Page 1:  
LAW COMMISSION OF INDIA  
Se  
  
FIFTIETH REPORT  
  
THE PROPOSAL TO INCLUDE PERSONS CONNECTED  
WITH PUBLIC EXAMINATIONS WITH THE  
DEFINITION OF “PUBLIC SERVANT” IN  
‘THE INDIAN PENAL CODE  
  
AUGUST, 1972  
  
GOVERNMENT OF INDIA  
‘MINISTRY OF LAW AND JUSTICE  
  
  
Page 2:  
P. B. GAJENDRAGADKAR  
CHAIRMAN LAW COMMISSION  
°A’ Wing, 7h Floor,  
  
‘Shastri Bhavan,  
  
New Delhi  
  
August 28, 197.  
  
SHRI H.R, GOKHALE,  
Minister of Law & Satie,  
New Delhi  
  
My Dear Mises,  
  
‘Lam forwarding herewith the Fiftith Report ofthe Law Commission  
fon the proposal to include pertons connected with pubic examinations  
Withia the definition of “public servant” inthe Indian Penal Code.  
  
‘The circumstances under which this question came to be considered  
by the Commision, and the scope of the Report, have been explained in  
the fist paragraph ofthe Report. Having regard tothe nature ofthe abject,  
‘no press communique was issued inviting the view ofthe public. But, after  
‘preliminary study, a draft Report on th subject was prepared and discus  
sed. After discussion, it was revised, considered agai, and finalised,  
  
With kind regards,  
  
‘Yours sincerely,  
  
P.B, GAJENDRAGADKAR.  
  
  
Page 3:  
1 Twodeton : 3  
  
2 Important don of “Pai sera” be Peat  
  
Sand 4 Anas of the deaton of “pbc sera”  
  
. ‘Secon 2, Case ith, efor 1864  
  
7 ‘Secon 2, Clase tM, befor 1964  
  
10 View akenin the Supe Cou ae  
  
” ‘Anodes of mio 21, Clam tweth 1964 4  
  
n Ameadient commended ia ad Rept.  
  
a Pic duty not enough. Le  
  
“ Ned for amendment in pet of Univer nd eter pte  
‘camiations ee ae  
  
s ‘Recommendation im nd Report as to Private employes  
  
6 ‘erat employed in omction with emminatins Meld by  
‘he Gover,  
  
” Recommentiion oe  
  
Honey adebtwohepecion  
  
APPENOIX 1—Seteed Contra Acts rting to bein autora to eld  
‘Gains orto renee approve depees xd nade  
sedition :  
  
APPENDIX? —Refecce na few ct Catlin fs  
  
‘publics wi the mating of won 2, Hin  
  
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Page 4:  
REPORT OF THE PROPOSAL TO INCLUDE  
PERSONS CONNECTED WITH PUBLIC  
EXAMINATIONS WITHIN THE DEFINITION  
OF “PUBLIC SERVANT” IN THE INDIAN  
PENAL CODE  
  
1. This report deals with quetion concerning the deGition  
of the expression “public servant” in the Penal Code. An  
important judgment of the Supreme Court has brought to light  
8 defect in the scope of the present definition, and we have  
considered it desirable o examine the matte, and give a report,  
10 motu, We shall explain, in til, the question which is the  
subjectmatier of this report.  
  
2. Asis well known, there are pumerods sections of the Peal  
‘Code where the expresion “public servant” occurs, and the  
<istinction between public servants and other persons is material  
for various purposes under the Code. Broadly speaking, the  
‘tinction becomes important in respect of the following classes  
  
> of oflences:—  
  
offences which can be commits only by public  
(i) offences which can be agereated when commited  
‘by public servants?  
i) offences wich can be committed only against  
public servants;\*  
(offences which are aggraated when commited  
saint public servants:\*  
(9) offences committed in relation to public servants  
‘or their authority, or otherwise connected with them in  
fone way of snother.\*  
3. Having repard to the importarce of the expression “public  
servant,” the Penal Code, ia. sion 21, coatans an elaborate  
<efniton, making a lengthy enumeration of various categories  
1 See para 5 iin  
1. Caper 9, Goons  
"eg tion a,  
Ex. mation 35  
  
0 1 and slo 21740254  
  
gore  
  
Festal  
  
  
Page 5:  
‘of public servants, and the categoris are mainly (though not  
‘excusivey) based on the function discharged by the penon  
‘concerned.  
  
4. The enumeration in the fst eleven clauses of section 21  
  
covers the following functions discharged by the public servant  
concerned —  
  
© Functions connected with defence;t  
  
Gi) jusiciat oF semi-judial Fenctions ot other Functions  
fin connection with the adainistation of justices;  
i) neti connected with the prevestion of offences  
and the maintenance of law and order?  
  
() functions consected with the proprietor of fnaacal  
Flores of the statet and  
  
(©) fonctions connected with elections \*  
  
‘The last clause ofthe section i residuary. I wil require dtl  
cussion tater.”  
  
5. The judgment which has led to the consideration of the  
‘problem covered by the present Report may now be dealt with.  
Tn that case, the question arose whether a University Examiner  
‘sa public servant. The accused in that case was, atthe material  
time, a Senioe Lecturer in a Government College in the State  
‘of Gujarat. In April, 194, the accused was appointed Examiner  
for Physis Practica fof Ist year BSE. forthe Gujarat Univer-  
sity. It was alleged that he had accepted Rs, $0[- for showing  
favour to a candidate, by giving the candidate more marks than  
he deserved  
  
‘The Gujarat High Court held thatthe accused was ot a  
  
‘of the State against the judgment of the High Court  
  
2 Sston 2, soa hid Fou 8h ath  
3.Soston 2, ues eve andl  
4 Sti 2, cles ith ante  
  
‘3a 197.  
  
  
Page 6:  
3  
  
‘We shall del here only with the poiats material forthe pur-  
ove of the present Report. For that purpose, itis neestary  
to refer to the statutory provisions that came up for considera  
  
6. Section 21 of the Indian Penal Code (as it stood at the  
matéial time, and before the amendments which were made  
later, contained several clauses. The ninth clause was in the  
following terms:—  
  
“Niath-—Every officer whose duty iti a8 such officer  
to take, recive, keep of expend any property on bebalf of  
the Government or to make any survey, asessment of  
contract on tehalf of the Government or 10 execute any  
Fevenue processor to investigate, of to report on any matter  
afleting the pecuniary interests of the Government ot to  
‘make, authenticate or keep any document rating  
{o the pecuniary interests ofthe Government of, 10 pevent  
‘the infraction of any law forthe protection of the pecuniary  
imterests of the Government and every officer in the service  
(F pay of the Government or remunerated by fees or com  
‘mision for the performance ef any public duty”  
  
7. The wlth clause of section 21 at the time covered every  
officer in the service oF pay of a local authority of corporation  
‘engaged in any trade or industry established by the Cental,  
Provincial or Stale Government or a Government company.  
  
%. The Gujarat High Court beld thatthe cootext of the whole  
ofthe ninth clause" indicated that a connection with the Govern.  
ment was necesary, in respect of the performance of a public  
uty. In this case, though the accused happened to be a Govern.  
‘ment servant, the particular work i connection with which he  
‘accepted the money was not done by him in that capacity. ‘The  
  
Court found #0 “infeaity” in this reasoning of the  
Court  
  
9. Ces of section 21 refered to an “officer”, and the  
‘person who is to be reparded as an “olicer” must hold some  
‘fice. The holding of “oie” implied charge of a duty attached  
  
1 Paaganh 6 srs  
  
Section,  
  
ieee  
  
  
Page 7:  
‘4  
  
to that office. ‘The person who was remunerated by fee or com  
‘mission must be an “offcer". Therefore, the High Court said,  
the use of the word “ofice, read inthe context of the words  
immediately procedng the last part of clause nine, would indicate  
that the remuneration contemplated was remuneration by the  
Government. In this case, that was not the position. The Supreme  
(Court expresly approved of this reasoning of the Gujarat  
High Court. The Supreme Court added—  
  
“A Univesity Examiner cannot be considered to hold  
an office in the sense in which that word has teen under-  
ood and employed inthe Ninth classe. It is clear from the  
provisions of the Gujarat University Act, 1949, ut there  
js no such condition tht only that person can be appointed  
fs Examiner who is the holder of aa ofc".  
  
10. As ropards the ewetMth clause of section 21 (as it then stood)  
ko, the dession® that the acused was not holding an oe,  
‘rab conclusive, Ia the course of the dscusion, the Supreme  
‘Court also stated that it was a moct point whether a University  
was a “local authority” as dened in the General Claes Act  
  
1, In 1964, the ewelth clause of section 21 was recast, and the  
fnew provision was in these terms:  
“Twalth—Every pessoa —  
(2) in the service or pay of the Government or  
remunerated by fees or commission for the performance  
‘of any public duty by the Government;  
(@) in the service or pay of a local authority, &  
corporation established by or under a Centra, Provin-  
‘ial or State Act of 2 Government company 28 defined  
Jn section 601 of the Companies Ac, 1956”  
  
‘But this amendment would not make a difercae a8 to the  
position applicable to 4 University Examiner, because be does  
fot fall either under (a) or (6) of the above clause.  
  
12, Inthe draft sstion recommended in the previous Com  
‘ission's Report on the Penal Code,? an attempt had been made  
{fo mate several improvements in the present definition; but  
the problem with which this report is concerned, would survive  
Paragraph 9 ra,  
  
2 Seton 301), oneal Ces Ac 1897  
9nd meport pea we 70.  
  
  
  
Page 8:  
s  
  
even under the revised definition given in that Report, Broadly  
speaking, the principal criteria regarded as relevant fr the put-  
potes of the revised definition of “public servant” are :~  
  
(@) being in the service or pay of the Government  
local authority? a. public coeporation, or a Government  
company?s  
  
(8) being remunerated by the Government by fees  
‘or commission forthe performance of aay public duty;  
  
(6 holding certain ofices, which may be lepislative.\*  
sub-egilative\* judicial” (or ancillary to judicial) or  
dlecto  
  
(4) holding an office authorising or requiring the offce  
holder by law 10 perform a public duty.  
  
13, tk would be noticed, that the mere performance of « “public  
duty" is not reparded a the sole criterion, even under the revised  
{definition Though a publ duty could be regarded as implicit  
in categories (a) and (c) above, and is expressed in categories  
(}) and (d) above, certain other conditions are also indicated,  
“This is because the expression “pubic duty” is ite imprecise.  
  
14, This bsing the positon, i is obvious that ifthe cae of a  
University Examiner to be covered, an amendment would be  
needed, The quetion, therefore, to be considered is, whether  
{uch an amendment is required oa the merits. We are inclined  
to answer this question in the afirmative. We would add that  
in cae of examiners at other pubic examinations? also the posi-  
tion should be the same,  
  
1, AandMepr pe 44 ase a ie ae  
2 fed Reports pape chase Xo) ae al  
5, Reports ge 44 clan 0  
  
‘Slat Reports pee 414 ae ns ater Bae  
‘ad Report pee 44 ie 0K  
‘Bad Repo, pug 44 clase HC  
‘ad Report, poe 41 sae 70 >  
‘St Repro 14 te 0) (and 7 (0  
‘nd Report pag 14clme Kn)  
‘ed Rep page 44 cae 10)  
Parsee 1, or  
Eitan nthe €d Report pu 2 parasioh 2.  
13 Seeporagagh 1, lf fo the gio le,  
  
ue  
  
  
Page 9:  
Excellence ought to be the eiterion for success in public  
cexaminations;' and mercenary ot other extraneous considera-  
tions should not be allowed to operate. Further, a person who  
undertakes work connected with such examinations, is expected  
to:maintain the purest standard of integrity, and if he bas failed  
to do so, the State is justified in applying the sanctions of the  
riminal law against him. Otherwise, those who can afford 10  
pay and who have no scruples wil have a lead over others.  
  
Its irclevant thatthe examinations are conducted by bodies  
which do not form part of Government hierarchy. In the duties  
which such bodies perform, atleast in espet of public examina  
tions, the public is as much interested as iti in the duties per-  
formed by the normal run of Government servants. Not mach  
argument, we hope, is needed to support the point that public  
confidence in the purity of standards in these examinations should  
‘be maintained, and, if necessary, the criminal law ought to be  
Invoked for the purpose,  
  
"tis obvious that public examinations act a large number  
of persons, both as examinees and as examiners. Success oF  
file in the examination may iaftence the whole carer of &  
‘man, not oaly inthe initial profession which he takes up, but  
also, at Iter stages, in a profeuion of service which he Bas  
already entered. Complaints are often voiced about corrapt  
Practices indulged ia by examiners at such examination, and  
the law should be made comprehensive enough to enable action  
to be taken ifthe complaints are found to be true. The sakes  
are large. Welface of @ substantial section of the community,  
at issue. Hence, the matter ought to be provided for by approp-  
late provision in the general criminal lw ofthe county  
  
tacem, 15. We may, i this connection, ate that the Law Commision  
  
feputloo has in ts Report om the Code,\* already recommended the  
  
Hep inserton ofa provision punishing private employees who take  
  
SXEGES rites. Now thar the question has aun a regards persons who  
tre notin “employment, me think that opportunity should be  
taken to extend the law t them also.  
  
\, Foran iluaratn it of eleven Cel Act, ee Append  
2. Aan Report (Pel Cote, ag 00, pareeragh 17.5 and page 6,  
sugested now sation 08  
  
  
Page 10:  
7  
  
‘The new section recommended as to private employees in,  
that Report is as follows:—  
  
“4208, Employee taking Bribe in respect of employer's  
afters or busness.—Whosoeve, being employed by another,  
acecpls or obisins or agrees to accept or attempts to obtain,  
{from any persoa, for himself or for any other pert, any  
Bratifcation, other than legal remuneration, as a motive, oF  
reward  
  
(@) for doing or fortearing 19 do any act in reas  
tion fo his employer's affairs or busines; of  
(®) for showing or forbearing to show, i the  
  
‘exercise of his functions, favour or difavour to any  
  
person in relation to is employes afeirs or busines,  
  
shall be punished sith imprisonment of either description  
‘fora term which may extend to thre years, of with fine, oF  
with both  
  
Explenations—(V) The word “patifcaton” is not res-  
ited to pecuniary ratification, orto graicaions estimable  
in mone.  
  
2) The words “legal remuneration” are not reticed  
{o remuneration which any employee can lawfully demand,  
but include all remuneration which be ie permitted by his  
employer 10 accept.  
  
©) “A motive oF reward for doing"—A person who  
receives a gratifcation as a motive or reward for doing what  
‘he doesnot intend ors not ina position todo or has not done,  
comes within thete words.  
  
Exception —This provision does not extend to & case  
Jn which the employee is a public servast acting a8 sech,  
  
16. We ae, futher, ofthe vew that opportyity shouldbe taken  
to insert a specific provision as to persons employed in connec  
tion with examinations held by the Government, if remunerated.  
Ie they are not fll time Goverametservans, a question may arse  
‘whether they are doing a “pubic duty” and it better to aveid  
doubts on the subject. ‘  
  
17 Inthe light ofthe above discussion, we recommend thatthe  
following clauses and Explanations should b inertd in section  
  
ipemee  
thon  
  
nation,  
  
  
Page 11:  
Hloosty 2  
Sagone  
  
2V of the Yodan Ponsl Code.' The new clauses could be inter  
ted before the last clause  
  
“(il-a) any person in the service oF pay of a public  
‘body which hold an examination forthe purpose of granting  
any degree or any person remuterted by such a public body  
for the performance of any work in connection with any  
‘such examination:  
  
(i-b) any person in the service or pay ofa private body  
‘which holds an examination for the purpose of granting  
any degree, being a degree approved or recognised by the  
‘Government or bya public body, o° any person remunerated  
by such a private body for the peeformance of any work in  
‘connection with any such examination;  
  
‘1 (iii<) any pemon remunerated by the Government  
for the performance of any work in connection withany  
‘examination held in connection with employment ia a publi  
post oe for the purpose of grant of any ceriiate.  
  
‘Bzplanation |The expetson “public body” includes —  
(@) a Univenity, a Board of Education or other  
body: established under a Central, State or Provinial  
  
‘Act or constituted by the Goverament;  
  
(6) 8 local authority.  
  
Explanation 2.—The expresion “degree” includes a  
iploma, crite or other academic distinction or ttle,  
‘or any document emtiing the holder thereof to practice any  
profesion  
  
Explanation 3—The expresion “private body” means  
body whichis not a public body”  
  
18, We should conclude by quoting the fine Elizabethan language  
  
withwhich Francis Bacon begins is preface to his Maxim of  
the Law? —"I hold every man a debter to his profession; fom  
  
|. Thenumerag of becaserand Expntion wile tobe chanel  
{obi wih mation 1 tae robes i he Dil at may be eo-  
‘ded Ioingenen the nd Report of te Law Conmialon,  
  
2, Naan, Pfice\_ 10 Masi ofthe La, quoted by Sir Oven Diss,  
“praeia! Contve”nuprl laeothe Law Stent of be Ute  
Hg Moen 1959, The log Pie, 129-134.  
  
  
Page 12:  
hich as mea ofcourse do seek to receive countenance and profit,  
0 ought they of duty to endeavour themselves, by way of amends,  
to bea help and ornament thereunto. This is performed in some  
eqroe by the honest and liberal practice of profession when  
‘men shall cary a respect not to descend into any course that is  
corrupt and unworthy thereof, and preserve themselves fre  
from the abuses wherewith the sume profesion is noted to be  
infected; tut\_mach more is this performed if « man beable to  
visit and strengthen the roots and foundation of the science  
itself; thereby not oaly gracing i a repstation and dignity but  
‘ako amplifying it in perfection and substance”  
  
Before we part with this Report itis our pleasant duty to  
place on record our warm appreciation of the asstance we have  
received from Mr. Bakshi, Secretary of the Commission, i  
  
dealing with the problem covered by the Report, Ax usual, M  
Bakshi fist prepared a draft which was treated asthe Working  
Paper. The draft was considered by the Commission point by  
point and its conclusions recorded and, inthe light ofthe deci  
sions, Me. Bakshi prepared a final drat for consideration and  
approval. AL all stages of the study of this problem, Mr. Bakshi  
took an active part in our deliberations and has rendered very  
valuable asstance to the Commission,  
  
B. GAJENDRAGADKAR Chairman  
  
V. R. KRISHNA IYER  
  
PK. TRIPATHI Menbers  
  
5. 8. DHAVAN  
  
P.M, BAKSHI ‘Secretary  
NEW DELHI;  
  
The 28th August, 1972  
  
  
Page 13:  
Selected Central Acts relating to bodies authorised to bold  
‘examinations or to recogise or approve degrees and other  
seademic distictlans,  
  
: 1. Tw Apvocanis Aer, 1961  
  
‘Section 7.—The funetons of the Bat Council of India shall  
be  
  
(© to recognise Universities whose degree in law will be  
1 qualifation for enrolment as an advocate and for that pur-  
pose to vist and despect Univers  
  
Section 24 (1) (8) (9)—Provides that a perton shall be  
‘qualified to be admited as an advocate if he fulfil the following  
condition  
  
() any other class of persons who by reason of their legal  
lrsining or experience are declared by the Bar Counc! of India  
{fo be exempt from the provisions of thie claus,  
  
‘Section 25—An application for admission 28 an advocate  
{sto be made tothe State Bar Council within whose jurisdiction  
the applicant proposes to practise.  
  
‘Section 26 —The State BaRCounel refers every application  
for admission as an advocate t9 its eaeolment commits,  
  
2. Tas Tno1AN MepicaL Counc Act, 1986  
  
Sections 11 and 12—Provide for recognition of medical  
‘qualifcations granted by Universes of medical iattutions  
{in India orn countries with which there sa scheme of reciprocity  
Provides in the schedules.  
  
‘Sections 13 and 14—Provie for recognition of medical quali-  
feations in some other special cases.  
  
3. Tae Post-GeabuaTe InsmrUre oF Muicat EoucaTion  
‘AND RISEARCH, CuunDicaRi, ACT, 1966  
  
‘Section 23.—The Insitute has power to grant modal degrees,  
diplomas and other academic distinctions and tiles under this  
Ast  
  
"  
  
  
Page 14:  
2  
  
Section 24—Recogniton of medical qualifications granted  
by statute under the Indian Medical Council Act, 1956.  
  
4. Tae Dewris’ Aer, 1948  
  
Section 1.—This section provides that an application to the  
‘council for recognition of qualifeations by an authority which  
‘rants such qualifications, the Counel afer enquiry may decare  
‘that such qualifcation ‘shall be recognised dental hygiene  
‘qualcation for the purposes of the Act  
  
‘Section 12.—The Council may prescribe the period and nature  
‘of am appeeatieship or training and other necessary conditions  
‘fore a person can be registc"e! cs a dental mechanic under  
this Ac.  
  
5. THe Puanurcy Act, 1988  
  
‘Section 12.—The Central Council has to approve the courses  
‘of study and examinations which is conducted by any authority  
fn a State  
  
6 Tue Banas HiNou Universry Act, 1915  
  
Section 11.—The Academic Counel shall be the academic  
body of the University and sobject to the Act statues and  
ordinances shall have charge of the otganistion of instruction  
in the University and the College, the courses of study and the  
‘examination and discipline of studemts and the conferment of  
‘ordinary and honorary degrees.  
  
7. Tae Auoan Must UNivensiry Act, 1920  
  
‘Section 5(1)—The Academic Council shall be the academic  
body of the University and shall, subject to the Act, statutes  
and ordinances have the coateol snd general regeltion of and  
‘be responsible forthe maiatenasce of standards of instruction  
and for the education, examination, discipline and health of  
‘Students and forthe conferment of depres (ther than. hono-  
ran),  
  
1. The Raiya St bis reset ped the Demis" Amendment)  
1972 which srk owes in tbe Union Goverment iba pow fo fetene  
eral quaitetons and 1 pode othe appointment of iss for he  
Inapcoon of dental insiions. apd 1 erpowet a Det Conc of  
Tia to presibe standards of potesonal conduc eit so cade  
fis for denis re Lob abou wort i the uke  
  
  
  
Page 15:  
%  
8 Tue Deum Unversry Act, 1522  
  
‘Section 23—The Academic’ Council shall be the academic  
body of the Univesity and shal, subject to the Act, Starutes  
tnd Ondinances, have the contol snd general regulation and.  
be responsible forthe maintenance of standards of instruction,  
‘education and examination withthe University, and shall exe  
‘se such other powers and peform such other duties as may be  
conferred or enforced bythe Statutes. It can advise the executive  
‘council of all academic matters.  
  
9. Tw Vava Bharani Act, 1951  
  
Section 24.—The Shiksha Samiti (Academic Council).  
shall have control and general regulation and be responsible  
for the maintenance of standards of instruction, eduction and.  
‘examination within the Court, and shall have such other duties  
  
conferred of imposed by the Statutes and has the right 10  
advise the executive council on all academic matters  
  
10. The Inu StaTISICAL TNSETUTE AcT, 1959)  
  
Section 4—The Insitute may bold such examinations and  
rant och degrees and diplomas in statics as may be  
rined by the Tasca from time to time.  
  
1, Tie Insrruve oF Tecaotocy Acr, 1961  
  
‘Section 1S.—Subjct to this Act, Statutes and Ordinances  
tnd Senate of an Insitute shall have the control and general  
tegulation and be responsible forthe maistenasce of standards  
(of instrction, edveation and examination inthe Tnaitute and  
Stall exercise such other duties a8 are conferred or imposed by  
the Statutes,  
  
12, Tue Hanvana ano PUSAN AoRICULTURAL UNIVERSES  
‘cr, 1970  
  
‘Section 2.—The Academic Council shall be in charge of the  
scademic ais of the University and shal......superitend,  
‘iret and control and be responsible for the maintenance of  
‘standards of istration, education and examinations and other  
matter connected with the obaining of degrees and shal exer-  
se such other duties as may be prescribed.  
  
  
Page 16:  
1“  
13, Tue Mencuaner StirmNG Act, 1958  
  
Section 791).—The Central Government of & person daly  
‘uthorised by it in this ebalf shall appoint persons for the par:  
‘poses of examining the qualications of persons desirous of  
‘obtaining certificates of competency under section 78 which  
‘Provides for various grades of certificates of competency.  
  
Section 19@2).—The Central Government oF the authorised  
‘person shall grant to every applicant who is duly reported by the  
‘examiners to have passed the examination satisfactorily and 19  
have given satisfactory evidence of his sobriety, experience and  
ablity and general good conduct of beard ship, such cetcate  
fof competency as the case requires:  
  
Provided that where the Central Government has reason to  
believe thatthe report has been unduly made, it can require &  
reexamination of the applicant of a further inquiry into his  
testimonial and character.  
  
14, Chiarrenso Accountants AcT, 149  
Section 15.—The duties of the Council include  
  
(@) the examination of candidates for enrolment and  
prescribing of fess:  
  
(@) the regulation of the engagement and training of  
aticled and audit clerks  
  
(6 the preserbing and qualifications for entry in the  
Register;  
  
(the recognition of foreign qualifcations and training  
{for purposes of enrolment;  
  
(the granting oF refusal of certificates of practice  
under the Act; and  
  
(A) the removal or restoration tothe Register of names.  
  
  
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APPENDIX—2  
Reference in afew recet Central Acts to treat certia offers  
8 public servants within the meaning of section 21, Iaan, Peeal  
Cote.  
1, Tw Texmue Connarnee Act, 1963  
‘Section 16-—Oficers and employees of the Commitee to  
be public servants,  
2 Tum Gouw Conrnot Acr, 1965  
‘Section 38-—The Administrator and sey perion authorised  
by him or the Central Goverament and performing any func-  
toss io the implementation of this Act shall be deemed to be  
‘Pubic servants. This Act is repealed by the Gold (Control)  
‘Act, 1968 (Section 116)  
3. Tum Paviener or Bonus Ac, 1965  
Section 27(3)—Every inspector shall be deemed to be &  
poblic servant  
4 Tw Pusss Counen. Act, 1965  
Section 21.—Every member of the Council and every officer  
appointed by the council shall be deemed to be public servants.  
5. Tim Bert ano Cian Worxins (Coxpinions oF  
Bwrtovwest) Act, 1966  
Section 63)-—Every chief inspector aad inspector shall be  
eemed to be publi servant.  
6 Tw Civ. Durance Acr, 1968  
Section 19—Authorsed persons and members of the corps  
10 be publi servants  
7. Tom Gouw Connor Act, 1968  
Section 7.—Provides thatthe Administrator, a Gold Control  
‘Osicer and any person authored by the Admisistator of the  
(Central Government and performing any functions under this  
‘Act shall be deemed to be public servants  
  
1s  
  
  
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6  
8. Tre Fesscnowes Act, 1968  
Section 20(2)—Every Insecticide Inspector shall be deemed  
to be a public servant  
9, Tam ReoisraaTios OF BiRTHs AND Dears ACT, 1969.  
Section 26—All Registrars and Sub-Resisras shall while  
acting or purporting to actin pursuance of this Act be deemed  
to be public servants  
10. Tue Kus Bars OnieNrat Puatic Limary Act, 1969  
Section 25.—Offcers and employees ofthe Board to be pubic  
11, Tue Mosoroues Axo. Restrictive TRADE PRACTICS  
‘Act, 1968  
‘Section 63.—Every member of the Commision, the Director  
and the Registrar and every member of the staf of the Com-  
smision to be public servants.  
12, Tue Bawsine Coupanues (ACQUISTON AND "TRANSHER  
‘oF Uspexraxine) Act, 1970  
  
Section 14—Every custodian of 2 corresponding new bank  
deemed to be a public servant