent or unit thereof in any State in aid of the civil power; powers, jurisdiction, privileges and liabilities of the members of such forces while on such deployment.";

(b) in List II—State List,—

(i) in entry 1, for the words "the use of naval, military or air forces or any other armed forces of the Union", the words "the use of any naval, military or air force or any other armed force of the Union or of any other force subject to the control of the Union or of any contingent or unit thereof" shall be substituted;

(ii) for entry 2, the following entry shall be substituted, namely:—

"2. Police (including railway and village police) subject to the provisions of entry 2A of List I.";

(iii) in entry 3, the words "Administration of justice; constitution and organisation of all courts, except the Supreme Court and the High Court;" shall be omitted;

(iv) entries 11, 19, 20 and 29 shall be omitted;

(v) in entry 55, the words "and advertisements broadcast by radio or television" shall be inserted at the end;

(c) in List III—Concurrent List,—

(i) after entry 11, the following entry shall be inserted, namely:—

"11A. Administration of justice; constitution and organisation of all courts, except the Supreme Court and the High Courts.";

(ii) after entry 17, the following entries shall be inserted, namely:—

"17A. Forests.

17B. Protection of wild animals and birds.";

(iii) after entry 20, the following entry shall be inserted, namely:—

"20A. Population control and family planning.";

(iv) for entry 25, the following entry shall be substituted, namely:—

"25. Education, including technical education, medical education and universities, subject to the provisions of entries 60, 61, 62 and 63 of List I; vocational and technical training of labour.";

(v) after entry 33, the following entry shall be inserted, namely:—

“33A. Weights and measures except establishment of standards.”.

Special  
provi-  
sions  
as  
to  
pending  
petitions  
under  
article  
226.

~~58. (1) Notwithstanding anything contained in the Constitution, every~~ (1) 20/1/79  
petition made under article 226 of the Constitution before the appointed day and pending before any High Court immediately before that day (such petition being referred to in this section as a pending petition) and any interim order (whether by way of injunction or stay or in any other manner) made on, or in any proceedings relating to, such petition before that day shall be dealt with in accordance with the provisions of article 226 as substituted by section 38.

(2) In particular, and without prejudice to the generality of the provisions of sub-section (1), every pending petition before a High Court which would not have been admitted by the High Court under the provisions of article 226 as substituted by section 38 if such petition had been made after the appointed day, shall abate and any interim order (whether by way of injunction or stay or in any other manner) made on, or in any proceedings relating to, such petition shall stand vacated:

Provided that nothing contained in this sub-section shall affect the right of the petitioner to seek relief under any other law for the time being in force in respect of the matters to which such petition relates and in computing the period of limitation, if any, for seeking such relief, the period during which the proceedings relating to such petition were pending in the High Court shall be excluded.

(3) Every interim order (whether by way of injunction or stay or in any other manner) which was made before the appointed day, on, or in any proceedings relating to, a pending petition [not being a pending petition which has abated under sub-section (2)], and which is in force on that day, shall, unless before the appointed day copies of such pending petition and of documents in support of the plea for such interim order had been furnished to the party against whom such interim order was made and an opportunity had been given to such party to be heard in the matter, cease to have effect (if not vacated earlier),—

(a) on the expiry of a period of one month from the appointed day, if the copies of such pending petition and the documents in support of the plea for the interim order are not furnished to such party before the expiry of the said period of one month; or

(b) on the expiry of a period of four months from the appointed day, if the copies referred to in clause (a) have been furnished to such party within the period of one month referred to in that clause but such party has not been given an opportunity to be heard in the matter before the expiry of the said period of four months.

(4) Notwithstanding anything contained in sub-section (3), every interim order (whether by way of injunction or stay or in any other manner) which was made before the appointed day, on, or in any proceedings relating to, a pending petition [not being a pending petition which has abated under sub-section (2)], and which is in force on that day,

40-100 by the Const. (44 15 A-21) Act, 1978, s. 45 (w/ 20.6.79)

shall, if such order has the effect of delaying any inquiry into a matter of public importance or any investigation or inquiry into an offence punishable with imprisonment or any action for the execution of any work or project of public utility, or the acquisition of any property for such execution, by the Government or any corporation owned or controlled by the Government, stand vacated.

Explanation.—In this section, "appointed day" means the date on which section 38 comes into force.

~~59. (1) If any difficulty arises in giving effect to the provisions of the Constitution as amended by this Act (including any difficulty in relation to the transition from the provisions of the Constitution as they stood immediately before the date of the President's assent to this Act to the provisions of the Constitution as amended by this Act), the President may, by order, make such provisions, including any adaptation or modification of any provision of the Constitution, as appear to him to be necessary or expedient for the purpose of removing the difficulty:~~

Power of the President to remove difficulties.

Provided that no such order shall be made after the expiry of two years from the date of such assent.

~~(2) Every order made under sub-section (1) shall, as soon as may be after it is made, be laid before each House of Parliament.~~

1 Omit. by Consh. (4415 A.D.) Act, 1978, s. 45 (wef. 20.6.79)

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