

# **THE DISASTER MANAGEMENT ACT, 2005**

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# THE DISASTER MANAGEMENT ACT, 2005

ACT NO. 53 OF 2005

[23rd December, 2005.]

An Act to provide for the effective management of disasters and for matters connected therewith or incidental thereto.

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

## CHAPTER I

### PRELIMINARY

**1. Short title, extent and commencement.**—(1) This Act may be called the Disaster Management Act, 2005.

(2) It extends to the whole of India.

(3) It shall come into force on such date<sup>1</sup> as the Central Government may, by notification in the Official Gazette appoint; and different dates\* may be appointed for different provisions of this Act and for different States, and any reference to commencement in any provision of this Act in relation to any State shall be construed as a reference to the commencement of that provision in that State.

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

(a) “affected area” means an area or part of the country affected by a disaster;

(b) “capacity-building” includes—

(i) identification of existing resources and resources to be acquired or created;

(ii) acquiring or creating resources identified under sub-clause (i);

(iii) organisation and training of personnel and coordination of such training for effective management of disasters;

(c) “Central Government” means the Ministry or Department of the Government of India having administrative control of disaster management;

(d) “disaster” means a catastrophe, mishap, calamity or grave occurrence in any area, arising from natural or man made causes, or by accident or negligence which results in substantial loss of life or human suffering or damage to, and destruction of, property, or damage to, or degradation of, environment, and is of such a nature or magnitude as to be beyond the coping capacity of the community of the affected area;

(e) “disaster management” means a continuous and integrated process of planning, organising, coordinating and implementing measures which are necessary or expedient for—

(i) prevention of danger or threat of any disaster;

(ii) mitigation or reduction of risk of any disaster or its severity or consequences;

(iii) capacity-building;

(iv) preparedness to deal with any disaster;

(v) prompt response to any threatening disaster situation or disaster;

(vi) assessing the severity or magnitude of effects of any disaster;

1. 28th July, 2006 (ss. 2, 3, 4, 5, 6, 8, 10, 75, 77, 79), *vide* notification No. S.O. 1216(E), dated 28th July, 2006;

\*1st August, 2007 [ss. 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 38, 39, 40, 41, 48, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, sub-sec. (2) of s. 70, 71, 72, 73, 74, 78, 79], *vide* notification No. S.O. 722(E), dated 7th May, 2007;

\*17th March, 2008 (ss. 44, 45), *vide* notification No. 517(E), dated 17th March, 2008;

\*18th October, 2011 (s. 46), *vide* notification No. S.O. 2397(E), dated 18th October, 2011, *see* Gazette of India, Extraordinary, Part II, sec. 3(ii).

(vii) evacuation, rescue and relief;

(viii) rehabilitation and reconstruction;

(f) "District Authority" means the District Disaster Management Authority constituted under sub-section (1) of section 25;

(g) "District Plan" means the plan for disaster management for the district prepared under section 31;

(h) "local authority" includes panchayati raj institutions, municipalities, a district board, cantonment board, town planning authority or Zila Parishad or any other body or authority, by whatever name called, for the time being invested by law, for rendering essential services or, with the control and management of civic services, within a specified local area;

(i) "mitigation" means measures aimed at reducing the risk, impact or effects of a disaster or threatening disaster situation;

(j) "National Authority" means the National Disaster Management Authority established under sub-section (1) of section 3;

(k) "National Executive Committee" means the Executive Committee of the National Authority constituted under sub-section (1) of section 8;

(l) "National Plan" means the plan for disaster management for the whole of the country prepared under section 11;

(m) "preparedness" means the state of readiness to deal with a threatening disaster situation or disaster and the effects thereof;

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

(o) "reconstruction" means construction or restoration of any property after a disaster;

(p) "resources" includes manpower, services, materials and provisions;

(q) "State Authority" means the State Disaster Management Authority established under sub-section (1) of section 14 and includes the Disaster Management Authority for the Union territory constituted under that section;

(r) "State Executive Committee" means the Executive Committee of a State Authority constituted under sub-section (1) of section 20;

(s) "State Government" means the Department of Government of the State having administrative control of disaster management and includes Administrator of the Union territory appointed by the President under article 239 of the Constitution;

(t) "State Plan" means the plan for disaster management for the whole of the State prepared under section 23.

## CHAPTER II

### THE NATIONAL DISASTER MANAGEMENT AUTHORITY

**3. Establishment of National Disaster Management Authority.**—(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, an authority to be known as the National Disaster Management Authority.

(2) The National Authority shall consist of the Chairperson and such number of other members, not exceeding nine, as may be prescribed by the Central Government and, unless the rules otherwise provide, the National Authority shall consist of the following:—

(a) the Prime Minister of India, who shall be the Chairperson of the National Authority, *ex officio*;

(b) other members, not exceeding nine, to be nominated by the Chairperson of the National Authority.

(3) The Chairperson of the National Authority may designate one of the members nominated under clause (b) of sub-section (2) to be the Vice-Chairperson of the National Authority.

(4) The term of office and conditions of service of members of the National Authority shall be such as may be prescribed.

**4. Meetings of National Authority.**—(1) The National Authority shall meet as and when necessary and at such time and place as the Chairperson of the National Authority may think fit.

(2) The Chairperson of the National Authority shall preside over the meetings of the National Authority.

(3) If for any reason the Chairperson of the National Authority is unable to attend any meeting of the National Authority, the Vice-Chairperson of the National Authority shall preside over the meeting.

**5. Appointment of officers and other employees of the National Authority.**—The Central Government shall provide the National Authority with such officers, consultants and employees, as it considers necessary for carrying out the functions of the National Authority.

**6. Powers and functions of National Authority.**—(1) Subject to the provisions of this Act, the National Authority shall have the responsibility for laying down the policies, plans and guidelines for disaster management for ensuring timely and effective response to disaster.

(2) Without prejudice to generality of the provisions contained in sub-section (1), the National Authority may —

(a) lay down policies on disaster management;

(b) approve the National Plan;

(c) approve plans prepared by the Ministries or Departments of the Government of India in accordance with the National Plan;

(d) lay down guidelines to be followed by the State Authorities in drawing up the State Plan;

(e) lay down guidelines to be followed by the different Ministries or Departments of the Government of India for the purpose of integrating the measures for prevention of disaster or the mitigation of its effects in their development plans and projects;

(f) coordinate the enforcement and implementation of the policy and plan for disaster management;

(g) recommend provision of funds for the purpose of mitigation;

(h) provide such support to other countries affected by major disasters as may be determined by the Central Government;

(i) take such other measures for the prevention of disaster, or the mitigation, or preparedness and capacity building for dealing with the threatening disaster situation or disaster as it may consider necessary;

(j) lay down broad policies and guidelines for the functioning of the National Institute of Disaster Management.

(3) The Chairperson of the National Authority shall, in the case of emergency, have power to exercise all or any of the powers of the National Authority but exercise of such powers shall be subject to *ex post facto* ratification by the National Authority.

**7. Constitution of advisory committee by National Authority.**—(1) The National Authority may constitute an advisory committee consisting of experts in the field of disaster management and having practical experience of disaster management at the national, State or district level to make recommendations on different aspects of disaster management.

(2) The members of the advisory committee shall be paid such allowances as may be prescribed by the Central Government in consultation with the National Authority.

**8. Constitution of National Executive Committee.**—(1) The Central Government shall, immediately after issue of notification under sub-section (1) of section 3, constitute a National Executive Committee to assist the National Authority in the performance of its functions under this Act.

(2) The National Executive Committee shall consist of the following members, namely:—

(a) the Secretary to the Government of India in charge of the Ministry or Department of the Central Government having administrative control of the disaster management, who shall be Chairperson, *ex officio*;

(b) the Secretaries to the Government of India in the Ministries or Departments having administrative control of the agriculture, atomic energy, defence, drinking water supply, environment and forests, finance (expenditure), health, power, rural development, science and technology, space, telecommunication, urban development, water resources and the Chief of the Integrated Defence Staff of the Chiefs of Staff Committee, *ex officio*.

(3) The Chairperson of the National Executive Committee may invite any other officer of the Central Government or a State Government for taking part in any meeting of the National Executive Committee and shall exercise such powers and perform such functions as may be prescribed by the Central Government in consultation with the National Authority.

(4) The procedure to be followed by the National Executive Committee in exercise of its powers and discharge of its functions shall be such as may be prescribed by the Central Government.

**9. Constitution of sub-committees.**—(1) The National Executive Committee may, as and when it considers necessary, constitute one or more sub-committees, for the efficient discharge of its functions.

(2) The National Executive Committee shall, from amongst its members, appoint the Chairperson of the sub-committee referred to in sub-section (1).

(3) Any person associated as an expert with any sub-committee may be paid such allowances as may be prescribed by the Central Government.

**10. Powers and functions of National Executive Committee.**—(1) The National Executive Committee shall assist the National Authority in the discharge of its functions and have the responsibility for implementing the policies and plans of the National Authority and ensure the compliance of directions issued by the Central Government for the purpose of disaster management in the country.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the National Executive Committee may—

(a) act as the coordinating and monitoring body for disaster management;

(b) prepare the National Plan to be approved by the National Authority;

(c) coordinate and monitor the implementation of the National Policy;

(d) lay down guidelines for preparing disaster management plans by different Ministries or Departments of the Government of India and the State Authorities;

(e) provide necessary technical assistance to the State Governments and the State Authorities for preparing their disaster management plans in accordance with the guidelines laid down by the National Authority;

(f) monitor the implementation of the National Plan and the plans prepared by the Ministries or Departments of the Government of India;

(g) monitor the implementation of the guidelines laid down by the National Authority for integrating of measures for prevention of disasters and mitigation by the Ministries or Departments in their development plans and projects;

(h) monitor, coordinate and give directions regarding the mitigation and preparedness measures to be taken by different Ministries or Departments and agencies of the Government;

(i) evaluate the preparedness at all governmental levels for the purpose of responding to any threatening disaster situation or disaster and give directions, where necessary, for enhancing such preparedness;

(j) plan and coordinate specialised training programme for disaster management for different levels of officers, employees and voluntary rescue workers;

(k) coordinate response in the event of any threatening disaster situation or disaster;

(l) lay down guidelines for, or give directions to, the concerned Ministries or Departments of the Government of India, the State Governments and the State Authorities regarding measures to be taken by them in response to any threatening disaster situation or disaster;

(m) require any department or agency of the Government to make available to the National Authority or State Authorities such men or material resources as are available with it for the purposes of emergency response, rescue and relief;

(n) advise, assist and coordinate the activities of the Ministries or Departments of the Government of India, State Authorities, statutory bodies, other governmental or non-governmental organisations and others engaged in disaster management;

(o) provide necessary technical assistance or give advice to the State Authorities and District Authorities for carrying out their functions under this Act;

(p) promote general education and awareness in relation to disaster management; and

(q) perform such other functions as the National Authority may require it to perform.

**11. National Plan.**—(1) There shall be drawn up a plan for disaster management for the whole of the country to be called the National Plan.

(2) The National Plan shall be prepared by the National Executive Committee having regard to the National Policy and in consultation with the State Governments and expert bodies or organisations in the field of disaster management to be approved by the National Authority.

(3) The National Plan shall include—

(a) measures to be taken for the prevention of disasters, or the mitigation of their effects;

(b) measures to be taken for the integration of mitigation measures in the development plans;

(c) measures to be taken for preparedness and capacity building to effectively respond to any threatening disaster situations or disaster;

(d) roles and responsibilities of different Ministries or Departments of the Government of India in respect of measures specified in clauses (a), (b) and (c).

(4) The National Plan shall be reviewed and updated annually.

(5) Appropriate provisions shall be made by the Central Government for financing the measures to be carried out under the National Plan.

(6) Copies of the National Plan referred to in sub-sections (2) and (4) shall be made available to the Ministries or Departments of the Government of India and such Ministries or Departments shall draw up their own plans in accordance with the National Plan.

**12. Guidelines for minimum standards of relief.**—The National Authority shall recommend guidelines for the minimum standards of relief to be provided to persons affected by disaster, which shall include,—

(i) the minimum requirements to be provided in the relief camps in relation to shelter, food, drinking water, medical cover and sanitation;

(ii) the special provisions to be made for widows and orphans;

- (iii) *ex gratia* assistance on account of loss of life as also assistance on account of damage to houses and for restoration of means of livelihood;
- (iv) such other relief as may be necessary.

**13. Relief in loan repayment, etc.**—The National Authority may, in cases of disasters of severe magnitude, recommend relief in repayment of loans or for grant of fresh loans to the persons affected by disaster on such concessional terms as may be appropriate.

### CHAPTER III

#### STATE DISASTER MANAGEMENT AUTHORITIES

**14. Establishment of State Disaster Management Authority.**—(1) Every State Government shall, as soon as may be after the issue of the notification under sub-section (1) of section 3, by notification in the Official Gazette, establish a State Disaster Management Authority for the State with such name as may be specified in the notification of the State Government.

(2) A State Authority shall consist of the Chairperson and such number of other members, not exceeding nine, as may be prescribed by the State Government and, unless the rules otherwise provide, the State Authority shall consist of the following members, namely:—

(a) the Chief Minister of the State, who shall be Chairperson, *ex officio*;

(b) other members, not exceeding eight, to be nominated by the Chairperson of the State Authority;

(c) the Chairperson of the State Executive Committee, *ex officio*.

(3) The Chairperson of the State Authority may designate one of the members nominated under clause (b) of sub-section (2) to be the Vice-Chairperson of the State Authority.

(4) The Chairperson of the State Executive Committee shall be the Chief Executive Officer of the State Authority, *ex officio*:

Provided that in the case of a Union territory having Legislative Assembly, except the Union territory of Delhi, the Chief Minister shall be the Chairperson of the Authority established under this section and in case of other Union territories, the Lieutenant Governor or the Administrator shall be the Chairperson of that Authority:

Provided further that the Lieutenant Governor of the Union territory of Delhi shall be the Chairperson and the Chief Minister thereof shall be the Vice-Chairperson of the State Authority.

(5) The term of office and conditions of service of members of the State Authority shall be such as may be prescribed.

**15. Meetings of the State Authority.**—(1) The State Authority shall meet as and when necessary and at such time and place as the Chairperson of the State Authority may think fit.

(2) The Chairperson of the State Authority shall preside over the meetings of the State Authority.

(3) If for any reason, the Chairperson of the State Authority is unable to attend the meeting of the State Authority, the Vice-Chairperson of the State Authority shall preside at the meeting.

**16. Appointment of officers and other employees of State Authority.**—The State Government shall provide the State Authority with such officers, consultants and employees, as it considers necessary, for carrying out the functions of the State Authority.

**17. Constitution of advisory committee by the State Authority.**—(1) A State Authority may, as and when it considers necessary, constitute an advisory committee, consisting of experts in the field of disaster management and having practical experience of disaster management to make recommendations on different aspects of disaster management.

(2) The members of the advisory committee shall be paid such allowances as may be prescribed by the State Government.

**18. Powers and functions of State Authority.**—(1) Subject to the provisions of this Act, a State Authority shall have the responsibility for laying down policies and plans for disaster management in the State.

(2) Without prejudice to the generality of provisions contained in sub-section (1), the State Authority may—

- (a) lay down the State disaster management policy;
- (b) approve the State Plan in accordance with the guidelines laid down by the National Authority;
- (c) approve the disaster management plans prepared by the departments of the Government of the State;
- (d) lay down guidelines to be followed by the departments of the Government of the State for the purposes of integration of measures for prevention of disasters and mitigation in their development plans and projects and provide necessary technical assistance therefor;
- (e) coordinate the implementation of the State Plan;
- (f) recommend provision of funds for mitigation and preparedness measures;
- (g) review the development plans of the different departments of the State and ensure that prevention and mitigation measures are integrated therein;
- (h) review the measures being taken for mitigation, capacity building and preparedness by the departments of the Government of the State and issue such guidelines as may be necessary.

(3) The Chairperson of the State Authority shall, in the case of emergency, have power to exercise all or any of the powers of the State Authority but the exercise of such powers shall be subject to *ex post facto* ratification of the State Authority.

**19. Guidelines for minimum standard of relief by State Authority.**—The State Authority shall lay down detailed guidelines for providing standards of relief to persons affected by disaster in the State:

Provided that such standards shall in no case be less than the minimum standards in the guidelines laid down by the National Authority in this regard.

**20. Constitution of State Executive Committee.**—(1) The State Government shall, immediately after issue of notification under sub-section (1) of section 14, constitute a State Executive Committee to assist the State Authority in the performance of its functions and to coordinate action in accordance with the guidelines laid down by the State Authority and ensure the compliance of directions issued by the State Government under this Act.

(2) The State Executive Committee shall consist of the following members, namely:—

- (a) the Chief Secretary to the State Government, who shall be Chairperson, *ex officio*;
- (b) four Secretaries to the Government of the State of such departments as the State Government may think fit, *ex officio*.

(3) The Chairperson of the State Executive Committee shall exercise such powers and perform such functions as may be prescribed by the State Government and such other powers and functions as may be delegated to him by the State Authority.

(4) The procedure to be followed by the State Executive Committee in exercise of its powers and discharge of its functions shall be such as may be prescribed by the State Government.

**21. Constitution of sub-committees by State Executive Committee.**—(1) The State Executive Committee may, as and when it considers necessary, constitute one or more sub-committees, for efficient discharge of its functions.

(2) The State Executive Committee shall, from amongst its members, appoint the Chairperson of the sub-committee referred to in sub-section (1).

(3) Any person associated as an expert with any sub-committee may be paid such allowances as may be prescribed by the State Government.

**22. Functions of the State Executive Committee.**—(1) The State Executive Committee shall have the responsibility for implementing the National Plan and State Plan and act as the coordinating and monitoring body for management of disaster in the State.

(2) Without prejudice to the generality of the provisions of sub-section (1), the State Executive Committee may—

(a) coordinate and monitor the implementation of the National Policy, the National Plan and the State Plan;

(b) examine the vulnerability of different parts of the State to different forms of disasters and specify measures to be taken for their prevention or mitigation;

(c) lay down guidelines for preparation of disaster management plans by the departments of the Government of the State and the District Authorities;

(d) monitor the implementation of disaster management plans prepared by the departments of the Government of the State and District Authorities;

(e) monitor the implementation of the guidelines laid down by the State Authority for integrating of measures for prevention of disasters and mitigation by the departments in their development plans and projects;

(f) evaluate preparedness at all governmental or non-governmental levels to respond to any threatening disaster situation or disaster and give directions, where necessary, for enhancing such preparedness;

(g) coordinate response in the event of any threatening disaster situation or disaster;

(h) give directions to any Department of the Government of the State or any other authority or body in the State regarding actions to be taken in response to any threatening disaster situation or disaster;

(i) promote general education, awareness and community training in regard to the forms of disasters to which different parts of the State are vulnerable and the measures that may be taken by such community to prevent the disaster, mitigate and respond to such disaster;

(j) advise, assist and coordinate the activities of the Departments of the Government of the State, District Authorities, statutory bodies and other governmental and non-governmental organisations engaged in disaster management;

(k) provide necessary technical assistance or give advice to District Authorities and local authorities for carrying out their functions effectively;

(l) advise the State Government regarding all financial matters in relation to disaster management;

(m) examine the construction, in any local area in the State and, if it is of the opinion that the standards laid for such construction for the prevention of disaster is not being or has not been followed, may direct the District Authority or the local authority, as the case may be, to take such action as may be necessary to secure compliance of such standards;

(n) provide information to the National Authority relating to different aspects of disaster management;

(o) lay down, review and update State level response plans and guidelines and ensure that the district level plans are prepared, reviewed and updated;

(p) ensure that communication systems are in order and the disaster management drills are carried out periodically;

(q) perform such other functions as may be assigned to it by the State Authority or as it may consider necessary.

**23. State Plan.**—(1) There shall be a plan for disaster management for every State to be called the State Disaster Management Plan.

(2) The State Plan shall be prepared by the State Executive Committee having regard to the guidelines laid down by the National Authority and after such consultation with local authorities, district authorities and the people's representatives as the State Executive Committee may deem fit.

(3) The State Plan prepared by the State Executive Committee under sub-section (2) shall be approved by the State Authority.

(4) The State Plan shall include,—

(a) the vulnerability of different parts of the State to different forms of disasters;

(b) the measures to be adopted for prevention and mitigation of disasters;

(c) the manner in which the mitigation measures shall be integrated with the development plans and projects;

(d) the capacity-building and preparedness measures to be taken;

(e) the roles and responsibilities of each Department of the Government of the State in relation to the measures specified in clauses (b), (c) and (d) above;

(f) the roles and responsibilities of different Departments of the Government of the State in responding to any threatening disaster situation or disaster.

(5) The State Plan shall be reviewed and updated annually.

(6) Appropriate provisions shall be made by the State Government for financing for the measures to be carried out under the State Plan.

(7) Copies of the State Plan referred to in sub-sections (2) and (5) shall be made available to the Departments of the Government of the State and such Departments shall draw up their own plans in accordance with the State Plan.

**24. Powers and functions of State Executive Committee in the event of threatening disaster situation.**—For the purpose of, assisting and protecting the community affected by disaster or providing relief to such community or, preventing or combating disruption or dealing with the effects of any threatening disaster situation, the State Executive Committee may—

(a) control and restrict, vehicular traffic to, from or within, the vulnerable or affected area;

(b) control and restrict the entry of any person into, his movement within and departure from, a vulnerable or affected area;

(c) remove debris, conduct search and carry out rescue operations;

(d) provide shelter, food, drinking water, essential provisions, healthcare and services in accordance with the standards laid down by the National Authority and State Authority;

(e) give direction to the concerned Department of the Government of the State, any District Authority or other authority, within the local limits of the State to take such measure or steps for rescue, evacuation or providing immediate relief saving lives or property, as may be necessary in its opinion;

(f) require any department of the Government of the State or any other body or authority or person in charge of any relevant resources to make available the resources for the purposes of emergency response, rescue and relief;

(g) require experts and consultants in the field of disasters to provide advice and assistance for rescue and relief;

(h) procure exclusive or preferential use of amenities from any authority or person as and when required;

- (i) construct temporary bridges or other necessary structures and demolish unsafe structures which may be hazardous to public;
- (j) ensure that non-governmental organisations carry out their activities in an equitable and non-discriminatory manner;
- (k) disseminate information to public to deal with any threatening disaster situation or disaster;
- (l) take such steps as the Central Government or the State Government may direct in this regard or take such other steps as are required or warranted by the form of any threatening disaster situation or disaster.

## CHAPTER IV

### DISTRICT DISASTER MANAGEMENT AUTHORITY

**25. Constitution of District Disaster Management Authority.**—(1) Every State Government shall, as soon as may be after issue of notification under sub-section (1) of section 14, by notification in the Official Gazette, establish a District Disaster Management Authority for every district in the State with such name as may be specified in that notification.

(2) The District Authority shall consist of the Chairperson and such number of other members, not exceeding seven, as may be prescribed by the State Government, and unless the rules otherwise provide, it shall consist of the following, namely:—

(a) the Collector or District Magistrate or Deputy Commissioner, as the case may be, of the district who shall be Chairperson, *ex officio*;

(b) the elected representative of the local authority who shall be the co-Chairperson, *ex officio*:

Provided that in the Tribal Areas, as referred to in the Sixth Schedule to the Constitution, the Chief Executive Member of the district council of autonomous district, shall be the co-Chairperson, *ex officio*;

(c) the Chief Executive Officer of the District Authority, *ex officio*;

(d) the Superintendent of Police, *ex officio*;

(e) the Chief Medical Officer of the district, *ex officio*;

(f) not exceeding two other district level officers, to be appointed by the State Government.

(3) In any district where zila parishad exists, the Chairperson thereof shall be the co-Chairperson of the District Authority.

(4) The State Government shall appoint an officer not below the rank of Additional Collector or Additional District Magistrate or Additional Deputy Commissioner, as the case may be, of the district to be the Chief Executive Officer of the District Authority to exercise such powers and perform such functions as may be prescribed by the State Government and such other powers and functions as may be delegated to him by the District Authority.

**26. Powers of Chairperson of District Authority.**—(1) The Chairperson of the District Authority shall, in addition to presiding over the meetings of the District Authority, exercise and discharge such powers and functions of the District Authority as the District Authority may delegate to him.

(2) The Chairperson of the District Authority shall, in the case of an emergency, have power to exercise all or any of the powers of the District Authority but the exercise of such powers shall be subject to *ex post facto* ratification of the District Authority.

(3) The District Authority or the Chairperson of the District Authority may, by general or special order, in writing, delegate such of its or his powers and functions, under sub-section (1) or (2), as the case may be, to the Chief Executive Officer of the District Authority, subject to such conditions and limitations, if any, as it or he deems fit.

**27. Meetings.**—The District Authority shall meet as and when necessary and at such time and place as the Chairperson may think fit.

**28. Constitution of advisory committees and other committees.**—(1) The District Authority may, as and when it considers necessary, constitute one or more advisory committees and other committees for the efficient discharge of its functions.

(2) The District Authority shall, from amongst its members, appoint the Chairperson of the Committee referred to in sub-section (1).

(3) Any person associated as an expert with any committee or sub-committee constituted under sub-section (1) may be paid such allowances as may be prescribed by the State Government.

**29. Appointment of officers and other employees of District Authority.**—The State Government shall provide the District Authority with such officers, consultants and other employees as it considers necessary for carrying out the functions of District Authority.

**30. Powers and functions of District Authority.**—(1) The District Authority shall act as the district planning, coordinating and implementing body for disaster management and take all measures for the purposes of disaster management in the district in accordance with the guidelines laid down by the National Authority and the State Authority.

(2) Without prejudice to the generality of the provisions of sub-section (1), the District Authority may—

(i) prepare a disaster management plan including district response plan for the district;

(ii) coordinate and monitor the implementation of the National Policy, State Policy, National Plan, State Plan and District Plan;

(iii) ensure that the areas in the district vulnerable to disasters are identified and measures for the prevention of disasters and the mitigation of its effects are undertaken by the departments of the Government at the district level as well as by the local authorities;

(iv) ensure that the guidelines for prevention of disasters, mitigation of its effects, preparedness and response measures as laid down by the National Authority and the State Authority are followed by all departments of the Government at the district level and the local authorities in the district;

(v) give directions to different authorities at the district level and local authorities to take such other measures for the prevention or mitigation of disasters as may be necessary;

(vi) lay down guidelines for prevention of disaster management plans by the department of the Government at the districts level and local authorities in the district;

(vii) monitor the implementation of disaster management plans prepared by the Departments of the Government at the district level;

(viii) lay down guidelines to be followed by the Departments of the Government at the district level for purposes of integration of measures for prevention of disasters and mitigation in their development plans and projects and provide necessary technical assistance therefor;

(ix) monitor the implementation of measures referred to in clause (viii);

(x) review the state of capabilities for responding to any disaster or threatening disaster situation in the district and give directions to the relevant departments or authorities at the district level for their up gradation as may be necessary;

(xi) review the preparedness measures and give directions to the concerned departments at the district level or other concerned authorities where necessary for bringing the preparedness measures to the levels required for responding effectively to any disaster or threatening disaster situation;

(xii) organise and coordinate specialised training programmes for different levels of officers, employees and voluntary rescue workers in the district;

(xiii) facilitate community training and awareness programmes for prevention of disaster or mitigation with the support of local authorities, governmental and non-governmental organisations;

- (xiv) set up, maintain, review and upgrade the mechanism for early warnings and dissemination of proper information to public;
- (xv) prepare, review and update district level response plan and guidelines;
- (xvi) coordinate response to any threatening disaster situation or disaster;
- (xvii) ensure that the Departments of the Government at the district level and the local authorities prepare their response plans in accordance with the district response plan;
- (xviii) lay down guidelines for, or give direction to, the concerned Department of the Government at the district level or any other authorities within the local limits of the district to take measures to respond effectively to any threatening disaster situation or disaster;
- (xix) advise, assist and coordinate the activities of the Departments of the Government at the district level, statutory bodies and other governmental and non-governmental organisations in the district engaged in the disaster management;
- (xx) coordinate with, and give guidelines to, local authorities in the district to ensure that measures for the prevention or mitigation of threatening disaster situation or disaster in the district are carried out promptly and effectively;
- (xi) provide necessary technical assistance or give advise to the local authorities in the district for carrying out their functions;
- (xxii) review development plans prepared by the Departments of the Government at the district level, statutory authorities or local authorities with a view to make necessary provisions therein for prevention of disaster or mitigation;
- (xxiii) examine the construction in any area in the district and, if it is of the opinion that the standards for the prevention of disaster or mitigation laid down for such construction is not being or has not been followed, may direct the concerned authority to take such action as may be necessary to secure compliance of such standards;
- (xxiv) identify buildings and places which could, in the event of any threatening disaster situation or disaster, be used as relief centers or camps and make arrangements for water supply and sanitation in such buildings or places;
- (xxv) establish stockpiles of relief and rescue materials or ensure preparedness to make such materials available at a short notice;
- (xxvi) provide information to the State Authority relating to different aspects of disaster management;
- (xxvii) encourage the involvement of non-governmental organisations and voluntary social-welfare institutions working at the grassroots level in the district for disaster management;
- (xxviii) ensure communication systems are in order, and disaster management drills are carried out periodically;
- (xxix) perform such other functions as the State Government or State Authority may assign to it or as it deems necessary for disaster management in the District.

**31. District Plan.—(1)** There shall be a plan for disaster management for every district of the State.

(2) The District Plan shall be prepared by the District Authority, after consultation with the local authorities and having regard to the National Plan and the State Plan, to be approved by the State Authority.

(3) The District Plan shall include—

- (a) the areas in the district vulnerable to different forms of disasters;
- (b) the measures to be taken, for prevention and mitigation of disaster, by the Departments of the Government at the district level and local authorities in the district;

(c) the capacity-building and preparedness measures required to be taken by the Departments of the Government at the district level and the local authorities in the district to respond to any threatening disaster situation or disaster;

(d) the response plans and procedures, in the event of a disaster, providing for—

(i) allocation of responsibilities to the Departments of the Government at the district level and the local authorities in the district;

(ii) prompt response to disaster and relief thereof;

(iii) procurement of essential resources;

(iv) establishment of communication links; and

(v) the dissemination of information to the public;

(e) such other matters as may be required by the State Authority.

(4) The District Plan shall be reviewed and updated annually.

(5) The copies of the District Plan referred to in sub-sections (2) and (4) shall be made available to the Departments of the Government in the district.

(6) The District Authority shall send a copy of the District Plan to the State Authority which shall forward it to the State Government.

(7) The District Authority shall, review from time to time, the implementation of the Plan and issue such instructions to different departments of the Government in the district as it may deem necessary for the implementation thereof.

**32. Plans by different authorities at district level and their implementation.**—Every office of the Government of India and of the State Government at the district level and the local authorities shall, subject to the supervision of the District Authority,—

(a) prepare a disaster management plan setting out the following, namely:—

(i) provisions for prevention and mitigation measures as provided for in the District Plan and as is assigned to the department or agency concerned;

(ii) provisions for taking measures relating to capacity-building and preparedness as laid down in the District Plan;

(iii) the response plans and procedures, in the event of, any threatening disaster situation or disaster;

(b) coordinate the preparation and the implementation of its plan with those of the other organisations at the district level including local authority, communities and other stakeholders;

(c) regularly review and update the plan; and

(d) submit a copy of its disaster management plan, and of any amendment thereto, to the District Authority.

**33. Requisition by the District Authority.**—The District Authority may by order require any officer or any Department at the district level or any local authority to take such measures for the prevention or mitigation of disaster, or to effectively respond to it, as may be necessary, and such officer or department shall be bound to carry out such order.

**34. Powers and functions of District Authority in the event of any threatening disaster situation or disaster.**—For the purpose of assisting, protecting or providing relief to the community, in response to any threatening disaster situation or disaster, the District Authority may—

(a) give directions for the release and use of resources available with any Department of the Government and the local authority in the district;

(b) control and restrict vehicular traffic to, from and within, the vulnerable or affected area;

- (c) control and restrict the entry of any person into, his movement within and departure from, a vulnerable or affected area;
- (d) remove debris, conduct search and carry out rescue operations;
- (e) provide shelter, food, drinking water and essential provisions, healthcare and services;
- (f) establish emergency communication systems in the affected area;
- (g) make arrangements for the disposal of the unclaimed dead bodies;
- (h) recommend to any Department of the Government of the State or any authority or body under that Government at the district level to take such measures as are necessary in its opinion;
- (i) require experts and consultants in the relevant fields to advise and assist as it may deem necessary;
- (j) procure exclusive or preferential use of amenities from any authority or person;
- (k) construct temporary bridges or other necessary structures and demolish structures which may be hazardous to public or aggravate the effects of the disaster;
- (l) ensure that the non-governmental organisations carry out their activities in an equitable and non-discriminatory manner;
- (m) take such other steps as may be required or warranted to be taken in such a situation.

## CHAPTER V

### MEASURES BY THE GOVERNMENT FOR DISASTER MANAGEMENT

**35. Central Government to take measures.**—(1) Subject to the provisions of this Act, the Central Government shall take all such measures as it deems necessary or expedient for the purpose of disaster management.

(2) In particular and without prejudice to the generality of the provisions of sub-section (1), the measures which the Central Government may take under that sub-section include measures with respect to all or any of the following matters, namely:—

- (a) coordination of actions of the Ministries or Departments of the Government of India, State Governments, National Authority, State Authorities, governmental and non-governmental organisations in relation to disaster management;
- (b) ensure the integration of measures for prevention of disasters and mitigation by Ministries or Departments of the Government of India into their development plans and projects;
- (c) ensure appropriate allocation of funds for prevention of disaster, mitigation, capacity-building and preparedness by the Ministries or Departments of the Government of India;
- (d) ensure that the Ministries or Departments of the Government of India take necessary measures for preparedness to promptly and effectively respond to any threatening disaster situation or disaster;
- (e) cooperation and assistance to State Governments, as requested by them or otherwise deemed appropriate by it;
- (f) deployment of naval, military and air forces, other armed forces of the Union or any other civilian personnel as may be required for the purposes of this Act;
- (g) coordination with the United Nations agencies, international organisations and governments of foreign countries for the purposes of this Act;
- (h) establish institutions for research, training, and developmental programmes in the field of disaster management;
- (i) such other matters as it deems necessary or expedient for the purpose of securing effective implementation of the provisions of this Act.

(3) The Central Government may extend such support to other countries affected by major disaster as it may deem appropriate.

**36. Responsibilities of Ministries or Departments of Government of India.**—It shall be the responsibility of every Ministry or Department of the Government of India to—

- (a) take measures necessary for prevention of disasters, mitigation, preparedness and capacity-building in accordance with the guidelines laid down by the National Authority;
- (b) integrate into its development plans and projects, the measures for prevention or mitigation of disasters in accordance with the guidelines laid down by the National Authority;
- (c) respond effectively and promptly to any threatening disaster situation or disaster in accordance with the guidelines of the National Authority or the directions of the National Executive Committee in this behalf;
- (d) review the enactments administered by it, its policies, rules and regulations, with a view to incorporate therein the provisions necessary for prevention of disasters, mitigation or preparedness;
- (e) allocate funds for measures for prevention of disaster, mitigation, capacity-building and preparedness;
- (f) provide assistance to the National Authority and State Governments for—
  - (i) drawing up mitigation, preparedness and response plans, capacity-building, data collection and identification and training of personnel in relation to disaster management;
  - (ii) carrying out rescue and relief operations in the affected area;
  - (iii) assessing the damage from any disaster;
  - (iv) carrying out rehabilitation and reconstruction;
- (g) make available its resources to the National Executive Committee or a State Executive Committee for the purposes of responding promptly and effectively to any threatening disaster situation or disaster, including measures for—
  - (i) providing emergency communication in a vulnerable or affected area;
  - (ii) transporting personnel and relief goods to and from the affected area;
  - (iii) providing evacuation, rescue, temporary shelter or other immediate relief;
  - (iv) setting up temporary bridges, jetties and landing places;
  - (v) providing, drinking water, essential provisions, healthcare, and services in an affected area;
- (h) take such other actions as it may consider necessary for disaster management.

**37. Disaster management plans of Ministries or Departments of Government of India.**—(1) Every Ministry or Department of the Government of India shall—

- (a) prepare a disaster management plan specifying the following particulars, namely:—
  - (i) the measures to be taken by it for prevention and mitigation of disasters in accordance with the National Plan;
  - (ii) the specifications regarding integration of mitigation measures in its development plans in accordance with the guidelines of the National Authority and the National Executive Committee;
  - (iii) its roles and responsibilities in relation to preparedness and capacity-building to deal with any threatening disaster situation or disaster;
  - (iv) its roles and responsibilities in regard to promptly and effectively responding to any threatening disaster situation or disaster;

(v) the present status of its preparedness to perform the roles and responsibilities specified in sub-clauses (iii) and (iv);

(vi) the measures required to be taken in order to enable it to perform its responsibilities specified in sub-clauses (iii) and (iv);

(b) review and update annually the plan referred to in clause (a);

(c) forward a copy of the plan referred to in clause (a) or clause (b), as the case may be, to the Central Government which Government shall forward a copy thereof to the National Authority for its approval.

(2) Every Ministry or Department of the Government of India shall—

(a) make, while preparing disaster management plan under clause (a) of sub-section (I), provisions for financing the activities specified therein;

(b) furnish a status report regarding the implementation of the plan referred to in clause (a) of sub-section (I) to the National Authority, as and when required by it.

**38. State Government to take measures.**—(1) Subject to the provisions of this Act, each State Government shall take all measures specified in the guidelines laid down by the National Authority and such further measures as it deems necessary or expedient, for the purpose of disaster management.

(2) The measures which the State Government may take under sub-section (1) include measures with respect to all or any of the following matters, namely:—

(a) coordination of actions of different departments of the Government of the State, the State Authority, District Authorities, local authority and other non-governmental organisations;

(b) cooperation and assistance in the disaster management to the National Authority and National Executive Committee, the State Authority and the State Executive Committee, and the District Authorities;

(c) cooperation with, and assistance to, the Ministries or Departments of the Government of India in disaster management, as requested by them or otherwise deemed appropriate by it;

(d) allocation of funds for measures for prevention of disaster, mitigation, capacity-building and preparedness by the departments of the Government of the State in accordance with the provisions of the State Plan and the District Plans;

(e) ensure that the integration of measures for prevention of disaster or mitigation by the departments of the Government of the State in their development plans and projects;

(f) integrate in the State development plan, measures to reduce or mitigate the vulnerability of different parts of the State to different disasters;

(g) ensure the preparation of disaster management plans by different departments of the State in accordance with the guidelines laid down by the National Authority and the State Authority;

(h) establishment of adequate warning systems up to the level of vulnerable communities;

(i) ensure that different departments of the Government of the State and the District Authorities take appropriate preparedness measures;

(j) ensure that in a threatening disaster situation or disaster, the resources of different departments of the Government of the State are made available to the National Executive Committee or the State Executive Committee or the District Authorities, as the case may be, for the purposes of effective response, rescue and relief in any threatening disaster situation or disaster;

(k) provide rehabilitation and reconstruction assistance to the victims of any disaster; and

(l) such other matters as it deems necessary or expedient for the purpose of securing effective implementation of provisions of this Act.

**39. Responsibilities of departments of the State Government.**—It shall be the responsibility of every department of the Government of a State to—

- (a) take measures necessary for prevention of disasters, mitigation, preparedness and capacity-building in accordance with the guidelines laid down by the National Authority and the State Authority;
- (b) integrate into its development plans and projects, the measures for prevention of disaster and mitigation;
- (c) allocate funds for prevention of disaster, mitigation, capacity-building and preparedness;
- (d) respond effectively and promptly to any threatening disaster situation or disaster in accordance with the State Plan, and in accordance with the guidelines or directions of the National Executive Committee and the State Executive Committee;
- (e) review the enactments administered by it, its policies, rules and regulations with a view to incorporate therein the provisions necessary for prevention of disasters, mitigation or preparedness;
- (f) provide assistance, as required, by the National Executive Committee, the State Executive Committee and District Authorities, for—
  - (i) drawing up mitigation, preparedness and response plans, capacity-building, data collection and identification and training of personnel in relation to disaster management;
  - (ii) assessing the damage from any disaster;
  - (iii) carrying out rehabilitation and reconstruction;
- (g) make provision for resources in consultation with the State Authority for the implementation of the District Plan by its authorities at the district level;
- (h) make available its resources to the National Executive Committee or the State Executive Committee or the District Authorities for the purposes of responding promptly and effectively to any disaster in the State, including measures for—
  - (i) providing emergency communication with a vulnerable or affected area;
  - (ii) transporting personnel and relief goods to and from the affected area;
  - (iii) providing evacuation, rescue, temporary shelter or other immediate relief;
  - (iv) carrying out evacuation of persons or live-stock from an area of any threatening disaster situation or disaster;
  - (v) setting up temporary bridges, jetties and landing places;
  - (vi) providing drinking water, essential provisions, healthcare and services in an affected area;
- (i) such other actions as may be necessary for disaster management.

**40. Disaster management plan of departments of State.**—(1) Every department of the State Government, in conformity with the guidelines laid down by the State Authority, shall—

- (a) prepare a disaster management plan which shall lay down the following :—
  - (i) the types of disasters to which different parts of the State are vulnerable;
  - (ii) integration of strategies for the prevention of disaster or the mitigation of its effects or both with the development plans and programmes by the department;
  - (iii) the roles and responsibilities of the department of the State in the event of any threatening disaster situation or disaster and emergency support function it is required to perform;
  - (iv) present status of its preparedness to perform such roles or responsibilities or emergency support function under sub-clause (iii);

- (v) the capacity-building and preparedness measures proposed to be put into effect in order to enable the Ministries or Departments of the Government of India to discharge their responsibilities under section 37;
  - (b) annually review and update the plan referred to in clause (a); and
  - (c) furnish a copy of the plan referred to in clause (a) or clause (b), as the case may be, to the State Authority.
- (2) Every department of the State Government, while preparing the plan under sub-section (1), shall make provisions for financing the activities specified therein.
- (3) Every department of the State Government shall furnish an implementation status report to the State Executive Committee regarding the implementation of the disaster management plan referred to in sub-section (1).

## CHAPTER VI

### LOCAL AUTHORITIES

**41. Functions of the local authority.**—(1) Subject to the directions of the District Authority, a local authority shall—

- (a) ensure that its officers and employees are trained for disaster management;
  - (b) ensure that resources relating to disaster management are so maintained as to be readily available for use in the event of any threatening disaster situation or disaster;
  - (c) ensure all construction projects under it or within its jurisdiction conform to the standards and specifications laid down for prevention of disasters and mitigation by the National Authority, State Authority and the District Authority;
  - (d) carry out relief, rehabilitation and reconstruction activities in the affected area in accordance with the State Plan and the District Plan.
- (2) The local authority may take such other measures as may be necessary for the disaster management.

## CHAPTER VII

### NATIONAL INSTITUTE OF DISASTER MANAGEMENT

**42. National Institute of Disaster Management.**—(1) With effect from such date as the Central Government may, by notification in the Official Gazette appoint in this behalf, there shall be constituted an institute to be called the National Institute of Disaster Management.

- (2) The National Institute of Disaster Management shall consist of such number of members as may be prescribed by the Central Government.
- (3) The term of office of, and vacancies among, members of the National Institute of Disaster Management and manner of filling such vacancies shall be such as may be prescribed.
- (4) There shall be a governing body of the National Institute of Disaster Management which shall be constituted by the Central Government from amongst the members of the National Institute of Disaster Management in such manner as may be prescribed.
- (5) The governing body of the National Institute of Disaster Management shall exercise such powers and discharge such functions as may be prescribed by regulations.
- (6) The procedure to be followed in exercise of its powers and discharge of its functions by the governing body, and the term of office of, and the manner of filling vacancies among the members of the governing body, shall be such as may be prescribed by regulations.
- (7) Until the regulations are made under this section, the Central Government may make such regulations; and any regulation so made may be altered or rescinded by the National Institute of Disaster Management in exercise of its powers.

(8) Subject to the provisions of this Act, the National Institute of Disaster Management shall function within the broad policies and guidelines laid down by the National Authority and be responsible for planning and promoting training and research in the area of disaster management, documentation and development of national level information base relating to disaster management policies, prevention mechanisms and mitigation measures.

(9) Without prejudice to the generality of the provisions contained in sub-section (8), the National Institute, for the discharge of its functions, may—

- (a) develop training modules, undertake research and documentation in disaster management and organise training programmes;
- (b) formulate and implement a comprehensive human resource development plan covering all aspects of disaster management;
- (c) provide assistance in national level policy formulation;
- (d) provide required assistance to the training and research institutes for development of training and research programmes for stakeholders including Government functionaries and undertake training of faculty members of the State level training institutes;
- (e) provide assistance to the State Governments and State training institutes in the formulation of State level policies, strategies, disaster management framework and any other assistance as may be required by the State Governments or State training institutes for capacity-building of stakeholders, Government including its functionaries, civil society members, corporate sector and people's elected representatives;
- (f) develop educational materials for disaster management including academic and professional courses;
- (g) promote awareness among stakeholders including college or school teachers and students, technical personnel and others associated with multi-hazard mitigation, preparedness and response measures;
- (h) undertake, Organise and facilitate study courses, conferences, lectures, seminars within and outside the country to promote the aforesaid objects;
- (i) undertake and provide for publication of journals, research papers and books and establish and maintain libraries in furtherance of the aforesaid objects;
- (j) do all such other lawful things as are conducive or incidental to the attainment of the above objects; and
- (k) undertake any other function as may be assigned to it by the Central Government.

**43. Officers and other employees of the National Institute.**—The Central Government shall provide the National Institute of Disaster Management with such officers, consultants and other employees, as it considers necessary, for carrying out its functions.

## CHAPTER VIII

### NATIONAL DISASTER RESPONSE FORCE

**44. National Disaster Response Force.**—(1) There shall be constituted a National Disaster Response Force for the purpose of specialist response to a threatening disaster situation or disaster.

(2) Subject to the provisions of this Act, the Force shall be constituted in such manner and, the conditions of service of the members of the Force, including disciplinary provisions therefore, be such as may be prescribed.

**45. Control, direction, etc.**—The general superintendence, direction and control of the Force shall be vested and exercised by the National Authority and the command and supervision of the Force shall vest in an officer to be appointed by the Central Government as the Director General of the National Disaster Response Force.

CHAPTER IX  
FINANCE, ACCOUNTS AND AUDIT

**46. National Disaster Response Fund.**—(1) The Central Government may, by notification in the Official Gazette, constitute a fund to be called the National Disaster Response Fund for meeting any threatening disaster situation or disaster 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;
- (b) any grants that may be made by any person or institution for the purpose of disaster management.

(2) The National Disaster Response Fund shall be made available to the National Executive Committee to be applied towards meeting the expenses for emergency response, relief and rehabilitation in accordance with the guidelines laid down by the Central Government in consultation with the National Authority.

**47. National Disaster Mitigation Fund.**—(1) The Central Government may, by notification in the Official Gazette, constitute a Fund to be called the National Disaster Mitigation Fund for projects exclusively for the purpose of mitigation and there shall be credited thereto such amount which the Central Government may, after due appropriation made by Parliament by law in this behalf, provide.

- (2) The National Disaster Mitigation Fund shall be applied by the National Authority.

**48. Establishment of funds by State Government.**—(1) The State Government shall, immediately after notifications issued for constituting the State Authority and the District Authorities, establish for the purposes of this Act the following funds, namely:—

- (a) the fund to be called the State Disaster Response Fund;
- (b) the fund to be called the District Disaster Response Fund;
- (c) the fund to be called the State Disaster Mitigation Fund;
- (d) the fund to be called the District Disaster Mitigation Fund.

- (2) The State Government shall ensure that the funds established—

- (i) under clause (a) of sub-section (1) is available to the State Executive Committee;
  - (ii) under sub-clause (c) of sub-section (1) is available to the State Authority;
  - (iii) under clauses (b) and (d) of sub-section (1) are available to the District Authority.

**49. Allocation of funds by Ministries and Departments.**—(1) Every Ministry or Department of the Government of India shall make provisions, in its annual budget, for funds for the purposes of carrying out the activities and programmes set out in its disaster management plan.

(2) The provisions of sub-section (1) shall, *mutatis mutandis*, apply to departments of the Government of the State.

**50. Emergency procurement and accounting.**—Where by reason of any threatening disaster situation or disaster, the National Authority or the State Authority or the District Authority is satisfied that immediate procurement of provisions or materials or the immediate application of resources are necessary for rescue or relief,—

- (a) it may authorise the concerned department or authority to make the emergency procurement and in such case, the standard procedure requiring inviting of tenders shall be deemed to be waived;
- (b) a certificate about utilisation of provisions or materials by the controlling officer authorised by the National Authority, State Authority or District Authority, as the case may be, shall be deemed to be a valid document or voucher for the purpose of accounting of emergency, procurement of such provisions or materials.

CHAPTER X  
OFFENCES AND PENALTIES

**51. Punishment for obstruction, etc.**—Whoever, without reasonable cause—

(a) obstructs any officer or employee of the Central Government or the State Government, or a person authorised by the National Authority or State Authority or District Authority in the discharge of his functions under this Act; or

(b) refuses to comply with any direction given by or on behalf of the Central Government or the State Government or the National Executive Committee or the State Executive Committee or the District Authority under this Act,

shall on conviction be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such obstruction or refusal to comply with directions results in loss of lives or imminent danger thereof, shall on conviction be punishable with imprisonment for a term which may extend to two years.

**52. Punishment for false claim.**—Whoever knowingly makes a claim which he knows or has reason to believe to be false for obtaining any relief, assistance, repair, reconstruction or other benefits consequent to disaster from any officer of the Central Government, the State Government, the National Authority, the State Authority or the District Authority, shall, on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

**53. Punishment for misappropriation of money or materials, etc.**—Whoever, being entrusted with any money or materials, or otherwise being, in custody of, or dominion over, any money or goods, meant for providing relief in any threatening disaster situation or disaster, misappropriates or appropriates for his own use or disposes of such money or materials or any part thereof or wilfully compels any other person so to do, shall on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

**54. Punishment for false warning.**—Whoever makes or circulates a false alarm or warning as to disaster or its severity or magnitude, leading to panic, shall on conviction, be punishable with imprisonment which may extend to one year or with fine.

**55. Offences by Departments of the Government.**—(1) Where an offence under this Act has been committed by any Department of the Government, the head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless 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 Department of the Government 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 officer, other than the head of the Department, such officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**56. Failure of officer in duty or his connivance at the contravention of the provisions of this Act.**—Any officer, on whom any duty has been imposed by or under this Act and who ceases or refuses to perform or withdraws himself from the duties of his office shall, unless he has obtained the express written permission of his official superior or has other lawful excuse for so doing, be punishable with imprisonment for a term which may extend to one year or with fine.

**57. Penalty for contravention of any order regarding requisitioning.**—If any person contravenes any order made under section 65, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

**58. Offence by companies.**—(1) Where an offence under this Act has been committed by a company or body corporate, 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 contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing 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 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 was 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 purpose 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.

**59. Previous sanction for prosecution.**—No prosecution for offences punishable under sections 55 and 56 shall be instituted except with the previous sanction of the Central Government or the State Government, as the case may be, or of any officer authorised in this behalf, by general or special order, by such Government.

**60. Cognizance of offences.**—No court shall take cognizance of an offence under this Act except on a complaint made by—

(a) the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised in this behalf by that Authority or Government, as the case may be; or

(b) any person who has given notice of not less than thirty days in the manner prescribed, of the alleged offence and his intention to make a complaint to the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised as aforesaid.

## CHAPTER XI

### MISCELLANEOUS

**61. Prohibition against discrimination.**—While providing compensation and relief to the victims of disaster, there shall be no discrimination on the ground of sex, caste, community, descent or religion.

**62. Power to issue direction by Central Government.**—Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the Central Government to issue direction in writing to the Ministries or Departments of the Government of India, or the National Executive Committee or the State Government, State Authority, State Executive Committee, statutory bodies or any of its officers or employees, as the case may be, to facilitate or assist in the disaster management and such Ministry or Department or Government or Authority, Executive Committee, statutory body, officer or employee shall be bound to comply with such direction.

**63. Powers to be made available for rescue operations.**—Any officer or authority of the Union or a State, when requested by the National Executive Committee, any State Executive Committee or District Authority or any person authorised by such Committee or Authority in this behalf, shall make available to that Committee or authority or person, such officers and employees as requested for, to perform any of the functions in connection with the prevention of disaster or mitigation or rescue or relief work.

**64. Making or amending rules, etc., in certain circumstances.**—Subject to the provisions of this Act, if it appears to the National Executive Committee, State Executive Committee or the District Authority, as the case may be, that provisions of any rule, regulation, notification, guideline, instruction, order, scheme or bye-laws, as the case may be, are required to be made or amended for the purposes of prevention of disasters or the mitigation thereof, it may require the amendment of such rules, regulation,

notification, guidelines, instruction, order, scheme or bye-laws, as the case may be, for that purpose, and the appropriate department or authority shall take necessary action to comply with the requirements.

**65. Power of requisition of resources, provisions, vehicles, etc., for rescue operations, etc.**—(1) If it appears to the National Executive Committee, State Executive Committee or District Authority or any officer as may be authorised by it in this behalf that—

- (a) any resources with any authority or person are needed for the purpose of prompt response;
- (b) any premises are needed or likely to be needed for the purpose of rescue operations; or
- (c) any vehicle is needed or is likely to be needed for the purposes of transport of resources from disaster affected areas or transport of resources to the affected area or transport in connection with rescue, rehabilitation or reconstruction,

such authority may, by order in writing, requisition such resources or premises or such vehicle, as the case may be, and may make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning.

(2) Whenever any resource, premises or vehicle is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such resource, premises or vehicle is required for any of the purposes mentioned in that sub-section.

(3) In this section,—

- (a) “resources” includes men and material resources;
- (b) “services” includes facilities;
- (c) “premises” means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;
- (d) “vehicle” means any vehicle used or capable of being used for the purpose of transport, whether propelled by mechanical power or otherwise.

**66. Payment of compensation.**—(1) Whenever any Committee, Authority or officer referred to in sub-section (1) of section 65, in pursuance of that section requisitions any premises, there shall be paid to the persons interested compensation the amount of which shall be determined by taking into consideration the following, namely:—

- (i) the rent payable in respect of the premises, or if no rent is so payable, the rent payable for similar premises in the locality;
- (ii) if as consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change:

Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application within the thirty days to the Central Government or the State Government, as the case may be, for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Central Government or the State Government, as the case may be, may determine:

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the Central Government or the State Government, as the case may be, to an arbitrator appointed in this behalf by the Central Government or the State Government, as the case may be, for determination, and shall be determined in accordance with the decision of such arbitrator.

*Explanation.*—In this sub-section, the expression “person interested” means the person who was in actual possession of the premises requisitioned under section 65 immediately before the requisition, or where no person was in such actual possession, the owner of such premises.

(2) Whenever any Committee, Authority or officer, referred to in sub-section (1) of section 65 in pursuance of that section requisitions any vehicle, there shall be paid to the owner thereof compensation the amount of which shall be determined by the Central Government or the State Government, as the case may be, on the basis of the fares or rates prevailing in the locality for the hire of such vehicle:

Provided that where the owner of such vehicle being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the Central Government or the State Government, as the case may be, for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Central Government or the State Government, as the case may be, may determine:

Provided further that where immediately before the requisitioning the vehicle or vessel was by virtue of a hire purchase agreement in the possession of a person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the Central Government or the State Government, as the case may be, in this behalf may decide.

**67. Direction to media for communication of warnings, etc.**—The National Authority, the State Authority, or a District Authority may recommend to the Government to give direction to any authority or person in control of any audio or audio-visual media or such other means of communication as may be available to carry any warning or advisories regarding any threatening disaster situation or disaster, and the said means of communication and media as designated shall comply with such direction.

**68. Authentication of orders or decisions.**—Every order or decision of the National Authority or the National Executive Committee, the State Authority, or the State Executive Committee or the District Authority, shall be authenticated by such officers of the National Authority or the National Executive Committee or, the State Executive Committee, or the District Authority, as may be authorised by it in this behalf.

**69. Delegation of powers.**—The National Executive Committee, State Executive Committee, as the case may be, by general or special order in writing, may delegate to the Chairperson or any other member or to any officer, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act as it may deem necessary.

**70. Annual report.**—(1) The National Authority shall prepare once every year, in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament within one month of its receipt.

(2) The State Authority shall prepare once in every year, in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the State Government and that Government shall cause the same to be laid before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

**71. Bar of jurisdiction of court.**—No court (except the Supreme Court or a High Court) shall have jurisdiction to entertain any suit or proceeding in respect of anything done, action taken, orders made, direction, instruction or guidelines issued by the Central Government, National Authority, State Government, State Authority or District Authority in pursuance of any power conferred by, or in relation to its functions, by this Act.

**72. Act to have overriding effect.**—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.

**73. Action taken in good faith.**—No suit or prosecution or other proceeding shall lie in any court against the Central Government or the National Authority or the State Government or the State Authority or the District Authority or local authority or any officer or employee of the Central Government or the National Authority or the State Government or the State Authority or the District Authority or local authority or any person working for or on behalf of such Government or authority in respect of any work done or purported to have been done or intended to be done in good faith by such authority or Government or such officer or employee or such person under the provisions of this Act or the rules or regulations made thereunder.

**74. Immunity from legal process.**—Officers and employees of the Central Government, National Authority, National Executive Committee, State Government, State Authority, State Executive Committee or District Authority shall be immune from legal process in regard to any warning in respect of any impending disaster communicated or disseminated by them in their official capacity or any action taken or direction issued by them in pursuance of such communication or dissemination.

**75. Power of Central Government to make rules.**—(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) the composition and number of the members of the National Authority under sub-section (2), and the term of office and conditions of service of members of the National Authority under sub-section (4), of section 3;

(b) the allowances to be paid to the members of the advisory committee under sub-section (2) of section 7;

(c) the powers and functions of the Chairperson of the National Executive Committee under sub-section (3) of section 8 and the procedure to be followed by the National Executive Committee in exercise of its powers and discharge of its functions under sub-section (4) of section 8;

(d) allowances to be paid to the persons associated with the sub-committee constituted by the National Executive Committee under sub-section (3) of section 9;

(e) the number of members of the National Institute of Disaster Management under sub-section (2), the term of the office and vacancies among members and the manner of filling such vacancies under sub-section (3) and the manner of constituting the Governing Body of the National Institute of Disaster Management under sub-section (4) of section 42;

(f) the manner of constitution of the Force, the conditions of service of the members of the Force, including disciplinary provisions under sub-section (2) of section 44;

(g) the manner in which notice of the offence and of the intention to make a complaint to the National Authority, the State Authority, the Central Government, the State Government or the other authority or officer under clause (b) of section 60;

(h) the form in which and the time within which annual report is to be prepared under section 70;

(i) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made by rules.

**76. Power to make regulations.**—(1) The National Institute of Disaster Management, with the previous approval of the Central Government may, by notification in the Official Gazette, make regulations consistent with this Act and the rules made thereunder to carry out the purposes 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) powers and functions to be exercised and discharged by the governing body;

(b) procedure to be followed by the governing body in exercise of the powers and discharge of its functions;

(c) any other matter for which under this Act provision may be made by the regulations.

**77. Rules and regulations to be laid before Parliament.**—Every rule made by the Central Government and every regulation made by the National Institute of Disaster Management 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 of 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.

**78. Power of State Government to make rules.**—(1) The State Government may, by notification in the Official Gazette, make rules to carry 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 composition and number of the members of the State Authority under sub-section (2), and the term of office and conditions of service of the members of the State Authority under sub-section (5), of section 14;

(b) the allowances to be paid to the members of the advisory committee under sub-section (2) of section 17;

(c) the powers and functions of the Chairperson of the State Executive Committee under sub-section (3), and the procedure to be followed by the State Executive Committee in exercise of its powers and discharge of its functions under sub-section (4) of section 20;

(d) allowances to be paid to the persons associated with the sub-committee constituted by the State Executive Committee under sub-section (3) of section 21;

(e) the composition and the number of members of the District Authority under sub-section (2), and the powers and functions to be exercised and discharged by the Chief Executive Officer of the District Authority under sub-section (3) of section 25;

(f) allowances payable to the persons associated with any committee constituted by the District Authority as experts under sub-section (3) of section 28;

(g) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made by rules.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House before that House.

**79. Power to remove difficulties.**—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government or the State Government, as the case may be, by notification in the Official Gazette, make order not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made after the expiration of two years from the commencement of this Act.

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

# THE CIVIL DEFENCE ACT, 1968

ACT NO. 27 OF 1968

[24th May, 1968.]

An Act to make provision for civil defence and for matters connected therewith.

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

## CHAPTER I

### PRELIMINARY

**1. Short title, extent and commencement.**—(1) This Act may be called the Civil Defence Act, 1968.

(2) It extends<sup>1</sup> to the whole of India.

(3) It shall come into force in a State or part thereof on such date<sup>2</sup>, not being a date earlier than the date of the expiry of the Defence of India Act, 1962 (51 of 1962), as the Central Government may, by notification, appoint and different dates may be appointed for different States or different parts thereof.

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

(a) “civil defence” includes any measures, not amounting to actual combat, for affording protection to any person, property, place or thing in India or any part of the territory thereof against any hostile attack, whether from air, land, sea or other places, or, for depriving any such attack of the whole or part of its effect, whether such measures are taken before, during, at or after the time of such attack<sup>3</sup> [or any measure taken for the purpose of disaster management, before, during, at, or after any disaster];

(b) “Civil Defence Corps” means the Corps formed wholly or mainly to meet the needs of civil defence and includes an organisation deemed to be a Corps under the proviso to sub-section (1) of section 4;

(c) “hostile attack” means any attack by any person or body of persons, whether during any war, external aggression, internal disturbance or otherwise which endangers the security of any life, property, place or thing in India or any part of the territory thereof;

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

(e) “personal service injury” has the meaning assigned to it in the Personal Injuries (Emergency Provisions) Act, 1962 (59 of 1962);

(f) “State Government”, in relation to a Union territory, means the Administrator of the Union territory;

<sup>1</sup>[(g) “disaster” means a disaster as defined in clause (d) of section 2 of the Disaster Management Act, 2005 (53 of 2005);

(h) “disaster management” means the disaster management as defined in clause (e) of section 2 of the Disaster Management Act, 2005 (53 of 2005).]

## CHAPTER II

### POWER OF CENTRAL GOVERNMENT TO MAKE RULES FOR CIVIL DEFENCE

**3. Power to make rules for civil defence.**—(1) The Central Government may, for securing civil defence, by notification, make rules providing for all or any of the following matters, namely:—

1. 1st October, 1975, *vide* notification No. S.O. 478(E), dated 8th September, 1975, extended and brought into force in the State of Sikkim.

2. 10th July, 1968, *vide* notification No. S.O. 2435(E), dated 5th July, 1968, *see* Gazette of India, Extraordinary, Part II, sec. 3 (ii).

3. Ins. by Act 3 of 2010, s. 2 (w.e.f. 21-1-2010).

- (a) preventing the prosecution of any work likely to prejudice civil defence;
- (b) instruction of members of the public regarding civil defence and their equipment for the purposes of such defence;
- (c) provision, storage and maintenance of commodities and things required for civil defence;
- (d) prohibiting or regulating traffic, and the use of vessels, buoys, lights and signals in ports and territorial, tidal and inland waters;
- (e) control of lights and sounds;
- (f) protection of life and property by taking fire prevention and other measures;
- (g) securing of any buildings, premises or other structures from being readily recognisable in the event of a hostile attack;
- (h) for the prevention of danger to life or property, the demolition, destruction or rendering useless, of any building, premises or other structures or any other property;
- (i) prohibiting or regulating the possession, use or disposal of—
  - (i) explosives, inflammable substances, corrosive and other dangerous substances or articles, arms and ammunition;
  - (ii) vessels;
  - (iii) wireless telegraphic apparatus;
  - (iv) aircraft; and
  - (v) photographic and signalling apparatus and any means of recording information;
- (j) evacuation of areas and the removal of property or animals therefrom;
- (k) accommodation in any area of persons evacuated from another area and the regulation of the conduct of evacuated persons accommodated in such area;
  - (l) billeting of evacuated person or persons authorised to perform functions under this Act;
  - (m) salvage of damaged buildings, structures and property and disposal of the dead;
  - (n) seizure and custody or destruction of injured, unclaimed or dangerous animals;
  - (o) ensuring the safety of—
    - (i) ports, dockyards, lighthouses, lightships, aerodromes and facilities associated with aerial navigation;
    - (ii) railways, tramways, roads, bridges, canals and all other means of transport by land or water;
    - (iii) telegraphs, post offices, signalling apparatus and all other means of communication;
    - (iv) sources and systems of water supply, works for the supply of water, gas or electricity and all other works for public purposes;
    - (v) vessels, aircraft, transport vehicles as defined in the Motor Vehicles Act, 1939 (4 of 1939), and rolling stocks of railways and tramways;
    - (vi) warehouses and all other places used or intended to be used for storage purposes;
    - (vii) mines, oilfields, factories or industrial or commercial undertakings generally, or any mine, oilfield, factory or industrial or commercial undertaking in particular;
    - (viii) laboratories and institutions where scientific or technological research or training is conducted or imparted;

(ix) all works and structures being part of, or connected with, anything earlier mentioned in this clause; and

(x) any other place or thing used or intended to be used for the purposes of Government or a local authority or a semi-Government or autonomous organisation, the protection of which is considered necessary or expedient for securing civil defence;

(p) control of any road or pathway, waterway, ferry or bridge, river, canal or other source of water supply;

(q) precautionary measures, which the Government or any department thereof or any local authority, members of police force, fire brigade and members of any other service or authority employed primarily for purposes other than civil defence purposes should be required to take within their respective jurisdictions or with respect to any personnel employed by them;

(r) preventing or controlling any use of uniforms, whether official or otherwise, or flags or official decorations like medals, badges or other insignia or anything similar thereto, the wearing of which is calculated to deceive or to prejudice civil defence;

(s) precautions to be taken or action to be taken by persons or authorities with a view to protecting or acquainting the general public or any members thereof against the dangers involved in any apprehended hostile attack;

(t) requiring the owner or occupier of any building, structure or premises to make or carry out such arrangements as may be necessary for the purposes of detection and prevention of fire;

(u) taking of specified measures for dealing with outbreaks of fire;

(v) directing that, subject to any specified exemption, no person present in any specified area shall, between such hours as may be specified, be out of doors except under the authority of a written permit granted by a specified authority or person;

(w) (i) prohibiting the printing and publication of any newspaper, news-sheet, book or other document containing matters prejudicial to civil defence;

(ii) demanding security from any press used for the purpose of printing or publishing, and forfeiting the copies of, any newspaper, news-sheet, book or other document containing any of the matters referred to in sub-clause (i);

(x) regulating the conduct of persons in respect of areas the control of which is considered necessary or expedient, and removal of persons from such areas;

(y) requiring any person or class of persons to comply with any scheme of civil defence;

(z) any other provision which may be necessary for the purposes of civil defence.

(2) Any rule made under sub-section (1) may provide that orders with regard to the matters specified therein may be made by the State Government.

<sup>1</sup>(3) Any rule made under sub-section (1) may provide that a contravention thereof or any order made thereunder shall be punishable with fine which may extend to five hundred rupees, and where the contravention is a continuing one, with a further fine which may extend to fifty rupees for every day, after the first, during which such contravention continues.

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1. Subs. by Act 42 of 1971, s. 6 (during emergency and six months thereafter) (w.e.f. 3-12-1971).

“(3) Any rule made under sub-section (1) may provide that a contravention thereof or any order made or direction given thereunder shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.”.

## CHAPTER III

### CIVIL DEFENCE CORPS

**4. Constitution of Civil Defence Corps.**—(1) The State Government may constitute, for any area within the State, a body of persons to be called the Civil Defence Corps (hereinafter referred to as the “Corps”) and may appoint a person, not being, in its opinion, below the rank of a District Magistrate (to be known as the “Controller”) to command such Corps:

Provided that if there is in existence in any area in a State, immediately before the commencement of this Act in that area, an organisation which, in the opinion of the State Government, may be entrusted with the functions of the Corps, the State Government may, instead of constituting a separate Corps for such area, call upon that organisation to take over or discharge the functions of the Corps in that area, and thereupon such organisation shall be deemed, for the purposes of this Act, to be the Corps for that area.

(2) The State Government may, for the purpose of co-ordinating the activities of the Controllers within the State, appoint a Director of Civil Defence and every Controller shall comply with the directions given by such Director.

**5. Appointment of members and officers.**—(1) The State Government may appoint as members of the Corps persons who are fit and willing to serve as such and the Controller may appoint any member so appointed to such office or command in the Corps, as such member is, in the opinion of the Controller, fit to hold.

(2) Every person appointed to be a member of the Corps shall be given a certificate of membership in such form as may be prescribed.

**6. Dismissal of members of Civil Defence Corps.**—(1) Where any member of the Corps fails or has failed, in the opinion of the Controller, to discharge his duties as such member satisfactorily or is or has been found guilty of any misconduct in the discharge of his duties as such member, the Controller may, after an inquiry in which such member of the Corps has been given a reasonable opportunity of being heard in respect of the charges against him, by an order, dismiss such member from the Corps.

(2) Where the Controller is of opinion that the continued presence of any member of the Corps is undesirable, he may, without assigning any reason, summarily dismiss such member from the Corps.

**7. Appeal.**—A member of the Corps who is dismissed from the Corps under section 6 may prefer an appeal to the State Government within thirty days from the date of such dismissal and that Government may, on such appeal, confirm, modify or reverse the order made by the Controller or other authority.

**8. Functions of members of Civil Defence Corps.**—(1) The members of the Corps shall perform such functions in relation to the carrying out of measures for civil defence as may be assigned to them by rules made under this Act or by any other law for the time being in force.

(2) The State Government or the Controller may, by order, call out a member of the Corps for training or for discharging such functions in relation to the carrying out of measures for civil defence as may be specified in such order.

(3) Subject to such orders as the Central Government may make in this behalf, any member of the Corps of any State may at any time be required, by order, to discharge functions in relation to civil defence in any other State and shall while discharging such functions, be deemed to be a member of the Corps of that other State and be vested with the powers, functions and privileges and be subject to the liabilities of a member of the Corps in that other State.

**9. Power to make regulations.**—(1) The Central Government may, by notification, make regulations for carrying out the purposes of this Chapter.

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

(a) prescribe the functions of the members of the Corps and regulate the manner in which they may be called out for service;

(b) regulate the organisation, appointment, conditions of service, discipline, accoutrement and clothing of members of any or all of the Corps;

(c) prescribe the form of certificates of membership of any or all of the Corps.

#### CHAPTER IV

##### MISCELLANEOUS

**10. Provisions of the Personal Injuries (Emergency Provisions) Act to apply to injuries sustained by the members of the Corps.**—The provisions of the Personal Injuries (Emergency Provisions) Act, 1962 (59 of 1962), and of every scheme made thereunder shall apply, so far as may be, to every personal service injury sustained by any person appointed to be a member of the Corps as they apply to personal service injury sustained by a civil defence volunteer, subject to the modifications that—

(a) any reference to a civil defence volunteer under that Act or any scheme made thereunder shall be construed as reference to a member of the Corps; and

(b) any reference therein to the period of emergency shall, in relation to a member of the Corps, be construed as the period during which this Act is in force.

**11. Penalties.**—(1) If any member of the Corps on being called out by an order under sub-section (2) of section 8 neglects or refuses without sufficient excuse to obey such order or to discharge his functions as such member or to obey any lawful order or direction given to him for the performance of his functions, he shall be punishable with fine which may extend to five hundred rupees, and where such neglect or refusal is a continuing one, with a further fine which may extend to fifty rupees for every day, after the first, during which such contravention continues.

<sup>1</sup>(2) If any person neglects or fails without any reasonable excuse to obey any order made or direction given to him under this act or rules made thereunder, he shall be punishable with fine which may extend to five hundred rupees, and where such negligence or failure is a continuing one, with a further fine which may extend to fifty rupees for every day, after the first, during which such negligence or failure continues.

**12. Effect of Act and rules, etc., inconsistent with other enactments.**—(1) The provisions of this Act or any rules thereunder or any order made under this Act or any such rule 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.

(2) Every appointment, order or rule made in relation to civil defence before the commencement of this Act by or under any law relating to civil defence shall, in so far as it is not inconsistent with the provisions of this Act, continue to be in force until it is rescinded or altered under this Act, and be deemed to have been made under the corresponding provisions of this Act.

*Explanation.*—“Commencement of this Act”, in relation to any provision or area, means the commencement of that provision or, as the case may be, the commencement of this Act in that area.

**13. Ordinary avocations of life to be interfered with as little as possible.**—Any authority or person acting in pursuance of this Act shall interfere with the ordinary avocations of life and the enjoyment of property as little as may be consonant with the purpose of ensuring the public safety and civil defence.

**14. Savings as to orders.**—(1) No order made in exercise of any power conferred by or under this Act shall be called in question in any court.

(2) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Act, a court shall, within the meaning of the Indian Evidence Act, 1872 (1 of 1872), presume that such order was so made by that authority.

**15. Act not to apply to measures taken for the protection of the Armed Forces.**—Nothing contained in this Act or any rule, regulation or order made thereunder shall apply to the Armed Forces of

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1. Sub-section (2) omitted by Act 42 of 1971, s. 6 (during emergency and six months thereafter) and restored thereafter (w.e.f. 3-12-1971).

the Union or to any measures taken by any of the authorities in control of the Armed Forces of the Union for the purpose of securing civil defence or safety of such forces or for the protection of any naval, military or air force installations or stores.

**16. Limitation of prosecutions.**—No prosecution for any offence punishable under this Act shall be instituted against any person except by, or with the consent of, the Controller or any person authorised by the Controller in this behalf.

**[16A. Power of the Central Government to delegate.]**—The Central Government may, by order, direct that any power or duty, which by this Act or any rule made thereunder is conferred or imposed upon the Central Government shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged also by any officer or authority subordinate to the Central Government.

**16B. Effect of order made by the Central Government, etc.**—Any order made by the Central Government or the officer or authority authorised by it under section 16A in relation to a matter to which this Act or any rule made thereunder relates shall have effect, notwithstanding anything contained in any order made by the State Government or any other authority with regard to such matter.]

**17. Power to delegate.**—The State Government may, by notification, direct that—

(a) all or any of the powers which may be exercised by it under this Act shall, in such circumstances and under such conditions, if any, as may be specified in that notification, be exercised also by such officer, not being, in the opinion of the State Government, inferior in rank to that of a District Magistrate, as may be specified in the said notification;

(b) all or any of the powers which may be exercised by the Controller under this Act shall, in such circumstances and under such conditions, if any, as may be specified in that notification, be exercised also by such officer, not being, in the opinion of the State Government, inferior in rank to that of a Sub-Divisional Magistrate, as may be specified in the said notification.

**18. Protection of action taken in good faith.**—(1) No suit, prosecution or other legal proceeding shall lie against the Government, the Director or the Controller or any person, authorised by the Government or the Controller, for anything which is in good faith done or intended to be done under this Act or any rules or orders made thereunder or any orders issued under any such rule.

(2) No suit or other legal proceeding shall lie against the Government, the Director or the Controller or any person, authorised by the Government or the Controller, 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 or any rule made thereunder or any order issued under any such rule.

**19. Authorised persons and members of the Corps to be public servants.**—Any person authorised by [the Central Government] the Controller or the State Government under this Act and every member of the Corps, while functioning as such, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

**20. Rules and regulations to be laid before Parliament.**—Every rule and every regulation 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 regulation 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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1. Ins. by Act 42 of 1971, s. 6 (during emergency and six months thereafter) (w.e.f. 3-12-1971).  
2. Subs. by Act 20 of 1983, s. 2 and the Schedule, for certain words (w.e.f. 15-3-1984).



# भारत का राजपत्र

## The Gazette of India

असाधारण

## EXTRAORDINARY

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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No. 347] NEW DELHI, MONDAY, SEPTEMBER 8, 1975/BHADRA 17, 1897

इस भाग में भिन्न पृष्ठ संलग्न वी जाती हैं जिससे ऐक यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation

## MINISTRY OF HOME AFFAIRS

## NOTIFICATIONS

New Delhi, the 8th September 1975

**S.O. 478(E).**—In pursuance of the notification of the Government of India in the Ministry of Home Affairs No. S.O. 208 (E), dated the 16th May, 1975, the Central Government hereby appoints the 1st day of October, 1975 as the date on which the Civil Defence Act, 1968 (27 of 1968), shall come into force in the State of Sikkim.

[No. 10/2/75-DGCD(CD)]

गृह मंत्रालय

श्रद्धालु

नई दिल्ली, 8 सितम्बर, 1975

**का०आ० 478 (अ).**—केन्द्रीय सरकार, भारत सरकार के गृह मंत्रालय की श्रद्धालु सं० का० आ० 208 (अ), तारीख 16 मई, 1975 के अनुसरण में 1 अक्टूबर, 1975 को उस तारीख के रूप में तियत करती है जिस तारीख को नागरिक सुरक्षा अधिनियम, 1968 (1968 का 27) सिवकम राज्य में प्रवृत्त होगा।

[सं० 10/2/75-डी० जी० सी० डी० (सी० डी०)]

(2015)

**S.O. 479(E).**—In exercise of the powers conferred by Section 3 of the Civil Defence Act, 1968 (27 of 1968), the Central Government hereby directs that the Civil Defence Rules 1968 shall extend to, and come into force in, the State of Sikkim with effect on and from the 1st day of October, 1975.

[No. 10/2/75-DGCD(CD)]

**का०आ० 479 (ग्र).**—केन्द्रीय सरकार, नागरिक सुरक्षा अधिनियम, 1968 (1968 का 27) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निदेश देती है कि नागरिक सुरक्षा नियम, 1968 का सिक्कम राज्य में विस्तार तथा प्रवर्तन 1 अक्टूबर, 1975 को होगा।

[सं० 10/2/75-डी० जी० सी० डी० (सी० डी०)]

**S.O. 480(E).**—In exercise of the powers conferred by Section 9 of the Civil Defence Act, 1968 (27 of 1968), the Central Government hereby directs that the Civil Defence Regulations, 1968 shall extend to, and come into force in, the State of Sikkim with effect on and from the 1st day of October, 1975.

[No. 10/2/75-DGCD(CD)]

C. G. SOMIAH, Lt. Secy.

**का०आ० 480 (ग्र).**—केन्द्रीय सरकार, नागरिक सुरक्षा अधिनियम, 1968 (1968 का 27) की धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निदेश देती है कि नागरिक सुरक्षा विनियम, 1968 का सिक्कम राज्य में विस्तार तथा प्रवर्तन 1 अक्टूबर, 1975 को होगा।

[सं० 10/2/75-डी० जी० सी० डी० (सी० डी०)]

सी० जी० सोमैया, संयुक्त सचिव।

# भारत का राजपत्र

## THE GAZETTE OF INDIA

आसाधारण

EXTRAORDINARY

भाग-II-खण्ड ३ - उपखण्ड (i)

(i) PART II- Section 3- Sub-Section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० (4) नई दिल्ली, शुक्रवार, जनवरी २२, २०१०/माघ २, १९३१

No. 4) NEW DELHI, FRIDAY, JANUARY 22, 2010/MAGHA 2, 1931

इस भाग में भिन्न पृष्ठ संख्या दी जाती है। जिससे कि यह अलग संकलन के रूप में रखा जा सके।

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as a separate compilation

### MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 22nd January, 2010/Magha 2, 1931 (Saka)

The following Act of Parliament received the assent of the President on the 21st January, 2010, and is hereby published for general information:-

### THE CIVIL DEFENCE (AMENDMENT) ACT, 2009

(No. 3 of 2010)

[21st January, 2010]

An Act further to amend the Civil Defence Act, 1968.

Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follow:-

1. This act may be called the Civil Defence (Amendment) Act, 2009.

Short title.

27 of 1968 2. In section 2 of the Civil Defence Act, 1968,-

(i) in clause (a), after the words "time of such attack", the words "or any measure taken for the purpose of disaster management, before, during, at, or after any disaster" shall be inserted;

Amend-

ment of

section 2.

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

53 of 2005

'(g) "disaster" means a disaster as defined in clause (d) of section 2 of the Disaster Management Act, 2005;

53 of 2005

(h) "disaster management" means the disaster management as defined in clause (e) of section 2 of the Disaster Management Act, 2005.

V.K.BHASIN,  
Secy. to the Govt. of India

## MINISTRY OF HOME AFFAIRS

### NOTIFICATION

New Delhi, the 10<sup>th</sup> July, 1968  
THE CIVIL DEFENCE REGULATIONS, 1968

**G.S.R.. 1278.** - In exercise of the powers conferred by section 9 of the Civil Defence Act, 1968 (27 of 1968), the Central Government hereby makes the following regulations, namely:-

**1. Short title.** – These regulations may be called the Civil Defence Regulations, 1968.

**2. Definitions.**– (a) “Controller” means the person appointed to command a Civil Defence Corps under sub- section (1) of section 4 of the Civil Defence Act,1968 ( (27 of 1968).

(b) “ competent authority” means the State Government or any person appointed by the State Government to exercise the powers of a competent authority under any provision of these regulations.

(c) “ Form” means a Form appended to these regulations.

(d) “ Corps” means the Civil Defence Corps of a town or district or any area.

**3. Eligibility.**- (1) A person who intends to apply for appointment to a Civil Defence Corps must fulfill the following conditions:-

- (a) he shall be a citizen of India, or a subject of Sikkim or of Bhutan or of Nepal;
- (b) he shall have completed the age of 18 years provided that this age limit may be relaxed in the discretion of the competent authority unto a maximum of 3 years for any branch or category of the Corps;
- (c) he shall have passed at least the primary standard, that is to say , the fourth class; and this condition may be relaxed by the Controller in his discretion.

(2) Both men and women shall be eligible for appointment to the Corps.

(3) A person shall not be entitled to be appointed to the Corps unless he is found to be physically fit and mentally alert.

(4) Any service in the National Volunteer Force and in the Armed Forces of the Union shall be a special qualification.

**4. Manner of application.**- (1) Every person eligible for appointment under regulation 3 shall be required to apply in Form “A” and also present himself for interview before the competent authority.

(2) Every candidate shall be required to produce a certificate from his employer agreeing to spare his service for training and duty, when so required.

(3) The Controller may, for advising him in the selection of candidates, constitute a Selection Committee which shall consist of such number of members and such persons as the Controller may determine and appoint.

(4) All candidates shall be required to undergo training and pass examinations prescribed by the competent authority.

**5. Enrolment.**- (1) A candidate who has been accepted for appointment to the Corps shall be formally enrolled in such manner as the Controller may, by order, determine and at the time of enrolment shall make an oath or affirmation according to Form "B" before such officer as the Controller may, by order, appoint.

(2) Members of the following forces or services are not ordinarily eligible for enrolment in a Civil Defence Corps:-

- (i) Armed Forces of the Union;
- (ii) Police Force;
- (iii) Fire Services;
- (iv) Territorial Army or Auxiliary Forces of any of the Defence Services;
- (v) Civilian personnel employed in connection with the Armed Forces of the Union.

(3) This regulation shall not apply to Government servants who are specifically deputed for whole-time or part-time Civil Defence duties by the Heads of organization or services concerned.

**6. Organisation.**- (1) The Controller may divide Corps into such number of sections consisting of such number of person as he may consider necessary and appropriate and appoint a person( hereinafter called the Officer-in-Charge) to command each such Section.

(2) The duties of the Officer-in-Charge shall be such as the Controller may by order prescribe from time to time.

(3) The Controller may appoint a Deputy to assist any Officer-in-Charge.

(4) The Controller shall, subject to such general or special orders as may be issued by the competent authority in this behalf from time to time, appoint all other staff required to man the service and may delegate such powers of appointment to any Officer-in-Charge.

**7. Membership Certificate.**- Every person appointed to be a member of the Corps shall be given a certificate of membership in form "C". A person losing his certificate shall report its loss forthwith to his immediate superior officer, who shall make necessary inquiries and, after satisfying himself, may arrange to issue a duplicate certificate.

**8. Conditions of Service.**- (1) The members of the Corps shall ordinarily serve in a voluntary and honorary capacity;

Provided that the State Government may, by order, authorize payment of duty allowance (at such scales as may be prescribed by it from time to time in consultation with the Central Government) to a member of the Corps when called on duty.

(2) Notwithstanding anything contained in clause (1), the Central Government may declare any appointment or class of appointments as paid appointments. A person appointed on the basis of payment shall be entitled to such conditions of service as regards pay, leave and other benefits as the State Government may, by order, prescribe.

**9. Duty.**- Members of the Corps may be called on duty:-

- (i) for training;
- (ii) for practice or exercises;

- (iii) to perform the duties assigned to them by order under these regulations or under any other law for the time being in force, for the protection of person and property against hostile attack.

**10. Discipline.-** (1) While undergoing training or on duty, no member of the Corps shall absent himself from any lecture, practice or exercise or any other training course, except with the specific permission of the Officer-in-Charge, or other superior officer.

- (2) Every member of the Corps shall conform to the following regulations:-
- (i) He shall notify the Controller through the Officer-in-Charge any change in his permanent address or place of employment.
  - (ii) He shall not communicate with the press or any political organization or body in regard to any matter connected with his duties under the Civil Defence Corps except with the permission of the Controller.
  - (iii) He shall treat as strictly confidential all reports (or copies thereof) coming within his cognizance or knowledge, in the course of his employment as a member of the Corps.

**11. Uniform and Accoutrement.-** (1) A member of the Corps shall, when on duty, wear such uniform and badges of rank or insignia and carry such equipment as may be prescribed by the Controller. The cost of such uniform or insignia and equipment will be borne by the State Government. In addition each member who is issued a uniform shall be granted a washing allowance at such rate as may be prescribed by the State Government in consultation with the Central Government from time to time.

(2) On termination of his services, he shall immediately return to the officer-in-charge his membership certificate and the uniform and equipment supplied to him and obtain a receipt for the articles returned. If a member fails to return any item issued to him, the cost thereof shall be assessed by the Controller and recovered from him.

**12. Compensation.-** If a member of the Corps suffers any damage to his person or property, while on duty, he shall be paid such compensation as may be determined by the competent authority, provided that such damage is not caused by his own negligence or willful act or omission in contravention of any of the provisions of the Civil Defence Act, 1968 or rules made thereunder, or orders or directions issued by his superior officer.

**13. Service Records.-** A record of service in respect of every member of the Corps shall be maintained in Form "D"

**14. Resignation.-** Any member of the Corps who desires to leave the Corps shall submit his resignation in writing to his immediate superior officer giving at least two weeks notice.

**15. Recovery of loss.-** If a member of the Corps fails to pay the cost of uniform assessed by the Controller, or make good any pecuniary loss caused to Government by misuse or negligence , the cost of the uniform or the amount of the loss shall be recoverable from him.

**16. Power to competent authority as regards preventing the contravention of regulations, etc.-** The competent authority may take, or cause to be taken, such steps and use, or cause to be used, such force as may, in the opinion of such authority, be reasonably necessary for preventing the contravention of, or securing the observance of, these regulations or any order issued thereunder.

## APPENDIX

### FORM "A"

[See Regulation 4(1)]

#### Application for enrolment as a member of the Civil Defence Service

1. Name in full (in Block letters)
2. Father's/ husband's name.
3. Date of birth
4. Nationality
5. Permanent address
6. Occupation and present address
7. Name and address of present employer
8. Educational qualifications
9. Languages known (to read/ write/ speak)
10. Are you a member of the following?
  - (i) Defence Forces (Army/Navy/Air Force) or any of their reserves;
  - (ii) Territorial Army or any other auxiliary force of Defence services;
  - (iii) Civilian cadre of Armed Forces of the Union, subject to Naval, Army or Air Force law, other than "Casual employees";
  - (iv) Police Service;
  - (v) Fire Services.
11. Are you an ex-service person? If so, give particulars.
12. Do you belong to the National Volunteers Force? If so give particulars.
13. Have you any previous experience in Civil Defence Corps? If so, give particulars, including date.
14. Have you any preference for any particular section of Civil Defence Corps? If so, state the section.
15. Have you any special qualifications for enrolment in the section chosen by you? If so, give details.
16. In case of preference for service in Mobile Columns or ambulance trains, are you prepared to serve anywhere in India, should an emergency arise?
17. For how many hours and so what days of the week will you be available for Civil Defence duty (for part-time volunteers only).

18. Do you have any conveyance (bicycle, motor car, motor cycle) etc?
19. Are you suffering from any communicable diseases? If so, give particulars.
20. Did you have small pox? If so, when
21. Have you been vaccinated? If so, when
22. Have you been inoculated for cholera/ typhoid/ T.B etc? If so, when
23. Do you know First Aid/ motor driving?
24. Signature of applicant.

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## CIVIL DEFENCE LEGISLATION IN INDIA

### **DECLARATION**

1. I have read the "Civil Defence Regulations, 1968".
2. As far as I know. I am physically fit to render efficient service as a member of the Corps.
3. If my application is accepted, I am prepared to service as a whole-time/ part- time member of the Corps, i.e., to undergo the appropriate training and, in the event of any emergency occurring whilst I remain a member of the Corps, to carry out my obligations a a member thereof.
4. I undertake:-
  - (i) to carry out my duties in the Civil Defence Corps in accordance with the instructions and orders issued by the authorities concerned;
  - (ii) to return, when I cease to be a member of the Corps, any articles of uniforms, badge or other personal equipment issued to me; and
  - (iii) to abide by the regulations of the Corps.

Signature of the applicant

Place:

Date:

This form duly completed should be submitted to:-

Name and address of Enrolling Authority-----

### **FOR OFFICIAL USE**

Recommendations of the Head of Corps/ Staff officer concerned

Admitted to (Corps, etc.) and  
Allotted to (post No. etc.)----

Signature----- Signature-----

Designation----- Designation-----

Date----- Date-----

**FORM -B**  
**Form of Oath**  
**[ See Regulation 5 ]**

I,-----\* son/ daughter/ wife of ----- swear/ solemnly affirm that I will be faithful and bear, true allegiance to India and to the Constitution of India as by law established, and that I will loyally carry out the duties entrusted to me ( so help me God\*)

(\* To be deleted as necessary)

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**CIVIL DEFENCE LEGISLATION IN INDIA**

23

**FORM-C**

Serial No.-----

**[ See Regulation 7 ]**  
**Membership Certificate**

Government of ----- ( name of States )

**CIVIL DEFENCE CORPS**

1. Name in full.
2. Nationality
3. Age
4. Father's/ husband's name
5. Identification marks
6. Permanent address
7. Name of Civil Defence Corps in which employed
8. Assignment
9. Name and address of next of kin
10. Signature / thumb (left Hand) impression of the worker.

---

Date of issue	Office Stamp of Issuing Authority	Signature and designation of Issuing Authority
---------------	--------------------------------------	---

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**FORM -D**

Government  
Civil Defence  
RECORD OF

[ See Regulation 13 ]

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1. Name
2. Father's/ husband's name
3. Nationality
4. Date of birth/ age
5. Identification marks

Signature of Civil Defence Controller  
Or of any officer on his behalf

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**CIVIL DEFENCE LEGISLATION IN INDIA**

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Particulars of C.D. Corps/ Training etc.

Name of Service	Assignment	Identity Card No	From	To	Scale	Pay	Allowances	Total	Reason for termination of assignment e.g. transfer etc.
1	2	3	4	5	6	7	8	9	10

**N.B.-**

- (a) A record in the proforma should be maintained in respect of all C.D. personnel.
- (b) Particulars in col.(1) to (18) should be filled in as and when they occur, and attested.
- (c) This record should be kept in the custody of a responsible officer, not below the rank of head of Corps.

of \_\_\_\_\_ ( name of State )

**Corps  
SERVICE**

---

6. Permanent address
7. Particulars of post held under Government, etc.
8. Name and address of employer
9. Name and address of next of kin.
10. Signature / thumb impression

Leave taken	Personal equipment, uniform and	Signature of C.D.	Signature of head of C.D.	Remarks
_____	_____	_____	_____	_____

Nature of leave	Period		accoutrement		workers	Corps		
	From	To	Items issued and date of issue	Items returned and date of return				
	11	12	13	14	15	16	17	18

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Items 1 to 10 at the top should be filled in at the time of enrolment.

[No. 10/2/66-DGCD (ii) (1)]  
J.C. AGARWAL, Jt. Secy.

**REGISTERED NO. D.221**

## THE GAZETTE OF INDIA

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Separate paging is given to this Part in order that it may be filed  
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#### **MINISTRY OF HOME AFFAIRS**

#### NOTIFICATION

New Delhi, the 6<sup>th</sup> April, 1971

**G.S.R.520.-** In exercise of the powers conferred by section 9 of the Civil Defence Act, 1968 (27 of 1968), the Central Government hereby makes the following regulations to amend the Civil Defence Regulations, 1968, namely:-

1. (1) These regulations may be called the Civil Defence (Amendment) Regulations, 1971.  
  
(2) They shall come into force on the date of their publication in the official Gazette.
2. In the Civil Defence Regulations, 1968.-

- (a) for regulation 7, the following regulation shall be substituted, namely :- “  
7, Mmebership Certificate.
- (1) Every person appointed to be a member of the Corps shall be issued a certificate of membership in Form C.
- (2) A person losing the certificate issued to him under sub- regulation (1), shall report its loss forthwith to his immediate superior officer, who shall make necessary enquiries, and shall after satisfying himself, and arrange the issue of a duplicate certificate of the same.
- (3) The cost of the aforesaid duplicate certificate as determined by the issuing authority shall be borne by the person to whom the certificate of membership was issued under sub- regulation (1)”.
- (b) in the appendix, for the existing Form C, the following Form shall be substituted, namely:-  
“ As on reverse”

25

26

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CIVIL DEFENCE LEGISLATION IN INDIA

FORM C

NO.

[See Regulation 7]

Membership Certificate

Government of ----- ( name of the State)

**CIVIL DEFENCE CORPS**

1. Name in full
2. Nationality
3. Date of birth
4. Father's/ Husband's name
5. Identification marks
6. Permanent Address
7. Name of Civil Defence Corps  
In which employed.
8. Assignment
9. Name and address of next of kin

**PHOTOGRAPH**

10. Signature/ thumb impression of the

person

Date of issue

Office stamp of  
Issuing Authority.

Signature and designation of  
Issuing Authority

[ No. 5/33/69-DGCD (CD)]  
J.C.AGARWAL, Jt. Secy.



# भारत का राजपत्र

## The Gazette of India

असाधारण

## EXTRAORDINARY

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

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## MINISTRY OF HOME AFFAIRS

## NOTIFICATIONS

New Delhi, the 8th September 1975

**S.O. 478(E).**—In pursuance of the notification of the Government of India in the Ministry of Home Affairs No. S.O. 208 (E), dated the 16th May, 1975, the Central Government hereby appoints the 1st day of October, 1975 as the date on which the Civil Defence Act, 1968 (27 of 1968), shall come into force in the State of Sikkim.

[No. 10/2/75-DGCD(CD)]

गृह मंत्रालय

श्रद्धालु

नई दिल्ली, 8 सितम्बर, 1975

**का०आ० 478 (अ).**—केन्द्रीय सरकार, भारत सरकार के गृह मंत्रालय की श्रद्धालु सं० का० आ० 208 (अ), तारीख 16 मई, 1975 के अनुसरण में 1 अक्टूबर, 1975 को उस तारीख के रूप में तियत करती है जिस तारीख को नागरिक सुरक्षा अधिनियम, 1968 (1968 का 27) सिवकम राज्य में प्रवृत्त होगा।

[सं० 10/2/75-डी० जी० सी० डी० (सी० डी०)]

(2015)

**S.O. 479(E).**—In exercise of the powers conferred by Section 3 of the Civil Defence Act, 1968 (27 of 1968), the Central Government hereby directs that the Civil Defence Rules 1968 shall extend to, and come into force in, the State of Sikkim with effect on and from the 1st day of October, 1975.

[No. 10/2/75-DGCD(CD)]

**का०आ० 479 (ग्र).**—केन्द्रीय सरकार, नागरिक सुरक्षा अधिनियम, 1968 (1968 का 27) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निदेश देती है कि नागरिक सुरक्षा नियम, 1968 का सिक्कम राज्य में विस्तार तथा प्रवर्तन 1 अक्टूबर, 1975 को होगा।

[सं० 10/2/75-डी० जी० सी० डी० (सी० डी०)]

**S.O. 480(E).**—In exercise of the powers conferred by Section 9 of the Civil Defence Act, 1968 (27 of 1968), the Central Government hereby directs that the Civil Defence Regulations, 1968 shall extend to, and come into force in, the State of Sikkim with effect on and from the 1st day of October, 1975.

[No. 10/2/75-DGCD(CD)]

C. G. SOMIAH, Jt. Secy.

**का०आ० 480 (ग्र).**—केन्द्रीय सरकार, नागरिक सुरक्षा अधिनियम, 1968 (1968 का 27) की धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निदेश देती है कि नागरिक सुरक्षा विनियम, 1968 का सिक्कम राज्य में विस्तार तथा प्रवर्तन 1 अक्टूबर, 1975 को होगा।

[सं० 10/2/75-डी० जी० सी० डी० (सी० डी०)]

सी० जी० सोमैया, संयुक्त सचिव।



14 MAY 1973  
T. 67

# भारत का राजपत्र

## The Gazette of India

प्रांधिकार से प्रकाशित  
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सं० 15 ]

नई विल्ली, शनिवार, प्रमेल 14, 1973/चैत्र 24, 1895

No. 15]

NEW DELHI, SATURDAY, APRIL 14, 1973/CHAITRA 24, 1895

इस भाग में मिन्न पृष्ठ संलग्न ही जाती है जिससे कि यह धरण संकलन के रूप में रखा जा सके।  
Separate Paging is given to this part in order that it may be filed as a separate compilation.

## भाग II—खण्ड 3—उप-खण्ड (i)

## PART II—Section 3—Sub-section (i)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्य अधिकार प्रशासनों को छोड़कर)  
केन्द्रीय प्राधिकारियों द्वारा जारी किये गये विधि के अन्तर्गत बनाए और जारी किए गए  
साधारण नियम जिनमें साधारण प्रकार के आदेश, उपनियम आदि सम्मिलित हैं।

**General Statutory Rules (including orders, by-laws etc. of a general character) issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).**

## गृह मंत्रालय

नई दिल्ली, 30 मार्च 1973

सा. नं. 382.—केन्द्रीय सरकार नागरिक सुरक्षा अधिनियम, 1968 (1968 का 27) की धारा 9 द्वारा प्रकृत शक्तियों का प्रयोग करते हुए नागरिक सुरक्षा विनियम, 1968 में और आगे संशोधन करने के लिए एतद्वारा निम्नलिखित विनियम बनाते हैं, अर्थात्—

1. (1) ये विनियम “नागरिक सुरक्षा अधिनियम”, 1968 कहलायेंगे।

(2) ये शासकीय राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. नागरिक सुरक्षा विनियम, 1968 में, विनियम 5 के पश्चात् निम्नलिखित विनियम अन्तर्निवृष्ट किया जायेगा; अर्थात्—

“5 (क) पदावधि—विनियम 5 के अधीन एक अध्यर्थी को प्रारम्भ में तीन वर्षों की अवधि के लिए कोर की सदस्यता प्रदान की जायेगी जो कि हर बार तीन वर्ष की अवधि के लिये एक से अधिक बार बढ़ायी भी जा सकेगी।”

[सं. 10/5/71-महानिदेशनाग. रक्षा(नाग. रक्षा)]  
बी. आर पटेल, संचयक सचिव

## MINISTRY OF HOME AFFAIRS

New Delhi, 30th March, 1973

**G.S.R. 382.—In exercise of the powers conferred by section 9 of the Civil Defence Act, 1968 (27 of 1968), the Central Government hereby makes the following regulations further to amend the Civil Defence Regulations, 1968, namely:—**

1. (1) These regulations may be called the Civil Defence (Amendment) Regulations, 1973.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Civil Defence Regulations, 1968, after regulation 5, the following regulation shall be inserted, namely:—

**"5(A) Tenure**—A candidate shall be enrolled as a member of the Corps under regulation 5 initially for a tenure of three years which may be extended more than once each time by a further period of three years."

[No. 10/5/71-DGCD(CD)]

B. R. PATEL, Joint Secy.

शुद्धिपत्र

नई दिल्ली, 31 मार्च, 1973

सं० का० नि० 383.—दिनांक 3 फरवरी 1973 के भारत के राजपत्र में प्रकाशित इस मन्त्रालय की अधिसूचना सं० सा० का० नि० 87 में नियम 1 में "1972" श्रंकों के स्थान पर "1973" पढ़े।

[स 11/5/71-आई०सी०एफ०एस० (पर्सनल-1)]

#### CORRIGENDUM

New Delhi, 31 March 1973

**G.S.R. 383.**—In this Ministry's notification No. GSR 87 published in the Gazette of India dated the 3rd February 1973, in Rule 1 for the figure "1972" read "1973".

[No. 11/5/71-ICFS/Pers. I]

शुद्धि प

सा० का० नि० 384.—दिनांक 3 फरवरी 1973 के भारत के राजपत्र में प्रकाशित इस मन्त्रालय की अधिसूचना सं० सा० का० नि० 88 में नियम 1 में "1972" श्रंकों के स्थान पर "1973" पढ़े।

[(स 11/5/71-आई०सी०एफ०एस० (पर्सनल-1)]

पी० के० जी० काइमल, अवर सचिव

#### CORRIGENDUM

**G.S.R. 384.**—In this Ministry's notification No. GSR 88 published in the Gazette of India dated the 3rd February, 1973, in Rule 1 for the figure "1972" read "1973".

[No. 11/5/71-ICFS/Pers. I]  
P. K. G. KAIMAL, Under Secy.

वित्त मंत्रालय

(आर्थिक कार्य विभाग)

नई दिल्ली, 21 मार्च 1973

**सा. का. नि. 385.**—संविधान के उपबन्ध 309 इवारा प्रवृत्त शरीकतयों का प्रयोग करते हुये राष्ट्रपति, भारतीय दूतावास, आर्थिक

स्कन्ध, वारिंगटन में प्रथम सचिव (आर्थिक) के पद पर भर्ती की पद्धति का नियमन करने के इवारा निम्नलिखित नियम बनाते हैं :—

(1) संक्षिप्त शीर्षक और प्रारम्भ :—(1) ये नियम वित्त मंत्रालय आर्थिक कार्य विभाग, प्रथम सचिव (आर्थिक) आर्थिक स्कन्ध, भारतीय दूतावास, वारिंगटन भर्ती नियम, 1973 कहे जायेंगे।

2. प्रचुरित :—ये नियम इसके साथ संलग्न अनुसूची के कालम 1 तारीख से लागू होंगे।

3. प्रचुरित :—ये नियम इसके साथ संलग्न अनुसूची के कालम 1 में निर्धारित पद पर लागू होंगे।

3. संलग्न, वर्गीकरण और वेतनमान :—पर्वों की संलग्न, उनका वर्गीकरण और उससे सम्बन्धित वेतनमान वहीं होंगे जो उक्त अनुसूची के कालम 2 से 4 में निर्धारित हैं।

4. भर्ती की पद्धति, आयुसीमा और अवृत्त अर्हताएँ :—भर्ती की पद्धति, आयुसीमा, अर्हताएँ और उक्त पद से सम्बन्धित अन्य बातें वहीं होंगी जो उक्त अनुसूची के कालम 5 से 13 में निर्धारित हैं।

5. अनर्हताएँ :—कोई व्यक्ति, जिसने :—

(क) किसी ऐसे व्यक्ति के साथ विवाह किया हो अथवा विवाह का वचन किया हो, जिसका पति/पत्नी जीवित है, अथवा

(ख) अपने पति/पत्नी के जीवित रहो किसी अन्य व्यक्ति से विवाह किया हो अथवा विवाह का वचन किया हो,

उक्त पद पर नियुक्त के लिये पात्र नहीं होगा।

परन्तु, यदि कोई सरकार संतुष्ट हो जाय कि ऐसे व्यक्तियों को वैर्यकृतक विधि के अनुसार इस प्रकार के विवाह की अनुमति है और ऐसा करने के अन्य कारण हैं तो वह किसी व्यक्ति को इस नियम के प्रवर्तन से छूट दे सकती है।

6. छूट देने की शरीकत :—जिस मामले में कोई सरकार का यह विचार हो कि इन नियमों के किसी उपबन्ध में किसी श्रेणी के अथवा वर्ग के व्यक्तियों के सम्बन्ध में छूट देना आवश्यक अथवा छूटकर है वहां उसके कारणों का लिखित रूप से उल्लेख करके और संघ लोक सेवा आयोग के परामर्श से आदेश जारी करके छूट दे सकती है।

7. व्यावृत्ति :—सरकार इवारा समय समय पर जारी किये गये आदेशों के अनुसार अनुसूचित जाति और अनुसूचित जनजाति और अन्य वर्ग विशेष के व्यक्तियों के लिये प्रारक्षण और अन्य अपरीक्षित सुविधाएँ देने पर इन नियमों का प्रभाव नहीं पड़ेगा।

## प्रमुख सूची

क्रम सं०	पदनाम	पद संख्या	वेतनमान	ज्या पद प्रवरण है या प्रभवरण	सीधी भरती वालों के लिये आयुसीमा	सीधी भरती वालों के लिये अपेक्षित शैक्षणिक और महताएँ।	क्या सीधी भरती वालों के लिये निधारित आयु और शैक्षणिक योग्यताएँ पदो-प्रति अन्तरण के मामले में लागू होगी।
1	2	3	4	5	6	7	8
1	प्रथम सचिव (प्रार्थिक) भारतीय दूतानास, एक प्रार्थिक स्कॉल्यू, वाशिंगटन	इ० 900-50- 1000-60- 1600-100- 1800	लागू नहीं होता। लागू नहीं होता। लागू नहीं होता। लागू नहीं होता।	पदोन्नति/अन्तरण/प्रतिनियुक्ति द्वारा भरती की दशा में वे ग्रेड जिनसे पदोन्नति/ प्रतिनियुक्ति/अन्तरण किया जायगा।	यदि विभागीय पदो- न्नति समिति विचा- मान है तो उसका गठन।	यदि विभागीय पदो- न्नति समिति विचा- मान है तो उसका गठन।	परिस्थितिया जिनमें भरती फरती समय सध लोक सेवा आयोग से परा- मर्श किया जाता है।
	परिषेका की अवधि, यदि कोई भारती पद्धति, ज्या हो। सीधी भरती द्वारा अधिकारी पदोन्नति द्वारा अधिकारी प्रति- नियुक्ति/अन्तरण अन्तरण द्वारा और विभिन्न पदोन्नतियों द्वारा भरे जाने वाले पदों की प्रति- नियुक्ति।						
9	लागू नहीं होता।	प्रतिनियुक्ति पर अन्त- रण द्वारा।	प्रतिनियुक्ति पर अन्तरण : भारतीय प्रशासन सेवा/भारतीय विवेश सेवा के वरिष्ठ वेतनमान अधिकारी अधिकारी समकक्ष ग्रेड के भारतीय प्रार्थिक सेवा के अधिकारी अधिकारी के विवेश सेवा के ग्रेड I/प्रवरण ग्रेड अधिकारी अधिकारी उसके समकक्ष अधिकारी जिन्हें अधिक मामलों, अक्षणों आदि सम्बन्धी काम का अनुभव है। (प्रतिनियुक्ति की अवधि सामान्यतः 4 वर्ष से अधिक नहीं होगी।	लागू नहीं होता।	लागू नहीं होता।	सष्ठी लोक सेवा आयोग (परामर्श से छूट) नियम, 1958 में जैसा प्रवेक्षित है।	
10							
11							
12							
13							

[(सं० जी-11019/2/71/प्र० 3)]

एस० एस० वत्त, अवर सचिव,

## 5. Disqualification :—No person—

- (a) who has entered into or contracted a marriage with a person having a spouse living, or
- (b) who having a spouse living, has entered into or contracted a marriage with any person,

shall be eligible for appointment to the said post:

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such persons and the other party to the marriage and there are other grounds for so doing, exempt any person from the operation of this rule.

6. Power to relax.—Where the Central Government is of opinion that it is necessary or expedient so to do, it may by order for reasons to be recorded in writing and in consultation with the Union Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons.

7. Saving.—Nothing in these rules shall affect reservations and other concessions required to be provided for Scheduled Castes and Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

## MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 21st March, 1973

G.S.R. 385.—In exercise of powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to the post of First Secretary (Economic), Embassy of India, Economic Wing, Washington, under the Ministry of Finance (Department of Economic Affairs), namely:—

1. Short title and commencement.—() These rules may be called the Ministry of Finance, Department of Economic Affairs, First Secretary (Economic), Economic Wing, Embassy of India, Washington Recruitment Rules, 1973.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Application.—These rules shall apply to the post specified in column 1 of the Schedule hereto annexed.

3. Number, classification and scale of pay.—The number of post, its classification and the scale of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. Method of recruitment, age limit and other qualifications.—The method of recruitment, age limit, qualifications and other matters relating to the said post shall be as specified in columns 5 to 13 of the said Schedule.

## SCHEDULE

S. No.	Name of the Post	No. of Posts	Classification.	Scale of Pay	Whether selection post or non-selection post.	Age limit for direct recruits	Educational and other qualifications required for direct recruits.
1	2	3	4	5	6	7	
1.	First Secretary (Economic), Embassy of India, Economic Wing, Washington	One	General Service (Gazetted)	Central Class-I Rs. 900-50-1000-60-1600-100-1800	Not applicable.	Not applicable.	Not applicable.
	Whether age and Period of pre-educational qualifications prescribed for the direct recruits will apply in the case of promotees/transfers.	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer and percentage of the vacancies to be filled by various methods.	In case of recruitment by promotion/transfer/deputation/grades from which promotion/deputation/transfer to be made.	If a D.P.C. exists, what is its composition?	Circumstances in which UPSC is to be consulted in making recruitment.		
8	Not applicable.	Not applicable.	By transfer on deputation.	Transfer on deputation. Senior scale officers of the Indian Administrative Service/ Indian Foreign Service or officers of equivalent Grade of the Indian Economic Service or Grade I/Selection Grade Officers of the Central Secretariat Service or equivalent having experience of work relating to economic matters, loans, credits, etc.	Not applicable.	As required under the Union Public Service Commission (Exemption from Consultation) Regulations, 1958.	13
9				(Period of deputation ordinarily not exceeding 4 years).			11
10							12

[G. 11019/2/71-Admn. III]

S. L. DUTT, Under Secy.

(सेवायी प्रत्यक्ष कर थोड़ा)

शुद्धि पत्र

नई विली, 31 मार्च, 1973

आयकर

सांख्यिकी 386.—भारत के राजपत्र, साधारण, भाग 2, खण्ड 3 के में प्रकाशित अधिसूचना सं० का०आ० 4041, दिनांक 15 नवम्बर, 1972 में प्रकाशित अधिसूचना में निम्नलिखित संशोधन किये जायेंगे।

सन्दर्भ (पृष्ठ सं० आदि) निम्नलिखित के लिए निम्नलिखित पढ़िए

(1) (2) (3)

पृष्ठ 1.

ऊपर से चतुर्थ पंक्ति धन कर आय कर

पृष्ठ 1. (कालम पहला)

पैरा 1 का उप पैरा (2) और नियम 31, जनवरी, 1973 और नियम 3, जनवरी, 1973.

(1) (2) (3)

पैरा 2 की द्वितीय पंक्ति में में

पैरा 2 के अन्तर्गत के आधार पर और के आधार और 48 वीं तीसरी पंक्ति

पैरा 2 के अन्तर्गत 48ज... की जाएगी: ... की जाएगी।"

पृष्ठ 1 (कालम दूसरा)

पैरा 3 के अन्तर्गत III का रजिस्ट्रीकृत मूल्यांकन रजिस्ट्रीकृत मूल्यांकन की प्रथम पंक्ति

पैरा 4 के अन्तर्गत

123. की प्रथम पंक्ति उदाहरण उदाहरण

124. की प्रथम पंक्ति उदाहरण उदाहरण मीठे से छठी पंक्ति प्रत्यार्थी प्रत्यार्थी

पृष्ठ 2 (कालम पहला)

उपर से सातवीं पंक्ति प्रत्यार्थी प्रत्यार्थी

नवीं पंक्ति 7. अपील में-- 7. अपील में--

(1)	(2)	(3)
दसवीं पंक्ति	अपील का आधार	*अपील का आधार
नीचे से—		
बाहरी पंक्ति	लिखित	लिखित
पांचवीं पंक्ति	ग्रन्तरित*	ग्रन्तरित
दूसरी पंक्ति	* 6 यदि जगह...	* 6.यदि जगह...
पृष्ठ 2 (कालम दूसरा)		
क्रम सं० १	प्रकलिप	प्राकलिप
क्रम सं० ११	लिखित	लिखित
क्रम सं० १२ (ब)	प्राप्त	आश्रम
पृष्ठ 3 (कालम पहला)		
ऊपर से		
२०वीं पंक्ति	(नियम ४७ देखिए)	(नियम ४८ देखिए)
२२वीं पंक्ति	रजिस्ट्रीकर्ता का नाम	रजिस्ट्रीकर्ता अधिकारी का नाम
२६वीं पंक्ति	समूच्चय	समूच्चय
३२वीं पंक्ति	सम्पत्ति का ग्रन्तरण	संपत्ति का ग्रन्तरण*
नीचे से—		
चौथी पंक्ति	विवरणों	विवरणी
पृष्ठ 3 (कालम दूसरा)		
क्रम सं० (iv) की प्रथम पंक्ति दसताज	दसताजेज	
क्रम सं० (v) की तीसरी पंक्ति पदामिदान		पदामिदान
नीचे से सोलहवीं पंक्ति	....द्वारा मेरे	द्वारा *मेरे
पृष्ठ 4 (कालम पहला)		
ऊपर से नवीं पंक्ति	यह कथन करता है	यह कथम करना है
पृष्ठ 4 (कालम दूसरा)		
ऊपर से नवीं पंक्ति	(ii) द्वारा...	* (ii) द्वारा...
ग्रन्तिमं पंक्ति	श्रो० पी० भारद्वाज, सचिव	श्रो० पी० भारद्वाज, सचिव, केन्द्रीय प्रत्यक्ष कर बोई
[सं० 327(फ०सं० 142(30)/72-टी०पी०एल०)]		

वित्त मन्त्रालय  
(राजस्व और सीमा विभाग)

शुद्ध पत्र  
नई दिल्ली 14 अप्रैल, 1973

सांकेति० 387.—भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (i), तारीख 13 जनवरी, 1973 के पृष्ठ 27 पर प्रकाशित भारत सरकार के वित्त मन्त्रालय (राजस्व और सीमा विभाग) की अधिसूचना सं० सांकेति० 28 (सं० 5/73 सीमाशुल्क/फा० सं० 476/32/72-सीमा शुल्क-7), तारीख 13 जनवरी, 1973 में,—

“चालीस रु०” के स्थान पर “पचास रु०” पढ़े।

[फा० सं० 476/32/72-सीमाशुल्क]

के० शंकर रामन, मंत्री सचिव

(Department of Revenue and Insurance)

CORRIGENDUM

New Delhi, the 14th April, 1973

G.S.R. 387.—In the notification of the Government of India in the Ministry of Finance (Department of Revenue and Insurance) No. G.S.R. 28 (5/73-Customs F.No.476/32 72-Cus. VII) dated the 13th January, 1973, published at page 28 of the Gazette of India, Part II, section 3, sub-section (i), dated the 13th January, 1973 for “forty rupees”, read “fifty rupees”.

[F. No. 476/32/72-Cus. VII]  
K. SANKARARAMAN, Under Secy.

MINISTRY OF AGRICULTURE

(Department of Agriculture)

CORRIGENDUM

New Delhi, the 31st March, 1973

G.S.R. 388.—Year “1966” appearing in the last line of para 1 of G.S.R. 1131 dated the 28th August, 1972 published in Gazette of India, Part II, Section 3 Sub-section (i) dated the 16th September, 1972 may be amended to read as “1969”.

[71-20/71-CA-1]

J. S. UPPAL, Dy. Secy.

स्वास्थ्य और परिवार नियोजन मंत्रालय

(परिवार नियोजन विभाग)

नई दिल्ली, 12 मार्च, 1973

सा. का. नि. 389.—संविधान के अनुच्छेद 309 के परन्तुक इयारा प्रकृत शक्तियों का प्रयोग करते हुए राष्ट्रपीत स्वतंत्रता परिवार नियोजन विभाग में अधियान अधिकारी के पद पर भर्ती की प्रणाली का विनियमन करते हुए निम्नलिखित नियम बनाते हैं, जैसे—

1. संक्षिप्त शीर्षक और प्रारम्भ :

1. इन नियमों को परिवार नियोजन विभाग में (अधियान अधिकारी) भर्ती नियमावली, 1973 कहा जाएगा।

2. ये सरकारी राजपत्र में प्रकाशित होने की तिथि से लागू होंगे।

2. उपचालन :

ये नियम इसके साथ संलग्न अनुसूची के स्तम्भ 1 में निर्दिष्ट पदों पर लागू होंगे।

3. संख्या, वर्गीकरण तथा वेतनमान :

पदों की संख्या उनका वर्गीकरण तथा वेतनमान वही होंगे जैसा कि अनुसूची के स्तम्भ 2 से 4 में निर्दिष्ट है।

4. भर्ती की विधि, आयु सीमा, अर्हताएं आदि :

उक्त पदों पर भर्ती की विधि, आयु सीमा, अर्हताएं तथा अन्य बातें वही होंगी जैसा कि उक्त अनुसूची के स्तम्भ 5 से 13 में निर्दिष्ट हैं।

परन्तु केन्द्रीय सरकार इयारा समय-समय पर जारी किए गए सामान्य आदेशों के अनुसार अनुसूचित जारी/अनुसूचित जन जारी तथा अन्य विशेष प्रवणगाँ के अन्य व्यक्तियों के मामले में सीधी भर्ती के लिए नियारित अधिकतम आयु सीमा शिथिल की जा सकती है।

5. अनाहता :—कोई व्यक्ति ,

- (क) जो किसी ऐसे व्यक्ति से विवाह करता/करती है अथवा विवाह की संविदा करता/करती है जिसका पति या जिसकी पत्नी जीवित हो, अथवा

(ख) जो व्यक्ति एक पति/पत्नी के जीवित रहते हुए किसी व्यक्ति के साथ विवाह करता/करती है अथवा विवाह की संविदा करता/करती है, सेवा में नियुक्ति का पात्र नहीं होगा।

परन्तु, केंद्रीय सरकार यह समाधान होने पर कि ऐसा विवाह ऐसे व्यक्ति और विवाह के दूसरे पक्षकार पर लागू होने वाली विधि के अधीन अनुदाय है, और ऐसा करने के अन्य आधार हैं, किसी भी व्यक्ति को इस नियम के प्रवर्तन से छूट दे सकती है।

#### 6. शिखिल करने की शक्ति :

जहां केन्द्रीय सरकार का यह मत हो कि ऐसा करना आवश्यक अथवा समीपीय है वहां नह कारणों को तिस्रित रूप में रिकार्ड करके किसी भी श्रेणी अथवा बर्ग के व्यक्तियों के संबंध में संघ लोक सेवा आयोग से सलाह ले कर आपशा जारी करके इन नियमों के किसी भी उपबन्ध से छट वृ सकरी है ।

## 7. अपमाण :

इस संबंध में कन्नौजीय सरकार इवारा समय समय पर जारी किए गए अद्वेशाँ के अनुसार अनुसूचित जातियाँ और अनुसूचित जन-जातियाँ तथा दिवशेष बगाँ के लिए जिन आरक्षणाँ और अन्य विधायताँ की स्वतंत्रता करना अपीक्षित है उन पर इन नियमों में विवृत किसी भात का प्रभाव नहीं पड़ेगा।

प्राची

पदनाम	पदों की संख्या	वर्गीकरण	वेतनमात्र	क्या सेलेक्शन पद अधिकारी वैर सेलेक्शन पद	सीधी भर्ती के निए आयु सीधी भर्ती के लिए अपेक्षित शक्तिकृत पद	तथा अन्य अहृताएं
1	2	3	4	5	6	7
भ्रष्टाचारी प्रशिकारी	एक	सामान्य केन्द्रीय सेवा, श्रेणी I राज-परिवर्ति	रु 700-40-1100-50-2-1250	लागू नहीं होता।	लागू नहीं होता।	लागू नहीं होता।
क्या पदोंकी से रखे जाने वाले उभयीदबारों के भासले में सीधी भर्ती किए जाने वाले अधिकारी के लिए निर्धारित आयु और शक्तिकृत अहृताएं लागू होती।	परिवीक्षा की अवधि पद कोई हो।	भर्ती का तरीका सीधी भर्ती द्वारा या पदोंकी से रखे जाने वाले परिवीक्षा के द्वारा अधिकारी स्थानान्तरण के द्वारा तथा विभिन्न तरीकों द्वारा भरे जाने वाले पदों की प्रतिक्रिया।	परिवीक्षा की अवधि पद कोई हो।	पदोंकी से रखे जाने वाले परिवीक्षा के द्वारा अधिकारी स्थानान्तरण के द्वारा भर्ती के पदोंकी से रखे जाने वाले परिवीक्षा के द्वारा अधिकारी स्थानान्तरण के द्वारा भरे जाने वाले पदों की प्रतिक्रिया।	पदोंकी से रखे जाने वाले परिवीक्षा के द्वारा अधिकारी स्थानान्तरण के द्वारा भर्ती के पदोंकी से रखे जाने वाले परिवीक्षा के द्वारा अधिकारी स्थानान्तरण के द्वारा भरे जाने वाले पदों की प्रतिक्रिया।	परिस्थितियों जिनमें भर्ती के लिए सधीय लोक सेवा आयीं से परामर्श लिया जाता है।
लागू नहीं होता।	लागू नहीं होता।	प्रतिनियुक्ति पर स्थानान्तरण द्वारा	प्रतिनियुक्ति पर स्थानान्तरण के द्वारा सेवा के घेड I के अधिकारी आकाकावाणी के स्टेशन डाइरेक्टर (सामान्य सेवा); ऐसा न होने पर घेड में कम से कम पांच वर्ष की सेवा वाले केन्द्रीय सूचना सेवा, घेड II के अधिकारी। आकाकावाणी के सहृदयक स्टेशन डाइरेक्टर घेड के अधिकारी (प्रतिनियुक्ति की अवधि आमतौर पर तीन वर्ष से अधिक नहीं होती)।	लागू नहीं होता।	लागू नहीं होता।	सघ लोक सेवा आयोग (परामर्श से छूट) नियम-बली, 1958 के अन्तर्गत यथोपेक्षित

**MINISTRY OF HEALTH AND FAMILY PLANNING**

(Department of Family Planning)

New Delhi, the 12th March, 1973

**G.S.R. 389.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to the post of Campaign Officer in the Department of Family Planning, namely:—

**1. Short title and commencement.**—(i) These rules may be called the Department of Family Planning (Campaign Officer) Recruitment Rules, 1973.

(ii) They shall come into force on the date of their publication in the Official Gazette.

**2. Application.**—These rules shall apply for recruitment to the post as specified in Column 1 of the Schedule Annexed to these rules.

**3. Number, classification and scale of pay.**—The number of the said post, its classification and the scale of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

**4. Method of recruitment, age limit, qualifications etc.**—The method of recruitment to the said post, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the Schedule aforesaid:

Provided that the upper age limit specified for direct recruits in column 6 of the said Schedule may be relaxed

in the case of candidates belonging to the Scheduled Castes, the Scheduled Tribes and other special categories in accordance with the orders issued by the Central Government from time to time.

**5. Disqualification.**—No person,—

(a) who has entered into or contracted a marriage with a person having a spouse living, or

(b) who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the said post:

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing, exempt any person from the operation of this rule.

**6. Power to relax.**—Where the Central Government is of opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and, in consultation with the Union Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons.

**7. Saving.**—Nothing in these rules shall affect reservations and other concessions required to be provided for candidates belonging to the Scheduled Castes, the Scheduled Tribes and other special categories in accordance with the orders issued by the Central Government from time to time in this regard.

**SCHEDULE**

Name of Post	No. of Posts	Classification	Scale of Pay	Whether selection post or non-selection post	Age limit for direct recruits	Educational and other qualifications required for direct recruits
1	2	3	4	5	6	7
Campaign Officer	One	General Service, Gazetted	Central Class I, Rs. 700-40-1100-50/2-1250	Not applicable	Not applicable	Not applicable
Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment whether by direct motion/deputation/transfer, or by promotion or by deputation/transfer and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer to be made	If a Departmental Promotion Committee exists what is its composition	Circumstances in which Union Public Service Commission is to be consulted in making recruitment	
8	9	10	11	12	13	
Not applicable	Not applicable	By transfer on deputation	Transfer on Deputation Grade I Officer of the Central Information Service/Station Directors (Ordinary Grade) of All India Radio; failing which Grade II officers of the Central Information Service/Officers of the grade of Assistant station/Directors. All India Radio with at least five years service in the grade. (Period of deputation ordinarily not exceeding three years)	Not applicable	As required under the Union Public Service Commission (Exemption from Consultation) Regulations, 1958.	

नई विली, 17 मार्च, 1973

सांकेतिक 390.—संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राष्ट्रपति एवं द्वारा परिवार नियोजन विभाग में मेकेनिक के पद पर भर्ती की प्रणाली का विनियमन करते हुए निम्नलिखित नियम बनाते हैं, जैसे :—

## संधिक शीर्षक और प्रारम्भ

1. इन नियमों को परिवार नियोजन विभाग (मेकेनिक) भर्ती नियमावली, 1973 कहा जाएगा।

2. ये सरकारी राजपत्र में प्रकाशित होने की तिथि से लागू होंगे।

## 3. लागू होना

ये नियम इसके माध्यम संलग्न अनुसूची के स्तम्भ 1 में विनियमित पद पर लागू होंगे।

## 3. संध्या, वर्गीकरण तथा वेतनमान

उक्त पद की संध्या, उसका वर्गीकरण तथा वेतनमान वही होगा जैसा कि अनुसूची के स्तम्भ 2 से 4 में निर्दिष्ट है।

## 4. भर्ती की विधि, प्रायु सीमा, अर्हताएँ आदि

उक्त पद पर भर्ती की विधि, प्रायु सीमा, अर्हताएँ तथा अन्य बातें वहीं होंगी जैसा कि उक्त अनुसूची के स्तम्भ 5 से 13 में निर्दिष्ट हैं।

परन्तु उक्त अनुसूची के स्तम्भ 6 में सीधी भर्ती के लिये निर्धारित प्रायु सीमा में केंद्रीय सरकार द्वारा समय-समय पर आरी किये गये आवेदनों के अनुसार अनुसूचित जातियों, जन जातियों तथा अन्य विशेष शर्गों के लिये छूट दी जा सकती।

## 5. अनुसूचित : कोई व्यक्ति

(क) जो किसी ऐसे व्यक्ति से विवाह करना/करती है अथवा विशाह की संविधा करता/करती है जिसका कि पति या जिसकी पन्नी जीश्वित हो, अथवा

(ख) जो व्यक्ति एक पति/पत्नी के जीवित रहते हुए किसी व्यक्ति के साथ विवाह करता/करती है अथवा विवाह की संविधा करता/करती है, सेवा में नियुक्ति का पाल नहीं होगा।

परन्तु केंद्रीय सरकार यह समाधान होने पर कि ऐसा विवाह ऐसे व्यक्ति और विवाह के दूसरे पक्षकार पर लागू होने वाली विधि के अधीन अनुसूच्य है, और ऐसा करने के अन्य आधार है, किसी भी व्यक्ति को इस नियम के प्रबंधन से छूट दे सकती है।

## 6. छूट देने की शरित

जहाँ केंद्रीय सरकार का यह मत हो कि ऐसा करना आवश्यक अथवा समीचीय है वहाँ वह कारणों को विवित हृषि में रिकार्ड करके किसी भी श्रेणी अथवा वर्ग के व्यक्तियों के संबंध में संघ लोक सेवा आयोग से मालाह लेकर आदेश जारी करके इन नियमों के किसी भी उपबन्ध से छूट दे सकती है।

## 7. अपवाह

इस संबंध में केंद्रीय सरकार द्वारा समय-समय पर जारी किये गए आवेदनों के अनुसार अनुसूचित जातियों और अनुसूचित जन जातियों तथा अन्य विशेष शर्गों के लिए जिन आरक्षणों और अन्य रियायतों की अवस्था करना अपेक्षित है उन पर इन नियमों में विवित किसी बात का प्रभाव नहीं पड़ेगा।

## अनुसूची

पदनाम	पदों की संख्या	वर्गीकरण	वेतन-मान	क्या सेलेक्शन पद अथवा गेर सेलेक्शन पद	सीधी भर्ती के लिए आयु	सीधी भर्ती के लिए तथा अन्य अर्हताएँ	7
1	2	3	4	5	6		
मेकेनिक	एक	सामान्य केंद्रीय सेवा श्रेणी III प्रारंभिक अधिकारी	१०५०-५-१७५-६-२०३०-०००-७-२४०	लागू नहीं होता	२१-२८ वर्ष	अनिवार्य :	

## (1)

किसी मान्यता प्राप्त विषयालयबोर्ड से ऐतिहासिक पास।

## (2)

किसी मरीनों के कारखाने में काम आने वाले खाराद तथा अन्य मरीनी औजारों के प्रयोग में कम से कम पांच वर्ष का अनुभव होना आवश्यक है। तथा आफसेट मूर्ति और सम्बन्धित मरीनों के अनुरक्षण में भी पूर्ण नियुण होना चाहिये।

बाल्कीय : तकनीकी अर्हता जैसे कि फिटर ट्रेन में आई० टी० आई० का प्रमाण पत्र।

क्या पदोन्नति से रखे जाने वाले उम्मीदवारों के भाग्य में सीधी भर्ती की अवधि के निवारित प्रदेशों के निवारित प्रायु और शैक्षिक प्रहंताएँ लागू होगी।	परिवर्ती का तरीका सीधी भर्ती पदोन्नति या प्रतिनियुक्ति या स्थानान्तरण के द्वारा भर्ती के भाग्य में नति समिति है तो के लिये संघीय लोक विभागीय पदोन्नति या प्रतिनियुक्ति उसका क्या गठन है। सेवा प्रायोग से परामर्श लिया जाता है।
हो	भरे जाने वाले पदों की प्रतिशतता।

8	9	10	11	12	13
लागू नहीं होता	दो वर्ष	सीधी भर्ती द्वारा	लागू नहीं होता	लागू नहीं होता	लागू नहीं होता

New Delhi, the 17th March, 1973

**G.S.R. 390.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to the post of Mechanic in the Department of Family Planning, namely:

**1. Short title and commencement :** (i) These rules may be called the Department of Family Planning (Mechanic) Recruitment Rules, 1973.

(ii) They shall come into force on the date of their publication in the Official Gazette.

**2. Application :** These rules shall apply for recruitment to the post as specified in Column I of the Schedule Annexed to these rules.

**3. Number, classification and scale of pay :** The number of the said post, its classification and the scale of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

**4. Method of recruitment, age limit, qualifications etc :** The method of recruitment to the said post, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the Schedule aforesaid.

Provided that the upper age-limit specified for direct recruits in column 6 of the said Schedule may be relaxed in the case of candidates belonging to the Scheduled Castes, Scheduled Tribes

and other special categories of the persons in accordance with the orders issued by the Central Government from time to time.

**5. Disqualification : No person -**

(a) who has entered into or contracted a marriage with a person having a spouse living, or

(b) who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the said post.

Provided that the Central Government may, if satisfied that such marriage is permissible under personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

**6. Power to relax :** Where the Central Government is of opinion that it is necessary or expedient so to do, it may, by order and for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

**7. Saving :** Nothing in these rules shall affect reservations, and other concessions required to be provided for candidates belonging to the Scheduled Castes, the Scheduled Tribes and other special categories in accordance with the orders issued by the Central Government from time to time in this regard.

## SCHEDULE

Name of post	No. of posts	Classification	Scale of Pay	Whether Selection Post or non-Selection Post	Age limit for direct recruits.
1	2	3	4	5	6
Mechanic	One	General Central service Class III Non-Gazetted, Non Ministerial.	Rs. 150-5-175-6-205-EB-7-240	Not applicable	21—28 years

#### **Education and other qualifications required for direct recruits.**

Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees.

7

8

9

Essential ;



#### **Desirable :**

Technical qualification such as I.T.I. Certificate in Fitter trade.

Method of rectt. whether by direct or by promotion or by deputation/transfer and percentage of the vacancies to be filled by various methods.	In cases of recruitment by Promotion/deputation/transfer, grades from which promotion/deputation/transfer to be made.	If a Departmental Promotion Committee exists, what is its composition	Circumstances in which Union Public Service Commission is to be consulted in making recruitment.
10	11	12	13
By direct recruitment	Not applicable	Not applicable	Not applicable

सांकेतिक ३०।—संविधान के प्रत्यक्षेष ३०९ के परन्तु द्वारा प्रदत्त एकता ना प्रयोग करने हुए गांधीगति प्रतिवार नियमन विभाग म द्वारा नवीम के पद पर भर्ती की प्रणाली का विनियमन करते हुए निम्नलिखित नियम बनाते हैं, जैसे —

#### १. संक्षिप्त शीर्षक और प्रारम्भ :

१. इन नियमों को परिवार नियमन विभाग (आता नवीम) भर्ती नियमावली, १९७३ कहा जाएगा।

२. ये सरकारी राजपत्र में प्रकाशित होने की तिथि से लागू होंगे।

#### २. लागू होना :

ये नियम इसके मात्र मालमत अनुसूची के स्तम्भ १ में निर्दिष्ट पद पर लागू होंगे।

#### ३. संख्या, वर्गीकरण तथा बेतनमान :

उक्त पद की संख्या, उमका वर्गीकरण तथा बेतनमान वही होगा जैसा कि अनुसूची के स्तम्भ २ से ५ में विनियमित है।

#### ४. भर्ती की विधि, आयु सीमा अर्हताएं आदि :

उक्त पद पर भर्ती की विधि, आयु सीमा, अर्हताएं तथा अन्य आले वही होगी जैसा कि उक्त अनुसूची के स्तम्भ ५ से १३ में निर्दिष्ट है।

परन्तु उक्त अनुसूची के स्तम्भ ६ में सीधी भर्ती के लिये निर्धारित आयु सीमा म केन्द्रीय सरकार द्वारा समय समय पर जारी किये गये आदेशों के अनुसार अनुसूचित जातियों, जन जातियों तथा अन्य विशेष वर्गों के लिये छूट दी जा सकेगी।

पदनाम	पदों की संख्या	वर्गीकरण	बेतनमान
१	२	३	४
आता नवीम	एक	सामान्य केन्द्रीय सेवा, श्रेणी III (प्रारज-पत्रित) (प्रालिपि-वर्गीय)	इ० ११०-३ १३१-४-१५५-८०८०-०-१७५-५-१८०

अनुसूची	सेलेक्शन पद	सीधी भर्ती के लिए आवधित भौतिक प्रथवा गैर सेलेक्शन पद	सीधी भर्ती के लिए आवधित भौतिक प्रथवा गैर सेलेक्शन पद	आयु	तथा अन्य अर्हताएं
५	६	७			
लागू नहीं होता	१८-२५ वर्ष	प्रतिवार्षीय			

- (१) किसी मान्यता प्राप्त विश्वविद्यालय अवधार वाले से मैट्रिक पाप्रथवा समक्ष अर्हता।
- (२) किसी सरकारी संगठन या प्रसिद्ध वाणिज्य प्रतिष्ठान में वाता तथा लेखा रखने का लगभग दो वर्ष का अनुभव।

बाल्डोय १ दावापिंग ना जान— गति कम से कम ३० शब्द प्रति मिनट।

क्षय पदोन्नति से ग्रेड जाने वाले उम्मीदवारों के मामले में सीधी भर्ती की विधि अविकल्पो की विधि अविकल्प अवधिक अर्द्धताएं लागू होंगी।

८	९	१०	११
लागू नहीं होता	दो वर्ष	स्वास्थ्य और परिवार नियो-जन मकालय तथा स्थानीय सेवा महानिवेशालय के बहुर्थ श्रेणी कम-आर्द्धीयों की पदोन्नति द्वारा अन्यथा सीधी भर्ती द्वारा।	लागू नहीं होता

भर्ती का तरोका सीधी भर्ती द्वारा या पदोन्नति के द्वारा भर्ती के मामले में वे नामान्तरण के द्वारा भर्ती के मामले में वे ग्रेड जिनमें पदोन्नति या प्रतिनियुक्ति या स्थानान्तरण किया जाना है।

पदोन्नति या प्रतिनियुक्ति या स्थानान्तरण के द्वारा भर्ती के मामले में वे नामान्तरण के द्वारा भर्ती के मामले में वे ग्रेड जिनमें पदोन्नति या प्रतिनियुक्ति का क्षय गठन है।

परिरिधिया जिनमें भर्ती के लिए साधीय लोक सेवा प्रायोग से परामर्श लिया जाता है।

लागू नहीं होता

लागू नहीं होता

लागू नहीं होता

लागू नहीं होता

**G.S.R. 391.** In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to the post of Ledger Keeper, in the Department of Family Planning, namely :—

**1. Short title and commencement :** (i) These rules may be called the Department of Family Planning (Ledger Keeper) Recruitment Rules, 1973.

(ii) They shall come into force on the date of their publication in the Official Gazette.

**2. Application :** These rules shall apply for recruitment to the post as specified in Column I of the Schedule annexed to these rules.

**3. Number, classification and scale of pay :** The number of the said post, its classification and the scale of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

**4. Method of recruitment, age limit, qualifications etc :** The method of recruitment to the said post, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the Schedule aforesaid:

Provided that the upper age-limit specified for direct recruits in column 6 of the said Schedule may be relaxed in the

case of candidates belonging to the Scheduled Castes, the Scheduled Tribes and other special categories in accordance with the orders issued by the Central Government from time to time.

**5. Disqualification :** No person —

(a) who has entered into or contracted a marriage with a person having a spouse living, or

(b) who, having a spouse living, has entered into or contracted a marriage with any person,

shall be eligible for appointment to the said post :

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing, exempt any person from the operation of this rule.

**6. Power to relax :** Where the Central Government is of opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

**7. Saving :** Nothing in these rules shall affect reservations and other concessions required to be provided for candidates belonging to the Scheduled Castes, the Scheduled Tribes and other special categories in accordance with the orders issued by the Central Government from time to time in this regard.

SCHEDULE

Name of Post	No. of posts	Classification	Scale of Pay	Whether Selection Post or non-Selection Post	Age limit for direct recruits
1	2	3	4	5	6
Ledger Keeper	One	General Class III, (Non-Gazetted) (Non-Ministerial)	Central Service, Rs. 110-3-131-4-155-EB-4-175-5-180	Not applicable	Between 18-25 years.
Education and other qualifications required for direct recruits				Whether age and educational qualifications prescribed for direct recruits will apply in the case of Promotees	Period of probation, if any
7				8	9
<b>Essential :</b>					
(i) Matriculation or equivalent qualification of a recognized University or Board.					
(ii) About 2 years' experience of maintaining Ledger and Accounts in a Government Organisation or Commercial concern of repute.					
<b>Desirable :</b>					
Knowledge of Typewriting—Speed of at least 30 words per minute.					
Method of rectt. whether by direct or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods					
10		In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer to be made	11	If a Departmental Promotion Committee exists, what is its composition	12
By promotion from among the Class IV employees of the Ministry of Health & Family Planning & the Dte. General of Health Services—failing which by direct recruitment					
		Not applicable.		Not applicable.	
Circumstances in which Union Public Service Commission is to be consulted in making recruitment.					
13					
Not applicable.					

## (स्वास्थ्य विभाग)

नई दिल्ली, 30 मार्च, 1973

का० का० नि० 392.—संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रबन्ध समितियों का प्रयोग करते हुए राष्ट्रपति एतद्वारा स्वास्थ्य सेवा महानिदेशालय (निदेशक सिविल डिफेंस), (चिकित्सा) भर्ती नियमावली, 1968 में संशोधन करने के लिये निम्नलिखित नियम बनाते हैं नामतः—

## 1. संक्षिप्त शीर्षक और प्रारम्भ

(1) ये नियम स्वास्थ्य सेवा महानिदेशालय (निदेशक, सिविल डिफेंस) (चिकित्सा) भर्ती (संशोधन) नियमावली, 1973 कहे जायें।

(2) ये सरकारी राजपत्र में प्रकाशित होने की तिथि से लागू होंगे।

## 2. नियम 5 का प्रतिस्थापन

स्वास्थ्य सेवा महानिदेशालय (निदेशक, सिविल डिफेंस) (चिकित्सा) भर्ती नियमावली, 1968 (जिन्हें इसके बाद उक्त नियम कहा जायेगा) के नियम 5 के लिये निम्नलिखित नियम प्रतिस्थापित किया जायगा, नामतः :—

## 5. अनुरूपता : कोई व्यक्ति :

(क) जो किसी ऐसे व्यक्ति से विवाह करता/करती है प्रथमा विवाह

## स्वास्थ्य सेवा महानिदेशालय में निदेशक सिविल डिफेंस (चिकित्सा) के पद के लिये भर्ती नियमावली

पद का नाम	पदों की संख्या	घण्कारण	बेतनमान	पद संलेखन है प्रथमा नान-संलेखन	सीधी भर्ती के लिए आयु-सीमा	सीधी भर्ती के लिए अपेक्षित शैक्षिक तथा अन्य अर्हताएँ
1	2	3	4	5	6	7
निदेशक सिविल डिफेंस (चिकित्सा)	1	सामान्य केन्द्रीय सेवा, रु 1300-60-1600 लागू नहीं होता श्रेणी-1 (राजपत्रित)	सामान्य केन्द्रीय सेवा, रु 1300-60-1600 लागू नहीं होता श्रेणी-1 (राजपत्रित)	50 वर्ष, सरकारी कर्मचारियों को छूट	50 वर्ष, सरकारी कर्मचारियों को छूट	प्रथमा : (i) भारतीय चिकित्सा परिषद् अधिनियम, 1956 की पश्लो या इसरी अनुसूची या तीसरी अनुसूची के भाग II (लाइ-सेसिएट अर्हताओं को लाइकर) में सम्मिलित कोई चिकित्सा अर्हता/तीसरी अनुसूची के भाग II में सम्मिलित शैक्षिक अर्हता-धारियों को भारतीय चिकित्सा परिषद् अधिनियम, 1956 की द्वारा 13(3) में निर्धारित भर्ती को भी पूरा करना चाहिये।
						(ii) चिकित्सा, सर्जरी या जन-स्वास्थ्य में सनातकोत्तर अर्हता या इसके तुल्य अर्हता।
						(iii) प्रणासन कार्य के अछ्ले अनुभव के साथ इस व्यवसाय के कार्य का 12 वर्ष का अनुभव।
						(iv) किसी बड़े सिविल या भिलिट्री अस्पताल को चलाने तथा सिविल डिफेंस के संचालन का अनुभव।
						अन्यथा सर्वोच्च उमीदवारी के मामले में आयोग के विवेक पर अर्हताओं में छूट दी जा सकती है।

भया पदोन्नति से रखे जाने वाले परिभृती का तरीका सीधी भर्ती पदोन्नति प्रतिनियुक्ति स्थानान्तरण यदि विभागीय पदोन्नति परिस्थितियां जिनमें भर्ती उम्मीदवारों के मामले में प्रत्यक्ष बीचा द्वारा या पदोन्नति के द्वारा के द्वारा भर्ती के मामले में वह ग्रेड न्ति समिति है तो के लिए संघीय सेवा भर्ती किए जाने वाले व्यक्तियों की अधिका प्रथमां स्थानान्तरण के द्वारा जिससे पदोन्नति प्रतिनियुक्ति स्थानान्तरण किया जाता है उसका क्या गठन है आयोग से परामर्श लिया भर्ती के लिए निर्धारित आयु और प्रवधि तथा विभिन्न तरीकों द्वारा भर्ती जाने वाले पदोन्नति की आयोग से जाता है  
शैक्षिक प्राहृताएँ लागू होगी यदि भर्ती की प्रतिशतता कोई हो

8	9	10	11	12	13
लागू सही होता	2 वर्ष प्रतिनियुक्ति पर स्थानान्तरण इसके न होने पर सीधी भर्ती द्वारा दोनों के न होने पर पुनः नियुक्ति द्वारा।	प्रतिनियुक्ति पर स्थानान्तरण : केन्द्रीय/राज्य सरकारों में समान पदोन्नति कर कार्य कर रहे सुधोम्य अधिकारी या जिनकी क्रमशः रु० 450—1250 या रु० 600—1300 के बेतनमान में इन पदों पर 10 या 8 वर्ष की सेवा हो तथा जिनके पास सीधी भर्ती के लिये कालम 7 में निर्धारित शैक्षणिक या भ्रत्य प्राहृताएँ हो। (प्रतिनियुक्ति की अधिकारी साधारणतः 4 वर्ष से अधिक नहीं)	लागू नहीं होता	संघ सेवा आयोग विनियम 1958 के अधीन अपेक्षित (परामर्श से छूट)।	

#### पुनर्नियुक्ति :

मणस्त्र चिकित्सा/कोर्ट/केन्द्रीय स्वास्थ्य सेवा के ममुचित रेक/स्तर के सेशन-निवृत्त अधिकारी जिनके पास सीधी भर्ती के लिये कालम 7 में निर्धारित शैक्षणिक तथा भ्रत्य प्राहृताएँ हो। (इस विषय पर सरकार के आदेशों के अबोन साधारणतया पुनर्नियुक्ति के लिये स्वीकृत आयु तक)।

[मं० ए० 12018/10/71 स्थापना (नीति)]  
रवीन्द्रनाथ मित्रा, अवर सचिव

(Department of Health)  
New Delhi, the 30th March, 1973

**G.S.R. 392.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules to amend the Directorate General of Health Services [Director of Civil Defence (Medical) Recruitment Rules, 1968, namely:—

#### 1. Short title and commencement.—

(1) These rules may be called the Directorate General of Health Services [Director of Civil Defence (Medical) Recruitment (Amendment) Rules, 1973].

(2) They shall come into force on the date of their publication in the official Gazette.

#### 2. Substitution of rule 5

For rule 5 of the Directorate General of Health Services [Director of Civil Defence (Medical) Recruitment Rules, 1968 (hereinafter referred to as the said rules), the following rule shall be substituted, namely:—

#### “5. Disqualifications.—No persons,—

(a) who has entered into or contracted a marriage with a person having a spouse living, or

(b) who, having a spouse living, has entered into or contracted a marriage with any person,

shall be eligible for appointment to the said post:

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such persons and the other party to the marriage and there are other grounds for so doing, exempt any person from the operation of this rule.”

#### 3. Insertion of new rule 7

After rule 6 of the said rules, the following rule shall be inserted, namely:—

**“7. Saving.**—Nothing in these rules shall affect reservations and other concessions required to be provided for candidates belonging to the Scheduled Castes, the Scheduled Tribes and other categories in accordance with the orders issued by the Central Government from time to time in this regard.”

#### 4. Substitution of the Schedule

For the Schedule to the said rules, the following Schedule shall be substituted, namely:—

## SCHEDULE

## Recruitment Rules for the post of Director of Civil Defence (Medical), Directorate General of Health Services

Name of Post	No. of Posts	Classification	Scale of Pay	Whether Selection Post or non-Selection Post	Age limit for direct recruits	Educational and other qualifications required for direct recruits
1	2	3	4	5	6	7
"Director of Civil Defence (Medical)	1	General Central service Class I, (Gazetted)	Rs. 1300-60-1600	Not applicable	50 years (Relaxable for Government servants)	<p>Essential :</p> <ul style="list-style-type: none"> <li>(i) A medical qualification included in the First or the Second Schedule or Part II of the Third Schedule (other than licentiate qualifications) to the Indian Medical Council Act, 1956. Holders of educational qualifications included in Part II of the Third Schedule should also fulfil the conditions stipulated in section 13(3) of the Indian Medical Council Act, 1956.</li> <li>(ii) Post-graduate qualification in Medicine, Surgery or Public Health or equivalent qualifications.</li> <li>(iii) 12 years' standing in the Profession with considerable experience in administration.</li> <li>(iv) Experience of running a big civil or military hospital, and in organising civil defence.</li> </ul> <p>(Qualifications relaxable at Commission's discretion in the case of candidates otherwise well-qualified).</p>
Whether age and educational qualifications prescribed for direct recruits will apply in the case of Promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer to be made	If a DPC exists, what is its composition	Circumstances in which U.P.S.C. is to be consulted in making recruitment	
8	9	10	11	12	13	
Not applicable	Two years	By transfer on deputation, failing which by direct recruitment; failing both by re-employment	<p><b>Transfer on deputation :</b> Suitable officers from Central/ State Governments holding analogous posts, or with 10 years or 8 years service in posts in the scale of Rs. 450—1250 or Rs. 600—1300 respectively, possessing the educational and other qualifications prescribed for direct recruits in col. 7. (Period of deputation ordinarily not exceeding 4 years)</p> <p><b>Re-employment :</b> Retired Armed Medical Corps Officers/Central Health Service officers of the appropriate rank/status possessing the educational and other qualifications prescribed for direct recruits in col. 7 (upto the age normally permissible for such re-employment under the Government orders on the subjects).</p>	Not applicable	As required under the Union Public Service Commission (Exemption from Consultation) Regulations, 1958".	

## इत्यात् और खान मंदिरालय

(खान विभाग)

नई दिल्ली, 2 अप्रैल, 1973

सांकेतिक 393.—गान्धीनि, सविथान के अनुच्छेद 309 के परन्तुक इन शक्तियों का प्रयोग करत हुए, भारतीय भौवैज्ञानिक सर्वेक्षण (वर्ग III अनुमतिवीय पद) भर्ती नियम, 1968 में और आगे सशोधन करने के लिए निम्नलिखित नियम एतद्वारा बनाते हैं, अर्थात्—

(1) इन नियमों का नाम भारतीय भौवैज्ञानिक सर्वेक्षण (वर्ग III अनुमतिवीय पद) (गणोधन) भर्ती नियम, 1973 होगा।

(2) यह आनंदीय राजपत्र में अपने प्रकाशन की तारीख से प्रवृत्त होगे।

2 भारतीय भौवैज्ञानिक सर्वेक्षण (वर्ग III अनुमतिवीय पद) भर्ती नियम, 1968 में ऋम सं 14 और तत्स्वरूपी प्रविष्टियों के पश्चात् निम्नलिखित अम संबंधीक और प्रविष्टिया अन्तस्थापित की जाएँगी, अर्थात्—

1	2	3	4	5	6	7
"15. महानियेशक के दैवकिनक महायक	1	माधारण केन्द्रीय सेवा, अनुमतिवीय अग्रजपत्रित	350-20-450-25-475 रु०।	लागू नहीं होता	लागू नहीं होता	
लागू नहीं होता	लागू नहीं होता	लागू नहीं होता	स्थानान्तरण द्वारा।	भारतीय भौवैज्ञानिक सर्वेक्षण में नियुक्ति लागू नहीं होता लागू नहीं होता के पश्चात् प्रेष में वो वर्ष की नियमित आधार पर सेवा द्वारा अधीक्षक पद से स्थानान्तरण।		

[फा० सं० ए-12018/33/71-खान-2]

## MINISTRY OF STEEL AND MINES

(Department of Mines)

New Delhi, the 2nd April, 1973

G.S.R. 393.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Geological Survey of India (Class III Ministerial Posts) Recruitment Rules, 1968, namely:—

- (1) These rules may be called the Geological Survey of India (Class III Ministerial Posts) Recruitment (Amendment) Rules, 1973.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Geological Survey of India (Class III Ministerial Posts) Recruitment Rules, 1968 after Serial No.14 and the entries relating thereto, the following serial number and entries shall be inserted namely:—

1	2	3	4	5	6	7	8
"15. Personnel Assis- tant to Direc- tor General	1	General Central Service, Ministerial, Non-Gazetted.	Rs.350-20-450-25- 475.	Not applicable	Not applicable	Not applicable	
Not applicable	Not applicable	Rv transfer	Transfer from Superintendent in the Geological Survey of India, with two years' service in the grade rendered after appointment thereto on a re- gular basis	Not applicable	Not applicable		

[File No. A-12018/33/71-M2.]

सां का० निं० 394—राष्ट्रपति, संविधान के अनुच्छेद 309 के परत्पर द्वारा प्रदल शक्तियों का प्रयोग करते हुए भारतीय भूवैज्ञानिक सर्वेक्षण (वर्ग III—प्रत्यक्षिकीय पद) भर्ती नियम, 1968 में और आगे संशोधन करने के लिए निम्नलिखित नियम प्रत्यव्याप्त बनाते हैं, अधिकृत् ।—

1. (1) इन नियमों का नाम भारतीय भूवैज्ञानिक सर्वेक्षण (वर्ग III अनुसन्चिकीय पद) भर्ती नियम, 1968 में और आगे संशोधन

(2) यह शासकीय राजपत्र में अपने प्रकाशन की तारीख से प्रवृत्त होंगे ।

2. भारतीय भूवैज्ञानिक सर्वेक्षण (वर्ग III—अनुसन्चिकीय पद) भर्ती नियम, 1968 की अनुसृती में—

(1) अवग्र श्रेणी लिपिक के पद के संबंध में क्रम संख्या 6 के ममक, स्लैष्म 7 के अधीन की प्रविष्टि के स्थान पर “18 और 25 वर्षों के बीच” प्रविष्टि प्रतिस्थापित की जाएगी ।

(2) आशुलिपिक (मामूली श्रेणी) के पद के संबंध में क्रम संख्या 9 के ममक स्लैष्म 7 के अधीन की प्रविष्टि के स्थान पर “18 और 25 वर्षों के बीच” प्रविष्टि प्रतिस्थापित की जाएगी;

(3) स्टोर क्लर्क के पद के संबंध में क्रमसंख्या 11 के समक्ष, स्लैष्म 7 के अधीन की प्रविष्टि के स्थान पर “18 और 25 वर्षों के बीच” प्रविष्टि प्रतिस्थापित की जाएगी ।

[फाइल सं०ए-12019/7/72 आन-2]

**G.S.R. 394.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Geological Survey of India (Class III—Ministerial Posts)—Recruitment Rules, 1968, namely:—

1. (1) These rules may be called the Geological Survey of India (Class III—Ministerial Posts) Recruitment (Second Amendment) Rules, 1973.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Schedule to the Geological Survey of India (Class III—Ministerial Posts) Recruitment Rules, 1968,—

(1) against serial number 6 relating to the post of Lower Division Clerk, for the entry under column 7, the entry “Between 18 and 25 years” shall be substituted;

(2) against serial number 9 relating to the post of Stenographer (Ordinary Grade), for the entry under Column 7, the entry “Between 18 and 25 years” shall be substituted;

(3) against serial number 11 relating to the post of Store Clerk for the entry under column 7, the entry “Between 18 and 25 years” shall be substituted.

[File No. A-12018/7/72-M 2]

सां का० निं० 395—राष्ट्रपति, संविधान के अनुच्छेद 309 के परत्पर द्वारा प्रदल शक्तियों का प्रयोग करते हुए भारतीय भूवैज्ञानिक सर्वेक्षण (वर्ग III अनुसन्चिकीय पद) भर्ती नियम, 1968 में और आगे संशोधन करने के लिए निम्नलिखित नियम प्रत्यव्याप्त बनाते हैं, अधिकृत् :—

1. (1) इन नियमों का नाम भारतीय भूवैज्ञानिक सर्वेक्षण (वर्ग III अनुसन्चिकीय पद) भर्ती (द्वितीय संशोधन) नियम, 1973 होगा ।

(2) यह शासकीय राजपत्र में अपने प्रकाशन की तारीख से प्रवृत्त होंगे ।

2. भारतीय भूवैज्ञानिक सर्वेक्षण (वर्ग III अनुसन्चिकीय) भर्ती नियम, 1968 की अनुसृती में सहायक पृष्ठकाश्यक के पद से सबधित क्रम संख्या 51 के विरुद्ध स्लैष्म 7 के अधीन प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि को प्रतिस्थापित किया जाएगा, अधिकृत् ।

“23 और 35 वर्ष के बीच”

[फा० सं० ए-12018/14/72-आन-2]

विरेन्द्र गोपाल नियम, उपमंत्रित

**G.S.R. 395.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Geological Survey of India (Class III—Non-Ministerial posts) Recruitment Rules, 1968, namely:—

1. (1) These rules may be called the Geological Survey of India (Class III Non-Ministerial posts) Recruitment (Second Amendment) Rules, 1973.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Schedule to the Geological Survey of India (Class III Non-Ministerial posts) Recruitment Rules, 1968, against Serial Number 51 relating to the post of Assistant Librarian, for the entry under column 7, the following shall be substituted, namely:—

“Between 23 and 35 years.”

[File No. A-12018/14/72-M2]

V. G. NIGAM, Dy. Secy.

## MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 24th March, 1973

**G.S.R. 396.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules to amend the Directorate of Field Publicity (Class III and Class IV posts) Recruitment Rules, 1971.

1. (1) These rules may be called the Directorate of Field Publicity (Class III and Class IV posts) Recruitment (Amendment) Rules, 1973.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Schedule to the Directorate of Field Publicity (Class III and Class IV posts) Recruitment Rules, 1971, against the posts of Lower Division Clerk, in column 6, for the words and figures “Not less than 18 years and not more than 21 years”, the following words and figures shall be substituted, namely:—

“Minimum 18 years and maximum 25 years”

[No. A-12019/4/72-Admn.]

J. SANYAL, Under Secy.

शिक्षा और समाज कल्याण मंत्रालय

विज्ञान और प्रौद्योगिकी विभाग

नई दिल्ली, 13 मार्च 1973

सां. का० नि० 397.—राष्ट्रपति, संविधान के प्रतुच्छेद 309 के परन्तुक द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए, भारतीय प्राणि विज्ञान सर्वेक्षण (केन्द्रीय सेवा वर्ग 1 और वर्ग 2 पद) भर्ती नियम, 1963 में और संशोधन करते के लिए निम्नलिखित नियम गठबद्धारा बनाते हैं, अधिकारी :—

अनुसूची						
पद का नाम	पदों की संख्या	अपीकरण	वेतनमान	वयन पद अधिकारी	प्रवर्यन पद	सीधे भर्ती किए जाने वाले अधिकारी के लिए विवरण
1	2	3	4	5	6	7
7. प्रकाशन उत्पादन अधिकारी	1	साधारण केन्द्रीय सेवा (वर्ग-I राजपत्रिल)	700-50-1250	लागू नहीं होता	40 वर्ष (सरकारी प्रावधान)	(i) भारत या विदेश में किसी मान्यता प्राप्त तकनीकी संस्था से मुद्रण और सहबद्ध व्यवसाय में डिप्लोमा।
8. लागू नहीं होता	2 वर्ष					(ii) विभिन्न प्रकार भी वैज्ञानिक पुस्तकों, बुलेटिनों, विवरणिकाओं, पत्रिकाओं आदि के मुद्रण/उत्पादन में पर्याप्त हैमियत में लगभग 8 वर्ष का अनुभव।
9. लागू नहीं होता	2 वर्ष					(iii) मुद्रण प्रक्रियाओं और तकनीक, मूद्रण-स्पष्ट-सम्बन्धी अभिकल्पन, अभिन्यास, परिमापन और मूल्यनिर्धारण का उपयुक्त ज्ञान। (अन्यथा सुझाहित अधिकारी की वशा में अर्हताएं आयोग के त्रिवेकानुमार शियल की जा सकेंगी।
10. प्रतिनियुक्ति पर स्थानांतरण जिसके न हो सकने पर स्तम्भ 7 में सीधे भर्ती किए जाने वाले अधिकारीयों के लिए विहित शैक्षिक और अन्य अर्हताएं रखने वाले केन्द्रीय सरकार के अधीन सदृश पद धारण करने वाले या 400-950 रु० के वेतनमान या समतुल्य पदों में कम से कम 5 वर्ष की सेवा वाले अधिकारी। (प्रतिनियुक्ति की अवधि सामान्यतया 3 वर्ष से अधिक न होगी)	11	लागू नहीं होता	संघ सोक सेवा प्राधीन (परामर्श से छूट) विनियम, 1958 के अधीन यथावैक्षित।			

[सं. ए० 12018(16)/71-सर्वे 3]  
ए० सी० सेठी, अवर सचिव।

**MINISTRY OF EDUCATION AND SOCIAL WELFARE**  
**(Department of Science and Technology)**

New Delhi, the 13th March, 1973

**G.S.R. 397.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Zoological Survey of India (Central Service Class I and Class II posts) Recruitment Rules, 1963, namely :—

1. (1) These Rules may be called the Zoological Survey of India (Central Service Class I and Class II posts) Recruitment (Second Amendment) Rules, 1972.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Schedule to the Zoological Survey of India (Central Service Class I and Class II posts) Recruitment Rules, 1963, after Serial No. 5 "Documentation Officer" and the entries relating thereto, the following Serial No. and entries shall be inserted, namely :—

"here enter the details of 7 from the enclosed Schedule".

SCHEDULE

Name of post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Educational and other qualifications required for direct recruits.
1	2	3	4	5	6	7
7. Publication Production Officer	1	General Central Service Class-I Gazetted	Rs. 700-50-1250	Not applicable	40 years (Relaxable for Government servants)	<b>Essential</b> (i) Diploma in Printing and allied trades from a recognised technical institution in India or abroad. (ii) About 8 years' experience in a supervisory capacity in printing/production of various types of scientific books, bulletins, brochures, journals, etc. (iii) Sound knowledge of printing processes and techniques, typographical designing, layout, estimating and costing. (Qualifications relaxable at Commission's discretion in case of candidates otherwise well qualified)
Whether age and educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation, if any	Method of rectt. whether by direct rectt. or by promotion or by deputation/transfer & percentage of the vacancies to be filled by various methods	In case of rectt. by promotion/ deputation/transfer, grades from ts, what is its which promotion/deputation/trans- fer to be made	If a DPC exists	Circumstances in which U.P.S.C. is to be consulted in making recruit- ment	
8	9	10	11	12	13	
Not applicable	2 years	Transfer on deputation failing which by direct recruitment	Transfer on deputation Officers under the Central Government holding analogous posts or with at least 5 years service in the posts in the scale of Rs. 400-950 or equivalent, possessing the educational and other qualifications prescribed for direct recruits in column 7. (Period of deputation ordinarily not exceeding 3 years).	Not applicable	As required under the Union Public Service Commission (Exemption from consultation) Regulations, 1958.	

पेट्रोलियम और रसायन मंत्रालय  
(पेट्रोलियम विभाग)

नई विस्ती, 4 मार्च, 1973

सा० का० नि० 398.—तेज़ क्षेत्र (विनियमन और (विकास) प्रधिनियम, 1948 (1948 का 53) की धारा 5 और 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार पेट्रोलियम और प्राकृतिक गैस नियमावली, 1959 में और आगे संशोधन करने के लिए एतद्वारा निम्नलिखित नियम बनाती है, अर्थात् :—

1. (i) ये नियम पेट्रोलियम और प्राकृतिक गैस (द्वितीय संशोधन) नियम, 1973 कहे जा सकेंगे।

(ii) ये सरकारी राजपत्र में प्रकाशन की तिथि से लागू समझे जायेंगे।

2. पेट्रोलियम और प्राकृतिक गैस नियमावली, 1959 में :—

(क) नियम 10 में, अन्त में निम्नलिखित परन्तुक जोड़ा जाए :

“बशर्ते कि केन्द्रीय सरकार की यदि तुष्टि हो कि ऐसा करना जनहित में आवश्यक है, तो वह प्रधिसूचना द्वारा लाइसेंस के लिए किसी प्रार्थना पत्र के संदर्भ में उपर्युक्त क्षेत्र से संबंधित शर्त में छूट दे सकती है,”

(ख) नियम 12 में, अन्त में निम्नलिखित परन्तुक जोड़ा जाए अर्थात् :

“बशर्ते कि केन्द्रीय सरकार की यदि तुष्टि हो कि ऐसा करना जनहित में आवश्यक है, तो वह प्रधिसूचना द्वारा पट्टे के लिए किसी प्रार्थना पत्र के संदर्भ में उपर्युक्त क्षेत्र से संबंधित शर्त में छूट दे सकती है।”

[संख्या 12/17/72-एस एण्ड एस]

राजेन्द्रनाथ चोपड़ा, अव० सचिव ।

**MINISTRY OF PETROLEUM & CHEMICALS**

(Department of Petroleum)

New Delhi, the 4th April, 1973

**G.S.R. 398.**—In exercise of the powers conferred by sections 5 and 6 of the Oilfields (Regulation and Development) Act, 1948 (53 of 1948), the Central Government hereby makes the following Rules further to amend the Petroleum and Natural Gas Rules, 1959, namely:—

1. (1) These rules may be called the Petroleum and Natural Gas (Second Amendment) Rules, 1973.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Petroleum and Natural Gas Rules, 1959,—

- (a) in rule 10, the following proviso shall be added at the end, namely:—

“Provided that the Central Government may, if satisfied that it is necessary in public interest so to do, by notification, relax the condition regarding area aforesaid in relation to any application for licence.”;

- (b) in rule 12, the following proviso shall be added at the end, namely:—

“Provided that the Central Government may, if satisfied that it is necessary in public interest so to do, by notification, relax the condition regarding area aforesaid, in relation to any application for lease.”

[No. 12/17/72-L&L]

R. N. CHOPRA, Under Secy.

सिचाई और विद्युत मंत्रालय

नई विस्ती, 24 मार्च, 1973

सा० का० नि० 399.—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सिचाई और विद्युत मंत्रालय (गंगा नदी-क्षेत्र जल स्तोत संगठन) अननुसन्धानीय वर्ग 1 और वर्ग 2 पद भर्ती नियम, 1963 में संशोधन करने के लिए निम्नलिखित नियम एतद्वारा बनाते हैं, अर्थात् :—

1. संधिपत्र नाम और प्रारम्भ :— (1) इन नियमों का नाम सिचाई और विद्युत मंत्रालय (गंगा नदी-क्षेत्र जल स्तोत संगठन) अननुसन्धानीय वर्ग 1 और वर्ग 2 पद भर्ती (संशोधन) नियम, 1973 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. अनुसूची का संशोधन :—सिचाई और विद्युत मंत्रालय (गंगा नदी-क्षेत्र जल स्तोत संगठन) अननुसन्धानीय वर्ग 1 और वर्ग 2 पद भर्ती नियम, 1963 की अनुसूची में, कम से० 5 और उससे संबंधित प्रविष्टियों के पालायन निम्नलिखित कम से० 5 और प्रविष्टियों अंत स्थापित की जाएंगी, अर्थात् :—

## प्रमुखों

1	2	3	4	5	6	7
"6. उपमुख्य इंजीनियर	एक	साधारण केन्द्रीय सेवा वर्ग ।	1800-100-2000 ₹०	चयन	लागू नहीं होता	लागू नहीं होता
8	9	10	11	12		
लागू नहीं होता	दो वर्ष	प्रतिनियुक्ति/पदोन्नति पर स्थानान्तरण द्वारा चयन सब लोक सेवा आयोग के परामर्श से होगा ।	प्रतिनियुक्ति/प्रोफेशनल पर स्थानान्तरण वर्ग 1 विभागीय पदोन्नति निदेशक (चयन श्रेणी)/अधीक्षक- इंजीनियर (चयन श्रेणी) की पंक्ति के केन्द्रीय /राज्य सरकार के अधि- कारी या केन्द्रीय जल और विद्युत आयोग में निदेशक (साधारण श्रेणी), अधीक्षक-इंजीनियर (साधारण श्रेणी), (जिनकी उम्र श्रेणी में 5 वर्ष की सेवा हो) जलविद्या और जिन्हे गंगा नदी क्षेत्र के जल प्रयोग का प्रगाढ़ ज्ञान और अनुभव प्राप्त हो । गंगा नदी पाल जल स्वीकृत संगठन में उस श्रेणी में 5 वर्ष की सेवा याते, अधीक्षक इंजीनियर, पर भी विचार किया जायेगा । यदि उपर्युक्त गंगा नदी-पाल जल स्वीकृत संगठन में अधीक्षक इंजीनियर इस पद पर नियुक्ति के लिए चुन लिया जाता है तो यह पद पदोन्नति द्वारा भरा गया समझा जाएगा ।	समिति (परामर्श से सूट) विभिन्न 1958 के अधीन व्याप्रपेक्षित ।"	सब लोक सेवा आयोग (परामर्श से सूट)	

(प्रतिनियुक्ति की अवधि—मासूली  
तौर पर 5 वर्ष से अनधिक होगी)

[सं 7/72(फा० 6/1/71-प्रशा-5)]

जे० के० साहा, अधर सचिव

## MINISTRY OF IRRIGATION AND POWER

New Delhi, the 24th March, 1973

**G.S.R. 399.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules to amend the Ministry of Irrigation & Power (Ganga Basin Water Resources Organisation) Non-Ministerial Class I and II Posts Recruitment Rules, 1963, namely :—

**Short title and commencement :**

1. (1) These rules may be called the Ministry of Irrigation & Power (Ganga Basin Water Resources Organisation) Non-Ministerial Class I and Class II Posts Recruitment (Amendment) Rules, 1973.
- (2) They shall come into force on the date of their publication in the Official Gazette.

**Amendment of the Schedule :**

2. In the Schedule to the Ministry of Irrigation & Power (Ganga Basin Water Resources Organisation) Non-Ministerial Class I and Class II Posts Recruitment Rules, 1963, after serial number 5 and the entries relating thereto, the following serial numbers and entries shall be inserted, namely :—

## SCHEDULE

1	2	3	4	5	6	7
"6 Deputy Chief En- gineer,	One	General Central Service, Class I.	Rs. 1800-100-2000	Selection	Not applicable	Not applicable
Not appli- cable	Two years	By transfer on deputa- tion/Promotion selec- tion being made in consultation with the Union Public service Commission.	Transfer on deputation/promotion : Officers of the Central/State Govt. of the rank of Director (Selection Grade)/Superintending Engineer (Selection Grade), or Director (Ordinary Grade)/Superintend- ing Engineer (Ordinary Grade) (with 5 years' service in the Grade) in the Central Water & Power Commission, having intimate knowledge and experience of hydrology and water use of the Ganga Basin. Superintending Engineer in the Ganga Basin Water Resources Organisation with 5 years' service in the grade will also be considered. If the Superintending Engineer in the Ganga Basin Water Re- sources Organisation mentioned above is selected for appoint- ment to the post, it will be treated as having been filled by pro- motion. (Period of deputation —Ordinarily not exceeding 5 years.	Class 1 De- partmental Promotion Committee	As required under the Union Public Service Commission (Exem- ption from Consulta- tion) Regulations, 1958.	
8	9	10	11	12	13	

[No. 7/72 (F.6/1/71-Adm.V.)]

J. K. SAHA, Under Secy.

नई दिल्ली, 28 मार्च, 1973

साठ का० नि० 400,—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक प्लारा प्रवस्ता शक्तियों का प्रयोग करते हुए, सिचाई और विसृजन मंत्रालय के अधीन गंगा बाढ़ नियंत्रण आयोग में कलिपय वर्ग III, अनुसंचिक्षण पद पर भर्ती की पद्धति को विनियमित करने वाले निम्नलिखित नियम एतद्वारा बनाते हैं, अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ :—(1) इन नियमों का नाम गंगा बाढ़ नियंत्रण आयोग (वर्ग III पद) भर्ती नियम, 1972 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रयूत होंगे।

2. लागू होना :—ये नियम इससे उपायद्र अनुसूची के स्तंभ 1 में विनियिष्ट पदों की भर्ती के लिए लागू होंगे।

3. संख्या, वर्गीकरण और वेतनमान :—पदों की संख्या, उनका वर्गीकरण और उनके वेतनमान ये होंगे जो उक्त अनुसूची के स्तंभ 2 से 4 तक में विनियिष्ट हैं।

4. भर्ती की पद्धति, आयु सीमा और अन्य बातें :—उक्त पदों पर भर्ती की पद्धति, आयु सीमा, और उनसे सम्बंधित अन्य बातें वे होंगी जो उक्त अनुसूची के स्तंभ 5 से 13 तक में विनियिष्ट हैं।

परन्तु सीधी भर्ती के लिए विहित प्रधिकरण आयु-सीमा, केन्द्रीय सरकार द्वारा समय-समय पर निकाले गए आशेशों के अनुसार, किसी भी अनुसूचित आति या अनुसूचित जनजाति या किन्हीं अन्य विशेष प्रवर्गों के अन्यर्थियों के सबध में शिथिल की जा सकेगी।

5. निर्वृत्तार्थ :—वह व्यक्ति—

(क) जिसने ऐसे व्यक्ति से जिसका पति या जिसकी पत्नी जीवित है, विवाह किया है, या

(ख) जिसने अपने पति या अपनी पत्नी के जीवित होते हुए किसी व्यक्ति से विवाह किया है,

उपर्युक्त किसी पद पर नियुक्त का पात्र नहीं होगा।

परन्तु यदि केन्द्रीय सरकार का समाधान हा जाए कि ऐसा विवाह ऐसे व्यक्ति और विवाह के अन्य पक्षकार को लागू स्वीय विधि के अधीन अनुच्छेद है और ऐसा करने के लिए अन्य आधार मौजूद है तो वह किसी व्यक्ति को इस नियम के प्रवर्तन से छूट दे सकेगी।

6. शिथिल करने की शक्ति :—जहाँ केन्द्रीय सरकार की राय हो कि ऐसा करना आवश्यक या समीचीन है वहाँ वह, उसके लिए जो कारण हैं उन्हें विविद करके, इन तीयमों के किसी उपबंध को, किसी वर्ग या प्रवर्ग के अक्तियों की बाबत, आवेद द्वारा, शिथिल कर सकेगी।

पंचमी

परिचय १

विद्युत और सिवाई मंदिरालय के प्रधीन गंगा बाढ़ नियन्त्रण आयोग में वर्ग III पद (अनुसंचितीय) के लिए भर्ती नियम

पद का नाम	पदों की संख्या	वर्गीकरण	बेतनमान	चयन पद व्यवस्था	सीधे भर्ती किए जाने वाले प्रक्रिया पद	सीधे भर्ती कए जाने वाले जाने वाले व्यक्षितयों के लिए अपेक्षित शायु-सीमा के लिए आवश्यक धौर और अन्य ग्रहणता एं
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1	2	3	4	5	6	7
1. आशुलिपिक श्रेणी II	2	साधारण केन्द्रीय सेवा, वर्ग III, प्रारंभ- पत्रित, भनमुक्ति- वैय	210-10-290-15- 320-८०रो०-15-425 रु०	चयन	सागू मही होता	सागू मही होता
2. आशुलिपिक श्रेणी III	5	-पथोक्त-	130-6-160-8-200- द०रो०-8-256-8- 280-10-300र०	सागू मही होता	18-25 घर्षे के वीच	मैट्रिक या समसुल्य भर्हता आशुलिपि मे 100 रा०प्र०मि० और टाइ- पिंग मे 40 रा०प्र०मि० की न्यूनतम गति

सीधे भर्ती किए जाने वाले परिवेशका की प्रवृत्ति/  
 व्यक्तियों के लिए विहित पद्धति, यदि कोई हो  
 प्रायु और गौणिक महसूसएं  
 प्रोफेटों की दशा में सार्व-  
 होंगी या नहीं

भर्ती की पढ़ति/भर्ती प्रोफेशनल  
द्वारा या प्रतिनियुक्ति/स्थानान्तरण द्वारा तथा विभिन्न पढ़तियों द्वारा भर्ती जाने वालों द्विक्षियों की प्रतिशतता

प्रोत्साहिति/प्रतिनियुक्ति/स्थानान्तरण  
द्वारा भर्ती की दणा में बे श्रेणियाँ  
जिनसे प्रोत्साहिति/प्रतिनियुक्ति/स्थान्तरण किया जायगा

मदि विभागीय प्रोजेक्शन	भर्ती करने में किन परिस्थितियों में संघर्ष
समिति हो तो उस की	
संरचना	लोक सेवा आयोग से परामर्श किया जाएगा

8	9	10	11	12	13
लागू नहीं होता	जो वर्ष	प्रोमति द्वारा जिसके न हो सकने पर प्रतिनियुक्ति पर स्थानान्तरण द्वारा	प्रोमति द्वारा : गंगा बाढ़ नियंत्रण भायोग में श्रेणी III आशुलिपिक, जिनकी उस श्रेणी में कम से कम 5 वर्ष की सेवा हो और जो आशुलिपि में 120 श०प्र०मि० की विभागीय परीक्षा में प्रदित हों।	वर्ग III	वि०प्र०स० लागू नहीं होता
लागू नहीं होता	जो वर्ष	100 प्रतिशत सीधी भर्ती द्वारा	प्रतिनियुक्ति द्वारा :	लागू नहीं होता	लागू नहीं होता
लागू नहीं होता	जो वर्ष	लागू नहीं होता	लागू नहीं होता	लागू नहीं होता	लागू नहीं होता

1	2	3	4	5	6	7
3. प्रधान लिपिक	3	साधारण केन्द्रीय सेवा, वर्ग III, भाराजपत्रित	210-10-300-15-330- द०रो०-15-380-८०	चयन	लागू नहीं होता	लागू नहीं होता
4. उच्च श्रेणी लिपिक/ रोकड़िया	4	यन्त्रुपचिकीय, —यथोक्त—	ज०ओ०लि० के लिए 130-5-160-160-8- 200-द०रो०-८- 256-8-280-10-300 रु	अचयन	लागू नहीं होता	लागू नहीं होता
<b>रोकड़िया के लिए—</b> समय-समय पर यथा- प्रनुक्त विशेष वेतन सहित श्रेणी वेतन।						

8	9	10	11	12	13
लागू नहीं होता	2 वर्ष	66-2/3 प्रतिशत प्रोफ्रेशनल द्वारा जिसके न हो सकने पर प्रतिनियुक्ति पर स्थाना- न्तरण द्वारा	प्रोफ्रेशनल द्वारा—ज०ओ०लि०/ रोकड़िया की श्रेणी में से, जिनकी श्रेणी में 5 वर्ष की सेवा हो। प्रतिनियुक्ति द्वारा— केन्द्रीय/राज्य सरकार के विभागों में से प्रधान लिपिकों या उच्च श्रेणी लिपिकों की श्रेणी के उपयुक्त प्रधिकारी जिनकी उस श्रेणी में 5 वर्ष की सेवा हो। (प्रतिनियुक्ति की प्रवधि प्रसामान्यतः 3 वर्ष से प्रधिक नहीं होगी)	वर्ग III वि०प्रो०स०	लागू नहीं होता
लागू नहीं होता	2 वर्ष	प्रोफ्रेशनल द्वारा, जिसके न हो सकने पर प्रतिनियुक्ति द्वारा	प्रोफ्रेशनल द्वारा—जिन्हें श्रेणी लिपिक की श्रेणी में से जिनकी उस श्रेणी में 8 वर्ष की सेवा हो।	वर्ग III वि०प्रो०स०	लागू नहीं होता
टिप्पण :—रोकड़िया का प्रतिनियुक्ति द्वारा :—केन्द्रीय सचिवालय लिपिकीय सेवा के उ०ओ०लि० या स्थायी नि० ओ०लि० की श्रेणी में से उन उपयुक्त प्रधिकारियों की जिनकी 3 वर्ष की सेवा हो या उन प्रधिकारियों की जिनकी राज्य सरकार तथा केन्द्रीय सरकार के अधीनस्थ कार्या- लयों में उस श्रेणी में 8 वर्ष की सेवा हो। (प्रतिनियुक्ति की प्रवधि प्रसामान्यतः 3 वर्ष से प्रधिक नहीं होगी)					

1	2	3	4	5	6	7
5. निम्न श्रेणी लिपिक	8	साधारण केन्द्रीय सेवा, अर्जन III, पवित्र अनुमतिवीय	110-3-131-4-155-द०रो०-१७५-५-पवित्र अनुमतिवीय	लागू नहीं होता १८०२५ वर्ष के बीच १८०३० श०	(I) मैट्रिक पास या सम- तुल्य अर्हता (II) टाइप की ३० श० प्र०मि० की न्यूनतम गति, परन्तु ---	
						(क) टाइपिंग में उक्त अर्हता न रखने वाला कोई व्यक्ति इस शर्त के भ्रष्टीन रहते हुए नियुक्त किया जा सकेगा कि वह बेतनमान में वार्षिक बुद्धि प्राप्त करने या श्रेणी में स्थायीतता या स्थायी होने के लिए तब तक पात्र नहीं होगा जब तक कि वह ३० श० प्र०मि० की गति प्राप्त नहीं कर सकता ;
						(ख) शारीरिक हथ से असुविधाप्रस्त ऐसे किसी व्यक्ति को जो लिपिकीय पद धारण करने के लिए अन्यथा प्रहित है, लेकिन जिसके पास टाइप करने की उक्त अर्हता नहीं है, इस शर्त के भ्रष्टीन नियुक्त किया जा सकेगा कि असुविधाप्रस्त व्यक्तियों के लिए विशेष रोजगार कार्यालयों से सम्बद्ध चिकित्सा-बोर्ड या जहां ऐसा बोर्ड न हो वहां सिक्षित सर्जन यह प्रमाणित करे कि उक्त असुविधाप्रस्त व्यक्ति टाइप करने के लिए उपयुक्त स्थिति में नहीं है।

8

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11

12

13

हा दो वर्ष

सीधे भर्ती द्वारा

लागू नहीं होता

लागू नहीं होता

लागू नहीं होता

टिप्पण.—निम्न श्रेणी लिपिक की श्रेणी में सीधे भर्ती द्वारा भरी जाने वाली रिक्तियों की 10 प्रति-शत रिक्तियाँ वर्ग IV कर्मचारियों (गंगा बाढ़ नियन्त्रण आयोग के नियमित व्यापन पर) द्वारा भरी जाने के लिए निम्नलिखित शर्तों के अधीन रहने हुए प्रारक्षित रखी जाएँगी;

(क) चयन उस विभागीय परीक्षा के माध्यम से किया जाएगा जो वर्ग IV के उन कर्मचारियों तक सीमित रहेंगे जिनके पास व्युत्तम शैक्षिक प्रावृत्ताएँ, प्रथात् मैट्रिक या समतुल्य प्रावृत्ता हैं;

(ख) इस परीक्षा के लिए प्राधिकरण आयु 45 वर्ष होगी। (प्रनुसूचित जाति/प्रनुसूचित जन-जाति के लिए 50 वर्ष);

(ग) वर्ग 4 में कम से कम 5 वर्ष की सेवा प्रतिवार्ष होगी;

(घ) इस पदातिवारा भर्ती किए जाने वाले व्यक्तियों की अधिकतम संख्या किसी वर्ष में निम्न श्रेणी लिपिक के कांडर में हुई रिक्तियों की 10 प्रतिशत रिक्तियों तक सीमित होगी, न भरी गई रिक्तियों को आगे नहीं ले जाया जायेगा।

[फा० सं० एफ० शी० 47(11)/72]

के० रमेश राव, उप सचिव

New Delhi, the 28th March, 1973

**G.S.R. 400.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to certain Class III Ministerial Posts in the Ganga Flood Control Commission under the Ministry of Irrigation and Power, namely :

**1. Short title and commencement.**—(1) These rules may be called the Ganga Flood Control Commission (Class III posts) Recruitment Rules, 1972.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Application.**—These rules shall apply for recruitment to the posts as specified in column 1 of the Schedule annexed hereto.

**3. Number, classification and scales of pay.**—The number of posts, their classification and the scales of pay attached thereto, shall be as specified in columns 2 to 4 of the said Schedule.

**4. Method of recruitment, age limit and other matters.**—The method of recruitment to the said posts, age limit and other matters relating thereto shall be as specified in columns 5 to 13 of the Schedule aforesaid :

Provided that the upper age-limit prescribed for direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes, the Scheduled Tribes and other special categories in accordance with the orders issued by the Central Government from time to time.

**5. Disqualifications.**—No person,

(a) who has entered into or contracted a marriage with a person having a spouse living, or

(b) who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to any of the above posts.

Provided that the Central Government may, if satisfied that such a marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

**6. Power to relax.**—Where the Central Government is of opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

ANNEXURE I

SCHEDULE

Recruitment Rules for Class III posts (Ministerial) in the Ganga flood Control Commission under Ministry of Irrigation and Power

Name of the post	No. of post	Classification	Scale of pay	Whether selection post or non-selection post	Age for direct recruits	Educational & other qualifications required for direct recruit	
1	2	3	4	5	6	7	
1. Stenographer Grade II	2	General Central Service Class III, Non-gazetted, Non-ministerial	Rs.210-10-290-15-320-EB-15-425	Selection	Not applicable	Not applicable	
2. Stenographer Grade III	5	-do-	Rs.130-6-160-8-200-EB-8-256-8-280-10-300	Not applicable	Between 18-25 years	Matriculation or equivalent qualification. Minimum speed of 100 w.p.m. in Shorthand and 40 w.p.m. in typing.	

Whether age and educational period of qualifications prescribed for direct recruits will apply in the case of promotions	Method of recruitment, whether by direct recrt. or by promotion or by deputation/transfer, percentage of the vacancies to be filled by various methods	In case the recruitment by promotion/deputation/transfer grades from which promotion/deputation/transfer to be made.	If a D.P.C. exists, what is its composition	Circumstances in which U.P.S.C. is to be consulted in making recruitment.	
8	9	10	11	12	13

Not applicable	Two years	By promotion failing which by transfer on deputation	By Promotion from Stenographers Grade-III in the Ganga Flood Control Commission with not less than 5 years service in the grade and qualifying in departmental test at 120 w.p.m. in Shorthand.	Class III D.P.C.	Not applicable
Not applicable.	Two years.	100% by direct recruitment.	By deputation of suitable stenographers of Central/State Governments Departments. (Period of deputation normally not exceeding 3 years).	Not applicable	Not applicable Not Applicable

1	2	3	4	5	6	7
3. Head Clerk	3	General Central Service, Class III Non-gazetted Non-Ministerial.	Rs. 210-10-300-15-330-EB-15-380.	Selection	Not applicable	Not applicable
4. Upper Division Clerk/Cashier	4	General Central Service, Class III Non-gazetted, Ministerial.	For U.D.C. Rs.130-5-160-8-200- FB-8-256-8-280-10-300. For Cashier Grade pay plus S.P. as admissible from time to time.	Non-Selection	Not applicable	Not applicable
5. Lower Division Clerk	8	General Central Service, Class III Non-gazetted Ministerial.	Rs. 110-3-131-4-135-EB-4-175-5-180.	Not applicable	Between 18—25 years.	<p>(i) Matriculation or equivalent qualification.</p> <p>(ii) Minimum speed of 30 w.p.m. in typewriting.</p> <p><b>Provided that:</b>—</p> <ul style="list-style-type: none"> <li>(a) a person not possessing the said qualification in typing may be appointed subject to the condition that he will not be eligible for drawing increments in the pay scale or for quasi-permanency or confirmation in the grade till he acquires a speed of 30 w.p.m.</li> <li>(b) a physically handicapped person who is otherwise qualified to hold a clerical post but does not possess the said qualification in typing may be appointed subject to the condition that the Medical Board attached to the Special Employment Exchange for the handicapped or where there is no such Board, the Civil Surgeon certifies that the said handicapped person is not in a fit condition to be able to type.</li> </ul>

	8	9	10	11	12	13
Not applicable	Two years	66½% by promotion failing which by transfer on deputation. 33-1/3% by transfer on deputation.	By promotion from the grade of UDC/Cashier with 5 years service in the grade. By deputation from Central/State Government departments of suitable officers in the grade of Head Clerks or UDCs with 5 years service in the grade. (Period of deputation normally not exceeding 3 years).	Class III D.P.C	Not applicable	
Not applicable	Two years	By promotion failing which by deputation.	By promotion from grade of Lower Division Clerk with 8 years service in the grade.	Class III D.P.C.	Not applicable	
		<b>Note.—</b> The post of Cashier shall be filled by appointment of a suitable UDC.	By Deputation of suitable officers in the grade of U.D.C.s or permanent L.D.C. of CSCS with three years service or that of State Government and subordinate officers under Central Government with 8 years service in the grade. (Period of deputation normally not exceeding 5 years).			
Yes	Two years	By direct recruitment	Not applicable	Not applicable	Not applicable	
		<b>Note.—</b> 10% of the vacancies in the grade of Lower Division Clerk to be filled by direct recruitment, will be reserved for being filled up by Class IV employees (borne on regular establishment of the Ganga Flood Control Commission) subject to the following conditions:				
		(a) Selection would be made through departmental examination confined to Class IV employees who fulfil the requirement of minimum educational qualifications, namely, Matriculation or equivalent qualification.				
		(b) The maximum age for this examination would be 45 years (50 years for the Schedule Cast/the Scheduled Tribes).				
		(c) At least 5 years' service in Class IV should be essential.				
		(d) The maximum number of recruits by this method would be limited to 10% of the vacancies in the cadre of Lower Division Clerk occurring in a year; unfilled vacancies would not be carried over.				

पर्यटन तथा नागर विभाग संकालय  
(पर्यटन विभाग)

नई दिल्ली, 27 मार्च, 1973

**सांकेतिक नियम 401.**—एष्ट्रियति, संविधान के अनुच्छेद 309 के परन्तु भारत प्रवर्त व्यक्तियों का प्रयोग करते हुए, पर्यटन और नागर विभाग संकालय (पर्यटन विभाग) के अन्तर्गत भारत सरकार के पर्यटन कार्यालयों में वर्ग 4 पदों पर भर्ती की पद्धति को विनियमित करने वाले निम्नलिखित नियम एतद्वारा बनाते हैं, अर्थात् ।—

1. संक्षिप्त नाम और प्राप्ति:—(1) इन नियमों का नाम पर्यटन और नागर विभाग (पर्यटन विभाग) भारत सरकार के पर्यटन कार्यालय (वर्ग 4 पद) भर्ती नियम, 1973 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगे।

2. लागू होना:—ये नियम हम नियमों से उपरान्त अनुसूची के स्वतंत्र 2 में विनियोग पदों को लागू होंगे।

3. संक्षया, वर्गीकरण और वेतनमान:—पदों की संख्या, उनका वर्गीकरण और उनके वेतनमान वे होंगे जो उक्त अनुसूची के स्वतंत्र 3 से 5 तक में विनियोगित हैं।

4. भर्ती की पद्धति, आयु-सीमा और प्रत्यक्ष अहंताएँ:—उक्त पदों पर भर्ती की पद्धति, आयु-सीमा, अहंताएँ और उनसे सबधित अन्य बातें वे होंगी जो उक्त अनुसूची के स्वतंत्र 5 से 13 तक में विनियोगित हैं।

परन्तु इस अनुसूची के स्वतंत्र 7 में सीधे भर्ती के लिए विनियोगित अधिकतम आयु-सीमा, केन्द्रीय सरकार द्वारा समय समय पर निकाल गए आवेदनों के अनुसार, अनुसूचित जनजातियों, अनुसूचित जनजातियों के

अध्यक्षियों या किसी अन्य विशेष प्रवर्ग के व्यक्तियों के मामले में शिथिल की जा सकेगी।

5. निरहंताएँ:—वह व्यक्ति—

(क) जिसने ऐसे व्यक्ति से जिसका पति या जिसकी पत्नी जीवित है, विवाह किया है, या

(ख) जिसने अपने पति या अपनी पत्नी के जीवित होते हुए किसी व्यक्ति से विवाह किया है;

उक्त पदों में से किसी पर नियुक्ति का पास नहीं होगा:

परन्तु यदि केन्द्रीय सरकार का नामाधार हो जाए कि ऐसा विवाह ऐसे व्यक्ति और विवाह के अन्य पक्षकार का लागू स्वीय विधि के अधीन अनुज्ञेय है और ऐसा करने के लिए अन्य आधार भौजूद है तो वह किसी व्यक्ति को इस नियम के प्रवर्तन से कूट दे सकेगी।

6. शिथिल करने की शक्ति:—जहा केन्द्रीय सरकार की राय हो कि ऐसा करना आवश्यक या समीचीन है वह, उसके सिए जो कारण है उन्हें लिपिबद्ध करके इन नियमों के किसी उपबन्ध को, किसी वर्ग या प्रवर्ग के व्यक्तियों या पदों की बाबत, आदान द्वारा, शिथिल कर गकेगी।

7. आवृत्ति:—इन नियमों की कोई भी बात ऐसे आरक्षणों और अन्य रियायतों पर प्रभाव नहीं। डाकेगी जिनका, केन्द्रीय सरकार द्वारा इस सबधि में समय समय पर निकाले गए आदेशों के अनुसार अनुसूचित जनजातियों के अध्यक्षियों और अन्य विशेष प्रवर्गों के व्यक्तियों के लिए उपबन्ध करना भर्तीत है।

पर्यटन विभाग, भारत सरकार, भारत में पर्यटन कार्यालयों में दफ्तरी, पैकर, चपरासी और फराश एवं ज्ञानकश/चौकीदार/माली और गेस्टेटनर प्रशासन के वर्ग 4 पदों के लिए भर्ती नियम

क्रम सं. पद का नाम	पदों की संख्या	वर्गीकरण	वेतनमान	वर्ग पद प्रवर्तन अवयन	सीधे भर्ती किए जाने वाले व्यक्तियों के लिए आयु-सीमा	वर्ग
1	2	3	4	5	6	7
1. दारा	3	वावाड़ के द्वारा सेवा (वर्ग 4 7-5-1-8-5-द० रो० २-९५ रु० (तीन) अराजपत्रित)		प्रवर्तन	18 वर्ष और 25 वर्ष के बीच	

सीधे भर्ती किये जाने वाले व्यक्तियों के लिए अपेक्षित वैशिक सीधे भर्ती किए जाने वाले व्यक्तियों के लिए विहित परिवेश की अवधि यदि कोई और अन्य अहंताएँ आयु और वैशिक अहंताएँ प्रोत्तमि की वर्णा में लागू होंगी या नहीं।

मिडिल स्कूल स्तर तक पास		नहीं		10	2 वर्षे
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भर्ती की पद्धति, भर्ती सीधे होंगी या प्रोन्ति/प्रतिनियुक्ति/स्थानान्तरण द्वारा यदि विभागीय प्रोन्ति ममिति द्वारा गर प्रतिनियुक्ति/स्थानान्तरण द्वारा तथा की दशा में वे श्रेणियां जिनसे प्रोन्ति/प्रतिनियुक्ति/ हैं तो उसकी सर्वता स्थानान्तरण किया जायगा	भर्ती करने में किन परिस्थितियों में सध लाक सेवा आयाग से परामण किया जाएगा
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रिक्तियों का प्रतिशत		9		14	
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प्रोन्ति द्वारा, जिसके न होने पर स्थाना-प्रोन्ति—चपरासी, जिसकी उम श्रेणी में कम से कम तीन वर्ष की संवा हो।	वर्ग 1 वि० प्र०० स०		वर्ग 1 वि० प्र०० स०	लागू नहीं होता।
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न्तरण द्वारा, और दानों के ही न होने पर सीधी भर्ती द्वारा।	कम से कम तीन वर्ष की संवा हो।	स्थानान्तरण —ऐसे व्यक्ति, जो केन्द्रीय सरकार के अधीन समय समय पर धारण करते हैं और जिनके पास स्वतंत्र 8 में विनियोगित अहंताएँ हो।		
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1	2	3	4	5	6	7
2.	पैकर	5	साधारण केन्द्रीय सेवा (वर्ष 4 75-1-85 द० रो० 2-95 रु० (पांच) अराजपत्रित)	अन्यथा	18 वर्ष और 25 वर्ष के बीच	
3.	चपरासी	22	साधारण केन्द्रीय सेवा (वर्ष 4 70-1-80 द० रो० 1-85 रु० (बाईस) अराजपत्रित)	लागू नहीं होता	18 वर्ष और 25 वर्ष के बीच	
4.	फराश एवं भाड़कण/ चौकीदार/माली।	12	साधारण केन्द्रीय सेवा (वर्ष 1 70-1-80-द० रो० 1-85 रु० (आरह) अराजपत्रित)	लागू नहीं होता	18 वर्ष और 25 वर्ष के बीच	
5.	गेस्टेनर प्रशासक (तीन)	3	साधारण केन्द्रीय सेवा (वर्ष 4 80-3-110 रु० (अराजपत्रित)	अन्यथा	लागू नहीं होता	

8

9

10

मिडिल स्कूल स्तर तक पास

नहीं

2 वर्ष

आठनीय :

पैकिंग में एक वर्द का अनुभव मिडिल स्कूल स्तर तक पास

लागू नहीं होता

2 वर्ष

बालनीय

प्राइमरी स्कूल स्तर तक पास

लागू नहीं होता

2 वर्ष

लागू नहीं होता

लागू नहीं होता

2 वर्ष

11

12

13

14

सीधी भर्ती द्वारा, जिसके न होने पर स्था-  
नान्तरण द्वारा।स्थानान्तरण :—ऐसे व्यक्ति, जो केन्द्रीय सर-  
कार के कार्यालयों में समरूप या समतुल्य  
पद धारण करते हों और जिनके पास स्तंभ  
8 में विनिविष्ट अर्हताएं हों।

लागू नहीं होता

लागू नहीं होता

प्रोन्नति द्वारा, जिसके न होने पर स्था-  
नान्तरण द्वारा और दोनों के ही न होने  
पर सीधी भर्ती द्वारा।प्रोन्नति :—चपरासी, जिसकी उस श्रेणी में  
कम से कम तीन वर्ष की लगातार सेवा  
हो।

वर्ष 4 वि० प्रो० सं०

लागू नहीं होता।

सीधी भर्ती द्वारा, जिसके न होने पर स्था-  
नान्तरण द्वारा।स्थानान्तरण :—ऐसे व्यक्ति जो केन्द्रीय सर-  
कार के कार्यालयों में समरूप या समतुल्य  
पद धारण करते हों और जिनके पास स्तंभ  
8 में विनिविष्ट अर्हताएं हों।

लागू नहीं होता

लागू नहीं होता

प्रोन्नति द्वारा

प्रोन्नति :—गेस्टेनर मणीनों के प्रचालित  
करते हों और उन्हें बनाए रखने में प्रवीणता  
रखने वाले दपतरी/पैकर, जिसकी उस श्रेणी  
में कम से कम तीन वर्ष की लगातार सेवा  
हो।

वर्ष 4 वि० प्रो० सं०

लागू नहीं होता।

**MINISTRY OF TOURISM AND CIVIL AVIATION**  
**(Department of Tourism)**  
New Delhi, the 27th March, 1973

**G.S.R. 401.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to Class IV posts in the Tourist Offices of Government of India under the Ministry of Tourism and Civil Aviation (Department of Tourism), namely:—

**1. Short title and commencement.**—(1) These rules may be called the Ministry of Tourism and Civil Aviation (Department of Tourism) Tourist Offices of Government of India (Class IV posts) Recruitment Rules, 1973.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Application.**—These rules shall apply to the posts specified in column 2 of the Schedule annexed to these rules.

**3. Number of posts, classification and scales of pay.**—The number of posts, their classification and the scales of pay attached thereto shall be as specified in columns 3 to 5 of the said Schedule.

**4. Method of recruitment, age limit and other qualifications.**—The method of recruitment to the said posts, age limit, qualifications and other matters relating thereto shall be as specified in columns 5 to 14 of the said Schedule:

Provided that the upper age limit specified for direct recruitment in column 7 of the Schedule may be relaxed in

the case of candidates belonging to the Scheduled Castes, Scheduled Tribes or other special categories of persons in accordance with the orders issued by the Central Government from time to time.

**5. Disqualification.**—No person,—

(a) who has entered into or contracted a marriage with a person having a spouse living; or

(b) who, having a spouse living, has entered into or contracted a marriage with any person.

shall be eligible for appointment to any of the said posts:

Provided that the Central Government, may if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing, exempt any person from the operation of this rule.

**6. Power to relax.**—Where the Central Government is of opinion that it is necessary or expedient so to do, it may, by an order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons or posts.

**7. Saving.**—Nothing in these rules shall affect reservations and other concessions required to be provided for the candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

**SCHEDULE**

Recruitment rules for class IV posts of dafty, packers, peon and rash-cum-sweeper chowkidar/mali and gestine operator in the Department of Tourism, Government of India tourist offices in India

Sl. No.	Name of post	No. of posts	Classification	Scales of pay	Whether Selection post or non-selection post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for the direct recruits will apply in the case of promotion
1	2	3	4	5	6	7	8	9
1.	Dafty	3 (Three)	General Central Services (Class IV Non-gazetted)	Rs. 75-1-85-EB-2-95	Non-Selection	Between 18 years and 25 years.	Middle School Standard pass	No

Period for probation if any	Method of recruitment whether by direct recrt. or by promotion or by deputation/transfer and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer grades from which promotion/deputation/transfer to be made	If a DPC exists what is its composition	Circumstances in which UPSC is to be consulted in making recruitment
10	11	12	13	14
2 years	By promotion, failing which by transfer and failing both by direct recruitment	Promotion : Peons with at least 3 years' continuous service in the grade.	Class IV D.P.C.	Not applicable

1	2	3	4	5	6	7	8	9
		(Five)	General Central Services (Class IV Non-gazetted)	Rs. 75-1-85-EB-2-95.	Non-Selection	Between 18 years and 25 years.	Middle School Standard Pass	No
2.	Packer							<b>Desirable :</b> One year's experience in Packing.
3.	Peon	22 (Twenty two)	General Central Services (Class IV Non-gazetted)	Rs. 70-1-80-EB-1-85.	Not applicable	Between 18 years and 25 years	Middle School Standard Pass	Not applicable
4.	Frash-cum-Sweeper/ Chowkidar/ Mahi	12 (Twelve)	General Central Services (Class IV Non-gazetted)	Rs. 70-1-80-EB-1-85.	Not applicable	Between 18 years and 25 years	A pass in the primary School Standard	Not applicable
5.	Gestetner Operator	3 (Three)	General Central Services (Class IV Non-gazetted)	Rs. 80-3-110	Non-Selection	Not applicable	Not applicable	Not applicable

10	11	12	13	14
<b>Transfer :</b> of persons holding similar or equivalent posts under the Central Government and possessing qualifications specified in Column 8.				
2 Years	By promotion, failing which by transfer and failing both by direct recruitment	<b>Promotion :</b> Peons with at least 3 years' service in the grade.	Class IV D.P.C.	Not applicable
		<b>Transfer :</b> Persons holding similar or equivalent posts under the Central Government and possessing qualifications specified in Column 8.		
2 years	By direct recruitment failing which by transfer	<b>Transfer :</b> Persons holding similar or equivalent posts in Central Government Offices and possessing qualifications specified in Column 8.	Not applicable	Not applicable
2 years	By direct recruitment failing which by transfer	<b>Transfer :</b> Persons holding similar or equivalent posts in the Central Government Offices.	Not applicable	Not applicable
2 years	By promotion	<b>Promotion :</b> Factories/Packers with at least 3 years continuous service in the grade having proficiency in operating and maintaining gestetner machines.	Class IV DPC	Not applicable

[F. No. A. 12018/1/72 T.A.I.]  
G. L. GUPTA, Deputy Secy.

नई दिल्ली, 29 मार्च, 1973

सांख्यिकी 402.—संविधान के प्रत्यक्षेत्र 309 के परन्तुक द्वारा प्रदस्त गणितों का प्रयोग करते हुए, राष्ट्रपति एतद्वाया भारत सौम्य विज्ञान विभाग (श्रेणी III) तथा IV पद) भर्ती नियम, 1971 में और शासकीय क्षमता करते हुए निम्नलिखित नियम बनाते हैं, प्रधानमंत्री :—

- 1 (1) ये नियम भारत सौम्य विज्ञान विभाग (श्रेणी III तथा IV पद) भर्ती (भासोधन) नियम, 1973 के अनुसार हैं।
- 2 (2) ये शासकीय राजपत्र में प्रकाशन की तारीख को प्रदृश्य करते हैं।

2 भारत सौम्य विज्ञान विभाग (श्रेणी III तथा IV पद) भर्ती नियम, 1971 की अनुच्छी में, वैज्ञानिक महायक (वैधानिक नियमिक

के 3 पद तथा भंशर और पूर्ति महायक के 1 पद सहित) के प्रती संबंधित पद 3 के मामले :—

(1) कालम 6 से 8 तक के नीचे की गई प्रविष्टियों के स्थान पर, ऋमास निम्नलिखित प्रविष्टियां प्रतिस्थापित की जाएंगी, अर्थात् :—

“6 लागू नहीं होता।

7. लागू नहीं होता।

8. लागू नहीं होता।”

(2) कालम 10 के नीचे की गई प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियां प्रतिस्थापित की जाएंगी, अर्थात् :—

"75 प्रतिशत प्रबलता-वन्मोम्यता के आधार पर प्रोन्नति द्वारा;  
25 प्रतिशत विभागीय उम्मीदवारों तक सीमित प्रतियोगी  
परीक्षा के आधार पर, चयन द्वारा प्रोन्नति द्वारा।"

[सं.ए० 12034/11/71-एम]  
एस० शार० शर्मा, प्रबल सचिव

New Delhi, the 29th March, 1973

**G.S.R. 402.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the India Meteorological Department (Class III and IV posts) Recruitment Rules, 1971, namely:—

1. (1) These rules may be called the India Meteorological Department (Class III and IV Posts) Recruitment (Amendment) Rules, 1973.  
(2) They shall come into force on the date of their publication in the official Gazette.
2. In the schedule to the India Meteorological Department (Class III and IV Posts) Recruitment Rules, 1971, against item 3 relating to the post of Scientific Assistant (including three posts of Inspector of Observatories and 1 post of Stores & Supply Assistant.)—
  - (i) for the entries under columns 6 to 8, the following entries shall respectively be substituted, namely:—  
"6. Not applicable.  
7. Not applicable  
8. Not applicable."
  - (ii) for the entries under column 10, the following entries shall be substituted, namely:—  
"75 per cent by promotion on the basis of seniority-cum-fitness; 25 per cent by promotion by selection on the basis of competitive examination restricted to departmental candidates."

[No. A. 12034/11/71-M]  
M. R. SHARMA, Under Secy.

नौवहन और परिवहन मंत्रालय

(परिवहन वधा)

नई दिल्ली, 4 अप्रैल, 1973

**सांख्यनि० 403.**—मुम्बई पत्तन न्यास अधिनियम, 1879 (1879 का मुम्बई अधिनियम 6) की धारा 13 की उपधारा (2) द्वारा प्रबल शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, यह समाधान हो जाने पर कि ब्रेटर मुम्बई नगरपालिका नियम उक्त अधिनियम की धारा 10 में विनिर्दिष्ट प्रवधि के भ्राता मुम्बई पत्तन के न्यासियों के खोड़ के लिए वो न्यासियों को निर्वाचित करते में अपने नियन्त्रणातीत कारणों से असफल रहा है, यह निदेश देती है कि उक्त न्यासियों का निर्वाचन, 31 मई, 1973 को या उसके पूर्व किया जाएगा।

[फा० सं० 8-पोजी ए० (35)/73]

श्रीमती श्री० निर्मल, अधर सचिव

#### MINISTRY OF SHIPPING AND TRANSPORT

(Transport Wing)

New Delhi, the 4th April, 1973

**G.S.R. 403.**—In exercise of the powers conferred by sub-section (2) of section 13A of the Bombay Port Trust Act, 1879 (Bombay Act 6 of 1879), the Central Government, having been satisfied that the Municipal Corporation of Greater Bombay has failed to elect two trustees to the Board of Trustees of the Port of Bombay within the period specified in section 10 of the said Act for reasons beyond its control, hereby directs that the election of the said trustees shall be held on or before the 31st May, 1973.

[F. No. 8-PGA(35)/73]

Smt. B. NIRMAL, Under Secy.

#### MINISTRY OF COMMUNICATIONS

(W.P.C. Wing)

CORRIGENDUM

New Delhi, the 28th March, 1973

**G.S.R. 404.**—In the Notification of Government of India in the Ministry of Communications (W.P.C. Wing) No. 131 (No. R-11014/4/70-LR) dated the 24th January, 1973 published at page 253 of the Gazette of India Part II Section 3 Sub-Section (i) dated 10th February, 1973, in rule 2 clause (e) the figures '1965' shall be inserted after the word 'Montreux'.

[R-11014/4/70-LR]

M. K. RAO, Assistant Wireless Adviser





# आरत का यजपत्र

## The Gazette of India

मुख्यालय

## EXTRAORDINARY

भाग II—संख्या ३—दृष्टिकोण (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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सं. ६८<sup>१</sup> नई दिल्ली, बुधवार, अर्पण ७, १९७१/चंत १७, १८९३

No. 68] NEW DELHI, WEDNESDAY, APRIL 7, 1971/CHAITRA 17, 1893

इस भूग्र में भिन्न प्रष्ठे संख्या दी जाती है जिससे कि यह प्रालग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

## MINISTRY OF HOME AFFAIRS

## NOTIFICATION

New Delhi, the 6th April 1971

**G.S.R. 520.**—In exercise of the powers conferred by section 9 of the Civil Defence Act, 1968 (27 of 1968), the Central Government hereby makes the following regulations to amend the Civil Defence Regulations, 1968, namely:—

1. (1) These regulations may be called the Civil Defence (Amendment) Regulations, 1971.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Civil Defence Regulations, 1968,—

(a) for regulation 7, the following regulation shall be substituted, namely:—

"7. Membership Certificate.

(1) Every person appointed to be a member of the Corps shall be issued a certificate of membership in Form C.

- (2) A person losing the certificate issued to him under sub-regulation (1), shall report its loss forthwith to his immediate superior officer, who shall make necessary enquiries, and shall after satisfying himself, arrange the issue of a duplicate certificate of the same.
- (3) The cost of the aforesaid duplicate certificate as determined by the issuing authority, shall be borne by the person to whom the certificate of membership was issued under sub-regulation (1).
- (b) in the appendix for the existing Form C, the following Form shall be substituted, namely:—

"As on reverse"

**"FORM C**

No.

(See regulation 7)

**Membership Certificate**

Government of ..... (name of the State)

**CIVIL DEFENCE CORPS**

1. Name in full
2. Nationality
3. Date of Birth
4. Father's/Husband's name
5. Identification marks
6. Permanent Address
7. Name of Civil Defence Corps  
in which employed
8. Assignment
9. Name and address of next of kin
10. Signature/Thumb  
impression of the person

**PHOTOGRAPH**

Date of issue  
Office Stamp of

Issuing Authority

Signature and designation  
of Issuing Authority"

[No. 5/33/69-DGCD(CD)]  
J. C. AGARWAL, Jt. Secy.

गृह मंत्रालय

अधिसूचना

नई दिल्ली 6 अप्रैल, 1971

सांख्यिकीय सिविल रक्षा अधिनियम, 1968 (1968 का 27) की धारा 9  
धारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा सिविल रक्षा विनियम 1968 में  
संशोधन करने के लिए निम्नलिखित विनियम बनाती है, अर्थात् :—

1. ये विनियम सिविल रक्षा (संशोधन) विनियम; 1971 कहे जा सकेंगे।
2. ये शासकीय राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. सिविल रक्षा विनियम, 1968 में—

(क) विनियम 7 के स्थान पर, निम्नलिखित विनियम प्रतिस्थापित किया जाएगा,  
अर्थात्—

“7. सदस्यता प्रमाण पत्र (1) कोर के सदस्य के रूप में निशुक्त हर अधिकित को प्ररूप ग  
में एक सदस्यता प्रमाण पत्र जारी किया जाएगा।

(2) उपविनियम (1) के अधीन उसे जारी किए गए प्रमाण पत्र को खो देने वाला  
अधिक इसके खो जाने की रिपोर्ट तत्काल अपने से ठीक बरिष्ठ अधिकारी को करेगा,  
जो आवश्यक जांच करेगा, और अपना समाधान कर लेने के पश्चात, उस प्रमाण  
पत्र की दूसरी प्रति जारी करने की अवस्था करेगा।

3. प्रमाण पत्र की पूर्वोत्तर दूसरी तरीफ की साथत, जैसी की जारी करने वाले अधिकारी  
द्वारा अवधारित की जाय, उस अधिकित द्वारा बहन की जाएगी जिसे उपविनियम  
(1) के अधीन सदस्यता का प्रमाण पत्र जारी किया गया था।”;

(ख) परिशिष्ट में, विचारान प्ररूप ग के स्थान पर, निम्नलिखित प्ररूप प्रतिस्थापित किया  
जाएगा, अर्थात्—

“प्ररूप ग

स०

(विनियम 7 देखें)

सदस्यता प्रमाणपत्र

..... (राज्य का नाम की सरकार  
सिविल रक्षा कोर

1. पूरा नाम.....	
2. राष्ट्रियकता.....	
3. जन्म की सारीव.....	
4. पिता/पति का नाम.....	फोटोग्राफ
5. पहचान चिन्ह.....	
6. स्थायी पता.....	
7. सिविल रक्षा कोर का नाम जिसमें नियोजित है.....	
8. सुपुर्द काम.....	

9. निकटतम कुल्य का नाम और पता.....

10. व्यक्ति का हस्ताक्षर/इंग्रूठे का निशान.....

जारी करने की तारीख

जारी करने वाले प्राधिकारी के कार्यालय की मुद्रा

जारी करने वाले प्राधिकारी के हस्ताक्षर और  
पदाभिष्ठान"

[संख्या 5/33/69डी०-जी० सी० डी० (सी० डी०)]

ज० च० अप्रवाल, संयक्त सचिव।



# भारत का राजपत्र

## The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — छण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं 9] नई दिल्ली, बृहस्पतिवार, जनवरी 7, 2016/पौष 17, 1937 (शक)  
No. 9] NEW DELHI, THURSDAY, JANUARY 7, 2016/PAUSAH 17, 1937 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi, the 7th January, 2016/Pausha 17, 1937 (Saka)*THE ENEMY PROPERTY (AMENDMENT AND VALIDATION)  
ORDINANCE, 2016

No. 1 OF 2016

Promulgated by the President in the Sixty-sixth Year of the  
Republic of India.An Ordinance further to amend the Enemy Property Act,  
1968 and the Public Premises (Eviction of Unauthorised  
Occupants) Act, 1971.WHEREAS Parliament is not in session and the President is  
satisfied that circumstances exist which render it necessary for  
him to take immediate action;Now, THEREFORE, in exercise of the powers conferred by clause  
(1) of article 123 of the Constitution, the President is pleased to  
promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Enemy Property (Amendment and Validation) Ordinance, 2016. Short title and commencement.
- (2) It shall come into force at once.

Amendment of section 2. 2. On and from the date of commencement of the Enemy Property Act, 1968 (hereinafter referred to as the principal Act), 34 of 1968, in section 2,—

(i) in clause (b),—

(I) for the words “an enemy subject”, the words “an enemy subject including his legal heir and successor whether or not a citizen of India or the citizen of a country which is not an enemy or the enemy, enemy subject or his legal heir and successor who has changed his nationality” shall be substituted and shall always be deemed to have been substituted;

(II) for the words “an enemy firm”, the words “an enemy firm, including its succeeding firm whether or not partners or members of such succeeding firm are citizen of India or the citizen of a country which is not an enemy or such firm which has changed its nationality” shall be substituted and shall always be deemed to have been substituted;

(III) for the words “does not include a citizen of India”, the words “does not include a citizen of India other than those citizens of India, being the legal heir and successor of the “enemy” or “enemy subject” or “enemy firm” ” shall be substituted and shall always be deemed to have been substituted;

(IV) the following *Explanations* shall be inserted and shall always be deemed to have been inserted at the end, namely:—

*Explanation 1.*—For the purposes of this clause, the expression “does not include a citizen of India” shall exclude and shall always be deemed to have been excluded those citizens of India, who are or have been the legal heir and successor of an “enemy” or an “enemy subject” or an “enemy firm” which or who has ceased to be an enemy due to death, extinction, winding up of business or change of nationality or that the legal heir and successor is a citizen of India or the citizen of a country which is not an enemy.

*Explanation 2.*—For the purposes of this clause, it is hereby clarified that nothing contained in this Act shall affect any right of the legal heir

and successor referred to in this clause (not being inconsistent to the provisions of this Act) which have been conferred upon him under any law for the time being in force.';

(ii) in clause (c), in the proviso,—

(I) after the words "dies in the territories to which this Act extends", the words "or dies in any territory outside India" shall be inserted and shall always be deemed to have been inserted;

(II) the following *Explanations* shall be inserted and shall always be deemed to have been inserted at the end, namely:—

*Explanation 1.*—For the purposes of this clause, it is hereby clarified that "enemy property" shall, notwithstanding that the enemy or the enemy subject or the enemy firm has ceased to be an enemy due to death, extinction, winding up of business or change of nationality or that the legal heir and successor is a citizen of India or the citizen of a country which is not an enemy, continue and always be deemed to be continued as an enemy property.

*Explanation 2.*—For the purposes of this clause, the expression "enemy property" shall mean and include and shall be deemed to have always meant and included all rights, titles and interest in, or any benefit arising out of, such property.'

3. On and from the date of commencement of the principal Act, in section 5, after sub-section (2), the following shall be inserted, and shall always be deemed to have been inserted, namely:—

Amendment of  
section 5.

'(3) The enemy property vested in the Custodian shall, notwithstanding that the enemy or the enemy subject or the enemy firm has ceased to be an enemy due to death, extinction, winding up of business or change of nationality or that the legal heir and successor is a citizen of India or the citizen of a country which is not an enemy, continue to remain, save as otherwise provided in this Act, vested in the Custodian.

*Explanation.*—For the purposes of this sub-section, "enemy property vested in the Custodian" shall include and always deemed to have been included all rights, titles, and

interest in, or any benefit arising out of, such property vested in him under this Act.'.

Insertion of new section 5A.

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

Issue of certificate by Custodian.

"5A. The Custodian may, after making such inquiry as he deems necessary, by order, declare that the property of the enemy or the enemy subject or the enemy firm described in the order, vests in him under this Act and issue a certificate to this effect and such certificate shall be the evidence of the facts stated therein.".

Insertion of new section 5B.

5. On and from the date of commencement of the principal Act, after section 5A (as so inserted by section 4 of this Ordinance), the following shall be inserted and shall always be deemed to have been inserted, namely:—

Law of succession or any custom or usage not to apply to enemy property.

"5B. Nothing contained in any law for the time being in force relating to succession or any custom or usage governing succession of property shall apply in relation to the enemy property under this Act and no person (including his legal heir and successor) shall have any right and shall be deemed not to have any right (including all rights, titles and interests or any benefit arising out of such property) in relation to such enemy property."

*Explanation.*—For the purposes of this section, the expressions "custom" and "usage" signify any rule which, having been continuously and uniformly observed for a long time, has obtained the force of law in the matters of succession of property.'

Amendment of section 6.

6. On and from the date of commencement of the principal Act, for section 6 of the principal Act, the following section shall be substituted and shall always be deemed to have been substituted, namely:—

Prohibition to transfer any property vested in Custodian by an enemy, enemy subject or enemy firm.

"6. (1) No enemy or enemy subject or enemy firm shall have any right and shall never be deemed to have any right to transfer any property vested in the Custodian under this Act, whether before or after the commencement of this Act and any transfer of such property shall be void and shall always be deemed to have been void.

(2) Where any property vested in the Custodian under this Act had been transferred, before the commencement of the Enemy Property (Amendment and Validation) Ordinance, 2016, by an enemy or enemy subject or enemy

firm and such transfer has been declared, by an order, made by the Central Government, to be void, and the property had been vested or deemed to have been vested in the Custodian [by virtue of the said order made under section 6, as it stood before its substitution by section 6 of the Enemy Property (Amendment and Validation) Ordinance, 2016] such property shall, notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority, continue to vest or be deemed to have been vested in the Custodian and no person (including an enemy or enemy subject or enemy firm) shall have any right or deemed to have any right (including all rights, titles and interests or any benefit arising out of such property) over the said property vested or deemed to have been vested in the Custodian.”.

7. In section 8 of the principal Act,—

Amendment  
of section 8.

(i) On and from the date of commencement of the principal Act, for sub-section (1), the following sub-section shall be substituted and shall always be deemed to have been substituted, namely:—

“(1) With respect to the property vested in the Custodian under this Act, the Custodian may take or authorise the taking of such measures as he considers necessary or expedient for preserving such property till it is disposed of in accordance with the provisions of this Act.”;

(ii) in sub-section (2),—

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

‘(ia) fix and collect the rent, standard rent, lease rent, licence fee or usage charges, as the case may be, in respect of enemy property;

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

“(iva) secure vacant possession of the enemy property by evicting the unauthorised or illegal occupant or trespasser and remove unauthorised or illegal constructions, if any.”.

Insertion of  
new section  
8A.

8. After section 8 of the principal Act, the following section shall be inserted, namely:-

Sale of  
property  
by  
Custodian.

“8A.(1) Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority or any law for the time being in force, the Custodian may, within such time as may be specified by the Central Government in this behalf, dispose of whether by sale or otherwise, as the case may be, with prior approval of the Central Government, by general or special order, enemy properties vested in him immediately before the date of commencement of the Enemy Property (Amendment and Validation) Ordinance, 2016 in accordance with the provisions of this Act, as amended by the Enemy Property (Amendment and Validation) Ordinance, 2016.

(2) The Custodian may, for the purpose of disposal of enemy property under sub-section (1), make requisition of the services of any police officer to assist him and it shall be the duty of such officer to comply with such requisition.

(3) The Custodian shall, on disposal of enemy property under sub-section (1) immediately deposit the sale proceeds into the Consolidated Fund of India and intimate details thereof to the Central Government.

(4) The Custodian shall send a report to the Central Government at such intervals, as it may specify, for the enemy properties disposed of under sub-section (1), containing such details, (including the price for which such property has been sold and the particulars of the buyer to whom the properties have been sold or disposed of and the details of the proceeds of sale or disposal deposited into the Consolidated Fund of India) as it may specify.

(5) The Central Government may, by general or special order, issue such directions to the Custodian on the matters relating to disposal of enemy property under sub-section (1) and such directions shall be binding upon the Custodian and the buyer of the enemy properties referred to in that sub-section and other persons connected to such sale or disposal.

(6) The Central Government may, by general or special order, make such guidelines for disposal of enemy property under sub-section (1).

(7) Notwithstanding anything contained in this section, the Central Government may direct that disposal of enemy property under sub-section (1) shall be made by any other authority or Ministry or Department instead of Custodian and in that case all the provisions of this section shall apply to such authority or Ministry or Department in respect of disposal of enemy property under sub-section (1).

(8) Notwithstanding anything contained in sub-sections (1) to (7), the Central Government may deal with or utilise the enemy property in such manner as it may deem fit.”.

9. After section 10 of the principal Act, the following section shall be inserted, namely:—

“10A.(1) Where the Custodian proposes to sell any enemy immovable property vested in him, to any person, he may on receipt of the sale proceeds of such property, issue a certificate of sale in favour of such person and such certificate of sale shall, notwithstanding the fact that the original title deeds of the property have not been handed over to the transferee, be valid and conclusive proof of ownership of such property by such person.

(2) Notwithstanding anything contained in any law for the time being in force, the certificate of sale, referred to in sub-section (1), issued by the Custodian shall be a valid instrument for the registration of the property in favour of the transferee and the registration in respect of enemy property for which such certificate of sale had been issued by the Custodian, shall not be refused on the ground of lack of original title deeds in respect of such property or for any such other reason.”.

10. In section 11 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

s of 1908.

Insertion of new section 10A.

Power to issue certificate of sale.

Amendment of section 11.

“(3) The Custodian, Deputy Custodian or Assistant Custodian shall have, for the purposes of exercising powers or discharging his functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while dealing with any case under this Act, in respect of the following matters, namely:—

- (a) requiring the discovery and inspection of documents;
- (b) enforcing the attendance of any person, including

any officer dealing with land, revenue and registration matters, banking officer or officer of a company and examining him on oath;

(c) compelling the production of books, documents and other records; and

(d) issuing commissions for the examination of witnesses or documents.”.

Amendment  
of section  
17.

**11.** In section 17 of the principal Act, in sub-section (1), for the words “two per centum”, at both the places where they occur, the words “five per centum” shall be substituted.

Substitution  
of new  
section for  
section 18.

**12.** For section 18 of the principal Act, the following section shall be substituted, namely:—

Transfer of  
property  
vested as  
enemy  
property in  
certain  
cases.

“18. The Central Government may, on receipt of a representation from a person, aggrieved by an order vesting a property as enemy property in the Custodian within a period of thirty days from the date of receipt of such order and after giving a reasonable opportunity of being heard, if it is of the opinion that any enemy property vested in the Custodian under this Act and remaining with him was not an enemy property, it may by general or special order, direct the Custodian that such property vested as enemy property in the Custodian may be transferred to the person from whom such property was acquired and vested in the Custodian.”.

Insertion of  
new  
section 18A.

**13.** On and from the date of commencement of the principal Act, after section 18 (as so substituted by section 12 of this Ordinance), the following section shall be inserted and shall always be deemed to have been inserted, namely:—

Income not  
liable to be  
returned.

“18A. Any income received in respect of the enemy property by the Custodian shall not, notwithstanding that such property had been transferred by way of sale under section 8A or section 18, as the case may be, to any other person, be returned or liable to be returned to such person or any other person.”.

Insertion of  
new section  
18B.

**14.** After section 18A of the principal Act, (as so inserted by section 13 of this Ordinance), the following section shall be inserted, namely:—

Bar of jurisdiction.

“18B. No civil court or other authority shall entertain any suit or other proceeding in respect of any property, subject matter of this Act as amended by the Enemy Property (Amendment and Validation) Ordinance, 2016, or any action taken by the Central Government or the Custodian in this regard.”.

15. In section 20 of the principal Act, for the words “five hundred rupees” at both the places where they occur, the words “ten thousand rupees” shall be substituted. Amendment of section 20.

16. On and from the date of commencement of the principal Act, in section 22 of the principal Act, after the words “for the time being in force”, the brackets and words “(including any law of succession or any custom or usage in relation to succession of property)” shall be inserted and shall always be deemed to have been inserted. Amendment of section 22.

17. After section 22 of the principal Act, the following section shall be inserted and shall always be deemed to have been inserted with effect from the 2<sup>nd</sup> July, 2010, namely:— Insertion of new section 22A.

“22A. Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority,— Validation.

(a) the provisions of this Act, as amended by the Enemy Property (Amendment and Validation) Ordinance, 2016, shall have and shall always be deemed to have effect for all purposes as if the provisions of this Act, as amended by the said Ordinance, had been in force at all material times;

(b) any enemy property divested from the Custodian to any person under the provisions of this Act, as it stood immediately before the commencement of the Enemy Property (Amendment and Validation) Ordinance, 2016, shall stand transferred to and vest or continue to vest, free from all encumbrances, in the Custodian in the same manner as it was vested in the Custodian before such divesting of enemy property under the provisions of this Act, as if the provisions of this Act, as amended by the aforesaid Ordinance, were in force at all material times;

(c) no suit or other proceedings shall, without prejudice to the generality of the foregoing provisions, be maintained or continued in any court or tribunal or authority for the enforcement of any decree or order or direction given by such court or tribunal or authority

directing divestment of enemy property from the Custodian vested in him under section 5 of this Act, as it stood before the commencement of the Enemy Property (Amendment and Validation) Ordinance, 2016, and such enemy property shall continue to vest in the Custodian under section 5 of this Act, as amended by the aforesaid Ordinance, as the said section, as amended by the aforesaid Ordinance was in force at all material times;

(d) any transfer of any enemy property, vested in the Custodian, by virtue of any order of attachment, seizure or sale in execution of decree of a civil court or orders of any tribunal or other authority in respect of enemy property vested in the Custodian which is contrary to the provisions of this Act, as amended by the Enemy Property (Amendment and Validation) Ordinance, 2016, shall be deemed to be null and void and notwithstanding such transfer, continue to vest in the Custodian under this Act.”.

Amendment  
of section  
23.

**18.** In section 23 of the principal Act, in sub-section (2), clause (d) shall be omitted.

Power to  
remove of  
difficulty.

**19.** (1) If any difficulty arises in giving effect to the provisions of the principal Act, as amended by the Enemy Property (Amendment and Validation) Ordinance, 2016, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as amended by the Enemy Property (Amendment and Validation) Ordinance, 2016, or the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, as amended by the Enemy Property (Amendment and Validation) Ordinance, 2016, as may appear to be necessary for removing the difficulty:

40 of 1971.

Provided that no such order shall be made under this section after the expiry of two years from the date on which the Enemy Property (Amendment and Validation) Bill, 2016, replacing the Enemy Property (Amendment and Validation) Ordinance, 2016, receives the assent of the President.

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

Amendment  
of sections 2  
and 3 of Act  
40 of 1971.

**20.** In the Public Premises (Eviction of Unauthorised Occupants) Act, 1971,—

(a) in section 2, in clause (e), after sub-clause (3), the

following sub-clause shall be inserted, namely:—

14 of 1968

“(4) any premises of the enemy property as defined in clause (c) of section 2 of the Enemy Property Act, 1968.”;

(b) in section 3, in clause (a),—

(i) in the second proviso, the word “and” shall be omitted;

(ii) after the second proviso, the following proviso shall be inserted, namely:—

14 of 1968.

“Provided also that the Custodian, Deputy Custodian and Assistant Custodian of the enemy property appointed under section 3 of the Enemy Property Act, 1968 shall be deemed to have been appointed as the Estate Officer in respect of those enemy property, being the public premises, referred to in sub-clause (4) of clause (e) of section 2 of this Act for which they had been appointed as the Custodian, Deputy Custodian and Assistant Custodian under section 3 of the Enemy Property Act, 1968.”.

Ord. 4 of 2010.

34 of 1968.

40 of 1971.

**21.** Notwithstanding the cessation of the operation of the Savings Enemy Property (Amendment and Validation) Ordinance, 2010, anything done or any action taken under the Enemy Property Act, 1968, or the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, as amended by the Enemy Property (Amendment and Validation) Ordinance, 2010, shall be deemed to have been done or taken under the corresponding provisions of those Acts, as amended by the Enemy Property (Amendment and Validation) Ordinance, 2010, as if the provisions of this Act, as amended by the said Ordinance had been in force at all material times.

PRANAB MUKHERJEE,  
*President.*

DR. G. NARAYANA RAJU,  
*Secretary to the Govt. of India.*

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# भारत का राजपत्र

## The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं 53] नई दिल्ली, रविवार, अगस्त 28, 2016/ भाद्र 6, 1938 (शक)  
No. 53] NEW DELHI, SUNDAY, AUGUST 28, 2016/BHADRA 6, 1938 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE  
(Legislative Department)

New Delhi, the 28th August, 2016/Bhadra 6, 1938 (Saka)

### THE ENEMY PROPERTY (AMENDMENT AND VALIDATION) FOURTH ORDINANCE, 2016

NO. 7 OF 2016

Promulgated by the President in the Sixty-seventh Year of the Republic of India.

An Ordinance further to amend the Enemy Property Act, 1968 and the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

WHEREAS the Enemy Property (Amendment and Validation) Ordinance, 2016 was promulgated by the President on the 7th day of January, 2016;

AND WHEREAS the Enemy Property (Amendment and Validation) Bill, 2016 to replace the Enemy Property (Amendment and Validation) Ordinance, 2016 has been passed by the House of the People and is pending in the Council of States;

AND WHEREAS the Enemy Property (Amendment and Validation) Bill, 2016 was referred to the Select Committee of the Rajya Sabha for its examination and report;

AND WHEREAS in order to give continued effect to the Enemy Property (Amendment and Validation) Ordinance, 2016, the Enemy Property (Amendment and Validation) Second Ordinance was promulgated by the President on the 2nd April, 2016;

AND WHEREAS the Select Committee submitted its Report, along with the Enemy Property (Amendment and Validation) Bill, 2016 incorporating therein the amendments recommended by the said Committee, on the 6th May, 2016;

AND WHEREAS the Enemy Property (Amendment and Validation) Bill, 2016, as reported by the Select Committee, could not be taken up for consideration and passing in the Council of States;

AND WHEREAS the Enemy Property (Amendment and Validation) Third Ordinance, 2016 incorporating the recommendations of the Select Committee was promulgated by the President on the 31st May, 2016 which will cease to operate on the 28th day of August, 2016;

AND WHEREAS it is considered necessary to give continued effect to the provisions of the Enemy Property (Amendment and Validation) Third Ordinance, 2016 along with the amendments as recommended by the Select Committee;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

Short title and commencement.

**1. (1)** This Ordinance may be called the Enemy Property (Amendment and Validation) Fourth Ordinance, 2016.

**(2)** Save as otherwise provided, it shall be deemed to have come into force on the 7<sup>th</sup> day of January, 2016.

34 of 1968.      2. On and from the date of commencement of the Enemy Property Act, 1968 (hereinafter referred to as the principal Act), in section 2,—

Amendment of  
section 2.

(i) in clause (b),—

(I) for the words “an enemy subject”, the words “an enemy subject including his legal heir and successor whether or not a citizen of India or the citizen of a country which is not an enemy or the enemy, enemy subject or his legal heir and successor who has changed his nationality” shall be substituted and shall always be deemed to have been substituted;

(II) for the words “an enemy firm”, the words “an enemy firm, including its succeeding firm whether or not partners or members of such succeeding firm are citizens of India or citizens of a country which is not an enemy or such firm which has changed its nationality” shall be substituted and shall always be deemed to have been substituted;

(III) for the words “does not include a citizen of India”, the words ‘ “does not include a citizen of India other than those citizens of India, being the legal heir and successor of the “enemy” or “enemy subject” or “enemy firm” ’ shall be substituted and shall always be deemed to have been substituted;

(IV) the following *Explanations* shall be inserted and shall always be deemed to have been inserted at the end, namely:—

‘Explanation 1.—For the purposes of this clause, the expression “does not include a citizen of India” shall exclude and shall always be deemed to have been excluded those citizens of India, who are or have been the legal heir and successor of an “enemy” or an “enemy subject” or an “enemy firm” which or who has ceased to be an enemy due to death, extinction, winding up of business or change of nationality or that the legal heir and successor is a citizen of India or the citizen of a country which is not an enemy.

*Explanation 2.*— For the purposes of this clause, it is hereby clarified that nothing contained in this Act shall affect any right of the legal heir and successor referred to in this clause (not being inconsistent to the provisions of this Act) which have been conferred upon him under any other law for the time being in force.’;

(ii) in clause (c), in the proviso,—

(I) after the words “dies in the territories to which this Act extends”, the words “or dies in any territory outside India” shall be inserted and shall always be deemed to have been inserted;

(II) the following *Explanations* shall be inserted and shall always be deemed to have been inserted at the end, namely:—

*Explanation 1.*— For the purposes of this clause, it is hereby clarified that “enemy property” shall, notwithstanding that the enemy or the enemy subject or the enemy firm has ceased to be an enemy due to death, extinction, winding up of business or change of nationality or that the legal heir and successor is a citizen of India or the citizen of a country which is not an enemy, continue and always be deemed to be continued as an enemy property.

*Explanation 2.*— For the purposes of this clause, the expression “enemy property” shall mean and include and shall be deemed to have always meant and included all rights, titles and interests in, or any benefit arising out of, such property.’.

Amendment of  
section 5.

3. On and from the date of commencement of the principal Act, in section 5, after sub-section (2), the following shall be inserted, and shall always be deemed to have been inserted, namely:—

‘(3) The enemy property vested in the Custodian shall, notwithstanding that the enemy or the enemy subject or the enemy firm has ceased to be an enemy due to death, extinction, winding up of business or change of nationality or that the legal heir and successor is a citizen of India or the citizen of a country which is not an enemy, continue to remain, save as otherwise provided in this Act, vested in the Custodian.

*Explanation.*—For the purposes of this sub-section, “enemy property vested in the Custodian” shall include and shall always be deemed to have been included all rights, titles, and interests in, or any benefit arising out of, such property vested in him under this Act.’.

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

Insertion of new section 5A.

“5A. The Custodian may, after making such inquiry as he deems necessary, by order, declare that the property of the enemy or the enemy subject or the enemy firm described in the order, vests in him under this Act and issue a certificate to this effect and such certificate shall be the evidence of the facts stated therein.”.

Issue of certificate by Custodian.

5. On and from the date of commencement of the principal Act, after section 5A [as so inserted by section 4 of the Enemy Property (Amendment and Validation) Ordinance, 2016], the following shall be inserted and shall always be deemed to have been inserted, namely:—

Insertion of new section 5B.

‘5B. Nothing contained in any law for the time being in force relating to succession or any custom or usage governing succession of property shall apply in relation to the enemy property under this Act and no person (including his legal heir and successor) shall have any right and shall be deemed not to have any right (including all rights, titles and interests in, or any benefit arising out of, such property) in relation to such enemy property.

Law of succession or any custom or usage not to apply to enemy property.

*Explanation.*— For the purposes of this section, the expressions “custom” and “usage” signify any rule which, having been continuously and uniformly observed for a long time, has obtained the force of law in the matters of succession of property.’.

6. On and from the date of commencement of the principal Act, for section 6 of the principal Act, the following section shall be substituted and shall always be deemed to have been substituted, namely:—

Amendment of section 6.

Prohibition to transfer any property vested in Custodian by an enemy, enemy subject or enemy firm.

“6. (1) No enemy or enemy subject or enemy firm shall have any right and shall never be deemed to have any right to transfer any property vested in the Custodian under this Act, whether before or after the commencement of this Act and any transfer of such property shall be void and shall always be deemed to have been void.

(2) Where any property vested in the Custodian under this Act had been transferred, before the commencement of the Enemy Property (Amendment and Validation) Fourth Ordinance, 2016, by an enemy or enemy subject or enemy firm and such transfer has been declared, by an order, made by the Central Government, to be void, and the property had been vested or deemed to have been vested in the Custodian [by virtue of the said order made under section 6, as it stood before its substitution by section 6 of the Enemy Property (Amendment and Validation) Fourth Ordinance, 2016] such property shall, notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority, continue to vest or be deemed to have been vested in the Custodian and no person (including an enemy or enemy subject or enemy firm) shall have any right or deemed to have any right (including all rights, titles and interests in, or any benefit arising out of, such property) over the said property vested or deemed to have been vested in the Custodian.”.

Amendment of section 8.

7. In section 8 of the principal Act,—

(i) on and from the date of commencement of the principal Act, for sub-section (I), the following sub-section shall be substituted and shall always be deemed to have been substituted, namely:—

“(I) With respect to the property vested in the Custodian under this Act, the Custodian may take or authorise the taking of such measures as he considers necessary or expedient for preserving such property till it is disposed of in accordance with the provisions of this Act.”;

(ii) in sub-section (2),—

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

“(ia) fix and collect the rent, standard rent, lease rent, licence fee or usage charges, as the case may be, in respect of enemy property;”;

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

“(iva) secure vacant possession of the enemy property by evicting the unauthorised or illegal occupant or trespasser and remove unauthorised or illegal constructions, if any.”.

8. After section 8 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 8A.

“8A.(1) Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority or any law for the time being in force, the Custodian may, within such time as may be specified by the Central Government in this behalf, dispose of whether by sale or otherwise, as the case may be, with prior approval of the Central Government, by general or special order, enemy properties vested in him immediately before the date of commencement of the Enemy Property (Amendment and Validation) Fourth Ordinance, 2016 in accordance with the provisions of this Act, as amended by the Enemy Property (Amendment and Validation) Fourth Ordinance, 2016.

Sale of property by Custodian.

(2) The Custodian may, for the purpose of disposal of enemy property under sub-section (1), make requisition of the services of any police officer to assist him and it shall be the duty of such officer to comply with such requisition.

(3) The Custodian shall, on disposal of enemy property under sub-section (1) immediately deposit the sale proceeds into the Consolidated Fund of India and intimate details thereof to the Central Government.

(4) The Custodian shall send a report to the Central Government at such intervals, as it may specify, for the enemy properties disposed of under sub-section (1), containing such details (including the price for which such property has been sold and the particulars of the buyer to whom the properties have been sold or disposed

of and the details of the proceeds of sale or disposal deposited into the Consolidated Fund of India), as it may specify.

(5) The Central Government may, by general or special order, issue such directions to the Custodian on the matters relating to disposal of enemy property under sub-section (1) and such directions shall be binding upon the Custodian and the buyer of the enemy properties referred to in that sub-section and other persons connected to such sale or disposal.

(6) The Central Government may, by general or special order, make such guidelines for disposal of enemy property under sub-section (1).

(7) Notwithstanding anything contained in this section, the Central Government may direct that disposal of enemy property under sub-section (1) shall be made by any other authority or Ministry or Department instead of Custodian and in that case all the provisions of this section shall apply to such authority or Ministry or Department in respect of disposal of enemy property under sub-section (1).

(8) Notwithstanding anything contained in sub-sections (1) to (7), the Central Government may deal with or utilise the enemy property in such manner as it may deem fit.”.

**9.** After section 10 of the principal Act, the following section shall be inserted, namely:—

“10A. (1) Where the Custodian proposes to sell any enemy immovable property vested in him, to any person, he may on receipt of the sale proceeds of such property, issue a certificate of sale in favour of such person and such certificate of sale shall, notwithstanding the fact that the original title deeds of the property have not been handed over to the transferee, be valid and conclusive proof of ownership of such property by such person.

(2) Notwithstanding anything contained in any law for the time being in force, the certificate of sale, referred to in sub-section (1), issued by the Custodian shall be a valid instrument for the registration of the property in

Insertion of  
new section  
10A.

Power to issue  
certificate of  
sale.

favour of the transferee and the registration in respect of enemy property for which such certificate of sale had been issued by the Custodian, shall not be refused on the ground of lack of original title deeds in respect of such property or for any such other reason.”.

- 10.** In section 11 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

Amendment of  
section 11.

5 of 1908.

“(3) The Custodian, Deputy Custodian or Assistant Custodian shall have, for the purposes of exercising powers or discharging his functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while dealing with any case under this Act, in respect of the following matters, namely:—

- (a) requiring the discovery and inspection of documents;
- (b) enforcing the attendance of any person, including any officer dealing with land, revenue and registration matters, banking officer or officer of a company and examining him on oath;
- (c) compelling the production of books, documents and other records; and
- (d) issuing commissions for the examination of witnesses or documents.”.

- 11.** In section 17 of the principal Act, in sub-section (1), for the words “two per centum”, at both the places where they occur, the words “five per centum” shall be substituted.

Amendment of  
section 17.

- 12.** For section 18 of the principal Act, the following section shall be substituted, namely:—

Substitution of  
new section for  
section 18.

“18. The Central Government may, on receipt of a representation from a person, aggrieved by an order vesting a property as enemy property in the Custodian within a period of thirty days from the date of receipt of such order or from the date of its publication in the Official Gazette, whichever is earlier and after giving a reasonable opportunity of being heard, if it is of the opinion that any enemy property vested in the Custodian

Transfer of  
property vested as  
enemy property  
in certain cases.

under this Act and remaining with him was not an enemy property, it may by general or special order, direct the Custodian that such property vested as enemy property in the Custodian may be transferred to the person from whom such property was acquired and vested in the Custodian.”.

Insertion of new section 18A.

**13.** On and from the date of commencement of the principal Act, after section 18 [as so substituted by section 12 of the Enemy Property (Amendment and Validation) Ordinance, 2016], the following section shall be inserted and shall always be deemed to have been inserted, namely:—

Income not liable to be returned.

“18A. Any income received in respect of the enemy property by the Custodian shall not, notwithstanding that such property had been transferred by way of sale under section 8A or section 18, as the case may be, to any other person, be returned or liable to be returned to such person or any other person.”.

Insertion of new sections 18B and 18C.

**14.** After section 18A of the principal Act [as so inserted by section 13 of the Enemy Property (Amendment and Validation) Ordinance, 2016], the following sections shall be inserted, namely:—

Ord. 1 of 2016.

Exclusion of jurisdiction of civil courts.

‘18B. Save as otherwise provided in this Act, no civil court or authority shall have jurisdiction to entertain any suit or proceedings in respect of any property, subject matter of this Act, as amended by the Enemy Property (Amendment and Validation) Fourth Ordinance, 2016, or any action taken by the Central Government or the Custodian in this regard.

Appeal to High Court.

18C. Any person aggrieved by an order of the Central Government under section 18 of this Act, may, within a period of sixty days from the date of communication or receipt of the order, file an appeal to the High Court on any question of fact or law arising out of such orders, and upon such appeal the High Court may, after hearing the parties, pass such orders thereon as it thinks proper:

Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing an appeal within the said period, allow it to be filed within a further period not exceeding sixty days.

*Explanation.*—In this section, “High Court” means the High Court of a State or Union territory in which the property referred to in section 18 is situated.’.

**15.** In section 20 of the principal Act, for the words “five hundred rupees” at both the places where they occur, the words “ten thousand rupees” shall be substituted. Amendment of section 20.

**16.** On and from the date of commencement of the principal Act, in section 22 of the principal Act, after the words “for the time being in force”, the brackets and words “(including any law of succession or any custom or usage in relation to succession of property)” shall be inserted and shall always be deemed to have been inserted. Amendment of section 22.

**17.** After section 22 of the principal Act, the following section shall be inserted and shall always be deemed to have been inserted with effect from the 2nd July, 2010, namely:— Insertion of new section 22A.

“22A. Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority,— Validation.

(a) the provisions of this Act, as amended by the Enemy Property (Amendment and Validation) Fourth Ordinance, 2016, shall have and shall always be deemed to have effect for all purposes as if the provisions of this Act, as amended by the said Ordinance, had been in force at all material times;

(b) any enemy property divested from the Custodian to any person under the provisions of this Act, as it stood immediately before the commencement of the Enemy Property (Amendment and Validation) Fourth Ordinance, 2016, shall stand transferred to and vest or continue to vest, free from all encumbrances, in the Custodian in the same manner as it was vested in the Custodian before such divesting of enemy property under the provisions of this Act, as if the provisions of this Act, as amended by the aforesaid Ordinance, were in force at all material times;

(c) no suit or other proceedings shall, without prejudice to the generality of the foregoing provisions, be maintained or continued in any court or tribunal or

authority for the enforcement of any decree or order or direction given by such court or tribunal or authority directing divestment of enemy property from the Custodian vested in him under section 5 of this Act, as it stood before the commencement of the Enemy Property (Amendment and Validation) Fourth Ordinance, 2016, and such enemy property shall continue to vest in the Custodian under section 5 of this Act, as amended by the aforesaid Ordinance, as if the said section, as amended by the aforesaid Ordinance was in force at all material times;

(d) any transfer of any enemy property, vested in the Custodian, by virtue of any order of attachment, seizure or sale in execution of decree of a civil court or orders of any tribunal or other authority in respect of enemy property vested in the Custodian which is contrary to the provisions of this Act, as amended by the Enemy Property (Amendment and Validation) Fourth Ordinance, 2016, shall be deemed to be null and void and notwithstanding such transfer, continue to vest in the Custodian under this Act.”.

Amendment of  
section 23.

**18.** In section 23 of the principal Act, in sub-section (2), clause (d) shall be omitted.

Power to  
remove  
difficulties.

**19.** (1) If any difficulty arises in giving effect to the provisions of the principal Act, as amended by the Enemy Property (Amendment and Validation) Fourth Ordinance, 2016, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as amended by the Enemy Property (Amendment and Validation) Fourth Ordinance, 2016, or the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, as amended by the Enemy Property (Amendment and Validation) Fourth Ordinance, 2016, as may appear to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of two years from the date on which the Bill replacing the Enemy Property (Amendment and Validation) Fourth Ordinance, 2016, receives the assent of the President.

40 of 1971.

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

**20.** In the Public Premises (Eviction of Unauthorised Occupants) Act, 1971,—

Amendment of sections 2 and 3 of Act 40 of 1971.

(a) in section 2, in clause (e), after sub-clause (3), the following sub-clause shall be inserted, namely:—

34 of 1968.

“(4) any premises of the enemy property as defined in clause (c) of section 2 of the Enemy Property Act, 1968.”;

(b) in section 3, in clause (a),—

(i) in the second proviso, the word “and” shall be omitted;

(ii) after the second proviso, the following proviso shall be inserted, namely:—

34 of 1968.

“Provided also that the Custodian, Deputy Custodian and Assistant Custodian of the enemy property appointed under section 3 of the Enemy Property Act, 1968 shall be deemed to have been appointed as the Estate Officer in respect of those enemy property, being the public premises, referred to in sub-clause (4) of clause (e) of section 2 of this Act for which they had been appointed as the Custodian, Deputy Custodian and Assistant Custodian under section 3 of the Enemy Property Act, 1968.”.

**21.** Notwithstanding the cessation of the operation of the Savings. Enemy Property (Amendment and Validation) Ordinance, 2010, anything done or any action taken under the Enemy Property Act, 1968, or the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, as amended by the Enemy Property (Amendment and Validation) Ordinance, 2010, shall be deemed to have been done or taken under the corresponding provisions of those Acts, as amended by the Enemy Property (Amendment and Validation) Ordinance, 2010, as if the provisions of this Act, as amended by the said Ordinance had been in force at all material times.

Ord. 4 of 2010.  
34 of 1968.

40 of 1971.

Ord. 6 of 2016.

**22. (1)** The Enemy Property (Amendment and Validation) Repeal and Third Ordinance, 2016 is hereby repealed. savings.

(2) Notwithstanding such repeal, anything done or any action taken under the Enemy Property Act, 1968 as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the said Act, as amended by this Ordinance.

<sup>34</sup> of 1968.

PRANAB MUKHERJEE,  
*President.*

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DR. G. NARAYANA RAJU,  
*Secretary to the Govt. of India.*

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REGISTERED NO. DL—(N)04/007/2003—10



# आरत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड I

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 51] नई दिल्ली, सोमवार, सितम्बर 27, 2010 / आश्विन 5, 1932

No. 51] NEW DELHI, MONDAY, SEPTEMBER 27, 2010 / ASVINA 5, 1932

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 27th September, 2010/Asvina 5, 1932 (Saka)

The following Act of Parliament received the assent of the President on the 26th September, 2010, and is hereby published for general information:—

## THE FOREIGN CONTRIBUTION (REGULATION) ACT, 2010

No. 42 of 2010

[26th September, 2010.]

An Act to consolidate the law to regulate the acceptance and utilisation of foreign contribution or foreign hospitality by certain individuals or associations or companies and to prohibit acceptance and utilisation of foreign contribution or foreign hospitality for any activities detrimental to the national interest and for matters connected therewith or incidental thereto.

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

### CHAPTER I

#### PRELIMINARY

1. (1) This Act may be called the Foreign Contribution (Regulation) Act, 2010.

Short title,  
extent,  
application  
and com-  
mencement.

(2) It extends to the whole of India, and it shall also apply to—

(a) citizens of India outside India; and

(b) associate branches or subsidiaries, outside India, of companies or bodies corporate, registered or incorporated in India.

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

Provided that different dates may be appointed for different provisions of this Act 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.

Definitions.

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) "authorised person in foreign exchange" means an authorised person referred to in clause (c) of section 2 of the Foreign Exchange Management Act, 1999;

42 of 1999.

(c) "bank" means a banking company as referred to in clause (c) of section 5 of the Banking Regulation Act, 1949;

10 of 1949.

(d) "candidate for election" means a person who has been duly nominated as a candidate for election to any Legislature;

(e) "certificate" means certificate of registration granted under sub-section (3) of section 12;

10 of 1949.

(f) "company" shall have the meaning assigned to it under clause (1) of section 2 of the Income-tax Act, 1961;

43 of 1961.

(g) "foreign company" means any company or association or body of individuals incorporated outside India and includes—

(i) a foreign company within the meaning of section 591 of the Companies Act, 1956;

1 of 1956.

(ii) a company which is a subsidiary of a foreign company;

(iii) the registered office or principal place of business of a foreign company referred to in sub-clause (i) or company referred to in sub-clause (ii);

(iv) a multi-national corporation.

*Explanation.*—For the purposes of this sub-clause, 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;

(h) "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, is not more than such sum as may be specified from time to time, by the Central Government by the rules made by it in this behalf;

(ii) of any currency, whether Indian or foreign;

(iii) of any security as defined in clause (h) of section 2 of the Securities Contracts (Regulation) Act, 1956 and includes any foreign security as defined in clause (o) of section 2 of the Foreign Exchange Management Act, 1999.

42 of 1956.

42 of 1999.

*Explanation 1.*— A donation, delivery or transfer of any article, currency or foreign security referred to in this clause by any person who has received it from any foreign source, either directly or through one or more persons, shall also be deemed to be foreign contribution within the meaning of this clause.

*Explanation 2.*— The interest accrued on the foreign contribution deposited in any bank referred to in sub-section (1) of section 17 or any other income derived from the foreign contribution or interest thereon shall also be deemed to be foreign contribution within the meaning of this clause.

*Explanation 3.*— Any amount received, by any person from any foreign source in India, by way of fee (including fees charged by an educational institution in India from foreign student) or towards cost in lieu of goods or services rendered by such person in the ordinary course of his business, trade or commerce whether within India or outside India or any contribution received from an agent of a foreign source towards such fee or cost shall be excluded from the definition of foreign contribution within the meaning of this clause;

(i) "foreign hospitality" means any offer, not being a purely casual one, made in cash or kind by a foreign source for providing a person with the costs of travel to any foreign country or territory or with free boarding, lodging, transport or medical treatment;

(j) "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, specify in this behalf;

(iii) a foreign company;

(iv) a corporation, not being a foreign company, incorporated in a foreign country or territory;

(v) a multi-national corporation referred to in sub-clause (iv) of clause (g);

56. (vi) a company within the meaning of the Companies Act, 1956, and more than one-half of the nominal value of its share capital is held, either singly or in the aggregate, by one or more of the following, namely:—

(A) the Government of a foreign country or territory;

(B) the 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;

(E) foreign company;

(vii) a trade union in any foreign country or territory, whether or not registered in such foreign country or territory;

(viii) a foreign trust or a foreign foundation, by whatever name called, or such trust or foundation 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;

(k) "Legislature" means —

(A) either House of Parliament;

(B) 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;

(C) Legislative Assembly of a Union territory constituted under the Government of Union Territories Act, 1963; 20 of 1963.

(D) Legislative Assembly for the National Capital Territory of Delhi referred to in the Government of National Capital Territory of Delhi Act, 1991; 1 of 1992.

(E) Municipality as defined in clause (e) of article 243P of the Constitution;

(F) District Councils and Regional Councils in the States of Assam, Meghalaya, Tripura and Mizoram as provided in the Sixth Schedule to the Constitution;

(G) Panchayat as defined in clause (d) of article 243 of the Constitution; or

(H) any other elective body as may be notified by the Central Government;

(I) "notification" means notification published in the Official Gazette and the expression "notify" shall be construed accordingly;

(m) "person" includes—

(i) an individual;

(ii) a Hindu undivided family;

(iii) an association;

(iv) a company registered under section 25 of the Companies Act, 1956; 1 of 1956.

(n) "political party" means—

(i) an association or body of individual citizens of India—1 of 1992.

(A) to be registered with the Election Commission of India as a political party under section 29A of the Representation of the People Act, 1951; or 43 of 1951.

(B) which has set up candidates for election to any Legislature, but is not so registered or deemed to be registered under the Election Symbols (Reservation and Allotment) Order, 1968;

(ii) a political party mentioned in column 2 of Table 1 and Table 2 to the notification of the Election Commission of India No.56/J&K/02, dated the 8th August, 2002, as in force for the time being; in the Official Gazette and the

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

(p) "prescribed authority" means an authority specified as such by rules made by the Central Government under this Act;

(q) "registered newspaper" means a newspaper registered under the Press and Registration of Books Act, 1867; 25 of 1867.

(r) "relative" has the meaning assigned to it in clause (41) of section 2 of the Companies Act, 1956; 1 of 1956.

(s) "scheduled bank" shall have the meaning assigned to it under clause (e) of section 2 of the Reserve Bank of India Act, 1934; 2 of 1934.

1 of 1956.

16 of 1926.

43 of 1950.  
43 of 1951.  
42 of 1999.

(t) "subsidiary" and "associate" shall have the meanings, respectively assigned to them in the Companies Act, 1956;

(u) "trade union" means a trade union registered under the Trade Unions Act, 1926;

(2) Words and expressions used herein and not defined in this Act but defined in the Representation of the People Act, 1950 or the Representation of the People Act, 1951 or the Foreign Exchange Management Act, 1999 shall have the meanings respectively assigned to them in those Acts.

## CHAPTER II

### REGULATION OF FOREIGN CONTRIBUTION AND FOREIGN HOSPITALITY

3. (1) No foreign contribution shall be accepted by any—

Prohibition to accept foreign contribution.

(a) candidate for election;

(b) correspondent, columnist, cartoonist, editor, owner, printer or publisher of a registered newspaper;

(c) Judge, Government servant or employee of any corporation or any other body controlled or owned by the Government;

(d) member of any Legislature;

(e) political party or office-bearer thereof;

(f) organisation of a political nature as may be specified under sub-section (1) of section 5 by the Central Government;

(g) association or company engaged in the production or broadcast of audio news or audio visual news or current affairs programmes through any electronic mode, or any other electronic form as defined in clause (r) of sub-section (1) of section 2 of the Information Technology Act, 2000 or any other mode of mass communication;

(h) correspondent or columnist, cartoonist, editor, owner of the association or company referred to in clause (g).

21 of 2000.

of 1956.

*Explanation.*—In clause (c) and section 6, the expression "corporation" means a corporation owned or controlled by the 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 person or class of persons, referred to in section 9, shall deliver such currency—

(a) to any person other than a person for which it was received, or

(b) 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 a person other than the person for which such currency was received.

Persons to whom section 3 shall not apply.

4. Nothing contained in section 3 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,—

(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 the Central Government or State 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 rules made by the Central Government with regard to the acceptance or retention of such gift or presentation; or

(e) from his relative; or

(f) by way of remittance received, in the ordinary course of business through any official channel, post office, or any authorised person in foreign exchange under the Foreign Exchange Management Act, 1999; or

(g) by way of any scholarship, stipend or any payment of like nature:

Provided that in case any foreign contribution received by any person specified under section 3, for any of the purposes other than those specified under this section, such contribution shall be deemed to have been accepted in contravention of the provisions of section 3.

Procedure to notify an organisation of a political nature.

5. (1) 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 organisations with the activities of any political party, by an order published in the Official Gazette, specify such organisation as an organisation of a political nature not being a political party, referred to in clause (f) of sub-section (1) of section 3:

Provided that the Central Government may, by rules made by it, frame the guidelines specifying the ground or grounds on which an organisation shall be specified as an organisation of a political nature.

(2) Before making an order under sub-section (1), the Central Government shall give the organisation in respect of whom the order is proposed to be made, a notice in writing informing it of the ground or grounds, on which it is proposed to be specified as an organisation of political nature under that sub-section.

(3) The organisation to whom a notice has been served under sub-section (2), may, within a period of thirty days from the date of the notice, make a representation to the Central Government giving reasons for not specifying such organisation as an organisation under sub-section (1):

42 of 1999.

42 of 1999.

Provided that the Central Government may entertain the representation after the expiry of the said period of thirty days, if it is satisfied that the organisation was prevented by sufficient cause from making the representation within thirty days.

(4) The Central Government may, if it considers it appropriate, forward the representation referred to in sub-section (3) to any authority to report on such representation.

(5) The Central Government may, after considering the representation and the report of the authority referred to in sub-section (4), specify such organisation as an organisation of a political nature not being a political party and make an order under sub-section (1) accordingly.

(6) Every order under sub-section (1) shall be made within a period of one hundred and twenty days from the date of issue of notice under sub-section (2):

Provided that in case no order is made within the said period of one hundred and twenty days, the Central Government shall, after recording the reasons therefor, make an order under sub-section (1) within a period of sixty days from the expiry of the said period of one hundred and twenty days.

6. No member of a Legislature or office-bearer of a political party or Judge or Government servant or employee of any corporation or any other body owned or controlled by the Government shall, while visiting any country or territory outside India, accept, except with the prior permission of the Central Government, any foreign hospitality:

Restriction on acceptance of 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.

7. No person who —

(a) is registered and granted a certificate or has obtained prior permission under this Act; and

(b) receives any foreign contribution,

Prohibition to transfer foreign contribution to other person.

shall transfer such foreign contribution to any other person unless such other person is also registered and had been granted the certificate or obtained the prior permission under this Act:

Provided that such person may transfer, with the prior approval of the Central Government, a part of such foreign contribution to any other person who has not been granted a certificate or obtained permission under this Act in accordance with the rules made by the Central Government.

8. (1) Every person, who is registered and granted a certificate or given prior permission under this Act and receives any foreign contribution,—

(a) shall utilise such contribution for the purposes for which the contribution has been received:

Provided that any foreign contribution or any income arising out of it shall not be used for speculative business:

Provided further that the Central Government shall, by rules, specify the activities or business which shall be construed as speculative business for the purpose of this section;

(b) shall not defray as far as possible such sum, not exceeding fifty per cent. of such contribution, received in a financial year, to meet administrative expenses:

Provided that administrative expenses exceeding fifty per cent. of such contribution may be defrayed with prior approval of the Central Government.

(2) The Central Government may prescribe the elements which shall be included in the administrative expenses and the manner in which the administrative expenses referred to in sub-section (1) shall be calculated.

9. The Central Government may—

(a) prohibit any person or organisation not specified in section 3, from accepting any foreign contribution;

(b) require any person or class of persons, not specified in section 6, to obtain prior permission of the Central Government before accepting any foreign hospitality;

Restriction to utilise foreign contribution for administrative purpose.

Power of Central Government to prohibit receipt of foreign contribution, etc., in certain cases.

(c) require any person or class of persons not specified in section 11, 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 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) without prejudice to the provisions of sub-section (1) of section 11, require any person or class of persons specified in that sub-section to obtain prior permission of the Central Government before accepting any foreign contribution;

(e) require any person or class of persons, not specified in section 6, 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 person or class of persons, as the case may be, or the acceptance of foreign hospitality by such person, is likely to affect prejudicially—

(i) the sovereignty and integrity of India; or

(ii) 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, social, linguistic or regional groups, castes or communities.

Power  
to prohibit  
payment of  
currency  
received in  
contravention  
of the Act.

**10.** 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 or security, 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 or security 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 or security and references in the said sub-sections to moneys, securities or credits shall be construed as references to such article or currency or security.

37 of 1967.

Registration of  
certain persons  
with Central  
Government.

**11. (1)** Save as otherwise provided in this Act, no person having a definite cultural, economic, educational, religious or social programme shall accept foreign contribution unless such person obtains a certificate of registration from the Central Government:

Provided that any association registered with the Central Government under section 6 or granted prior permission under that section of the Foreign Contribution (Regulation) Act, 1976, as it stood immediately before the commencement of this Act, shall be deemed to have been registered or granted prior permission, as the case may be, under this Act and such registration shall be valid for a period of five years from the date on which this section comes into force.

**(2)** Every person referred to in sub-section (1) may, if it is not registered with the Central Government under that sub-section, accept any foreign contribution only after obtaining a certificate of registration issued by the Central Government and a copy of such certificate shall be served upon the person so registered in accordance with the provisions of sub-sections (2), (3) and (4) of section 7 of the Unlawful Activities (Prevention) Act, 1967, so far as may be, apply to, or in relation to, such article or currency or security.

49 of 1976.

49 of 1976.

obtaining the prior permission of the Central Government and such prior permission shall be valid for the specific purpose for which it is obtained and from the specific source:

Provided that if the person referred to in sub-sections (1) and (2) has been found guilty of violation of any of the provisions of this Act or the Foreign Contribution (Regulation) Act, 1976, the unutilised or unreceived amount of foreign contribution shall not be utilised or received, as the case may be, without the prior approval of the Central Government.

(3) Notwithstanding anything contained in this Act, the Central Government may, by notification in the Official Gazette, specify—

- (i) the person or class of persons who shall obtain its prior permission before accepting the foreign contribution; or
- (ii) the area or areas in which the foreign contribution shall be accepted and utilised with the prior permission of the Central Government; or
- (iii) the purpose or purposes for which the foreign contribution shall be utilised with the prior permission of the Central Government; or
- (iv) the source or sources from which the foreign contribution shall be accepted with the prior permission of the Central Government.

12. (1) An application by a person, referred to in section 11 for grant of certificate or giving prior permission, shall be made to the Central Government in such form and manner and along with such fee, as may be prescribed.

Grant of  
certificate of  
registration.

(2) On receipt of an application under sub-section (1), the Central Government shall, by an order, if the application is not in the prescribed form or does not contain any of the particulars specified in that form, reject the application.

(3) If on receipt of an application for grant of certificate or giving prior permission and after making such inquiry as the Central Government deems fit, it is of the opinion that the conditions specified in sub-section (4) are satisfied, it may, ordinarily within ninety days from the date of receipt of application under sub-section (1), register such person and grant him a certificate or give him prior permission, as the case may be, subject to such terms and conditions as may be prescribed:

Provided that in case the Central Government does not grant, within the said period of ninety days, a certificate or give prior permission, it shall communicate the reasons therefor to the applicant:

Provided further that a person shall not be eligible for grant of certificate or giving prior permission, if his certificate has been suspended and such suspension of certificate continues on the date of making application.

(4) The following shall be the conditions for the purposes of sub-section (3), namely:—

(a) the person making an application for registration or grant of prior permission under sub-section (1),—

(i) is not fitious or *benami*;

(ii) has not been prosecuted or convicted for indulging in activities aimed at conversion through inducement or force, either directly or indirectly, from one religious faith to another;

(iii) has not been prosecuted or convicted for creating communal tension or disharmony in any specified district or any other part of the country;

(iv) has not been found guilty of diversion or mis-utilisation of its funds;

(v) is not engaged or likely to engage in propagation of sedition or advocate violent methods to achieve its ends;

(vi) is not likely to use the foreign contribution for personal gains or divert it for undesirable purposes;

(vii) has not contravened any of the provisions of this Act;

(viii) has not been prohibited from accepting foreign contribution;

(b) the person making an application for registration under sub-section (1) has undertaken reasonable activity in its chosen field for the benefit of the society for which the foreign contribution is proposed to be utilised;

(c) the person making an application for giving prior permission under sub-section (1) has prepared a reasonable project for the benefit of the society for which the foreign contribution is proposed to be utilised;

(d) in case the person being an individual, such individual has neither been convicted under any law for the time being in force nor any prosecution for any offence pending against him;

(e) in case the person being other than an individual, any of its directors or office bearers has neither been convicted under any law for the time being in force nor any prosecution for any offence is pending against him;

(f) the acceptance of foreign contribution by the person referred to in sub-section (1) is not likely to affect prejudicially—

(i) the sovereignty and integrity of India; or

(ii) the security, strategic, scientific or economic interest of the State; or

(iii) the public interest; or

(iv) freedom or fairness of election to any Legislature; or

(v) friendly relation with any foreign State; or

(vi) harmony between religious, racial, social, linguistic, regional groups, castes or communities;

(g) the acceptance of foreign contribution referred to in sub-section (1),—

(i) shall not lead to incitement of an offence;

(ii) shall not endanger the life or physical safety of any person.

(5) Where the Central Government refuses the grant of certificate or does not give prior permission, it shall record in its order the reasons therefor and furnish a copy thereof to the applicant:

Provided that the Central Government may not communicate the reasons for refusal for grant of certificate or for not giving prior permission to the applicant under this section in cases where is no obligation to give any information or documents or records or papers under the Right to Information Act, 2005.

22 of 2005.

(6) The certificate granted under sub-section (3) shall be valid for a period of five years and the prior permission shall be valid for the specific purpose or specific amount of foreign contribution proposed to be received, as the case may be.

Suspension of  
certificate.

13. (1) Where the Central Government, for reasons to be recorded in writing, is satisfied that pending consideration of the question of cancelling the certificate on any of the grounds mentioned in sub-section (1) of section 14, it is necessary so to do, it may, by order in writing, suspend the certificate for such period not exceeding one hundred and eighty days as may be specified in the order.

(2) Every person whose certificate has been suspended shall—

(a) not receive any foreign contribution during the period of suspension of certificate;

Provided that the Central Government, on an application made by such person, if it considers appropriate, allow receipt of any foreign contribution by such person on such terms and conditions as it may specify;

(b) utilise, in the prescribed manner, the foreign contribution in his custody with the prior approval of the Central Government.

**14. (1)** The Central Government may, if it is satisfied after making such inquiry as it may deem fit, by an order, cancel the certificate if—

Cancellation of certificate.

(a) the holder of the certificate has made a statement in, or in relation to, the application for the grant of registration or renewal thereof, which is incorrect or false; or

(b) the holder of the certificate has violated any of the terms and conditions of the certificate or renewal thereof; or

(c) in the opinion of the Central Government, it is necessary in the public interest to cancel the certificate; or

(d) the holder of certificate has violated any of the provisions of this Act or rules or order made thereunder; or

(e) if the holder of the certificate has not been engaged in any reasonable activity in its chosen field for the benefit of the society for two consecutive years or has become defunct.

(2) No order of cancellation of certificate under this section shall be made unless the person concerned has been given a reasonable opportunity of being heard.

(3) Any person whose certificate has been cancelled under this section shall not be eligible for registration or grant of prior permission for a period of three years from the date of cancellation of such certificate.

**15. (1)** The foreign contribution and assets created out of the foreign contribution in the custody of every person whose certificate has been cancelled under section 14 shall vest in such authority as may be prescribed.

Management of foreign contribution of person whose certificate has been cancelled.

(2) The authority referred to in sub-section (1) may, if it considers necessary and in public interest, manage the activities of the person referred to in that sub-section for such period and in such manner, as the Central Government may direct and such authority may utilise the foreign contribution or dispose of the assets created out of it in case adequate funds are not available for running such activity.

(3) The authority referred to in sub-section (1) shall return the foreign contribution and the assets vested upon it under that sub-section to the person referred to in the said sub-section if such person is subsequently registered under this Act.

**16. (1)** Every person who has been granted a certificate under section 12 shall have such certificate renewed within six months before the expiry of the period of the certificate.

Renewal of certificate.

(2) The application for renewal of the certificate shall be made to the Central Government in such form and manner and accompanied by such fee as may be prescribed.

(3) The Central Government shall renew the certificate, ordinarily within ninety days from the date of receipt of application for renewal of certificate subject to such terms and conditions as it may deem fit and grant a certificate of renewal for a period of five years:

Provided that in case the Central Government does not renew the certificate within the said period of ninety days, it shall communicate the reasons therefor to the applicant:

Provided further that the Central Government may refuse to renew the certificate in case where a person has violated any of the provisions of this Act or rules made thereunder.

#### CHAPTER IV

##### ACCOUNTS, INTIMATION, AUDIT AND DISPOSAL OF ASSETS, ETC.

**17. (1)** Every person who has been granted a certificate or given prior permission under section 12 shall receive foreign contribution in a single account only through such one of the branches of a bank as he may specify in his application for grant of certificate;

Foreign contribution through scheduled bank.

Provided that such person may open one or more accounts in one or more banks for utilising the foreign contribution received by him:

Provided further that no funds other than foreign contribution shall be received or deposited in such account or accounts.

(2) Every bank or authorised person in foreign exchange shall report to such authority as may be specified—

(a) prescribed amount of foreign remittance;

(b) the source and manner in which the foreign remittance was received;

and

(c) other particulars,

in such form and manner as may be prescribed.

**Intimation.**

18. (1) Every person who has been granted a certificate or given prior approval under this Act shall give, within such time and in such manner as may be prescribed, an intimation to the Central Government, and such other authority as may be specified by the Central Government, as to the amount of each 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 him.

(2) Every person receiving foreign contribution shall submit a copy of a statement indicating therein the particulars of foreign contribution received duly certified by officer of the bank or authorised person in foreign exchange and furnish the same to the Central Government along with the intimation under sub-section (1).

**Maintenance of accounts.**

19. Every person who has been granted a certificate or given prior approval under this Act shall maintain, in such form and manner as may be prescribed,—

(a) an account of any foreign contribution received by him; and

(b) a record as to the manner in which such contribution has been utilised by him.

**Audit of accounts.**

20. Where any person who has been granted a certificate or given prior permission, fails to furnish any intimation under this Act within the time specified therefor or the intimation so furnished is not in accordance with law or if, after inspection of such intimation, the Central Government has any reasonable cause to believe that any provision of this Act has been, or is being, contravened, the Central Government may, by general or special order, authorise such gazetted officer, holding a Group A post under the Central Government or any other officer or authority or organisation, as it may think fit, to audit any books of account kept or maintained by such person and thereupon every such 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 auditing the said books of account:

Provided that any information obtained from such audit shall be kept confidential and shall not be disclosed except for the purposes of this Act.

**Intimation by candidate for election.**

21. 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 or prescribed authority or both 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.

**Disposal of assets created out of foreign contribution.**

22. Where any person who was permitted to accept foreign contribution under this Act, ceases to exist or has become defunct, all the assets of such person shall be disposed of in accordance with the provisions contained in any law for the time being in force under which the person was registered or incorporated, and in the absence of any such law, the Central Government may, having regard to the nature of assets created out of foreign contribution received under this Act, by notification, specify that all such assets shall be disposed off by such authority, as it may specify, in such manner and procedure as may be prescribed.

## CHAPTER V

## INSPECTION, SEARCH AND SEIZURE

**23.** 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—

- (a) any political party; or
- (b) any person; or
- (c) any organisation; or
- (d) any association,

Inspection of accounts or records.

it may, by general or special order, authorise such gazetted officer, holding a Group A post under the Central Government or such other officer or authority or organisation, as it may think fit (hereinafter referred to as the inspecting 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 inspecting 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.

**24.** If, after inspection of an account or record referred to in section 23, the inspecting 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, authority or tribunal 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 accounts or records.

**25.** 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 the value specified in sub-clause (i) of clause (h) of sub-section (1) of section 2 or currency or security 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 or security.

Seizure of article or currency or security received in contravention of the Act.

**26. (1)** The Central Government, may, having regard to the value of article or currency or security, their vulnerability to theft or any relevant consideration, by notification, specify such article or currency or security which shall, as soon as may be after their seizure, be disposed of by such officer and in such manner, as the Central Government may, from time to time, determine after following the procedure hereinafter specified.

Disposal of seized article or currency or security.

**(2)** The article or currency or security seized shall be forwarded without unnecessary delay to such officer as may be specified.

**(3)** Where any article or currency or security has been seized and forwarded to such officer, the officer referred to in sub-section (1), shall prepare an inventory of such article or currency or security containing such details relating to their description, value or such other identifying particulars as the officer referred to in that sub-section may consider relevant to the identity of the article or the currency or security and make an application to any Magistrate for the purposes of certifying the correctness of the inventory so prepared.

**(4)** Where an application is made under sub-section (2), the Magistrate shall, as soon as may be, allow the application.

**(5)** Notwithstanding anything contained in the Indian Evidence Act, 1872 or the Code of Criminal Procedure, 1973, every court trying an offence under this Act, shall treat the inventory, as certified by the Magistrate, as primary evidence in respect of such offence.

**(6)** Every officer acting under sub-section (3) shall forthwith report the seizure to the Court of Session or Assistant Sessions Judge having jurisdiction for adjudging the confiscation under section 29.

Seizure to be made in accordance with Act 2 of 1974.

**27.** The provisions of the Code of Criminal Procedure, 1973 shall apply in so far as they are not inconsistent with the provisions of this Act to all seizures made under this Act.

Confiscation of article or currency or security obtained in contravention of the Act.

Adjudication of confiscation.

**28.** Any article or currency or security which is seized under section 25 shall be liable to confiscation if such article or currency or security has been adjudged under section 29 to have been received or obtained in contravention of this Act.

**29. (1)** Any confiscation referred to in section 28 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.

(2) When an adjudication under sub-section (1) is concluded by the Court of Session or Assistant Sessions Judge, as the case may be, the Sessions Judge or Assistant Sessions Judge may make such order as he thinks fit for the disposal by confiscation or delivery of seized article or currency or security, as the case may be, to any person claiming to be entitled to possession thereof or otherwise, or which has been used for the commission of any offence under this Act.

Procedure for confiscation.

**30.** 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 or security has been seized.

Appeal.

**31. (1)** Any person aggrieved by any order made under section 29 may prefer an 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 sub-section (1) of section 29, 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 clause (f) of sub-section (1) of section 3, or any person or association referred to in section 6 or section 9, aggrieved by an order made in pursuance of section 5 or by an order of the Central Government refusing to give permission under this Act, or by any order made by the Central Government under sub-section (2) or sub-section (4) of section 12, or sub-section (1) of section 14, 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

## CHAPTER VI

### ADJUDICATION

## CHAPTER VII

### APPEAL AND REVISION

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 organisation or association, the principal office of such organisation or association is located.

5 of 1908.

(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.

**32. (1)** The Central Government may, either of its own motion or on an application for revision by the person registered under this Act, call for and examine the record of any proceeding under this Act in which any such order has been passed by it and may make such inquiry or cause such inquiry to be made and, subject to the provisions of this Act, may pass such order thereon as it thinks fit.

Revision of  
orders by  
Central  
Government.

(2) The Central Government shall not of its own motion revise any order under this section if the order has been made more than one year previously.

(3) In the case of an application for revision under this section by the person referred to in sub-section (1), the application must be made within one year from the date on which the order in question was communicated to him or the date on which he otherwise came to know of it, whichever is earlier:

Provided that the Central Government may, if it is satisfied that such person was prevented by sufficient cause from making the application within that period, admit an application made after the expiry of that period.

(4) The Central Government shall not revise any order where an appeal against the order lies but has not been made and the time within which such appeal may be made has not expired or such person has not waived his right of appeal or an appeal has been filed under this Act.

(5) Every application by such person for revision under this section shall be accompanied by such fee, as may be prescribed.

*Explanation.*—An order by the Central Government declining to interfere shall, for the purposes of this section, be deemed not to be an order prejudicial to such person:

## CHAPTER VIII

### OFFENCES AND PENALTIES

**33.** Any person, subject to this Act, who knowingly,—

Making of false  
statement,  
declaration or  
delivering false  
accounts.

(a) gives false intimation under sub-section (c) of section 9 or section 18; or

(b) seeks prior permission or registration by means of fraud, false representation or concealment of material fact,

shall, on conviction by a court, be liable to imprisonment for a term which may extend to six months or with fine or with both.

**34.** If any person, on whom any prohibitory order has been served under section 10, pays, delivers, transfers or otherwise deals with, in any manner whatsoever, any article or currency or security, 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 or security 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 or  
security  
obtained in  
contravention  
of section 10.

Punishment for contravention of any provision of the Act.

Power to impose additional fine where article or currency or security is not available for confiscation.

Penalty for offences where no separate punishment has been provided.

Prohibition of acceptance of foreign contribution.

Offences by companies.

Bar on prosecution of offences under the Act.

Composition of certain offences.

**35.** Whoever accepts, or assists any person, political party or organisation in accepting, any foreign contribution or any currency or security from a foreign source, in contravention of any provision of this Act or any rule or order made thereunder, shall be punished with imprisonment for a term which may extend to five years, or with fine, or with both.

**36.** Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the court trying a person, who, in relation to any article or currency or security, whether Indian or foreign, does or omits to do any act which act or omission would render such article or currency or security 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 security or one thousand rupees, whichever is more, if such article or currency or security 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.

**37.** 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 or with both.

**38.** Notwithstanding anything contained in this Act, whoever, having been convicted of any offence under section 35 or section 37, in so far as such offence relates to the acceptance or utilisation of foreign contribution, is again convicted of such offence shall not accept any foreign contribution for a period of five years from the date of the subsequent conviction.

**39. (1)** Where an offence under this Act or any rule or order 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, as, whenever he did.

**(2)** Notwithstanding anything contained in sub-section (1), where an offence under this Act or any rule or order 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.

**40.** 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.

**41. (1)** Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Act (whether committed by an individual or association or any officer or employee thereof), not being an offence punishable with imprisonment only, may, before the institution of any prosecution, be compounded by such officers or authorities and for such sums as the Central Government may, by notification in the Official Gazette, specify in this behalf.

2 of 1974.

2 of 1974

2 of 1974.

(2) Nothing in sub-section (1) shall apply to an offence committed by an individual or association or its officer or other employee within a period of three years from the date on which a similar offence committed by it or him was compounded under this section.

*Explanation.—* For the purposes of this 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) Every officer or authority referred to in sub-section (1) shall exercise the powers to compound an offence, subject to the direction, control and supervision of the Central Government.

(4) Every application for the compounding of an offence shall be made to the officer or authority referred to in sub-section (1) in such form and manner along with such fee as may be prescribed.

(5) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, against the offender in relation to whom the offence is so compounded.

(6) Every officer or authority referred to in sub-section (1), while dealing with a proposal for the compounding of an offence for a default in compliance with any provision of this Act which requires by an individual or association or its officer or other employee to obtain permission or file or register with, or deliver or send to, the Central Government or any prescribed authority any return, account or other document, may, direct, by order, if he or it thinks fit to do so, any individual or association or its officer or other employee to file or register with, such return, account or other document within such time as may be specified in the order.

## CHAPTER IX

### MISCELLANEOUS

42. Any inspecting officer referred to in section 23 who is authorised in this behalf by the Central Government may, during the course of any inspection of any account or record maintained by any political party, person, organisation or association in connection with the contravention of any provision of this Act, —

Power to call for information or document.

(a) call for information from any person for the purpose of satisfying himself whether there has been any contravention of the provisions of this Act or rule or order made thereunder;

(b) require any person to produce or deliver any document or thing useful or relevant to such inspection;

(c) examine any person acquainted with the facts and circumstances of the case related to the inspection.

2 of 1974.

43. 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.

44. The prescribed authority shall furnish to the Central Government at such time and in such form and manner such returns and statements as may be prescribed.

Returns by prescribed authority to Central Government.

45. No suit or other legal proceedings shall lie against the Central Government or the authority referred to in section 44 or any of its officers 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.

Power of  
Central  
Government to  
give directions.

Delegation of  
powers.

Power to  
make rules.

Foreign  
contribution  
rules and  
regulations

Foreign  
contribution  
rules

**46.** The Central Government may give such directions as it may deem necessary to any other authority or any person or class of persons regarding the carrying into execution of the provisions of this Act.

**47.** The Central Government may, by notification, direct that any of its powers or functions under this Act, except power to make rule under section 48, shall, in relation to such matters and subject to such conditions, if any, may be specified in the notification, be exercised or discharged also by such authority as may be specified.

**48.** (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 value of the article which may be specified under sub-clause (i) of clause (h) of sub-section (1) of section 2;

(b) the authority which may be specified under clause (p) of sub-section (1) of section 2;

(c) acceptance or retention of gift or presentation under clause (d) of section 4;

(d) guidelines specifying the ground or grounds on which an organisation may be specified as an organisation of political nature under sub-section (1) of section 5;

(e) the activities or business which shall be construed as speculative business under the proviso to clause (a) of sub-section (1) of section 8; ~~as necessary to any other authority~~

(f) the elements and the manner in which the administrative expenses shall be calculated under sub-section (2) of section 8;

(g) the time within which and the manner in which any person or class of persons or an association may be required to furnish intimation regarding the amount of foreign contribution received under clause (c) of section 9;

(h) the time within which and the manner in which any person or class of persons may be required to furnish intimation regarding foreign hospitality under clause (e) of section 9;

(i) the manner in which the copy of the order of the Central Government shall be served upon any person under section 10;

(j) the form and manner in which the application for grant of certificate of registration or giving of prior permission under sub-section (1) of section 12;

(k) the fee to be accompanied by the application under sub-section (1) of section 12;

(l) the terms and conditions for granting a certificate or giving prior permission under clause (g) of sub-section (4) of section 12; ~~as necessary to any other authority under clause (d) of section 4;~~

(m) the manner of utilising the foreign contribution under clause (b) of sub-section (2) of section 13; ~~as necessary to any other authority under sub-section (1) of section 5;~~

(n) the authority with whom the foreign contribution to be vested under sub-section (1) of section 15; ~~as necessary to any other authority under sub-section (1) of section 4;~~

(o) the period within which and the manner in which the foreign contribution shall be managed under sub-section (2) of section 15;

(p) the form and manner in which the application for a renewal of certificate of registration shall be made under sub-section (2) of section 16; ~~the amount of foreign contribution to be remitted under section 16;~~

(q) the fee to be accompanied by the application for renewal of certificate under sub-section (2) of section 16; ~~and the manner in which any person or class of persons may be required to furnish intimation regarding foreign contribution received under section 16;~~

(r) the prescribed amount of foreign remittance, the form and manner in which the foreign remittance received by every bank or authorised person in foreign exchange shall be reported under sub-section (2) of section 17; ~~Central Government shall be~~

~~notified under section 17;~~ ~~the amount of foreign remittance to be remitted under section 16;~~ ~~the amount of foreign remittance to be remitted under section 16;~~

~~the amount of foreign remittance to be remitted under section 16;~~ ~~the amount of foreign remittance to be remitted under section 16;~~

- (s) the time within which and the manner in which the person who has been granted certificate of registration or given prior permission under this Act shall give intimation under section 18;
- (t) the form and manner in which account of any foreign contribution and the manner in which such contribution has been utilised shall be maintained under section 19;
- (u) the time within which and the manner in which a candidate for election shall give intimation under section 21;
- (v) the manner and procedure to be followed in disposing of the assets under section 22;
- (w) the limits subject to which any confiscation may be adjudged under clause (b) of sub-section (1) of section 29;
- (x) the fee to be accompanied along with every application for revision under sub-section (5) of section 32;
- (y) the form and manner for making of an application for compounding of an offence and the fee therefor under sub-section (4) of section 41;
- (z) the form and manner in which and the time within which returns and statements to be furnished by the prescribed authority under section 44;
- (za) any other matter which is required to be, or may be, prescribed.

**49.** Every order made under section 5 and 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 order or rule or both Houses agree that the order or rule should not be made, the order or 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 order or rule.

Orders and rules  
to be laid before  
Parliament.

**50.** 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 person or association or organisation (not being a political party), 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.

Power to  
exempt in  
certain cases.

**51.** Nothing contained in this Act shall apply to any transaction between the Government of India and the Government of any foreign country or territory.

Act not to  
apply to certain  
Government  
transactions.

**52.** The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

Application of  
other laws not  
barred.

**53. (1)** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Power to  
remove  
difficulties.

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

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

Repeal and saving.

**54.** (1) The Foreign Contribution (Regulation) Act, 1976 (hereafter referred to as the 49 of 1976. repealed Act) is hereby repealed.

(2) Notwithstanding such repeal,—

(a) anything done or any action taken or purported to have been done or taken under the repealed Act 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;

(b) any organisation of a political nature, not being a political party, to whom the prior permission was granted under section 5 of the repealed Act, shall continue to be the organisation of a political nature, not being a political party, under clause (f) of sub-section (1) of section 3 of this Act, till such permission is withdrawn by the Central Government;

(c) permission to accept foreign hospitality granted under section 9 of the repealed Act shall be deemed to be the permission granted under section 6 of this Act until such permission is withdrawn by the Central Government;

(d) any association prohibited from accepting any foreign contribution under clause (a) of section 10 of the repealed Act, in so far as it is not inconsistent with the provisions of this Act, shall be deemed to be an association prohibited from accepting any foreign contribution under section 9 of this Act;

(e) permission obtained under clause (b) of section 10 of the repealed Act shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to be the permission until such permission is withdrawn by the Central Government;

(f) any order issued under section 12 of the repealed Act shall be deemed to be an order issued under section 10 of this Act;

(g) any order issued under section 31 of the repealed Act exempting any association or any individual shall be deemed to be an order under section 50 of this Act till such order is varied or revoked.

(3) Save as provided in sub-section (2), mention of particular matters in that sub-section shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897, with regard to the effect of repeal.

10 of 1897.

V.K. BHASIN,  
Secy. to the Govt. of India.

**(NOT IN FORCE AS YET)**

रजिस्ट्री सं. डी० एल—(एन)04/0007/2003—10

REGISTERED NO. DL—(N)04/0007/2003—10



**भारत का राजपत्र**  
**The Gazette of India**

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 54] नई दिल्ली, सोमवार, दिसम्बर 13, 2010/ अग्रहायण 22, 1932(शक)  
No. 54] NEW DELHI, MONDAY, DECEMBER 13, 2010/AGRAHAYANA 22, 1932 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

**MINISTRY OF LAW AND JUSTICE  
(Legislative Department)**

*New Delhi, the 13th December, 2010/Agrahayana 22, 1932 (Saka)*

The following Act of Parliament received the assent of the President on the  
11th December, 2010, and is hereby published for general information:—

**THE APPROPRIATION (No. 6) ACT, 2010**

No. 45 OF 2010

[11th December, 2010]

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, 2009, in excess of the amounts granted for those services and for that year.

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

1. This Act may be called the Appropriation (No. 6) Act, 2010.

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 one thousand twelve crores, eighty-one lakhs, ninety-eight thousand, one hundred and seventeen rupees shall be deemed to have been authorised to be paid and applied to meet the amounts 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, 2009, in excess of the amounts granted for those services and for that year.

Short title.

Issue of Rs.  
1012,81,98,117  
out of the  
Consolidated  
Fund of India  
to meet  
certain excess  
expenditure  
for the year  
ended on 31st  
day of March,  
2009.

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, 2009.

THE SCHEDULE  
(See sections 2 and 3)

No. of Vote	Services and purposes	3		
		Excess		
		Voted portion	Charged portion	Total
19	Ministry of Defence ..... Revenue	27,49,86,122	..	27,49,86,122
20	Defence Pensions ..... Revenue	13,32,985	..	13,32,985
23	Defence Services— Air Force ..... Revenue	610,36,59,389	..	610,36,59,389
24	Defence Ordnance Factories ..... Revenue	132,24,87,268	..	132,24,87,268
39	Pensions ..... Revenue	163,18,09,424	..	163,18,09,424
54	Other Expenditure of the Ministry of Home Affairs ..... Revenue	79,39,22,929	..	79,39,22,929
	TOTAL.....	1012,81,98,117	..	1012,81,98,117

CORRIGENDA

In the Legal Metrology Act, 2009 (No. 1 of 2010), as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 14th January, 2010 (Issue No. 1),—

- (i) at page 14, line 9, for “52” read “53”;
- (ii) at page 14, line 13, for “52” read “53”.

CORRIGENDA

In the Foreign Contribution (Regulation) Act, 2010 (42 of 2010), published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 27th September, 2010 (Issue No. 51),—

1. At page 9, line 38, for “fittitious”, read “fictitious”.
2. At page 10,—
  - (i) line 4, for “filed”, read “field”.
  - (ii) line 32, for “where is”, read “where there is”.
3. At page 15, line 33, for “sub-section (c)”, read “clause (c)”.
4. At page 18, line 5, for “rule”, read “rules”.

V. K. BHASIN,  
Secy. to the Govt. of India.



# भारत का राजपत्र

## The Gazette of India

सो.जी.-डी.एल.-अ.-२८०९२०२०-२२२०६९  
CG-DL-E-28092020-222069

असाधारण

### EXTRAORDINARY

भाग II — खण्ड 1

#### PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं 58] नई दिल्ली, सोमवार, सितम्बर 28, 2020/ आश्विन 6, 1942 (शक)  
No. 58] NEW DELHI, MONDAY, SEPTEMBER 28, 2020/ASVINA 6, 1942 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

### MINISTRY OF LAW AND JUSTICE (Legislative Department)

*New Delhi, the 28th September, 2020/Asvina 6, 1942 (Saka)*

The following Act of Parliament received the assent of the President on the 28th September, 2020 and is hereby published for general information:—

### THE FOREIGN CONTRIBUTION (REGULATION) AMENDMENT ACT, 2020

No. 33 of 2020

[28th September, 2020.]

An Act further to amend the Foreign Contribution (Regulation) Act, 2010.

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

**1. (1)** This Act may be called the Foreign Contribution (Regulation) Amendment Act, 2020.

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.

42 of 2010.

**2.** In section 3 of the Foreign Contribution (Regulation) Act, 2010 (hereinafter referred to as the principal Act), in sub-section (1),—

Amendment of section 3.

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

"(c) public servant, Judge, Government servant or employee of any corporation or any other body controlled or owned by the Government;";

(ii) for the *Explanation*, the following *Explanations* shall be substituted, namely:—

*'Explanation 1.*—For the purpose of clause (c), "public servant" means a public servant as defined in section 21 of the Indian Penal Code.

45 of 1860.

*Explanation 2.*—In clause (c) and section 6, the expression "corporation" means a corporation owned or controlled by the Government and includes a Government company as defined in clause (45) of section 2 of the Companies Act, 2013.'

18 of 2013.

Substitution of new section for section 7.

**3.** For section 7 of the principal Act, the following section shall be substituted, namely:—

"7. No person who—

(a) is registered and granted a certificate or has obtained prior permission under this Act; and

(b) receives any foreign contribution,

shall transfer such foreign contribution to any other person.".

Amendment of section 8.

**4.** In section 8 of the principal Act, in sub-section (1), for the words "fifty per cent.", at both the places where they occur, the words "twenty per cent." shall be substituted.

Amendment of section 11.

**5.** In section 11 of the principal Act, in sub-section (2), in the proviso, for the words, brackets and figures "Provided that if the person referred to in sub-sections (1) and (2) has been found guilty", the following shall be substituted, namely:—

"Provided that the Central Government, on the basis of any information or report, and after holding a summary inquiry, has reason to believe that a person who has been granted prior permission has contravened any of the provisions of this Act, it may, pending any further inquiry, direct that such person shall not utilise the unutilised foreign contribution or receive the remaining portion of foreign contribution which has not been received or, as the case may be, any additional foreign contribution, without prior approval of the Central Government:

Provided further that if the person referred to in sub-section (1) or in this sub-section has been found guilty".

Amendment of section 12.

**6.** In section 12 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

'(IA) Every person who makes an application under sub-section (1) shall be required to open "FCRA Account" in the manner specified in section 17 and mention details of such account in his application.'

Insertion of new section 12A.

**7.** After section 12 of the principal Act, the following section shall be inserted, namely:—

"12A. Notwithstanding anything contained in this Act, the Central Government may require that any person who seeks prior permission or prior approval under section 11, or makes an application for grant of certificate under section 12, or, as the case may be, for renewal of certificate under section 16, shall provide as identification document, the Aadhaar number of all its office bearers or Directors or other key functionaries, by whatever name called, issued under the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016, or a copy of the Passport or Overseas Citizen of India Card, in case of a foreigner".

18 of 2016.

Amendment of section 13.

**8.** In section 13 of the principal Act, in sub-section (1), for the words "for such period not exceeding one hundred and eighty days as may be specified", the words "for a period of one hundred and eighty days, or such further period, not exceeding one hundred and eighty days, as may be specified" shall be substituted.

**9.** After section 14 of the principal Act, the following section shall be inserted, namely:—

"14A. On a request being made in this behalf, the Central Government may permit any person to surrender the certificate granted under this Act, if, after making such inquiry as it deems fit, it is satisfied that such person has not contravened any of the provisions of this Act, and the management of foreign contribution and asset, if any, created out of such contribution has been vested in the authority as provided in sub-section (1) of section 15.".

Insertion of new section 14A.

Surrender of certificate.

**10.** In section 15 of the principal Act,—

(i) in the marginal heading, after the word "cancelled", the words "or surrendered" shall be inserted;

(ii) in sub-section (1), after the word and figures "section 14", the words, figures and letter "or surrendered under section 14A" shall be inserted.

Amendment of section 15.

**11.** In section 16 of the principal Act, in sub-section (1), the following proviso shall be inserted, namely:—

"Provided that the Central Government may, before renewing the certificate, make such inquiry, as it deems fit, to satisfy itself that such person has fulfilled all conditions specified in sub-section (4) of section 12.".

Amendment of section 16.

**12.** For section 17 of the principal Act, the following section shall be substituted, namely:—

'17. (1) Every person who has been granted certificate or prior permission under section 12 shall receive foreign contribution only in an account designated as "FCRA Account" by the bank, which shall be opened by him for the purpose of remittances of foreign contribution in such branch of the State Bank of India at New Delhi, as the Central Government may, by notification, specify in this behalf:

Substitution of new section for section 17.

Foreign contribution through scheduled bank.

Provided that such person may also open another "FCRA Account" in any of the scheduled bank of his choice for the purpose of keeping or utilising the foreign contribution which has been received from his "FCRA Account" in the specified branch of State Bank of India at New Delhi:

Provided further that such person may also open one or more accounts in one or more scheduled banks of his choice to which he may transfer for utilising any foreign contribution received by him in his "FCRA Account" in the specified branch of the State Bank of India at New Delhi or kept by him in another "FCRA Account" in a scheduled bank of his choice:

Provided also that no funds other than foreign contribution shall be received or deposited in any such account.

(2) The specified branch of the State Bank of India at New Delhi or the branch of the scheduled bank where the person referred to in sub-section (1) has opened his foreign contribution account or the authorised person in foreign exchange, shall report to such authority as may be specified,—

(a) the prescribed amount of foreign remittance;

(b) the source and manner in which the foreign remittance was received; and  
(c) other particulars,  
in such form and manner as may be prescribed.'

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DR. G. NARAYANA RAJU,  
*Secretary to the Govt. of India.*