

# **Himachal Pradesh Prevention of Specific Corrupt Practices Act, 1983**

HIMACHAL PRADESH

India

## **Himachal Pradesh Prevention of Specific Corrupt Practices Act, 1983**

### **Act 3 of 1984**

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Himachal Pradesh Prevention of Specific Corrupt Practices Act, 1983(Act No. 3 of 1984)Last Updated 30th January, 2020(Received the assent of the President of India on the 31st January, 1984 and was published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 31st January, 1984, pp.133-156).An Act to provide for punishment of specific corrupt practices resorted to by the persons serving in connection with the affairs of the State or of public undertakings or local authorities, co-operative societies or other institutions or organisations aided or set up by State Government and by some other persons in their dealings with the State Government and aforesaid bodies, with a view to eradicate and effectively prevent such practices and for other miscellaneous matters connected therewith.Amended, repealed or otherwise affected by, -(i) H.P. Act No. 29 of 1984 assented to by the President on the 22nd November, 1984, published in Hindi in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 14th December, 1984, pp. 2157-2158 and in English on 8th July, 1985, pp. 1039-1040.

**1. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 24th December, 1983, pp. 1288 and 1300.**

**2. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 12th September, 1984, pp.1558-1560.**

(ii)H.P. Act No. 20 of 2000 assented to by the President on the 17th August, 2000, published in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 11th September, 2000, pp. 2911-2914.(iii)H.P. Act No. 13 of 2008 assented to by the President on the 1st July, 2008,

published both in Hindi and English in the Rajpatra, Himachal Pradesh, dated 30th July, 2008, pp. 2961- 2963. Be it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-fourth Year of the Republic of India as follows: -

## **Chapter I**

### **Preliminary**

#### **1. Short title, extent and commencement.**

(1) This Act may be called the Himachal Pradesh Prevention of Specific Corrupt Practices Act, 1983. (2) It shall extend to the whole of the State of Himachal Pradesh. (3) It shall be deemed to have come into force with effect from the 28th day of October, 1983.

#### **2. Definitions.**

- In this Act, unless the context otherwise requires, -(a) "local authority" means any public undertaking, authority, cooperative society, corporation, body, board, society or organisation, by whatever name they are known, -(i) incorporated or set up by the State Government, or (ii) constituted under any Law, Ordinance, Act, Rules, or Regulations of the State Government, or (iii) constituted under any Central Act, Ordinance, Rules, or Regulations, over which the State Government has control and authority; (b) "officer" means a person serving in connection with the affairs of the State, local authority, or any other institution or organisation aided or set up by the State Government; (c) "public undertaking" means a Government Company, within the meaning of section 617 of the Companies Act, 1956, (1 of 1956) in which not less than fifty-one per cent of the paid up share capital is held by the State Government or any Company which is a subsidiary of a Company in which not less than fifty-one per cent of the paid up share capital is held by the State Government and includes a corporation or other statutory body, by whatever name called, in each case owned or controlled by the State Government and any other Government Company, other than a Company owned and controlled by the Central Government in which the State Government has contributed equity.

## **Chapter II**

### **Offences Relating to Work**

#### **3. Definitions.**

- In this Chapter, unless the context otherwise requires, -(a) "construction" means all activities pertaining to the construction of a work and includes excavation, filling, levelling and other allied activities; (b) "contractor" in relation to a work means a person who undertakes to execute the work under a works department, in pursuance of a contract and includes, where the context so requires, a sub-contractor and includes, all other agencies and persons employed by him or working under his control for the execution of such work and the expression "works contract" shall be construed

accordingly;(c)"officer-in-charge" means an officer in relation to a work under a works contract who is primarily and directly responsible on the work site to see that the work or specific part of the work is duly executed in accordance with the terms, conditions and specifications of the works contract and the instructions, directions or work order issued, by the supervisory officers or by the works department, from time to time;(d)"officer of the works department" means the officer, whatever be the designation, employed in the works department and concerned with the survey, construction, repairs, maintenance, supervision, planning, drawing, designing, purchase, supply or shortage of goods, mechanically propelled or electrically operated vehicles of all descriptions, plants, machinery, tools, spares or all officials responsible to make payment of bills and advances, in relation to the work;(e)"supervisory officer" means an officer whose duty it is to supervise the work as per instructions contained in the Manual applicable to the works department or contained in any order or direction issued by the works department, from time to time;(f)"work" means any work relating to survey, construction, repairs or maintenance of any building, superstructure, dam, weir, canal, reservoir, tank, road, bridge, culvert, well including tube-well, factory, workshop, water supply system, electric installation system or any other work which the State Government may by notification specify in this behalf and includes surveying, planning, drawing, designing, purchase, supply or storage of goods mechanically propelled or electrically operated vehicles of all descriptions, plant, machinery, tools, spares or all other materials and equipments relating to the construction, maintenance or repairs of any of the aforesaid works;(g)"works department" means a department of the State Government, a public undertaking, a local authority, or a cooperative society registered under the Himachal Pradesh Cooperative Societies Act, 1968, (3 of 1969) which gives a works contract or under whose orders, directions or control works contract is entered into or work is done, and shall include-(i)an institution or organisation substantially aided by the State Government, as the State Government may, by notification, specify, and(ii)any statutory or non-statutory body, by whatever name called, incorporated or set up by the State Government.

#### **4. Punishment to contractor for violation of contract, etc.**

- Whoever, being a contractor of a works contract entered into with a works department, intentionally, knowingly or for corrupt motive executes the work in material violation of the terms of the contract or in flagrant disregard of the standards, specifications, orders or directions given by the works department, or its officers, so as to adversely affect it, shall be punished with imprisonment of either description which may extend to three years, or with fine, or with both.

#### **5. Punishment to officer-in-charge for lack of supervision.**

- Whoever, being an officer-in-charge of a work under a works contract being executed by a contractor or otherwise, intentionally or knowingly-(a)permits or connives at, or(b)omits to prevent or to report about, or(c)abets for corrupt motive, the work being done in-(i)material violation of the terms of the contract, or(ii)flagrant disregard of the standard specifications, orders or directions given by the works department or its officers, in either case so as to adversely affect the quality, workmanship, strength or life of the work or part of it, shall be punished with imprisonment of either description which may extend to three years, or with fine, or with both.

## **6. Punishment for preparing false or fictitious muster-rolls or measurement books.**

(1)Whoever, being an officer-in-charge of a work or being an officer of the works department, in connection with a work, intentionally or knowingly-(a)prepare a false or fictitious muster-rolls, or(b)prepare a false or fictitious measurement book, or(c)makes payment for false or fictitious lead for false or fictitious excavation of metal, sand earth, or(d)incorrectly classifies a strata under-excavation for making payment at a higher rate, or(e)pays for no work or inadequate or for fictitious or bogus work, or(f)pays at rates that are grossly inappropriate or makes deliberate over payments, in violation of rules and orders, shall be punished with imprisonment of either description which may extend to three years, or with fine, or with both.(2)Whoever, being a supervisory officer, abets the commission of an offence under sub-section (1), shall also be punished with imprisonment of either description which may extend to three years, or with fine, or with both.

## **7. Punishment for surreptitious sale of supplied material by contractor.**

- Whoever, being a contractor under a works contract, sells or otherwise transfers cement, steel, iron, or any other material supplied by the works department for the work as per specifications, instead of properly utilising the same in the work or instead of returning the unused or excess material back to the works department, shall be punished with imprisonment of either description which may extend to three years, or with fine, or with both.

## **8. Punishment for submitting manipulated tenders.**

- Whoever, being a tenderer for a work under a works department, -(a)procures, obtains or attempts to procure or obtain for himself or for any other person work under a works contract by submitting fictitious competitive tenders in the name of false or non-existent or bogus person, or(b)enters into a conspiracy with any other tenderer or tenderers in order to eliminate the competition for the purpose of pushing one of the collusive low-rate tender for acceptance, or(c)employs or takes active help of a near relative or of any other person in a position to unduly influence the officer having authority to accept the tender, shall be punished with imprisonment of either description which may extend to three years, or with fine, or with both.Explanation. - Near relation in this section means son, grand-son, father, mother, spouse, brother, sister, brother-in-law, father-in-law and mother-in-law.

## **9. Punishment to officer for accepting manipulated tender.**

- Whoever, being an officer of a works department, having authority to accept a tender on behalf of a works department -(a)abets the commission of an offence under section 8 by accepting or recommending for acceptance such tender, or(b)dishonestly manipulates evaluation of tenders with the object of giving benefit to a particular tenderer, shall be punished with imprisonment of either description which may extend to three years, or with fine, or with both.

## **10. Punishment for wrongful or unauthorised disposal of property.**

- Whoever, being an officer of a works department, dishonestly, wrongfully or fraudulently-(a)disposes of or otherwise transfers; or(b)permits unauthorised use of goods, plants, machinery, tools, spares or other material and equipments from the stores, causing substantial loss to the works department, shall be punished with imprisonment of either description which may extend to three years, or with fine, or with both.

## **11. Punishment for supply of sub-standard or lesser quantity of goods.**

- Whoever, being a contractor for the supply of goods, plants, machinery, tools, spares or other material or equipments-(a)makes misrepresentation in respect to the quantity supplied, or(b)supplies sub-standard goods, plants, machinery, tools, spares or other materials or equipments which are not of mercantile quality or not in accordance with the samples or specifications given in the order of supply, shall be punished with imprisonment of either description which may extend to three years, or with fine, or with both.

## **12. Punishment to officer of works department for abetting offences under section 11.**

- Whoever, being an officer of a works department, having authority to accept the supplies made by the contractor in pursuance of an order of supply given to him, abets the offence punishable under section 11 knowingly by accepting the supply of goods, plants, machinery, tools, spares or other materials or equipments shall be punished with imprisonment of either description which may extend to three years, or with fine, or with both.

## **13. Punishment for splitting up purchase orders.**

- Whoever, being an officer of the works department, with mala fide intention, resorts to splitting of purchase order in order to enable him to affect the purchases which would have otherwise been beyond the pale of his financial authority to do so, or in flagrant breach of the established procedure for the purchase of goods, plants, machinery, tools, spares or other materials or equipments shall be punished with imprisonment of either description which may extend to one year, or fine, or both.

Chapter-III Offences Connected with the Preservation of Forests and Wild Life

## **14. Punishment for illicit felling or disposal of forest produce.**

- Whoever, being an office-in-charge for the preservation and maintenance of forest or disposal of forest produce, having jurisdiction intentionally or knowingly permits, connives or abets or fails to report, the-(i)illegal felling of trees or extraction of logs, or(ii)illegal girdling or trapping, or theft of wood, timber or bamboos, or other forest produce, for commercial purpose shall be punished with imprisonment of either description which shall not be less than one year but which may extend to three years, and shall also be liable to fine:Provided that the court may, for any special reason to be

recorded in writing, impose a sentence of imprisonment of less than one years.

### **15. Punishment for trading in certain forest produce unaccounted for.**

- Whoever trades in any forest produce and is or has been in possession of that produce which he cannot satisfactorily account for shall be punished with imprisonment of either description which shall not be less than one year but which may extend to three years, and shall also be liable to fine: Provided that the court may, for any special reason to be recorded in writing, impose a sentence of imprisonment of less than one year. Explanation. - For the purpose of this section, - (a) "forest produce" means "timber" and "trees" as defined in clauses (6) and (7) of section 2 of the Indian Forest Act, 1927 (16 of 1927) and shall include resin, catechu or any other forest produce, which the State Government may by notification, specify in this behalf; and (b) "trading in forest produce" means the sale or purchase of any forest produce in any manner, shape or form, whatever, or carrying on any business in it with a view to make profit.

### **16. Punishment for falsification of bid-sheets and manipulation of transit passes.**

- Whoever, being an officer, - (i) manipulates bid-sheets in relation to auction of forest produce, or (ii) manipulates issue of fictitious transit passes with a view to give benefit to any person or for causing wrongful loss to the Government Department, shall be punished with imprisonment of either description which may extend to three years, or with fine, or with both.

### **17. Punishment for wrongful demarcation of forest lands.**

- Whoever, being an officer responsible for giving demarcation of boundaries of private and Government forests for the purpose of felling of trees in the private forests or for any other purpose intentionally or knowingly gives wrong demarcation so as to cause loss to the Government shall be punished with imprisonment of either description which shall not be less than one year but which may extend to three years and shall also be liable to fine: Provided that the court may, for any special reason to be recorded in writing, impose a sentence of imprisonment of less than one year.

### **18. Punishment for illegal hunting or extinction of wild life.**

- Whoever, being an officer duty bound to preserve and protect wild life, - (a) commits, permits, connives or abets illegal hunting of wild animals; or (b) gives shelter to the poachers; or (c) helps in arranging drives of animals or putting fire to wild animals habitats with a view to heading for easy hunting; or (d) conceals information or fails to report illegal hunting of wild animals or illegal possession of animal articles or trophies of wild animals mentioned in Schedule-I of the Wild Life Protection Act, 1972 (53 of 1972), shall be punished with imprisonment of either description which shall not be less than one year but which may extend to three years and shall also be liable to fine: Provided that the court may, for any special reason to be recorded in writing, impose a sentence of imprisonment of less than one year. Chapter-IV Offences Relating to Hospitals, etc.

## **19. Punishment for misappropriation or removal of medicines or equipment.**

- Whoever, being an officer duty bound to maintain stock register, bills or vouchers of medicines or medical equipment in a Government hospital, dispensary or any other such institution or centre, organised and assisted by the Government, misappropriates or fraudulently removes medicines or medical equipment or intentionally or knowingly permits, connives or abets such misappropriation or removal, shall be punished with imprisonment of either description which shall not be less than one year and it may extend to three years and shall also be liable to fine: Provided that the court may, for any special reason to be recorded in writing, impose a sentence of imprisonment of less than one year.

## **20. Punishment for absence from duty or fraudulently or unauthorisedly charging fees.**

- Whoever, being a medical officer, compounder, dresser or nurse on duty or any other employee of a Government hospital, dispensary or any other such institution or centre, organised and assisted by the Government, absents himself or herself from duty without reasonable cause and without due intimation to the authority or fraudulently or unauthorisedly charges fees from any person for his treatment therein shall be punished with imprisonment of either description which may extend to one year, or with fine, or with both.

## **21. Punishment for failure to maintain record properly.**

- Whoever, being duty bound to prepare injury report or post-mortem report or bed-head ticket of the patient, fraudulently prepares the same incorrectly or intentionally omits to mention all the details or does not inform the authority or the Police, where he is so required to inform under the rules or regulations or Government orders or circulars, shall be punished with imprisonment of either description which may extend to one year, or with fine, or with both.

## **22. Punishment for fraudulent purchases of medicines.**

- Whoever, being responsible for the purchase of medicines or medical equipments fraudulently purchases medicines or equipments which are sub-standard or spurious or below specification shall be punished with imprisonment of either description which shall not be less than one year but which may extend to three years and shall also be liable to fine : Provided that the court may, for any special reason to be recorded in writing, impose a sentence of imprisonment of less than one year.

Chapter-V Offences Relating to Sale of Liquor Unfit for Human Consumption

## **23. Punishment for sale of liquor unfit for human consumption and failure to check sale of illicit liquor.**

- Whoever, being duty bound to check and prevent the sale of illicit liquor, knowingly omits to check and report, connives or abets the commission of offence of sale of illicit liquor shall be punished

with imprisonment of either description which may extend to three years, or with both. Chapter-VI Offences Relating to Registration of Bogus Firms for Tax Evasion

#### **24. Punishment for applying for registration of or use of bogus firm name.**

- Whoever, applies for the registration of a bogus or non purpose of manipulating, sales-tax evasion, or for collusive bidding, or for submitting collusive tender, shall be punished with imprisonment of either description which may extend to three years, or with fine, or with both.

#### **25. Punishment for registering bogus firms for abetting offences under section 24.**

- Whoever, being an officer intentionally, knowingly or negligently, without holding proper inquiry, registers a bogus firm or permits the use of bogus or non-existent firm names, with the intention to abet the offence under section 24, shall be punished with imprisonment of either description which may extend to three years, or with fine, or with both.

#### **26. Punishment for production of fictitious documents and cheque without funds.**

- Whoever, for the purposes of the tax payable under the Himachal Pradesh General Sales Tax, Act, 1968 (24 of 1968) the Himachal Pradesh Motor Spirit (Taxation of Sales) Act, 1968, (10 of 1968), the Central Sale Tax Act, 1956 (74 of 1956) and the Himachal Pradesh Taxation (On Certain Goods Carried by Road) Act, 1976, (34 of 1976) or any duty or fee under the Punjab Excise Act, 1914 (1 of 1914), as in force in the State of Himachal Pradesh, intentionally or knowingly, -(i) furnishes or produces a false or fictitious document or declaration, with a view to manipulating evasion of taxes, duties or fees under the said enactments; or (ii) tenders a cheque which is dishonoured due to lack of funds in his account, shall be punished with imprisonment of either description which may extend to one year, or with fine, or with both.

#### **27. Punishment to officers for non-collection of taxes and for facilitating tax evasion.**

- Whoever, being an officer-in-charge of check post or barrier or an official duty-bound to charge the tax, duty or fee referred to in section 26, intentionally or knowingly does not charge such tax, duty or fee, or allows any false or fictitious document or a declaration for the purposes of the said enactments with the intention to abet an offence under section 26 of this Act or connives or abets the manipulation of evasion of such tax, duty or fee, shall be punished with imprisonment of either description which shall not be less than one year but which may extend to three years and shall also be liable to fine: Provided that the court may, for any special reason to be recorded in writing, impose a sentence of imprisonment of less than one year. Chapter-VII Offences Relating to Fictitious Loan and False Certification of their Utilization and Encroachment of Lands



## **28. Punishment for advancing loans, etc. to fictitious persons.**

- Whoever, being an officer having authority to sanction or advance loan or subsidy intentionally, or for corrupt motive or otherwise, sanctions or advances loan or subsidy-(a)in a fictitious name, or(b)to a fictitious or non-existing person, or(c)in the name of another person,and whoever received actual benefit of such sanction or advance of the loan or of subsidy, shall be punished with imprisonment of either description which may extend to three years, or with fine, or with both.

## **29. Punishment for false verification of loan utilisation.**

- Whoever, being under a duty to verify and report proper utilisation of a loan or subsidy, falsely reports, verifies to testify to the proper utilisation thereof, with reference to the purpose for which it was sanctioned or advanced, when in fact it was not so utilised fully, or was utilised only partly, or was not utilised at all, in relation to that purpose, unless it was diverted to some other purpose with the prior sanction of authority which sanctioned or advanced the loan or subsidy, shall be punished with imprisonment of either description which may extend to one year, or with fine, or with both.

## **30. Punishment for failure to detect and report encroachment.**

- Whoever,-(i)being an officer of the Forest Department duty bound to prevent an encroachment over the reserved and demarcated protected forest land; or(ii)being a revenue officer duty bound to prevent any encroachment over land belonging to the Government; or(iii)being an officer of the Municipal corporation, Notified Area Committee or Municipal Committee, duty bound to prevent encroachment over the land belonging to these bodies; intentionally or knowingly permits, connives, abets or suffers on account of his omission to detect or report an encroachment in areas within his jurisdiction shall be punished with imprisonment of either description which shall not be less than one year but which can be extended to three years and shall also be liable to fine:Provided that the court may, for any special reason to be recorded in writing impose a sentence of imprisonment of less than one year.Chapter-VIII Offences Relating to Tampering with the Public Distribution System

## **31. Tampering with the systems by the licensed dealer.**

- Whoever, being a dealer licensed under any order issued under section 3 of the Essential Commodities Act, 1955 (10 of 1955), instead of supplying the essential commodity declared by or under the said Act, as the State Government may, by notification, specify for the purpose of this Chapter, to the public concerned in accordance with the scheme of the public distribution system intentionally, knowingly or for corrupt motives, transfers such essential commodity to other channels or maintains false or fictitious account for the distribution of the same, shall be punished with imprisonment of either description which may extend to three years, or with fine, or with both.

### **32. Abetment of offences under section 31 by an officer.**

- Whoever being an officer, directly or primarily in-charge of supervision for the proper working of public distribution system, knowingly omits to check and report, connives or abets the commission of the offence punishable under section 31 shall be punished with imprisonment of either description which may extend to three years, or with fine, or with both.

Chapter-IX Miscellaneous Provisions

### **33. Punishment for drawing salary for the period of absence from duty.**

- Whoever, being an officer intentionally draws himself or, by suppression of facts or otherwise, misrepresenting the facts relating to his absence, permits or induces the drawing and disbursing officer to draw and disburse the salary to him for the period of his deliberate unauthorised absence from duty, unless the same is regularised by grant of permission or sanction of leave with pay, and thereby cheats the Government shall be punished with imprisonment of either description which may extend to one year, or fine, or both.

### **34. Proof of sanction.**

- The sanction for prosecution of a Government servant for an offence under this Act, issued under section 197 of the Code of criminal Procedure, 1973 (2 of 1974), and purporting to be duly authenticated, and sealed shall be admissible in evidence without formal proof: Provided that where the facts constituting the offence do not appear on the face of the sanction, the court may call the officer authenticating the sanction to give evidence before it.

### **35. Curability of technical defects in the form of sanctions.**

- Any technical defect in the formal sanction granted under section 197 of the Code of Criminal Procedure, 1973 (2 of 1974), for the prosecution of a person employed in connection with the affairs of the State shall not vitiate the trial unless it is proved that it caused substantial prejudice to the accused.

### **36. Cognizance of offences.**

- No court shall take cognizance of an offence under this Act against any person unless a report in writing is made by such an officer not below the rank of a [Under Secretary] [Substituted for the words 'Divisional Commissioner' vide H.P. Act No. 20 of 2000.] as the State Government as it may by a notification, specify: Provided that no such report shall be made against a member of judicial service of State saves with the prior concurrence of the High Court.

### **36A. [ Investigation of offences. [Inserted vide H.P. Act No. 29 of 1984.]**

- Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), in case of a public servant, no Police Officer below the rank of the Deputy Superintendent of Police shall investigate into or make any arrest in, an offence punishable under this Act:[Provided that the State Government may, by general or specific order, authorize a police officer not below the rank of Inspector of Police to investigate into, or make any arrest in, an offence punishable under this Act.]Explanation. - For the purpose of this section "public servant" means a public servant as defined in [clause (c) of section 2 of the Prevention of Corruption Act, 1988.] [Substituted for the words and figures 'section 21 of the Indian Penal Code' vide H.P. Act No. 13 of 2008.]]

### **37. Offences to be bailable except under Chapter III.**

- An offence under this Act, shall be bailable except offences under Chapter III which shall be non-bailable.

### **38. Offences to be triable by a Court of Sessions.**

- An offence under this Act, shall, on commitment, be tried by a Court of Sessions.

### **39. Provisions not to be derogatory to certain Laws.**

- The provisions of this Act shall be in addition to and not in derogation of the provisions of the Prevention of Corruption Act, 1947 (2 of 1947), the Indian Penal Code, 1860 (45 of 1860), the Indian Forest Act, 1927 (16 of 1927), the Punjab Excise Act, 1914 (1 of 1914), as in force in the State of Himachal Pradesh, the Essential Commodities Act, 1955 (10 of 1955) and the Code of Criminal Procedure, 1973 (2 of 1974).

### **40. Power to make rules.**

(1)The State Government may, by notification, make rules for the purpose of carrying into effect the provisions of this Act.(2)Every rule made under this Act shall be laid, as soon as may be after it is made, before the State Legislature while it is in session for a total period of fourteen days which may be comprised in one session or two successive sessions, and if before the expiry of the session in which it is so laid, or the session immediately following, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, and such decision is notified in the Official Gazette, the rule shall from the date of publication of such notification, 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.

## **41. Repeal and savings.**

(1)The Himachal Pradesh Prevention of Specific Corrupt Practices Ordinance, 1983 (7 of 1983), 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, as if this Act had come into force on the day on which such thing was done or action was taken.