

The Gold (Control) Amendment Act, 1971

UNION OF INDIA

India

The Gold (Control) Amendment Act, 1971

Act 21 of 1971

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An Act further to amend the Gold (Control) Act, 1968. BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:-

1. Short title and commencement.-

(1) This Act may be called the Gold (Control) Amendment Act, 1971. (2) It shall be deemed to have come into force on the 20th day of May, 1971.

2. [Amendment of section 71.] Rep. by the Repealing and Amending Act, 1978 (38 of 1978), s. 2 and the Schedule (w.e.f. 26-11-1978).

3. [Amendment of section 73.] Rep. by s. 2 and the Schedule, *ibid.* (w.e.f. 26-11-1978).

4. Reopening of past confiscations.-

(1) Where any order made, before the commencement of this Act, for the confiscation of any gold or other thing or giving option to pay fine in lieu thereof is such that it could not have been made if the principal Act, as amended by this Act, were in force on the date on which the said order was made, the officer competent under section 78 to adjudge such confiscation shall, on an application made to him by the person aggrieved by such order, set aside the order of confiscation or, as the case may be, the order giving option to pay fine in lieu of confiscation, and also any order imposing penalty in addition to confiscation or giving option to pay fine in lieu thereof, and make a fresh adjudication in accordance with the provisions of the principal Act, as amended by this Act. (2) The power referred to in sub-section (1) shall be exercised by the officer specified therein in relation to the final order of adjudication of confiscation or giving option to pay fine in lieu thereof or imposing any penalty, whether or not such final order was made in appeal under section 80 or in revision under section 81

or section 82.(3)Every application referred to in sub-section (1) shall be made within ninety days from the commencement of this Act or within such further time, not exceeding ninety days, as the officer specified in that sub-section may, on sufficient cause being shown, allow.(4)Where, and in so far as, any order for the confiscation of any gold or other thing, or any option given to pay fine in lieu of confiscation, or imposing any penalty is modified or reversed, the officer specified in sub-section (1) shall make an order for such refund or restitution as the circumstances of the case may require:Provided that where the restitution of any gold or other thing is not practicable, the said authority shall make an order for the payment to the person to whom such restitution is to be made, the market value of such gold or other thing, as on the date on which the fresh adjudication is made.(5)Nothing in this section shall apply to any confiscation made, option given to pay fine in lieu of confiscation, or penalty imposed under Part XII-A of the Defence of India Rules, 1962.

5. Validation.-

Notwithstanding any judgment, decree or order of any court, any confiscation made, penalty imposed or fine levied under the Gold (Control) Act, 1968 (45 of 1968), before the commencement of this Act shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been made, imposed or levied in accordance with the provisions of the Gold (Control) Act, 1968 (45 of 1968), as amended by this Act.

6. [Repeal and savings.] Rep. by the Repealing and Amending Act, 1978 (38 of 1978), s. 2 and the Schedule (w.e.f. 26-11-1978).