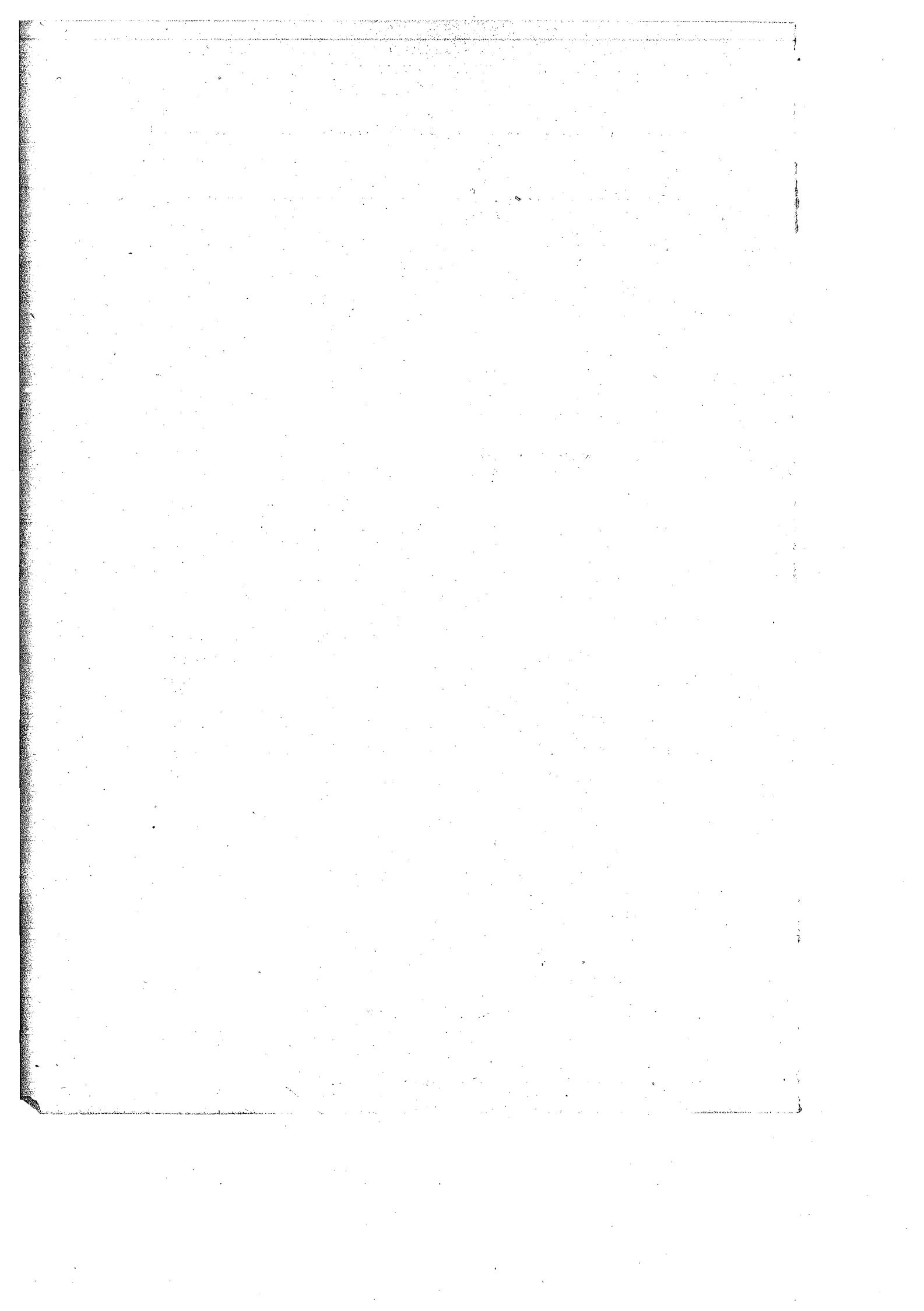


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65	<u>The Companies (Amendment) Act, 1960</u>	745
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**TABLE SHOWING EFFECT OF PARLIAMENTARY
LEGISLATION OF 1960**

PART I.—CENTRAL ACTS AMENDED, REPEALED OR OTHERWISE AFFECTED

Year of Act	No. of Act	Short title of Act	How affected.	No. and section of 1960 Act by which affected.
1	2	3	4	5
1860	34	Government Officers' Indemnity Act, 1860	Repealed.	58, s. 2 and Sch. I.
1867	25	Press and Registration of Books Act, 1867.	Ss. 5, 6, 15, 19C, 19K, 20A and 21 amended (w.e.f. 1st October, 1960). Ss. 8B, 8C and 20B inserted (w.e.f. 1st October, 1960).	26, ss. 2, 3, 5 to 8 and 10. <i>Ibid.</i> , ss. 4 and 9.
1881	11	Municipal Taxation Act, 1881.	S. 3 amended	58, s. 3 and Sch. II.
1890	6	Charitable Endowments Act, 1890.	S. 15 amended	58, s. 3 and Sch. II.
1890	9	Indian Railways Act, 1890.	Ss. 39, 143 and 148 amended.	58, s. 3 and Sch. II.
1890	11	Prevention of Cruelty to Animals Act, 1890	Repealed (when notified).	59, s. 41.
1897	8	Reformatory Schools Act, 1897.	Shall cease to apply (when notified.)	60, s. 58
1898	5	Code of Criminal Procedure, 1898.	S. 198 amended. Ss. 348 and 419 amended. S. 399 shall cease to apply (when notified)	56, s. 2. 58, s. 3 and Sch. II. 60, s. 58.
1898	6	Indian Post Office Act, 1898.	First Schedule substituted (w.e.f. 1st February, 1961).	52, s. 2.
1903	10	Victoria Memorial Act, 1903.	S. 2 amended	58, s. 3 and Sch. II.

ii Table showing effect of Parliamentary Legislation of 1960

		1	2	3	4	5
1909	3	Presidency-towns In-solvency Act, 1909.		S. 2 amended		58, s. 3 and Sch. II.
1910	10	Indian Museum Act, 1910.		Ss. 2, 3, 4, 8, 11 and 13 amended.	45, ss. 2, 3, 4, 6, 9 and 11. S. 5 omitted Ss. 9, 10 and 10A substituted.	<i>Ibid.</i> , s. 5. <i>Ibid.</i> , ss. 7 and 8.
				Ss. 12A and 15A inserted.		<i>Ibid.</i> , ss. 10 and 12.
1920	3	United Provinces Town Improvement (Appeals) Act, 1920, as in force in the Union territory of Delhi.		Repealed.		58, s. 2 and Sch. I.
1922	11	Indian Income-tax Act, 1922.		Ss. 9, 10, 14, 15B, 15C, 18, 18A, 23A amended (w.e.f. 1st April, 1960). S. 49BB inserted (w.e.f. 1st April, 1960). Ss. 4 (w.e.f. 1st April, 1960), 5 (partly w.e.f. 1st April, 1950 and partly retrospectively), 10 (w.e.f. 1st April, 1960), 15B (w.e.f. 1st April, 1960), 16 (partly w.e.f. 1st April, 1959 and partly w.e.f. 1st April, 1958), 46 (retrospectively) and 56A (w.e.f. 1st April, 1960) amended. Ss. 59A (w.e.f. 1st April, 1960) and 60B (retrospectively) inserted.	13, ss. 4 to 11. <i>Ibid.</i> , s. 12. 28, ss. 2 to 8. <i>Ibid.</i> , ss. 9 and 10.	
1922	13	Ranchi Mental Hospital Act, 1922.		Repealed.		58, s. 2 and Sch. I.
1923	3	Cotton Transport Act, 1923.		Ss. 1 and 7 amended.	22, ss. 2 and 3.	

Table showing effect of Parliamentary Legislation of 1960 iii

1	2	3	4	5
1923	5	Indian Boilers Act, 1923.	Ss. 2, 2B, 3, 6, 7, 8, 11, 24, 26, 27A, 28 to 30 and 34 amended.	18, ss. 2 to 6 to 9, 12 to 15, 17, 18 and 20. Ss. 5 and 21 substituted
				<i>Ibid.</i> , ss. 5 and 11.
				Ss. 20A, 28A and 31A inserted.
				<i>Ibid.</i> , ss. 10, 16 and 19.
1923	8	Workmen's Compensation Act, 1923.	S. 32 and Schedule I amended.	58, s. 3 and Sch. II.
1923	14	Indian Cotton Cess Act, 1923.	S. 3 amended (w.e.f. 1st October, 1960).	40, s. 2.
1923	24	Mahendra Partab Singh Estates Act, 1923.	Repealed.	48, s. 2.
1924	2	Cantonments Act, 1924	S. 161 amended.	58, s. 3 and Sch. II.
1926	16	Indian Trade Unions Act, 1926.	Long title, Preamble, ss. 2, 3, 4, 6, 14, 16, and 28 amended.	42, ss. 2 to 9.
1926	38	Indian Bar Councils Act, 1926.	S. 4 amended	11, s. 72.
			S. 5A inserted	<i>Ibid.</i> , s. 72.
1930	24	Indian Lac Cess Act, 1930.	S. 3 amended (w.e.f. 1st October, 1960).	40, s. 3.
1934	2	Reserve Bank of India Act, 1934.	S. 17 amended	14, s. 2.
			S. 54A amended	58, s. 3 and Sch. II
1934	22	Indian Aircraft Act, 1934.	Ss. 1, 5 and 13 amended.	44, ss. 2., 3 and 5.
			S. 10 substituted, S. 14A inserted.	<i>Ibid.</i> , s. 4 <i>Ibid.</i> , s. 6.
1934	32	Indian Tariff Act, 1934.	First Schedule amended (partly w.e.f. 28th April, 1960, partly w.e.f. 1st October, 1960 and partly w.e.f. 1st January, 1961).	13, s. 18 and Sch. II. 40, s. 4 and Sch. 55, s. 2.
1936	14	Geneva Convention Implementing Act, 1936.	Repealed (when notified).	6, s. 20.
1937	1	Agricultural Produce (Grading and Marketing) Act, 1937.	S. 1 amended	25, s. 2.

iv Table showing effect of Parliamentary Legislation of 1960

	1	2	3	4	5
1939	4	Motor Vehicles Act, 1939.	S. 1 amended (w.e.f. 15th July, 1960). Ch. VIII repealed <i>Ibid.</i> , s. 3. (partly w.e.f. 15th July, 1960). Ss. 2, 42 and 73 and First, Second, Third, Eighth, Ninth and Tenth Schedules amended (w.e.f. 1st January, 1961). Ss. 41, 54, 58, 96, 108 and First Schedule amended.	5, s. 2. <i>Ibid.</i> , s. 3 and Sch. II.	
1940	23	Drugs Act, 1940.	Ss. 3, 19, 22, 23, 30, 31 and 33 amended (when notified). Ss. 20, 21 and 27 substituted (when notified.) S. 33A inserted (when notified).	35, ss. 2, 3, 5 6, 8, 9 and 10. <i>Ibid.</i> , ss. 4 and 7.	
1942	6	Multi-unit Co-operative Societies Act, 1942.	S. 5C inserted . . .	II, s. 73.	
1942	7	Coffee Act, 1942	Ss. 11 to 14 and 20 amended (w.e.f. 1st October, 1960).	40, s. 5.	
1944	1	Central Excises and Salt Act, 1944.	First Schedule amended. First Schedule substituted (w.e.f. 1st October, 1960). S. 3A omitted	13, s. 20. 38, s. 2 and Sch. I. 58, s. 2 and Sch. I.	
1944	10	Indian Coconut Committee Act, 1944.	S. 3 amended (w.e.f. 1st October, 1960).	40, s. 6.	
1946	9	Indian Oilseeds Committee Act, 1946.	S. 3 amended (w.e.f. 1st October, 1960).	40, s. 7.	
1947	7	Foreign Exchange Regulation Act, 1947.	S. 14 amended	58, s. 3 and Sch. II.	

Table showing effect of Parliamentary Legislation of 1960 v

	1	2	3	4	5
1947	15	Armed Forces (Emergency Duties) Act, 1947.	S. 2 amended.	58, s. 3 and Sch. II.	
1947	18	Imports and Exports (Control) Act, 1947.	Ss. 1, 2, 5 and 6 amended.	4, ss. 2 to 5.	
1947	24	Rubber Act, 1947	S. 12 substituted (w.e.f. 1st November, 1960). S. 25 amended (w.e.f. 1st November, 1960).	20, s. 2. <i>Ibid.</i> , s. 3.	
1948	15	Industrial Finance Corporation Act, 1948.	Ss. 2, 4, 11, 23, 24, 26 and 42 amended	66, ss. 2 to 8.	
1949	1	Indian Tariff (Amendment) Act, 1949.	Ss. 4 and 5 amended.	13, s. 19.	
1949	10	Banking Companies Act, 1949.	S. 34A inserted Ss. 39, 44A, 45L, 50 and 51 amended. Ss. 41, 41A, 43A substituted. S. 45 inserted Original s. 45 re-numbered as s. 44B.	23, s. 2. 37, ss. 2, 5, 7, 8 and 9. <i>Ibid.</i> , ss. 3 and 4. <i>Ibid.</i> , s. 6. <i>Ibid.</i> , s. 6.	
1949	65	Abducted Persons (Recovery and Restoration) Act, 1949.	Repealed	58, s. 2 and Sch. I.	
1950	4	Preventive Detention Act, 1950.	S. 1 amended	61, s. 2.	
1950	31	Administration of Evacuee Property Act, 1950.	Ss. 8 (retrospectively), 1, ss. 2, 3, 5, 7, 10, 27, 55 and 56 amended. Ss. 10A and 42 inserted.	<i>Ibid.</i> , ss. 4 and 6.	
1950	36	Nawab Salar Jang Bahadur (Administration of Assets) Act, 1950.	Repealed	58, s. 2 and Sch. I.	

vi *Table showing effect of Parliamentary Legislation of 1960*

		1	2	3	4	5
1950	43	Representation of the People Act, 1950.		First Schedule amended (w.e.f. 1st May, 1960).	II, s. 10.	
				Second Schedule amended (w.e.f. 1st May, 1960, and partly on expiration or dissolution of the Legislative Assembly of Gujarat under s. 16 of Act II of 1960).	<i>Ibid.</i> , ss. 13 and 19.	
				Third Schedule amended (w.e.f. 1st May, 1960).	<i>Ibid.</i> , s. 21.	
				Ss. 12 and 28 and Fourth Schedule amended.	20, ss. 2, 3, and 5.	
				S. 31 substituted . . .	<i>Ibid.</i> , s. 4.	
				Ss. 16, 23 and Fifth Schedule amended.	58, s. 3 and Sch. II.	
1950	44	Displaced Persons (Claims) Act, 1950.		S. 17 repealed . . .	58, s. 2 and Sch. I.	
1950	64	Road Transport Corporations Act, 1950.		S. 47A amended . . .	II, s. 71.	
				S. 48 inserted . . .	<i>Ibid.</i> , s. 71.	
1951	1	Code of Criminal Procedure (Amendment) Act, 1951.		Ss. 2 to 24 repealed . . .	58, s. 2 and Sch. I.	
1951	2	Code of Civil Procedure (Amendment) Act, 1951.		Ss. 2 to 18 repealed . . .	58, s. 2 and Sch. I.	
1951	40	Industrial Disputes (Amendment) and Temporary Provisions) Act, 1951.		Repealed, so much as has not been repealed . . .	58, s. 2 and Sch. I.	
1951	64	Evacuee Interest (Separation) Act, 1951.		Ss. 6 and 7 amended (w.e.f. 15th October, 1960).	27, ss. 2 and 3.	
1951	69	Plantations Labour Act, 1951.		Ss. 1, 2, 10, 16, 30, 31 and 42 amended (w.e.f. 21st November, 1960).	34, ss. 2 to 8.	

Table showing effect of Parliamentary Legislation of 1960 vii

		1	2	3	4	5
1952	19	Employees' Provident Funds Act, 1952.	Ss. 1, 6, 16 and 19A amended (w.e.f. 31st December, 1960).	Ss. 1, 6, 16 and 19A amended (w.e.f. 31st December, 1960).	46, ss. 2, 4, 5	
				S. 2A inserted (w.e.f. 31st December, 1960).	Ibid., s. 3.	
1952	30	Requisitioning and Acquisition of Immoveable Property Act, 1952.	S. 25 repealed . . .	58, s. 2 and Sch. I.		
1952	37	Cinematograph Act, 1952.	Ss. 11 and 13 Amended	58, s. 3 and Sch. II.		
1952	40	Displaced Persons (Claims) Amendment Act, 1952.	Repealed . . .	58, s. 2 and Sch. I.		
1952	74	Forward Contracts (Regulation) Act, 1952.	Ss. 1 to 4, 8, 9, 9A (partly with retrospective effect) 10, 11, 12, 15, 16, 18, 21 and 23 amended.	62, ss. 2 to 5, 7 to 12, 15, 16, 18, 21 and 23.		
			Ss. 4A, 12A, 12B, Ch. IIIA, ss. 21A, 22A, 22B and 27A inserted.	Ibid., ss. 6, 13, 14, 19, 20 and 22.		
			S. 20 substituted . . .	Ibid., s. 17.		
1952	75	West Bengal Evacuee Property (Tripura Amendment) Act, 1952.	Repealed . . .	58, s. 2 and Sch. I.		
1952	76	Influx from Pakistan (Central) Repealing Act, 1952.	S. 2 omitted. . .	58, s. 2 and Sch. I.		
1952	81	Delimitation Commission Act, 1952.	Repealed . . .	58, s. 2 and Sch. I.		
1953	12	Khadi and Other Handloom Industries Development Duty on Cloth) Act, 1953.	Ss. 2 amended . . .	13, s. 21.		
			S. 3 amended (w.e.f. 1st October, 1960).	38, s. 5.		
1953	29	Tea Act, 1953 . . .	Ss. 24 and 25 amended (w.e.f. 1st October, 1960).	40, s. 8.		

viii Table showing effect of Parliamentary Legislation of 1960

	1	2	3	4	5
1953	33	Estate Duty Act, 1953.	S. 5A inserted (w.e.f. 1st July, 1960).		
1953	39	Dhoties (Additional Excise Duty) Act, 1953.	S. 2 and Schedule 38, s. 6. amended (w.e.f. 1st October, 1960).		
1953	45	Coir Industry Act, 1953.	S. 13 amended (w.e.f. 1st October, 1960).		
1954	2	Cantonments (Amendment) Act, 1954.	Repealed . . .	58, s. 2 and Sch. I.	
1954	10	Air Corporations (Amendment) Act, 1954.	Repealed . . .	58, s. 2 and Sch. I.	
1954	12	Displaced Persons (Claims) Supplementary Act, 1954.	S. 13 omitted . . .	58, s. 2 and Sch. I.	
1954	14	Barsi Light Railway Company (Transferred Liabilities) Act, 1954.	S. 5 omitted . . .	58, s. 2 and Sch. I.	
1954	15	Transfer of Evacuee Deposits Act, 1954.	S. 14 omitted . . .	58, s. 2 and Sch. I.	
1954	22	Indian Railways (Amendment) Act, 1954.	Repealed . . .	58, s. 2 and Sch. I.	
1954	24	Voluntary Surrender of Salaries (Exemption from Taxation) Amendment Act, 1954.	Repealed . . .	58, s. 2 and Sch. I.	
1954	25	Factories (Amendment) Act, 1954.	Repealed . . .	58, s. 2 and Sch. I.	
1954	26	Minimum Wages (Amendment) Act, 1954.	Repealed . . .	58, s. 2 and Sch. I.	
1954	30	Salaries and Allowances of Members of Parliament Act, 1954.	S. 10 omitted . . .	58, s. 2 and Sch. I.	
1954	34	Central Excises and Salt (Amendment) Act, 1954.	Repealed . . .	58, s. 2 and Sch. I.	
1954	35	Indian Tariff (Amendment) Act, 1954.	Repealed . . .	58, s. 2 and Sch. I.	

		1	2	3	4	5
1954	39	Indian Tariff (Second Amendment) Act, 1954.	Repealed	58, s. 2 and Sch. I.		
1954	44	Displaced Persons (Compensation and Rehabilitation) Act, 1954.	Ss. 2, 3, 19, 20, 26, 31, 2, ss. 2 to 5 and 34 and 40 amended. S. 20B inserted	Ibid., s. 6.		
1954	45	Andhra State Legislature (Delegation of Powers) Act, 1954.	Repealed	58, s. 2 and Sch. I.		
1954	46	Indian Tariff (Third Amendment) Act, 1954.	Repealed	58, s. 2 and Sch. I.		
1954	48	Industrial Disputes (Amendment) Act, 1954.	Repealed	58, s. 2 and Sch. I.		
1954	49	Tea (Amendment) Act, 1954.	Repealed	58, s. 2 and Sch. I.		
1954	50	Coffee Market Expansion (Amendment) Act, 1954.	Repealed	58, s. 2 and Sch. I.		
1954	52	Tea (Second Amendment) Act, 1954.	Repealed	58, s. 2 and Sch. I.		
1954	54	Rubber (Production and Marketing) Amendment Act, 1954.	Repealed	58, s. 2 and Sch. I.		
1954	55	Delimitation Commission (Amendment) Act, 1954.	Repealed	58, s. 2 and Sch. I.		
1955	2	Imports and Exports (Control) Amendment Act, 1955.	Repealed	58, s. 2 and Sch. I.		
1955	9	Salaries and allowances of Members of Parliament (Amendment) Act, 1955.	Repealed	58, s. 2 and Sch. I.		
1955	11	Drugs (Amendment) Act, 1955.	Repealed	58, s. 2 and Sch. I.		
1955	12	Dentists (Amendment) Act, 1955.	Repealed	58, s. 2 and Sch. I.		

x Table showing effect of Parliamentary Legislation of 1960

		1	2	3	4	5
1955	13	Finance Commission Repealed		(Miscellaneous Provisions) Amendment Act, 1955.	58, s. 2 and Sch. I.	
1955	16	Medicinal and Toilet Preparations (Excise Duties) Act, 1955.	S. 19 amended		58, s. 3 and Sch. II.	
1955	17	Indian Railways (Amendment) Act, 1955.	Repealed		58, s. 2 and Sch. I.	
1955	18	Insurance (Amendment) Act, 1955.	Repealed		58, s. 2 and Sch. I.	
1955	19	Commanders-in-Chief (Change in Designation) Act, 1955.	S. 2 and Schedule omitted.		58, s. 2 and Sch. I.	
1955	21	Sea Customs (Amendment) Act, 1955.	Repealed		58, s. 2 and Sch. I.	
1955	23	State Bank of India Act, 1955.	Ss. 52, 53 and 54 and Third, Fourth and Fifth Schedules omitted.		58, s. 2 and Sch. I.	
1955	24	Reserve Bank of India (Amendment) Act, 1955.	Repealed		58, s. 2 and Sch. I.	
1955	25	Hindu Marriage Act, 1955.	S. 30 omitted		58, s. 2 and Sch. I.	
1955	26	Code of Criminal Procedure (Amendment) Act, 1955.	Ss. 2 to 115 and 117 and Schedule omitted.		58, s. 2 and Sch. I.	
1955	27	Indian Tariff (Amendment) Act, 1955.	Repealed		58, s. 2 and Sch. I.	
1955	28	Industrial and State Financial Corporations (Amendment) Act, 1955.	Repealed		58, s. 2 and Sch. I.	
1955	31	Indian Coinage (Amendment) Act, 1955.	Repealed		58, s. 2 and Sch. I.	
1955	33	State Bank of India (Amendment) Act, 1955.	Repealed		58, s. 2 and Sch. I.	
1955	35	Land Customs (Amendment) Act, 1955.	Repealed		58, s. 2 and Sch. I.	

Table showing effect of Parliamentary Legislation of 1960 xi

1	2	3	4	5
1955	37	Negotiable Instruments (Amendment) Act, 1955.	Repealed . . .	58, s. 2 and Sch. I.
1955	40	Chartered Accountants (Amendment) Act, 1955.	Repealed . . .	58, s. 2 and Sch. I.
1955	43	Indian Stamp (Amendment) Act, 1955 . . .	Repealed . . .	58, s. 2 and Sch. I.
1955	44	Abolition of Whipping Act, 1955.	Repealed . . .	58, s. 2 and Sch. I.
1955	45	Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955.	S. 21 omitted . . .	58, s. 2 and Sch. I.
1955	48	Indian Tariff (Second Amendment) Act, 1955.	Repealed . . .	58, s. 2 and Sch. I.
1955	49	Indian Tariff (Third Amendment) Act, 1955.	Repealed . . .	58, s. 2 and Sch. I.
1955	50	Prevention of Corruption (Amendment) Act, 1955.	Repealed . . .	58, s. 2 and Sch. I.
1955	51	Railway Stores (Unlawful Possession) Act, 1955.	S. 4 omitted . . .	58, s. 2 and Sch. I.
1955	54	Insurance (Second Amendment) Act, 1955.	Repealed . . .	58, s. 2 and Sch. I.
1955	55	Press and Registration of Books (Amendment) Act, 1955.	Repealed . . .	58, s. 2 and Sch. I.
1955	57	Citizenship Act, 1955 . . .	S. 19 omitted . . .	58, s. 2 and Sch. I.
1956	1	Companies Act, 1956 . . .	Ss. 2, 4, 8, 17, 18, 19, 65, ss. 2, 3, 5 to 25, 29, 31, 38, 41, 13, 15 to 25, 49, 53, 60, 62, 63, 73, 27 to 48, 50, 75, 76, 80, 81, 84, 111, 51, 52, 54, 57, 113, 125, 138, 141, 59 to 70, 72, 142, 145, 147, 149, 75, 77, 78, 79, 81 to 87, 90,	

xii *Table showing effect of Parliamentary Legislation of 1960*

1	2	3	4	5
			<p>155, 156, 159, 160, 161, 163, 165, 166, 168, 172, 173, 176, 187, 190, 192, 193, 195, 204, 207, 209, 210, 211, 212, 216, 217, 220, 224, 226, 227, 228, 234, 240, 242, 245, 247, 252, 253, 255, 256, 257, 261, 263, 267, 271, 274, 280, 283, 287, 292 to 295, 297 to 303, 307, 309, 310, 313, 314, 316, 317, 318, 332, 342, 346, 348, 349, 356, 358, 359, 360, 363, 369, 370, 371, 373, 374, 377, 378, 379, 381, 384, 386, 387, 388, 391, 396, 398, 407, 408, 409, 411, 417, 418, 420, 426, 439, 444, 445, 446, 448, 454, to 457, 463, 464, 465, 468, 477, 481, 488, 512, 515, 524, 529, 530, 535, 537, 546, 549, 551, 555, 582, 595, 610, 611, 616, 617, 621, 627, 633, 641, 642, 643, and 647, and First, Sixth and Seventh Schedules amended.</p>	<p>92 to 95, 97, 98, 99, 101, 102, 104 to 110, 112 to 116, 118, 119, 120, 122, 123, 125, 126, 127, 129 to 135, 137, 139 to 148, 151 to 170, 172 to 180, 182, 183, 184, 186 to 195, 197, 198, 202, 204, 206, 210 to 213, 215, 217 and 218.</p>
			<p>Ss. 6, 106, 194, 198, 205, 239, 250, 264, 269, 285, 296, 305, 343, 350, 372 and 618 substituted.</p>	<p><i>Ibid.</i>, ss. 4, 26, 53, 56, 58, 74, 80, 89, 91, 96, 103, 111, 124, 128, 138 and 199.</p>
			<p>Ss. 43A, 187A, heading and s. 197A, ss. 233A, 234A, 240A, 263A, 293A, 325A, 370A, 388A, 458A,</p>	<p><i>Ibid.</i>, ss. 14, 49, 55, 71, 73, 76, 88, 100, 121, 136, 149, 171, 185, 196, 200,</p>

Table showing effect of Parliamentary Legislation of 1960 xiii

1	2	3	4	5
			531A, 614A, 619A, heading and s. 620A, ss. 624A, 624B, 629A, heading and s. 637A (retrospectively) and heading and s. 640A and Schedule IA inserted.	201, 203, 205, 207, 209 and 216.
			Ss. 315, 389, 521, head- ing and s. 639 and s. 650 omitted.	<i>Ibid.</i> , ss. 117, 150 181, 208 and 214.
1956	2	Representation of the People (Amendment) Act, 1956.	Repealed . . .	58, s. 2 and Sch. I.
1956	6	Voluntary Surrender of Salaries (Exemption from Taxation) Amendment Act, 1956.	Repealed . . .	58, s. 2 and Sch. I.
1956	7	Sales-Tax Laws Vali- dation Act, 1956.	S. 3 omitted . . .	58, s. 2 and Sch. I.
1956	8	Capital Issues (Conti- nuance of Control) Amendment Act, 1956.	Repealed . . .	58, s. 2 and Sch. I.
1956	9	Life Insurance (Emer- gency Provisions) Act, 1956.	S. 18 omitted . . .	58, s. 2 and Sch. I.
1956	17	Indian Registration (Amendment) Act, 1956.	Repealed . . .	58, s. 2 and Sch. I.
1956	22	Indian Red Cross So- ciety (Amendment) Act, 1956.	Repealed . . .	58, s. 2 and Sch. I.
1956	27	Representation of the People (Second Amendment) Act, 1956.	Ss. 2 to 73 and 75 to 83 omitted.	58, s. 2 and Sch. I.
1956	28	Agricultural Produce (Development and Warehousing) Cor- porations Act, 1956.	S. 55 omitted . . . Ss. 31 and 54 amended.	58, s. 2 and Sch. I. <i>Ibid.</i> , s. 3 and Sch. II.

xiv Table showing effect of Parliamentary Legislation of 1960

1956	29	Travancore-Cochin State Legislature (Delegation of Powers) Act, 1956.	Repealed	58, s. 2 and Sch. I.
1956	30	Hindu Succession Act, 1956.	S. 31 omitted	58, s. 2 and Sch. I.
			S. 30 amended	Ibid., s. 3 and Sch. II.
1956	34	Multi-Unit Co-operative Societies (Amendment) Act, 1956.	Repealed	58, s. 2 and Sch. I.
1956	35	Indian Lac Cess (Amendment) Act, 1956.	Repealed	58, s. 2 and Sch. I.
1956	36	Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956.	Ss. 2 to 29 and 32 omitted.	58, s. 2 and Sch. I.	
1956	37	States Reorganisation Act, 1956.	S. 15 amended	11, s. 86.
1956	38	Reserve Bank of India (Amendment) Act, 1956.	Repealed	58, s. 2 and Sch. I.
1956	39	Code of Criminal Procedure (Amendment) Act, 1956.	Repealed	58, s. 2 and Sch. I.
1956	41	Industrial Disputes (Amendment) Act, 1956.	Repealed	58, s. 2 and Sch. I.
1956	42	Securities Contracts (Regulation) Act, 1956.	S. 31 omitted	58, s. 2 and Sch. I.
1956	47	Indian Coconut Committee (Amendment) Act, 1956.	Repealed	58, s. 2 and Sch. I.
1956	51	Indian Institute of Technology (Kharagpur) Act, 1956.	S. 26 amended	58, s. 3 and Sch. II.
1956	54	Indian Post Office (Amendment) Act, 1956.	Repealed	58, s. 2 and Sch. I.

	I	2	3	4	5
1956	55	Supreme Court (Number of Judges) Act, 1956.	S. 2 amended	17, s. 2.	
1956	56	State Financial Corporations (Amendment) Act, 1956.	Repealed	58, s. 2 and Sch. I.	
1956	58	Central Excises and Salt (Amendment) Act, 1956.	Repealed	58, s. 2 and Sch. I.	
1956	59	Indian Railways (Amendment) Act, 1956.	Repealed	58, s. 2 and Sch. I.	
1956	60	Representation of the People (Third Amendment) Act, 1956.	Repealed	58, s. 2 and Sch. I.	
1956	64	Indian Tariff (Amendment) Act, 1956.	Repealed	58, s. 2 and Sch. I.	
1956	66	Code of Civil Procedure (Amendment) Act, 1956.	Ss. 2 to 15 omitted	58, s. 2 and Sch. I.	
1956	68	Union Territories (Laws) Amendment Act, 1956.	Repealed	58, s. 2 and Sch. I.	
1956	71	Industries (Development and Regulation) Amendment Act, 1956.	Repealed	58, s. 2 and Sch. I.	
1956	72	Representation of the People (Fourth Amendment) Act, 1956.	Repealed	58, s. 2 and Sch. I.	
1956	73	Hindu Marriage (Amendment) Act, 1956.	Repealed	58, s. 2 and Sch. I.	
1956	74	Central Sales Tax Act, 1956.	S. 16 omitted	58, s. 2 and Sch. I.	
1956	75	Kerala State Legislature (Delegation of Powers) Act, 1956.	Repealed	58, s. 2 and Sch. I.	
1956	78	Hindu Adoptions and Maintenance Act, 1956.	S. 29 omitted	58, s. 2 and Sch. I.	

xvi Table showing effect of Parliamentary Legislation of 1960

		1	2	3	4	5
1956	79	State Bank of Hyderabad Act, 1956.	Ss. 43 and 46 and Second Schedule omitted.	Repealed . . .	58, s. 2 and Sch. I.	
1956	81	Central Excises and Salt (Second Amendment) Act, 1956.			58, s. 2 and Sch. I.	
1956	86	Displaced Persons (Compensation and Rehabilitation) Amendment Act, 1956.		Repealed . . .	58, s. 2 and Sch. I.	
1956	87	Road Transport Corporations (Amendment) Act, 1956.		Repealed . . .	58, s. 2 and Sch. I.	
1956	88	Representation of the People (Miscellaneous Provisions) Act, 1956.	Ss. 3 and 4 omitted		58, s. 2 and Sch. I.	
1956	89	Standards of Weights and Measures Act, 1956.	Ss. 1 and 17 amended (w.e.f. 1st October, 1960).		41, ss. 2 and 3.	
1956	92	Territorial Army (Amendment) Act, 1956.		Repealed . . .	58, s. 2 and Sch. I.	
1956	94	Employees' Provident Funds (Amendment) Act, 1956.		Repealed . . .	58, s. 2 and Sch. I.	
1956	95	Banking Companies (Amendment) Act, 1956.	Ss. 2 to 13 and items 2 to 10 in the Schedule omitted.		58, s. 2 and Sch. I.	
1956	96	Slum Areas (Improvement and Clearance) Act, 1956.	S. 38 amended . . .		58, s. 3 and Sch. II.	
1956	99	Delivery of Books (Public Libraries) Amendment Act, 1956.		Repealed . . .	58, s. 2 and Sch. I.	
1956	100	Motor Vehicles (Amendment) Act, 1956.	Ss. 2 to 21 and 23 to 102 omitted.		58, s. 2 and Sch. I.	
1956	101	Electricity (Supply) Amendment Act, 1956.		Repealed . . .	58, s. 2 and Sch. I.	

Table showing effect of Parliamentary Legislation of 1960 xvii

1	2	3	4	5
1956	105	Women's and Children's Institutions (Licensing) Act, 1956	Repealed (when notified)	10, s. 31.
1957	7	Prevention of Corruption (Amendment) Act, 1957.	Repealed	58, s. 2 and Sch. I.
1957	10	Sea Customs (Amendment) Act, 1957.	Repealed	58, s. 2 and Sch. I.
1957	11	Foreigners Laws (Amendment) Act, 1957.	Repealed	58, s. 2 and Sch. I.
1957	12	Provisional Collection of Taxes (Temporary Amendment) Act, 1957.	Repealed	58, s. 2 and Sch. I.
1957	13	Essential Commodities (Amendment) Act, 1957.	Repealed	58, s. 2 and Sch. I.
1957	16	Central Sales Tax (Amendment) Act, 1957.	Repealed	58, s. 2 and Sch. I.
1957	17	Life Insurance Corporation (Amendment) Act, 1957.	Ss. 2 to 5 and 7 omitted.	58, s. 2 and Sch. I.
1957	18	Industrial Disputes (Amendment) Act, 1957.	Repealed	58, s. 2 and Sch. I.
1957	19	Reserve Bank of India (Amendment) Act, 1957.	Repealed	58, s. 2 and Sch. I.
1957	20	Coal Bearing Areas (Acquisition and Development) Act, 1957.	S. 24 amended (retrospectively).	58, s. 3 and Sch. II.
1957	21	State Bank of India (Amendment) Act, 1957.	Repealed	58, s. 2 and Sch. I.
1957	25	Railway Passenger Fares Act, 1957.	First Schedule substituted (w.e.f. 21st January, 1961).	54, s. 2.

xviii Table showing effect of Parliamentary Legislation of 1960

	1	2	3	4	5
1957	27	Wealth-tax Act, 1957.	S. 5 amended (w.e.f. 1st April, 1960). Ss. 42A and 42B inserted (w.e.f. 1st April, 1960). Ss. 14 and 24 amended 58, s. 3 and Sch. II.	13, s. 14. 26, s. 11.	
1957	28	Essential Commodities (Second Amendment) Act, 1957.	Repealed . . .	58, s. 2 and Sch. I.	
1957	29	Expenditure-tax Act, 1957.	Ss. 5 (w.e.f. 1st April, 1960) and 6 (partly w.e.f. 1st April, 1960 and partly retrospectively) amended. Ss. 38A and 38B inserted (w.e.f. 1st April, 1960).	13, ss. 15 and 16. 28, s. 12.	
			S. 13 amended . . .	58, s. 3 and Sch. II.	
1957	30	Minimum Wages (Amendment) Act, 1957.	Repealed . . .	58, s. 2 and Sch. I.	
1957	31	Dhoties (Additional Excise Duty) Amendment Act, 1957.	Repealed . . .	58, s. 2 and Sch. I.	
1957	32	Forward Contracts (Regulation) Amendment Act, 1957.	S. 2 omitted . . .	58, s. 2 and Sch. I.	
1957	33	Cotton Fabrics (Additional Excise Duty) Act, 1957.	Schedule amended (w.e.f. 1st October, 1960)	38, s. 7.	
1957	34	Indian Succession (Amendment) Act, 1957.	Repealed . . .	58, s. 2 and Sch. I.	
1957	35	Insurance (Amendment) Act, 1957.	Repealed . . .	58, s. 2 and Sch. I.	
1957	36	Repealing and Amending Act, 1957.	Repealed . . .	58, s. 2 and Sch. I.	
1957	37	Legislative Councils Act, 1957.	S. 8 amended . . . Ss. 12 and 13 omitted.	58, s. 3 and Sch. II. <i>Ibid.</i> , s. 2 and Sch. I.	

Table showing effect of Parliamentary Legislation of 1960

		1	2	3	4	5
1957	38	Inter-State Corporations Act, 1957.	Preamble, Ss. 2, 4 and 5 amended.	Repealed	II, s. 75.	
1957	39	Foreign Exchange Regulation (Amendment) Act, 1957.		Repealed	58, s. 2 and Sch. I.	
1957	40	Industrial Disputes (Banking Companies) Decision Amendment Act, 1957.		Repealed	58, s. 2 and Sch. I.	
1957	41	Indian Tariff (Amendment) Act, 1957.		Repealed	58, s. 2 and Sch. I.	
1957	42	Naga Hills-Tuensang Area Act, 1957.	S. 5 omitted	Repealed	58, s. 2 and Sch. I.	
1957	43	Industrial Finance Corporation (Amendment) Act, 1957.		Repealed	58, s. 2 and Sch. I.	
1957	45	Indian Nursing Council (Amendment) Act, 1957.		Repealed	58, s. 2 and Sch. I.	
1957	48	Reserve Bank of India (Second Amendment) Act, 1957.		Repealed	58, s. 2 and Sch. I.	
1957	49	Central Excises and Salt (Amendment) Act, 1957.		Repealed	58, s. 2 and Sch. I.	
1957	50	Capital Issues (Control) Amendment Act, 1957.		Repealed	58, s. 2 and Sch. I.	
1957	51	Coal Bearing Areas (Acquisition and Development) Amendment Act, 1957.		Repealed	58, s. 2 and Sch. I.	
1957	52	Opium Laws (Amendment) Act, 1957.		Repealed	58, s. 2 and Sch. I.	
1957	53	Indian Railways (Amendment) Act, 1957.	Ss. 2 to 17 omitted	Repealed	58, s. 2 and Sch. I.	
1957	55	Union Duties of Excise (Distribution) Act, 1957.	S. 3 amended	II, s. 45 and Sch. IX.		
			S. 6 omitted	58, s. 2 and Sch. I.		

xx Table showing effect of Parliamentary Legislation of 1960

		1 2	3	4	5
1957	57	Estate Duty and Tax on Railway Passenger Fares (Distribution) Act, 1957.	Ss. 3 and 5 amended . .	II, s. 45 and Sch. IX.	
1957	58	Additional Duties of Excise (Goods of Special Importance) Act, 1957.	S. 4 and Second Schedule amended.	II, s. 45 and Sch. IX.	
			S. 2 and First Schedule amended.	III, s. 22.	
			S. 2 amended (w.e.f. 1st October, 1960).	38, s. 3.	
			First Schedule substituted (w.e.f. 1st October, 1960).	38, s. 3 and Sch. II.	
1957	59	Damodar Valley Corporation (Amendment) Act, 1957.	Repealed	58, s. 2 and Sch. I.	
1957	60	Indian Tariff (Second Amendment) Act, 1957.	Repealed	58, s. 2 and Sch. I.	
1957	62	Navy Act, 1957	S. 63 amended (retrospectively)	58, s. 3 and Sch. II.	
			S. 186 omitted . . .	Ibid., s. 2 and Sch. I.	
1957	65	Citizenship (Amendment) Act, 1957.	Repealed	58, s. 2 and Sch. I.	
1957	66	Delhi Municipal Corporation Act, 1957.	Ss. 505 and 506 omitted . . .	58, s. 2 and Sch. I.	
			Ss. 222 and 397 amended.	Ibid., s. 3 and Sch. II.	
1957	67	Mines and Minerals (Regulation and Development) Act, 1957.	S. 32 and Third Schedule omitted.	58, s. 2 and Sch. I.	
1957	68	Payment of Wages (Amendment) Act, 1957.	Repealed	58, s. 2 and Sch. I.	
1958	1	Requisitioning and Acquisition of Immovable Property (Amendment) Act, 1958.	Repealed	58, s. 2 and Sch. I.	

1	2	3	4	5
1958	2	Criminal Law Amend- ment Act, 1958.	Repealed	58, s. 2 and Sch. I.
1958	3	Indian Reserve Forces (Amendment) Act, 1958.	Repealed	58, s. 2 and Sch. I.
1958	5	Central Sales Tax (Amendment) Act, 1958.	Repealed	58, s. 2 and Sch. I.
1958	7	Indian Post Office (Amendment) Act, 1958.	Repealed	58, s. 2 and Sch. I.
1958	13	Bombay, Calcutta and Madras Port Trusts (Amendment) Act, 1958.	Repealed	58, s. 2 and Sch. I.
1958	15	Mines and Minerals (Regulation and De- velopment) Amend- ment Act, 1958.	Repealed	58, s. 2 and Sch. I.
1958	16	Indian Oaths (Amend- ment) Act, 1958.	Repealed	58, s. 2 and Sch. I.
1958	17	Hyderabad Securities Contracts Regula- tion (Repeal) Act, 1958.	Repealed	58, s. 2 and Sch. I.
1958	18	Gift-tax Act, 1958	S. 18 substituted. (w.e.f. 1st April, 1960). Ss. 41A and 41B insert- ed (w.e.f. 1st April, 1960). Ss. 19 and 20 amended.	58, s. 17. 28, s. 13. 58, s. 3 and Sch. II.
1958	19	Indian Stamp (Amend- ment) Act, 1958.	Repealed	58, s. 2 and Sch. I.
1958	22	Employees' Provident Funds (Amendment) Act, 1958.	Repealed	58, s. 2 and Sch. I.
1958	25	All-India Services (Amendment) Act, 1958.	Repealed	58, s. 2 and Sch. I.
1958	26	Code of Criminal Pro- cedure (Amendment) Act, 1958.	Repealed	58, s. 2 and Sch. I.

xxii Table showing effect of Parliamentary Legislation of 1960

	I	2	3	4	5
1958	27	Mineral Oils (Additional S. 2 substituted (w.e.f. 38, s. 4. Duties of Excise and 1st October, 1960). Customs) Act, 1958.	S. 3 amended (w.e.f. <i>Ibid.</i> , s. 4. 1st October, 1960).		
			S. 6 omitted . . .	58, s. 2 and Sch. I.	
1958	28	Armed Forces (Assam and Manipur) Special Powers Act, 1958.	S. 7 omitted . . .	58, s. 2 and Sch. I.	
1958	29	Working Journalists (Fixation of Rates and Wages) Act, 1958.	S. 14 omitted . . .	58, s. 2 and Sch. I.	
1958	30	Sugar Export Promotion Act, 1958.	S. 7 amended (w.e.f. 38, s. 8. 1st October, 1960).		
			S. 14 omitted . . .	58, s. 2 and Sch. I.	
1958	31	Central Sales Tax (Second Amendment) Act, 1958.	Repealed . . .		58, s. 2 and Sch. I.
1958	32	Public Premises (Eviction of Unauthorised Occupants) Act, 1958.	S. 14 omitted . . .		58, s. 2 and Sch. I.
1958	33	Estate Duty (Amendment) Act, 1958.	S. 30 omitted (w.e.f. 16, s. 3. 1st July 1960).		
1958	34	Banaras Hindu University (Amendment) Act, 1958.	Repealed . . .		58, s. 2 and Sch. I.
1958	36	Indian Medical Council (Amendment) Act, 1958.	Repealed . . .		58, s. 2 and Sch. I.
1958	37	Rajghat Samadhi (Amendment) Act, 1958.	Repealed . . .		58, s. 2 and Sch. I.
1958	38	Industrial Disputes (Banking Companies) Decision Amendment Act, 1958.	Repealed . . .		58, s. 2 and Sch. I.
1958	39	Sea Customs (Amendment) Act, 1958.	Repealed . . .		58, s. 2 and Sch. I.
1958	43	Trade and Merchandise Marks Act, 1958.	Ss. 4 and 136 amended . . .		58, s. 3 and Sch. II.

	1	2	3	4	5
1958	44.	Merchant Shipping Act, 1958.	Ss. 45 and 55 amended.	58, s. 3 and Sch. II.	
1958	45.	Tea (Alteration in Duties of Customs and Excise) Act, 1958.	Repealed	58, s. 2 Sch. I.	
1958	46.	High Court Judges (Conditions of Service) Amendment Act, 1958.	Repealed	58, s. 2 and Sch. I.	
1958	47.	Poisons (Amendment) Act, 1958.	Repealed	58, s. 2 and Sch. I.	
1958	48.	Assam Rifles (Amendment) Act, 1958.	Repealed	58, s. 2 and Sch. I.	
1958	52.	Indian Tariff (Amendment) Act, 1958.	Repealed	58, s. 2 and Sch. I.	
1958	53.	Foreign Exchange Regulation (Amendment) Act, 1958.	Repealed	58, s. 2 and Sch. I.	
1958	55.	Salaries and Allowances of Members of Parliament (Amendment) Act, 1958.	Repealed	58, s. 2 and Sch. I.	
1958	56.	Himachal Pradesh Legislative Assembly (Constitution and Proceedings) Validation Act, 1958.	S. 5 omitted	58, s. 2 and Sch. I.	
1958	58.	Representation of the People (Amendment) Act, 1958.	Repealed	58, s. 2 and Sch. I.	
1958	59.	Delhi Rent Control Act, 1958.	S. 53 omitted Ss. 46 and 47 amended.	58, s. 2 and Sch. I. <i>Ibid.</i> , s. 3 and Sch. II.	
1959	10.	Parliament (Prevention of Disqualification) Act, 1959.	Part I of Schedule amended.	58, s. 3 and Sch. II.	
1959	12.	Finance Act, 1959.	S. 19 amended (partly w.e.f. 1st April, 1960 and partly retrospectively).	13, s. 3.	

xxiv. Table showing effect of Parliamentary Legislation of 1960.

PART II—CENTRAL REGULATION REPEALED

Year of Regulation	No. of Regulation	Short title of Regulation	How affected	No. and section of 1960 Act by which affected
1	2	3	4	5
1886	1	Assam Land and Revenue Regulation, 1886, as extended to Manipur	Repealed (when notified).	33, s. 170 and Sch.

PART III—CENTRAL ORDINANCES REPEALED

Year of Ordinance	No. of Ordinance	Short title of Ordinance	How affected	No. and section of 1960 Act by which affected
1	2	3	4	5
1942	II	Police (Resignation of Office) Ordinance, 1942.	Repealed, so much as is in force in the Union territories of Andaman and Nicobar Islands and Delhi.	58, s. 2 and Sch. I.
1942	66	Armed Forces (Special Powers) Extension Ordinance, 1942.	Repealed	58, s. 2 and Sch. I.

PART IV—BRITISH STATUTES IN THEIR APPLICATION TO INDIA

Year	No. of Statute	Short title or subject	How affected	No. and section of 1960 Act by which affected
1	2	3	4	5
1297	25 Edw. I, c. 1 and 29	Magna Carta . . .	Repealed	57, s. 2 and Sch.
1331	5 Edw. 3, c. 9 . . .	Unlawful attachment	Repealed	<i>Ibid.</i>

1	2	3	4	5
1354	28 Edw. 3, c. 3 . . .	Non-condemnation without due process	Repealed	57, s. 2 and Sch.
1540	32 Hen. 8, c. 38 . . .	Marriage Act, 1540 .	Repealed	<i>Ibid.</i>
1551-2	5 & 6 Edw. 6, c. 16 . . .	Sale of Offices Act, 1551.	Repealed	<i>Ibid.</i>
1677	29 Cha. 2, c. 3 . . .	Statute of Frauds	Repealed	<i>Ibid.</i>
1679	31 Cha. 2, c. 2 . . .	Habeas Corpus Act, 1679.	Repealed	<i>Ibid.</i>
1688	1 Will. & Mar. c. 6 . . .	Coronation Oath .	Repealed	<i>Ibid.</i>
1698	11 Will. 3, c. 12 . . .	Governors of plantations.	Repealed	<i>Ibid.</i>
1700	12 & 13 Will. 3, c. 2 . . .	Act of Settlement .	Repealed	<i>Ibid.</i>
1702	1 Anne, c. 2 . . .	Demise of the Crown, 1702.	Repealed	<i>Ibid.</i>
1707	6 Anne, c. 41 . . .	Succession to the Crown Act, 1707.	Repealed	<i>Ibid.</i>
1782	22 Geo. 3, c. 45 . . .	House of Commons (Disqualification) Act, 1782.	Repealed	<i>Ibid.</i>
1802	42 Geo. 3, c. 85 . . .	Criminal Jurisdiction Act, 1802.	Repealed	<i>Ibid.</i>
1809	49 Geo. 3, c. 126 . . .	Sale of Offices Act, 1809.	Repealed	<i>Ibid.</i>
1812	52 Geo. 3, c. 156 . . .	Prisoners of War (Escape) Act, 1812.	Repealed	<i>Ibid.</i>
1820	1 Geo. 4, c. 101 . . .	Divorce Bills Evidence Act, 1820.	Repealed	<i>Ibid.</i>
1824	5 Geo. 4, c. 113 . . .	Slave Trade Act, 1824.	Repealed	<i>Ibid.</i>
1830	11 Geo. 4 & 1 Will. 4, c. 46.	Illusory Appointments Act, 1830.	Repealed	<i>Ibid.</i>
1830	11 Geo. 4 & 1 Will. 4, c. 47	Debts Recovery Act, 1830.	Repealed	<i>Ibid.</i>
1830	11 Geo. 4 & 1 Will. 4, c. 65.	Infants' Property Act, 1830.	Repealed	<i>Ibid.</i>
1830	1 Will. 4, c. 4 . . .	Colonial Offices, Act, 1830.	Repealed	<i>Ibid.</i>
1831	1 Will. 4, c. 22 . . .	Evidence on Commission Act, 1831.	Repealed	<i>Ibid.</i>

xxvi Table showing effect of Parliamentary Legislation of 1960

1	2	3	4	5
1833	3 & 4 Will. 4, c. 41	Judicial Committee Repealed Act, 1833.	57, s. 2 and Sch.	
1833	3 & 4 Will. 4, c. 85	Government of India Repealed	<i>Ibid.</i>	
1834	4 & 5 Will. 4, c. 24	Superannuation Act, Repealed	<i>Ibid.</i>	
1840	3 & 4 Vict., c. 105	Debtors (Ireland) Repealed	<i>Ibid.</i>	
1843	6 & 7 Vict., c. 22	(Colonies) Evidence Repealed	<i>Ibid.</i>	
1843	6 & 7 Vict., c. 38	Judicial Committee Repealed	<i>Ibid.</i>	
1843	6 & 7 Vict., c. 98	Slave Trade Act, Repealed	<i>Ibid.</i>	
1844	7 & 8 Vict., c. 69	Judicial Committee Repealed	<i>Ibid.</i>	
1847	10 & 11 Vict., c. 62	Naval Deserters Act, Repealed	<i>Ibid.</i>	
1849	12 & 13 Vict., c. 25	Portuguese Deserters Repealed	<i>Ibid.</i>	
1851	14 & 15 Vict., c. 81	Lunatics' Removal Repealed (India) Act, 1851.	<i>Ibid.</i>	
1851	14 & 15 Vict., c. 83	Court of Chancery Repealed	<i>Ibid.</i>	
1853	16 & 17 Vict., c. 48	Coinage (Colonial Offences) Act, Repealed	<i>Ibid.</i>	
1854	17 & 18 Vict., c. 80	Registration of Births, Deaths and Mar- riages (Scotland) Act, 1854.	<i>Ibid.</i>	
1856	19 & 20 Vict., c. 113	Foreign Tribunals Repealed Evidence Act, 1856.	<i>Ibid.</i>	
1858	21 & 22 Vict., c. 106	Government of India Repealed	<i>Ibid.</i>	
1859	22 Vict., c. 20	Evidence by Com- mission Act, 1859.	Repealed	<i>Ibid.</i>

	1	2	3	4	5
1859	22 & 23 Vict., c. 40	Royal Naval Reserve (Volunteer) Act, 1859.	Repealed	57, s. 2 and Sch.	
1860	23 & 24 Vict., c. 5	Indian Securities Act, 1860.	Repealed	<i>Ibid.</i>	
1861	24 & 25 Vict., c. 97	Malicious Damage Act, 1861.	Repealed	<i>Ibid.</i>	
1861	24 & 25 Vict., c. 114	Wills Act, 1861	Repealed	<i>Ibid.</i>	
1861	24 & 25 Vict., c. 121	Domicile Act, 1861	Repealed	<i>Ibid.</i>	
1862	25 & 26 Vict., c. 7	India Stock Transfer Act, 1862.	Repealed	<i>Ibid.</i>	
1862	25 & 26 Vict., c. 20	Habeas Corpus Act, 1862.	Repealed	<i>Ibid.</i>	
1862	25 & 26 Vict., c. 68	Fine Arts Copyright Act, 1862.	Repealed	<i>Ibid.</i>	
1863	26 & 27 Vict., c. 76	Colonial Letters Patent Act, 1863.	Repealed	<i>Ibid.</i>	
1866	29 & 30 Vict., c. 18	Indian Military Funds Act, 1866.	Repealed	<i>Ibid.</i>	
1866	29 & 30 Vict., c. 47	Indian Prize Money Act, 1866.	Repealed	<i>Ibid.</i>	
1868	31 & 32 Vict., c. 26	Indian Railway Companies Act, 1868.	Repealed	<i>Ibid.</i>	
1868	31 & 32 Vict., c. 37	Documentary Evi- dence Act, 1868.	Repealed	<i>Ibid.</i>	
1868	31 & 32 Vict., c. 38	Indian Prize Money Act, 1868.	Repealed	<i>Ibid.</i>	
1869	32 & 33 Vict., c. 7	East India Irrigation and Canal Act, 1869.	Repealed	<i>Ibid.</i>	
1870	33 & 34 Vict., c. 10	Coinage Act, 1870	Repealed	<i>Ibid.</i>	
1873	36 & 37 Vict., c. 17	East India Stock Dividend Redemp- tion Act, 1873.	Repealed	<i>Ibid.</i>	

iii Table showing effect of Parliamentary Legislation of 1960

1	2	3	4	5
1873	36 & 37 Vict., c. 43	Indian Railway Companies Act, 1873.	Repealed	57, s. 2 and Sch.
1873	36 & 37 Vict., c. 59	Slave Trade (East African Courts) Act, 1873.	Repealed	<i>Ibid.</i>
1873	36 & 37 Vict., c. 88	Slave Trade Act, 1873.	Repealed	<i>Ibid.</i>
1874	37 & 38 Vict., c. 12	East India Annuity Funds Act, 1874.	Repealed	<i>Ibid.</i>
1876	39 & 40 Vict., c. 10	Royal Titles Act, 1876	Repealed	<i>Ibid.</i>
1876	39 & 40 Vict., c. 20	Statute Law Revision (Substituted Enactments) Act, 1876.	Repealed	<i>Ibid.</i>
1876	39 & 40 Vict., c. 36	Customs Consolidation Act, 1876.	Repealed	<i>Ibid.</i>
1876	39 & 40 Vict., c. 46	Slave Trade Act, 1876.	Repealed	<i>Ibid.</i>
1878	41 & 42 Vict., c. 33	Dentists' Act, 1878.	Repealed	<i>Ibid.</i>
1878	41 & 42 Vict., c. 47	Elders' Widows' Fund (India) Act, 1878.	Repealed	<i>Ibid.</i>
1879	42 & 43 Vict., c. 8	Registration of Births, Deaths and Marriages (Army) Act, 1879.	Repealed	<i>Ibid.</i>
1879	42 & 43 Vict., c. 38	Slave Trade (East African Courts) Act, 1879.	Repealed	<i>Ibid.</i>
1879	42 & 43 Vict., c. 41	Indian Guaranteed Railways Act, 1879.	Repealed	<i>Ibid.</i>
1881	44 & 45 Vict., c. 3	Judicial Committee Act, 1881.	Repealed	<i>Ibid.</i>
1881	44 & 45 Vict., c. 7	India Office (Sale of Superfluous Land) Act, 1881.	Repealed	<i>Ibid.</i>
1881	44 & 45 Vict., c. 58	Army Act, 1881.	Repealed	<i>Ibid.</i>

Table showing effect of Parliamentary Legislation of 1960 xxix

1	2	3	4	5
1882	45 & 46 Vict., c. 9	Documentary Evidence Act, 1882.	Repealed 57, s. 2 and Sch.	
1882	45 & 46 Vict., c. 45	Bombay Civil Fund Act, 1882.	Repealed <i>Ibid.</i>	
1882	45 & 46 Vict., c. 48	Reserve Forces Act, 1882.	Repealed <i>Ibid.</i>	
1884	47 & 48 Vict., c. 39	Naval Discipline Act, 1884.	Repealed <i>Ibid.</i>	
1884	47 & 48 Vict., c. 64	Criminal Lunatics Act, 1884.	Repealed <i>Ibid.</i>	
1885	48 & 49 Vict., c. 25	East India Unclaimed Stock Act, 1885.	Repealed <i>Ibid.</i>	
1885	48 & 49 Vict., c. 67	Indian Army Pension Deficiency Act, 1885.	Repealed <i>Ibid.</i>	
1885	48 & 49 Vict., c. 74	Evidence by Commission Act, 1885.	Repealed <i>Ibid.</i>	
1886	49 & 50 Vict., c. 48	Medical Act, 1886.	Repealed <i>Ibid.</i>	
1887	50 & 51 Vict., c. 11	Conversion of India Stock Act, 1887.	Repealed <i>Ibid.</i>	
1887	50 & 51 Vict., c. 54	British Settlements Act, 1887.	Repealed <i>Ibid.</i>	
1887	50 & 51 Vict., c. 67	Superannuation Act, 1887.	Repealed <i>Ibid.</i>	
1887	50 & 51 Vict., c. 70	Appellate Jurisdiction Act, 1887.	Repealed <i>Ibid.</i>	
1889	52 & 53 Vict., c. 10	Commissioners for Oaths Act, 1889.	Repealed <i>Ibid.</i>	
1890	53 & 54 Vict., c. 7	Commissioners for Oaths Amendment Act, 1890.	Repealed <i>Ibid.</i>	
1890	53 & 54 Vict., c. 37	Foreign Jurisdiction Act, 1890.	Repealed <i>Ibid.</i>	
1891	54 & 55 Vict., c. 50	Commissioners for Oaths Act, 1891.	Repealed <i>Ibid.</i>	
1891	54 & 55 Vict., c. 72	Coinage Act, 1891.	Repealed <i>Ibid.</i>	
1892	55 & 56 Vict., c. 23	Foreign Marriage Act, 1892.	Repealed <i>Ibid.</i>	

xxx Table showing effect of Parliamentary Legislation of 1960

1	2	3	4	5
1892	55 & 56 Vict., c. 40	Superannuation Act, Repealed 1892.	57, s. 2 and Sch.	
1893	56 & 57 Vict., c. 5	Regimental Debts Act, 1893.	Repealed <i>Ibid.</i>	
1893	56 & 57 Vict., c. 53	Trustee Act, 1893.	Repealed <i>Ibid.</i>	
1894	57 & 58 Vict., c. 10	Trustee Act, 1893, Amendment Act, 1894.	Repealed <i>Ibid.</i>	
1894	57 & 58 Vict., c. 12	Indian Railways Act, 1894.	Repealed <i>Ibid.</i>	
1894	57 & 58 Vict., c. 30	Finance Act, 1894	Repealed <i>Ibid.</i>	
1894	57 & 58 Vict., c. 45	Uniforms Act, 1894	Repealed <i>Ibid.</i>	
1895	58 & 59 Vict., c. 9	Documentary Evidence Act, 1895.	Repealed <i>Ibid.</i>	
1895	58 & 59 Vict., c. 44	Judicial Committee Amendment Act, 1895.	Repealed <i>Ibid.</i>	
1896	59 & 60 Vict., c. 14	Short Titles Act, 1896.	Repealed <i>Ibid.</i>	
1896	59 & 60 Vict., c. 28	Finance Act, 1896.	Repealed <i>Ibid.</i>	
1896	59 & 60 Vict., c. 33	Royal Naval Reserve Volunteer Act, 1896.	Repealed <i>Ibid.</i>	
1897	60 & 61 Vict., c. 11	Regular and Elders' Widows' Funds Act, 1897.	Repealed <i>Ibid.</i>	
1898	61 & 62 Vict., c. 9	Reserve Forces and Militia Act, 1898.	Repealed <i>Ibid.</i>	
1898	61 & 62 Vict., c. 22	Statute Law Revision Act, 1898.	Repealed <i>Ibid.</i>	
1899	62 & 63 Vict., c. 3	Army (Annual) Act, 1899.	Repealed <i>Ibid.</i>	
1899	62 & 63 Vict., c. 40	Reserve Forces Act, 1899.	Repealed <i>Ibid.</i>	
1900	63 & 64 Vict., c. 14	Colonial Solicitors Act, 1900.	Repealed <i>Ibid.</i>	
1900	63 & 64 Vict., c. 42	Reserve Forces Act, 1900.	Repealed <i>Ibid.</i>	
1900	63 & 64 Vict., c. 62	Colonial Stock Act, 1900.	Repealed <i>Ibid.</i>	

Table showing effect of Parliamentary Legislation of 1900 xxxi

1	2	3	4	5
1901	1 Edw. 7, c. 2	Army (Annual) Act, 1901.	Repealed	57, s. 2 and Sch.
1901	1 Edw. 7, c. 5	Demise of the Crown	Repealed	<i>Ibid.</i>
		Act, 1901.		
1901	1 Edw. 7, c. 15	Royal Titles Act,	Repealed	<i>Ibid.</i>
		1901.		
1902	2 Edw. 7, c. 5	Royal Naval Reserve	Repealed	<i>Ibid.</i>
		Act, 1902.		
1905	5 Edw. 7, c. 14	Medical Act, (1886)	Repealed	<i>Ibid.</i>
		Amendment Act,		
		1905.		
1906	6 Edw. 7, c. 5	Seamen's and Sol- diers' False Charac- ters Act,	Repealed	<i>Ibid.</i>
1906	6 Edw. 7, c. 11	Reserve Forces Act,	Repealed	<i>Ibid.</i>
1907	7 Edw. 7, c. 9	Territorial and Re- serve Forces Act,	Repealed	<i>Ibid.</i>
1907	7 Edw. 7, c. 16	Evidence (Colonial Statutes) Act,	Repealed	<i>Ibid.</i>
		1907.		
1907	7 Edw. 7, c. 47	Deceased Wife's Sister's Marriage Act, 1907.	Repealed	<i>Ibid.</i>
1908	8 Edw. 7, c. 49	Statute Law Revi- sion Act, 1908.	Repealed	<i>Ibid.</i>
1908	8 Edw. 7, c. 51	Appellate Jurisdic- tion Act, 1908.	Repealed	<i>Ibid.</i>
1909	9 Edw. 7, c. 3	Army (Annual) Act,	Repealed	<i>Ibid.</i>
		1909.		
1909	9 Edw. 7, c. 18	Naval Establishments in British Posses- sions Act, 1909.	Repealed	<i>Ibid.</i>
1909	9 Edw. 7, c. 41	Naval Discipline Act,	Repealed	<i>Ibid.</i>
		1909.		
1910	10 Edw. 7, c. 6	Army (Annual) Act,	Repealed	<i>Ibid.</i>
		1910.		
1910	10, Edw. 7 & 1 Geo. 5, c. 29.	Accession Declaration	Repealed	<i>Ibid.</i>
		Act, 1910.		

xxxii Table showing effect of Parliamentary Legislation of 1960

	I	2	3	4	5
1910	10 Edw. 7 & 1 Geo. 5, c. 32.	Registration of Births, Deaths and Marriages (Scotland) Amendment Act, 1910.	Repealed	57, s. 2	and Sch.
1911	1 & 2 Geo. 5, c. 3	Army (Annual) Act, 1911.	Repealed	<i>Ibid.</i>	
1911	1 & 2 Geo. 5, c. 13	Parliament Act, 1911.	Repealed	<i>Ibid.</i>	
1911	1 & 2 Geo. 5, c. 20	Geneva Conventions Act, 1911.	Repealed	65, 20 ^{S.}	(when notified).
1911	1 & 2 Geo. 5, c. 28	Official Secrets Act, 1911.	Repealed	57, s. 2	and Sch.
1912	2 & 3 Geo. 5, c. 5	Army (Annual) Act, 1912.	Repealed	<i>Ibid.</i>	
1912	2 & 3 Geo. 5, c. 15	Marriages in Japan (Validity) Act, 1912.	Repealed	<i>Ibid.</i>	
1913	3 Geo. 5, c. 2	Army (Annual) Act, 1913.	Repealed	<i>Ibid.</i>	
1913	3 & 4 Geo. 5, c. 16	Foreign Jurisdiction Act, 1913.	Repealed	<i>Ibid.</i>	
1913	3 & 4 Geo. 5, c. 21	Appellate Jurisdiction Act, 1913.	Repealed	<i>Ibid.</i>	
1914	4 & 5 Geo. 5, c. 2	Army (Annual) Act, 1914.	Repealed	<i>Ibid.</i>	
1914	4 & 5 Geo. 5, c. 12	Aliens Restriction Act, 1914.	Repealed	<i>Ibid.</i>	
1914	4 & 5 Geo. 5, c. 26	Army (Supply of Food, Forage and Stores) Act, 1914.	Repealed	<i>Ibid.</i>	
1914	4 & 5 Geo. 5, c. 86	Superannuation Act, 1914.	Repealed	<i>Ibid.</i>	
1914	4 & 5 Geo. 5, c. 89	Navy (Pledging of Certificates, etc.) Act, 1914.	Repealed	<i>Ibid.</i>	
1915	5 & 6 Geo. 5, c. 26	Army (Amendment) Act, 1915.	Repealed	<i>Ibid.</i>	
1915	5 & 6 Geo. 5, c. 30	Naval Discipline Act, 1915.	Repealed	<i>Ibid.</i>	

Table showing effect of Parliamentary Legislation of 1960 xxxiii

I	2	3	4	5
1915	5 & 6 Geo. 5, c. 40	Marriage of British Subjects (Facilities) Act, 1915.	Repealed No. 2 Act, 1915.	s. 2 and Sch.
1915	5 & 6 Geo. 5, c. 58	Army (Amendment) Act, 1915.	Repealed	<i>Ibid.</i>
1915	5 & 6 Geo. 5, c. 73	Naval Discipline (No. 2) Act, 1915.	Repealed	<i>Ibid.</i>
1915	5 & 6 Geo. 5, c. 92	Judicial Committee Act, 1915.	Repealed	<i>Ibid.</i>
1916	6 & 7 Geo. 5, c. 5	Army (Annual) Act, 1916.	Repealed	<i>Ibid.</i>
1916	6 & 7 Geo. 5, c. 8	Imperial Institute (Management) Act, 1916.	Repealed	<i>Ibid.</i>
1916	6 & 7 Geo. 5, c. 21	Marriage of British Subjects (Facilities) Amendment Act, 1916.	Repealed	<i>Ibid.</i>
1916	6 & 7 Geo. 5, c. 37	Government of India (Amendment) Act, 1916.	Repealed	<i>Ibid.</i>
1917	7 & 8 Geo. 5, c. 9	Army (Annual) Act, 1917.	Repealed	<i>Ibid.</i>
1917	7 & 8 Geo. 5, c. 34	Naval Discipline Act, 1917.	Repealed	<i>Ibid.</i>
1917	7 & 8 Geo. 5, c. 51	Air Force (Constitution) Act, 1917.	Repealed	<i>Ibid.</i>
1918	8 & 9 Geo. 5, c. 6	Army (Annual) Act, 1918.	Repealed	<i>Ibid.</i>
1918	8 & 9 Geo. 5, c. 59	Termination of the Present War (Definition) Act, 1918.	Repealed	<i>Ibid.</i>
1919	9 & 10 Geo. 5, c. 11	Army (Annual) Act, 1919.	Repealed	<i>Ibid.</i>
1919	9 & 10 Geo. 5, c. 33	Treaty of Peace Act, 1919.	Repealed	<i>Ibid.</i>

xxxiv Table showing effect of Parliamentary Legislation of 1960

I	2	3	4	5
1919	9 & 10 Geo. 5, c. 62	British Marine Uniform Act, 1919.	Mercantile Restriction (Amendment) Act, 1919.	Repealed and Sch. <i>Ibid.</i>
1919	9 & 10 Geo. 5, c. 92	Aliens Government of India Act, 1919.	Repealed	<i>Ibid.</i>
1919	9 & 10 Geo. 5, c. 101	Treaties of (Austria and Bulga- ria) Act, 1920.	Peace Repealed	<i>Ibid.</i>
1920	10 & 11 Geo. 5, c. 6	Army and Air Force (Annual) Act, 1920.	Repealed	<i>Ibid.</i>
1920	10 & 11 Geo. 5, c. 33	Maintenance Orders (Facilities for En- forcement) Act, 1920.	Orders Repealed	<i>Ibid.</i>
1920	10 & 11 Geo. 5, c. 48	Indemnity 1920.	Act,	Repealed <i>Ibid.</i>
1921	11 & 12 Geo. 5, c. 9	Army and Air Force (Annual) Act, 1921.	Repealed	<i>Ibid.</i>
1921	11 & 12 Geo. 5, c. 11	Treaty of Peace (Hungary) Act, 1921.	Peace Repealed	<i>Ibid.</i>
1921	11 & 12 Geo. 5, c. 16	Importation of Plum- age (Prohibition) Act, 1921.	Repealed	<i>Ibid.</i>
1921	11 & 12 Geo. 5, c. 18	Indian Divorces (Validity) Act, 1921.	Divorces Repealed	<i>Ibid.</i>
1921	11 & 12 Geo. 5, c. 24	Deceased Brother's Widow's Marri- age Act, 1921.	Repealed	<i>Ibid.</i>
1921	11 & 12 Geo. 5, c. 37	Territorial Army and Militia Act, 1921.	Army Repealed	<i>Ibid.</i>
1921	11 & 12 Geo. 5, c. 65	Trade Facilities Act, 1921.	Facilities Repealed	<i>Ibid.</i>

Table showing effect of Parliamentary Legislation of 1960 xxxv

I	2	3	4	5
1922 12 & 13 Geo. 5, c. 6 .	Army and Air Force (Annual) Act, 1922.	Repealed	57, s. 2	and Sch.
1922 12 & 13 Geo. 5, c. 13 .	Empire Settlement Act, 1922.	Repealed	<i>Ibid.</i>	
1922 12 & 13 Geo. 5, c. 37 .	Naval Discipline Act, 1922.	Repealed	<i>Ibid.</i>	
1922 13 Geo. 5, c. 4 .	Trade Facilities and Loans Guarantee Act, 1922.	Repealed	<i>Ibid.</i>	
1923 13 & 14 Geo. 5, c. 3 .	Army and Air Force (Annual) Act, 1923.	Repealed	<i>Ibid.</i>	
1923 13 & 14 Geo. 5, c. 4 .	Fees (Increase) Act, 1923.	Repealed	<i>Ibid.</i>	
1923 13 & 14 Geo. 5, c. 19 .	Matrimonial Causes Act, 1923.	Repealed	<i>Ibid.</i>	
1924 14 & 15 Geo. 5, c. 5 .	Army and Air Force (Annual) Act, 1924.	Repealed	<i>Ibid.</i>	
1924 14 & 15 Geo. 5, c. 7 .	Treaty of Peace (Turkey) Act, 1924.	Repealed	<i>Ibid.</i>	
1924 14 & 15 Geo. 5, c. 8 .	Trade Facilities Act, 1924.	Repealed	<i>Ibid.</i>	
1924 14 & 15 Geo. 5, c. 15 .	Auxiliary Air Force and Air Force Reserve Act, 1924.	Repealed	<i>Ibid.</i>	
1924 14 & 15 Geo. 5, c. 22 .	Carriage of Goods by Sea Act, 1924.	Repealed	<i>Ibid.</i>	
1924 15 Geo. 5, c. 1 .	Expiring Laws Continuance Act, 1924.	Repealed	<i>Ibid.</i>	
1925 15 & 16 Geo. 5, c. 13 .	Trade Facilities Act, 1925.	Repealed	<i>Ibid.</i>	
1925 15 Geo. 5, c. 25 .	Army and Air Force (Annual) Act, 1925.	Repealed	<i>Ibid.</i>	
1925 15 & 16 Geo. 5, c. 76 .	Expiring Laws Act, 1925.	Repealed	<i>Ibid.</i>	
1926 16 & 17 Geo. 5, c. 3 .	Trade Facilities Act, 1926.	Repealed	<i>Ibid.</i>	
1926 16 & 17 Geo. 5, c. 18 .	Secretaries of State Act, 1926.	Repealed	<i>Ibid.</i>	

xxxvi *Table showing effect of Parliamentary Legislation of 1960*

1	2	3	4	5
1927	17 & 18 Geo. 5, c. 4 .	Royal and Parliamentary Titles Act, 1927.	Repealed	57, s. 2 and Sch. <i>Ibid.</i>
1927	17 & 18 Geo. 5, c. 15 .	Workmen's Compensation (Transfer of Funds) Act, 1927.	Repealed	<i>Ibid.</i>
1927	17 & 18 Geo. 5, c. 18 .	Royal Naval Reserve Act, 1927.	Repealed	<i>Ibid.</i>
1927	17 & 18 Geo. 5, c. 29 .	Cinematograph Films Act, 1927.	Repealed	<i>Ibid.</i>
1927	17 & 18 Geo. 5, c. 40 .	Indian Church Act, 1927.	Repealed	<i>Ibid.</i>
1927	17 & 18 Geo. 5, c. 43 .	Colonial Probates (Protected States and Mandated Territories) Act, 1927.	Repealed	<i>Ibid.</i>
1929	19 & 20 Geo. 5, c. 8 .	Appellate Jurisdiction Act, 1929.	Repealed	<i>Ibid.</i>
1929	19 & 20 Geo. 5, c. 23 .	Companies Act, 1929.	Repealed	<i>Ibid.</i>
1934	24 & 25 Geo. 5, c. 5 .	Air Force Reserve (Pilots and Observers) Act, 1934.	Repealed	<i>Ibid.</i>
1935	25 & 26 Geo. 5, c. 23 .	Superannuation Act, 1935.	Repealed	<i>Ibid.</i>
1935	25 & 26 Geo. 5, c. 24 .	Finance Act, 1935.	Repealed	<i>Ibid.</i>
1935	26 Geo. 5 and 1 Edw. 8, c. 3 .	Government of Burma Act, 1935.	Repealed	<i>Ibid.</i>
1936	1 Edw. 8 and 1 Geo. 6, c. 3 .	His Majesty's Declaration of Abdication Act, 1936.	Repealed	<i>Ibid.</i>
1937	1 Edw. 8 and 1 Geo. 6, c. 14 .	East India Loans Act, 1937.	Repealed	<i>Ibid.</i>
1937	1 Edw. 8 and 1 Geo. 6, c. 16 .	Regency Act, 1937	Repealed	<i>Ibid.</i>
1937	1 Edw. 8 and 1 Geo. 6, c. 17 .	Reserve Forces Act, 1937.	Repealed	<i>Ibid.</i>

Table showing effect of Parliamentary Legislation of 1960 xxxvii

	I	2	3	4	5
1937	1 Edw. 8 and 1 Geo. 6, c. 18.	Empire Settlement Act, 1937.	Repealed	57, s. 2 and Sch.	
1938	1 & 2 Geo. 6, c. 17	Cinematograph Films Act, 1938.	Repealed	<i>Ibid.</i>	
1938	1 & 2 Geo. 6, c. 22	Trade Marks Act, 1938.	Repealed	<i>Ibid.</i>	
1939	2 & 3 Geo. 6, c. 16	Prevention of Fraud (Investments) Act, 1939.	Repealed	<i>Ibid.</i>	
1939	2 & 3 Geo. 6, c. 17	Army and Air Force (Annual) Act, 1939.	Repealed	<i>Ibid.</i>	
1939	2 & 3 Geo. 6, c. 24	Reserve and Auxiliary Forces Act, 1939.	Repealed	<i>Ibid.</i>	
1939	2 & 3 Geo. 6, c. 34	Marriage (Scotland) Act, 1939.	Repealed	<i>Ibid.</i>	
1939	2 & 3 Geo. 6, c. 62	Emergency Powers (Defence) Act, 1939.	Repealed	<i>Ibid.</i>	
1939	2 & 3 Geo. 6, c. 68	Armed Forces (Conditions of Service) Act, 1939.	Repealed	<i>Ibid.</i>	
1939	2 & 3 Geo. 6, c. 70	Ships and Aircraft (Transfer Restriction) Act, 1939.	Repealed	<i>Ibid.</i>	
1939	2 & 3 Geo. 6, c. 89	Trading with the Enemy Act, 1939.	Repealed	<i>Ibid.</i>	
1939	3 & 4 Geo. 6, c. 1	Expiring Laws Continuance Act, 1939.	Repealed	<i>Ibid.</i>	
1940	3 & 4 Geo. 6, c. 18	Army and Air Force (Annual) Act, 1940.	Repealed	<i>Ibid.</i>	
1940	3 & 4 Geo. 6, c. 20	Emergency Powers (Defence) Act, 1940.	Repealed	<i>Ibid.</i>	
1940	3 & 4 Geo. 6, c. 21	Treachery Act, 1940.	Repealed	<i>Ibid.</i>	
1940	3 & 4 Geo. 6, c. 28	Evidence and Powers of Attorney Act, 1940.	Repealed	<i>Ibid.</i>	
1940	3 & 4 Geo. 6, c. 45	Emergency Powers (Defence) (No. 2) Act, 1940.	Repealed	<i>Ibid.</i>	

xxxviii Table showing effect of Parliamentary Legislation of 1960

1	2	3	4	5
1940	3 & 4 Geo. 6, c. 53	Prolongation of Parliament Act, 1940.	Repealed	57, s. 2 and Sch.
1940	4 & 5 Geo. 6, c. 2	Expiring Laws Continuance Act, 1940.	Repealed	<i>Ibid.</i>
1940	4 & 5 Geo. 6, c. 4	Naval and Marine Forces (Temporary Release from Service) Act, 1940.	Repealed	<i>Ibid.</i>
1941	4 & 5 Geo. 6, c. 17	Army and Air Force (Annual) Act, 1941.	Repealed	<i>Ibid.</i>
1941	4 & 5 Geo. 6, c. 29	Naval Discipline (Amendment) Act, 1941.	Repealed	<i>Ibid.</i>
1941	4 & 5 Geo. 6, c. 48	Prolongation of Parliament Act, 1941.	Repealed	<i>Ibid.</i>
1941	5 & 6 Geo. 6, c. 3	Expiring Laws Continuance Act, 1941.	Repealed	<i>Ibid.</i>
1942	5 & 6 Geo. 6, c. 15	Army and Air Force (Annual) Act, 1942.	Repealed	<i>Ibid.</i>
1942	5 & 6 Geo. 6 c. 18	Royal Naval Volunteer Reserve Act, 1942.	Repealed	<i>Ibid.</i>
1942	5 & 6 Geo. 6, c. 31	United States of America (Visiting Forces) Act, 1942.	Repealed	<i>Ibid.</i>
1942	5 & 6 Geo. 6, c. 37	Prolongation of Parliament Act, 1942.	Repealed	<i>Ibid.</i>
1943	6 & 7 Geo. 6, c. 6	Workmen's Compensation Act, 1943.	Repealed	<i>Ibid.</i>
1943	6 & 7 Geo. 6, c. 15	Army and Air Force (Annual) Act, 1943.	Repealed	<i>Ibid.</i>
1943	6 & 7 Geo. 6, c. 18	Evidence and Powers of Attorney Act, 1943.	Repealed	<i>Ibid.</i>
1943	6 & 7 Geo. 6, c. 35	Foreign Service Act, 1943.	Repealed	<i>Ibid.</i>
1943	6 & 7 Geo. 6, c. 42	Regency Act, 1943.	Repealed	<i>Ibid.</i>
1943	6 & 7 Geo. 6, c. 46	Prolongation of Parliament Act, 1943.	Repealed	<i>Ibid.</i>

Table showing effect of Parliamentary Legislation of 1960 xxxix

1	2	3	4	5
1943	7 & 8 Geo. 6, c. 1	Expiring Laws Continuance Act, 1943.	Repealed 57, s. 2 and Sch.	
1944	7 & 8 Geo. 6, c. 13	Naval Forces (Extension of Service) Act, 1944.	Repealed <i>Ibid.</i>	
1944	7 & 8 Geo. 6, c. 14	India (Attachment of States) Act, 1944.	Repealed <i>Ibid.</i>	
1944	7 & 8 Geo. 6, c. 18	Army and Air Force (Annual) Act, 1944.	Repealed <i>Ibid.</i>	
1944	7 & 8 Geo. 6, c. 23	Finance Act, 1944	Repealed <i>Ibid.</i>	
1944	7 & 8 Geo. 6, c. 43	Matrimonial Causes (War Marriages) Act, 1944.	Repealed <i>Ibid.</i>	
1944	7 & 8 Geo. 6, c. 45	Prolongation of Parliament Act, 1944.	Repealed <i>Ibid.</i>	
1944	8 & 9 Geo. 6, c. 2	Expiring Laws Continuance Act, 1944.	Repealed <i>Ibid.</i>	
1945	8 & 9 Geo. 6, c. 22	Army and Air Force (Annual) Act, 1945.	Repealed <i>Ibid.</i>	
1946	9 & 10 Geo. 6, c. 44	Patents and Designs Act, 1946.	Repealed <i>Ibid.</i>	
1946	9 & 10 Geo. 6, c. 45	United Nations Act, 1946.	Repealed <i>Ibid.</i>	
1946	9 & 10 Geo. 6, c. 47	Army and Air Force (Annual) Act, 1946.	Repealed <i>Ibid.</i>	
1946	9 & 10 Geo. 6, c. 60	Superannuation Act, 1946.	Repealed <i>Ibid.</i>	
1946	9 & 10 Geo. 6, c. 62	National Insurance (Industrial Injuries) Act, 1946.	Repealed <i>Ibid.</i>	
1946	10 & 11 Geo. 6, c. 1	Expiring Laws Continuance Act, 1946.	Repealed <i>Ibid.</i>	
1947	10 & 11 Geo. 6, c. 33	Foreign Marriage Act, 1947.	Repealed <i>Ibid.</i>	

xi *Table showing effect of Parliamentary Legislation of 1960*

**PART V.—STATE ACTS, ORDINANCES AND PROCLAMATION AMENDED,
REPEALED OR OTHERWISE AFFECTED**

Year of enact- ment	No. of act- ment	Short title of enactment	How affected	No. and section of 1960 Act by which affected
1	2	3	4	5
<i>Andhra Pradesh</i>				
1337	6	Hyderabad Cotton Cultivation and Transport Act, 1337F.	Repealed	22, s. 4.
<i>Gujarat</i>				
1948	41	Saurashtra Railways (Substitution of Parties in Civil Proceedings) Ordinance, 1948.	Repealed	58, s. 2 and Sch. I.
1948	58	Saurashtra United Nations (Security Council) Ordinance, 1948.	Repealed	58, s. 2 and Sch. I.
1948	59	Saurashtra United Nations (Privileges and Immunities) Ordinance, 1948.	Repealed	58, s. 2 and Sch. I.
<i>Kerala</i>				
1888	..	Proclamation dated 30th June, 1888 corresponding to 18th Mithunom 1063 regarding relinquishment of adiyaras.	Repealed, so much as has not been repealed.	58, s. 2 and Sch. I.
1944	6	Travancore Enemy Agents Act, 1120.	Repealed	58, s. 2 and Sch. I.
1947	15	Travancore Registration of Adults Act, 1122.	Repealed	58, s. 2 and Sch. I.
<i>Madras</i>				
1125	10	Travancore-Cochin Motor Vehicles Act, 1125.	Ch. VII repealed (Partly) (w.e.f. 15th July, 1960).	5, s. 3.

Table showing effect of Parliamentary Legislation of 1960

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1	2	3	4	5
1923	4	Madras Port Trust (Amendment) Act, 1922.	Repealed.	58, s. 2 and Sch. I.
1929	7	Madras Port Trust (Amendment) Act, 1929.	Repealed	58, s. 2 and Sch. I.
<i>Punjab</i>				
1943	9	Patiala State Indian Standard Time (Interpretation of References) Ordinance, 2000.	Repealed.	58, s. 2 and Sch. I.
1944	17	Patiala State Military Stores (Unlawful Possession) Ordinance, 2000.	Repealed	58, s. 2 and Sch. I.
1949	22	Patiala and East Punjab States Union United Nations (Security Council) Ordinance, 2005.	Repealed	58, s. 2 and Sch. I.
1949	23	Patiala and East Punjab States Union United Nations (Privileges and Immunities) Ordinance, 2005.	Repealed	58, s. 2 and Sch. I.
1949	16	Patiala and East Punjab States Union Audit of Accounts Ordinance, 2006.	Repealed.	58, s. 2 and Sch. I.
<i>West Bengal</i>				
1890	3	Calcutta Port Act, 1890.	S. 77 omitted	58, s. 2 and Sch. I.

**PART VI.—STATE ENACTMENTS IN FORCE IN THE UNION TERRITORIES
REPEALED OR OTHERWISE AFFECTED**

Year of enact- ment	No. of en- act- ment	Short title of enactment	How affected	No. and section of 1960 Act by which affected
1	2	3	4	5
<i>Delhi</i>				
1940	18	Punjab Primary Education Act, 1940, as extended to Delhi.	Repealed (when notified).	39, s. 26.

	1	2	3	4	5
1947	1	U. P. Home Guards Act, 1947 as in force in the Union Territory of Delhi.	Repealed		58, s. 2 and Sch. I.
1954	8	Delhi Land Reforms Act, 1954.	S. 33 substituted (when notified)		24, s. 28.

Himachal Pradesh

2005	1	Bilaspur Commercial Corporation Act, 2005 <i>Bikrami.</i>	Repealed (when notified).	47, s. 3.
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1934	5	Punjab Tobacco Vend Fees Act, 1934, as in force in the Union Territory of Himachal Pradesh.	Repealed	58, s. 2. and Sch. I.
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Manipur

1958	9	Bombay Vidarbha Region Agricultural Tenants (Protection from Eviction and Amendment of Tenancy Laws) Act, 1957, as extended to Manipur.	Repealed (when notified).	33, s. 170 and Sch.
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Tripura

1290	1	1290 Saner EK Ain Or that Rajaswa Sambandhiya Niyamabali.	Repealed (when notified)	43, s. 199 and Sch.
1296	1	Praja Bhumyadhikari Sambandha Bishyak Ain.	Repealed (when notified).	43, s. 199 and Sch.
1296	..	Tripura Excise Act, 1296 T.E. (Abkari)Ain.	Repealed [when Bengal Excise Act, 1909 (Ben. V of 1909) is extended to Tripura].	53, s. 2.
1309	..	Jarip-o-Bondobasta Sambandhiya Niyamabali, 1309.	Repealed (when notified).	43, s. 199, and Sch.

	1	2	3	4	5
		Jarip-o-Bondobasta Sam-bandhiya Niyamabali (Prathem Khanda).	Repealed (when notified).	43, s. 199 and Sch.	
1323		Jarip-o-Bondobasta Sam-bandhiya Niyamabali (Dwitiya Khanda)	Repealed (when notified).	43, s. 199 and Sch.	
		1323 T. E.			
1323	2	1323 Tripurabder Dui Ain Orthat Rajaswa Sambandhiya 1290 Saner EK Ain Sansudhan Bishyak Bidhi.	Repealed (when notified).	43, s. 199 and Sch.	
1326	4	Sarkari Prapya Aday Sambandiya, 1326.	Repealed (when notified).	43, s. 199 and Sch.	
1335	1	1296 Tripurabder Praja Bhumayadhisthikari Ain Sansudhan Bishyak.	Repealed (when notified).	43, s. 199 and Sch.	
1336	3	Tripura Rajyer Jarip Bondobasta Sambandhiya Niyamabali Sansudhan Bishyak, 1336.	Repealed (when notified).	43, s. 199 and Sch.	
1337	1	1296 Tripurabder Praja Bhumayadhisthikari Ain Sansudhan Bishyak.	Repealed (when notified).	43, s. 199 and Sch.	
1346	..	Rajdhani Agartala Sahar Bondobasta Sambandhiya Bidhan, 1346 T.E.	Repealed (when notified).	43, s. 199 and Sch.	
1349	2	Tripura State Municipal Act, 1349 T.E.	Repealed [when Bengal Municipal Act, 1932 (Ben. XV of 1932) is extended to Tripura].	31, s. 2	
1358	..	Sarkari Prapya Aday Sam-bandhiya 1326 Tripur Char Aih Sansudhan Bishyak Ain Athaba 1358 Tring Saner 18 Nang Aih.	Repealed (when notified).	43, s. 199 and Sch.	

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**PART VII.—CONSTITUTION OF INDIA AND ORDERS AMENDED OR OTHERWISE
AFFECTED**

A.—Constitution of India

How affected	No. and section of 1960 Act by which affected
1	2
Art. 334 amended	Constitution (Eighth Amendment) Act, 1959.
Art. 168 amended (w.e.f. 1st May, 1960).	II, s. 20.
Art. 371 amended (w.e.f. 1st May, 1960).	<i>Ibid.</i> , s. 85.
First Schedule amended (partly w.e.f. 1st May, 1960 and partly w.e.f. 17th January, 1961).	<i>Ibid.</i> , s. 4, 64, s.4.
	Constitution (Ninth Amendment) Act, 1960.
Fourth Schedule amended (w.e.f. 1st May, 1960).	II, s. 6.

B.—Orders under the Constitution of India

Year of Order	No. of Order	Short title of Order	How affected	No. and section of 1960 Act by which affected
1950 ..		Constitution (Scheduled Castes) Order, 1950	Para 4 and Pt. IV substituted (w.e.f. 1st May, 1960).	II, s. 26 and Sch. VII.
			Pt. VII-A inserted (w.e.f. 1st May, 1960).	<i>Ibid.</i> , s. 26 and Sch. VII.
1950 ..		Constitution (Scheduled Tribes) Order, 1950.	Para 3 and Pt. IV substituted (w.e.f. 1st May, 1960).	II, s. 27 and Sch. VIII.
			Pt. VII-A inserted (w.e.f. 1st May, 1960).	<i>Ibid.</i> , s. 27 and Sch. VIII.
1957 ..		Constitution (Distribution of Revenues) No. 2 Order, 1957.	Para 3 amended	II, s. 45 and Sch. IX.

C.—Orders

Year of Order	No. of Order	Short title of Order	How affected	No. and section of 1960 Act by which affected
1951	..	Delimitation of Council Constituencies (Bombay) Order, 1951.	Para 2 and Table amended (w.e.f. 1st May, 1960).	II, s. 22.
1956	..	Delimitation of Parliamentary and Assembly Constituencies, Order, 1956.	First Schedule amended (w.e.f. 1st May, 1960). Second Schedule <i>Ibid.</i> , s. 14 and amended (w.e.f. 1st May, 1960).	II, s. 11. Sch. IV.

1. The first step in the process of socialization is birth.

2. The second step is the family.

3. The third step is the school.

4. The fourth step is the church.

5. The fifth step is the state.

6. The sixth step is the media.

7. The seventh step is the peer group.

8. The eighth step is the community.

9. The ninth step is the world.

10. The tenth step is the self.

11. The eleventh step is the divine.

12. The twelfth step is the spirit.

13. The thirteenth step is the soul.

14. The fourteenth step is the body.

15. The fifteenth step is the mind.

16. The sixteenth step is the heart.

17. The seventeenth step is the spirit.

18. The eighteenth step is the soul.

19. The nineteenth step is the body.

20. The twentieth step is the mind.

21. The twenty-first step is the heart.

22. The twenty-second step is the spirit.

23. The twenty-third step is the soul.

24. The twenty-fourth step is the body.

25. The twenty-fifth step is the mind.

26. The twenty-sixth step is the heart.

27. The twenty-seventh step is the spirit.

28. The twenty-eighth step is the soul.

29. The twenty-ninth step is the body.

30. The thirtieth step is the mind.

31. The thirty-first step is the heart.

32. The thirty-second step is the spirit.

33. The thirty-third step is the soul.

34. The thirty-fourth step is the body.

35. The thirty-fifth step is the mind.

36. The thirty-sixth step is the heart.

37. The thirty-seventh step is the spirit.

38. The thirty-eighth step is the soul.

39. The thirty-ninth step is the body.

40. The fortieth step is the mind.

41. The forty-first step is the heart.

42. The forty-second step is the spirit.

43. The forty-third step is the soul.

44. The forty-fourth step is the body.

45. The forty-fifth step is the mind.

Rep. by Act 55 of 1964, s. 2 + Sch. I (w.e.f. 29.12.64).

THE ADMINISTRATION OF EVACUEE PROPERTY
(AMENDMENT) ACT, 1960

No. I OF 1960

[27th February, 1960]

An Act further to amend the Administration of Evacuee Property Act, 1950.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. This Act may be called the Administration of Evacuee Property Short title. (Amendment) Act, 1960.
2. In section 8 of the Administration of Evacuee Property Act, 1950 Amendment (hereinafter referred to as the principal Act), after sub-section (2), the of section 8. following sub-section shall be inserted and shall be deemed always to have been inserted, namely:—

"(2A) Without prejudice to the generality of the provisions contained in sub-section (2), all property which under any law repealed hereby purports to have vested as evacuee property in any person exercising the powers of Custodian in any State shall, notwithstanding any defect in, or the invalidity of, such law or any judgment, decree or order of any court, be deemed for all purposes to have validly vested in that person, as if the provisions of such law had been enacted by Parliament and such property shall, on the commencement of this Act, be deemed to have been evacuee property declared as such within the meaning of this Act and accordingly, any order made or other action taken by the Custodian or any other authority in relation to such property shall be deemed to have been validly and lawfully made or taken.”.

3. In section 10 of the principal Act, in sub-section (2), after clause (o), the following clause shall be inserted, namely:—

"(p) acquire any non-evacuee Interest in evacuee property, whether by way of purchase or otherwise;

Provided that no such acquisition shall be made except with the previous approval of the Custodian-General.”.

**Insertion of
new section
10A.**

4. After section 10 of the principal Act, the following section shall be inserted, namely:—

**Power to
recover rent
or damages
in respect of
evacuee
property
vested in the
Custodian.**

“10A. (1) Where any person is in arrears of rent in respect of any evacuee property vested in the Custodian, the Custodian may, by order, require that person to pay the same within such time and in such instalments as may be specified in the order.

(2) Where any person is deemed to be holding any evacuee property on behalf of the Custodian under sub-section (4) of section 8, the Custodian may, having regard to such principles of assessment of rent as may be prescribed, by order, assess the rent payable in respect of such property and that person shall be liable to pay the rent so assessed.

(3) Where any person is, or has at any time been, in unauthorised possession of any evacuee property vested in the Custodian, the Custodian may, having regard to such principles of assessment of damages as may be prescribed, assess the damages on account of the use and occupation of such property and may, by order, require that person to pay the damages within such time and in such instalments as may be specified in the order.

(4) Where any person being in possession of any evacuee property vested in the Custodian has caused damage to any such property, the Custodian may assess the compensation payable on account of the damage so caused and may, by order, require that person to pay the compensation within such time and in such instalments as may be specified in the order.

(5) No order shall be made under sub-section (2) or sub-section (3) or sub-section (4), until after the issue of a notice in writing to the person concerned calling upon him to show cause within such time as may be specified in the notice why such order should not be made and until his objections, if any, and any evidence he may produce in support of the same have been considered by the Custodian.”.

**Amendment
of section 27.**

5. In section 27 of the principal Act, the following *Explanation* shall be inserted at the end, namely:—

“*Explanation.*—The power conferred on the Custodian-General under this section may be exercised by him in relation to any property, notwithstanding that such property has been acquired under section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954.”.

Rep. by Act 52 of 1964.

OF 1960]

Administration of Evacuee Property (Amendment)

3

6. After section 41 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
42.

"42. The Custodian may, for the purpose of securing, administering, preserving and managing any evacuee property and generally for the purpose of enabling him satisfactorily to discharge any of the duties imposed on him by or under this Act, require any person to submit to him such accounts, books or other documents or to furnish to him such information relating to any evacuee property as he may reasonably think necessary." Power to call for information.

7. In section 55 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:

Amendment of section 55.

"(2) Any power exercisable by a State Government by virtue of a direction under sub-section (1) may, unless otherwise provided in such direction, be exercised also by such officer or authority as the State Government may specify in this behalf.”

8. In section 56 of the principal Act,—

Amendment of section 56.

(a) in sub-section (2), after clause (j), the following clause shall be inserted, namely:—

"(jj) the manner in which rent of any property or damage for unauthorised possession of any property may be assessed, and the principles which may be taken into account in assessing such rent or damages;”;

(b) for sub-section (4), the following sub-section shall be substituted, namely:—

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

THE DISPLACED PERSONS (COMPENSATION AND
REHABILITATION) AMENDMENT
ACT, 1960

NO. 2 OF 1960

[27th February, 1960]

An Act further to amend the Displaced Persons (Compensation and Rehabilitation) Act, 1954.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Displaced Persons (Compensation and Rehabilitation) Amendment Act, 1960.

Amendment of section 2.

2. In section 2 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (hereinafter referred to as the principal Act),—

(i) in clause (d), after sub-clause (iii), the following sub-clause shall be inserted, namely:—

"(iv) any dues payable, whether in one lump sum or in instalments, to a co-operative society, registered as such under any law for the time being in force, by the displaced person on account of loans granted to him by the co-operative society, where such loans have been granted out of funds placed at the disposal of the co-operative society by the Central Government or a State Government and such dues have been declared by the Central Government, by notification in the Official Gazette, to be public dues;"

(ii) in clause (e), for the words, brackets and figures "East Punjab Refugees (Registration of Claims) Act, 1948" the words, brackets and figures "East Punjab Refugees (Registration of Land Claims) Act, 1948" shall be, and shall be deemed always to have been, substituted.

Amendment of section 3.

3. In section 3 of the principal Act,—

(i) in sub-section (1), for the words "a Deputy Chief Settlement Commissioner and as many Settlement Commissioners", the words "and as many Deputy Chief Settlement Commissioners, Settlement Commissioners" shall be substituted;

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Sections 2 to 10 repealed by Act 52 of 1964, S. 2
+ Sch. I (w.e.f. 22.12.64).

(ii) in sub-section (2), for the words, "the Deputy Chief Settlement Commissioner and all Settlement Commissioners", the words "all Deputy Chief Settlement Commissioners, Settlement Commissioners" shall be substituted.

4. In section 19 of the principal Act, after sub-section (3), the Amendment of section 19. following sub-sections shall be inserted, namely:—

"(4) Where a managing officer or a managing corporation is satisfied that any person, whether by way of allotment or lease, is, or has at any time been, in possession of any evacuee property acquired under this Act to which he was not entitled, or which was in excess of that to which he was entitled, under the law under which such allotment or lease was made or granted, then, without prejudice to any other action which may be taken against that person, the managing officer or the managing corporation may, having regard to such principles of assessment of rent as may be specified in this behalf by the Central Government, by order, assess the rent payable in respect of such property and that person shall be liable to pay the rent so assessed for the period for which the property remains or has remained in his possession:

Provided that no such order shall be made without giving to the person concerned a reasonable opportunity of being heard.

(5) Where any person is, or has at any time been, in unauthorised possession of any evacuee property acquired under this Act, the managing officer or the managing corporation may, having regard to such principles of assessment of damages as may be specified in this behalf by the Central Government, assess the damages on account of the use and occupation of such property and may, by order, require that person to pay the damages within such time and in such instalments as may be specified in the order:

Provided that no such order shall be made without giving to the person concerned a reasonable opportunity of being heard.”.

5. In section 20 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

Amendment of section 20.

"(1A) For the purpose of transferring any property out of the compensation pool under sub-section (1), it shall be lawful

for the managing officer or the managing corporation to transfer the same to a displaced person jointly with any other person or an association of displaced persons or otherwise.”.

Insertion of new section 20B.

6. After section 20A of the principal Act, the following section shall be inserted, namely:—

Restrictions on restoration of certain property.

“20B. (1) Where any person is entitled to the restoration of any property by virtue of an order made by the Custodian-General under section 27 of the Administration of Evacuee Property Act, 1950, or by the competent officer or the appellate ^{31 of 1950} officer under the Evacuee Interest Separation Act, 1951, and the ^{64 of 1951} Central Government is of opinion that it is not expedient or practicable to restore the whole or any part of such property to that person by reason of the property or part thereof being in occupation of a displaced person or otherwise, then, notwithstanding anything contained in the said Acts or this Act, it shall be lawful for the Central Government—

(a) to transfer to that person in lieu of the property to be restored or any part thereof, any immovable property in the compensation pool or any part thereof, being in the opinion of the Central Government as nearly as may be of the same value as the property to be restored or, as the case may be, any part thereof, or

(b) to pay to that person such amount in cash from the compensation pool in lieu of the property to be restored or part thereof, as the Central Government having regard to the value of the property to be restored or part thereof, may in the circumstances deem fit.

(2) Where in pursuance of sub-section (1) any person has been granted any immovable property from the compensation pool or has been paid any amount in cash from the compensation pool, his right, title and interest in the property to be restored shall be deemed to have been extinguished.”.

Amendment of section 26.

7. In section 26 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Every officer appointed under this Act may, for the purpose of making an inquiry under this Act and generally for the purpose of enabling him satisfactorily to discharge any of the duties imposed on him by or under this Act, require any person to submit to him such accounts, books or other documents or to furnish to him such information relating to any evacuee property acquired under this Act as he may reasonably think necessary.”.

8. In section 31 of the principal Act, after sub-section (4), the Amendment of section 31 following sub-section shall be inserted, namely:—

“(5) If at any time the Central Government is of opinion that the continued existence of the Board is unnecessary, it may, by notification in the Official Gazette, declare that the Board shall be dissolved with effect from such date as may be specified in the notification and the Board shall be deemed to be dissolved accordingly.”.

9. In section 34 of the principal Act, in sub-section (2), for the Amendment words “the Deputy Chief Settlement Commissioner”, the words “a of section 34. Deputy Chief Settlement Commissioner” shall be substituted.

10. In section 40 of the principal Act,—

Amendment
of section 40.

(a) in sub-section (2),—

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

“(hh) the manner in which any dispute as to who are the successors-in-interest of any deceased claimant to a rehabilitation grant or other grant, and as to the apportionment of such grant among persons entitled thereto, may be determined;”;

(ii) after clause (n), the following clause shall be inserted, namely:—

“(nn) the fees payable in respect of appeals, revisions or other applications made under this Act;”;

(b) for sub-section (3), the following sub-section shall be substituted, namely:—

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

Validation of certain action taken. 11. (1) Any fees in respect of appeals, revisions or other applications which, before the commencement of this Act, have been levied under the Displaced Persons (Compensation and Rehabilitation) Act, 1954, shall be deemed to have been validly levied, as if ~~44~~ of 1954, this Act and the amendments made thereby were in force when such fees had been levied.

(2) No order made, no action taken and nothing done before the commencement of this Act by any person exercising the powers of a Deputy Chief Settlement Commissioner shall be invalid or shall be deemed ever to have been invalid merely by reason of any defect in, or invalidity of, the appointment of such person and such appointment shall be deemed to have been validly made, as if this Act and the amendments made thereby were in force on the date of such appointment.

THE APPROPRIATION ACT, 1960

No. 3 OF 1960

[7th March, 1960]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1959-60.

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

1. This Act may be called the Appropriation Act, 1960.

Short title.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of eighty-nine crores, fifty-seven lakhs and fifteen thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1959-60, in respect of the services specified in column 2 of the Schedule.
Issue of Rs.
89,57,15,000
out of the
Consolidated
Fund of
India for the
year 1959-60.
3. The sums authorised to be paid and applied from and out of the Appropriation Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Appropriation
THE SCHEDULE

[ACT 3]

(See sections 2 and 3)

No. of Vote	Services and purposes	3		
		Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
11	Defence Services—Effective— Air Force	5,99,78,000	..	5,99,78,000
18	External Affairs	58,12,000	..	58,12,000
21	Ministry of Finance	6,20,000	..	6,20,000
23	Union Excise Duties	2,29,94,000	2,29,94,000
29	Mint	15,00,000	..	15,00,000
31	Superannuation Allowances and Pensions	34,25,000	1,68,000	35,93,000
32	Miscellaneous Departments and Other Expenditure under the Ministry of Finance	1,000	..	1,000
34	Miscellaneous Adjustments bet- ween the Union and State Governments	1,71,000	..	1,71,000
	CHARGED.—Interest on Debt and Other Obligations and reduc- tion or avoidance of Debt	4,00,00,000	4,00,00,000
38	Agriculture	1,51,02,000	..	1,51,02,000
51	Census	15,07,000	..	15,07,000
53	Privy Purses and Allowances of Indian Rulers	79,000	3,19,000	3,98,000
60	Miscellaneous Departments and Expenditure under the Minis- try of Home Affairs	1,000	..	1,000
62	Broadcasting	24,50,000	..	24,50,000
64	Ministry of Irrigation and Power	60,000	..	60,000
67	Ministry of Labour and Em- ployment	60,000	..	60,000
69	Miscellaneous Departments and Other Expenditure under the Ministry of Labour and Em- ployment	1,000	1,000

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
70	Ministry of Law . . .	59,000	..	59,000
73	Expenditure on Displaced Persons and Minorities . . .	1,70,00,000	..	1,70,00,000
76	Survey of India . . .	45,58,000	..	45,58,000
79	Scientific Research and Cultural Affairs . . .	34,62,000	..	34,62,000
84	Miscellaneous Departments and Other Expenditure under the Ministry of Steel, Mines and Fuel . . .	8,89,04,000	..	8,89,04,000
86	Indian Posts and Telegraphs Department . . .	1,00,00,000	..	1,00,00,000
91	Aviation . . .	5,23,81,000	..	5,23,81,000
93	Communications (including National Highways) . . .	28,53,000	..	28,53,000
94	Miscellaneous Departments and Other Expenditure under the Ministry of Transport and Communications . . .	15,00,000	..	15,00,000
96	Supplies . . .	16,92,000	..	16,92,000
97	Other Civil Works . . .	1,91,56,000	..	1,91,56,000
111	Capital Outlay of the Ministry of External Affairs . . .	10,34,000	..	10,34,000
115	Comuted Value of Pensions	2,53,000	2,53,000
117	Other Capital Outlay of the Ministry of Finance . . .	1,000	..	1,000
118	Loans and Advances by the Central Government . . .	16,00,00,000	..	16,00,00,000
120	Purchase of Foodgrains . . .	17,75,00,000	..	17,75,00,000
125	Capital Outlay on Multi-purpose River Schemes . . .	1,04,00,000	..	1,04,00,000
126	Other Capital Outlay of the Ministry of Irrigation and Power . . .	4,00,74,000	..	4,00,74,000
129	Capital Outlay of the Ministry of Scientific Research and Cultural Affairs . . .	34,62,000	..	34,62,000

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
130	Capital Outlay of the Ministry of Steel, Mines and Fuel	14,21,77,000	..	14,21,77,000
131	Capital Outlay on Posts and Telegraphs (Not met from Revenue)	1,000	..	1,000
134	Capital Outlay on Roads	50,00,000	..	50,00,000
	TOTAL	83,19,80,000	6,37,35,000	89,57,15,000

Rep. by Act 52 of 1964, s. 2 + Sch. I (w.e.f. 29.12.64).

THE IMPORTS AND EXPORTS (CONTROL)
AMENDMENT ACT, 1960

No. 4 OF 1960

[7th March, 1960]

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

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

1. This Act may be called the Imports and Exports (Control) Short title, Amendment Act, 1960.

18 of 1947. 2. In section 1 of the Imports and Exports (Control) Act, 1947 ^{Amendment of section 1.} (hereinafter referred to as the principal Act), in sub-section (3), for the figures "1960", the figures "1966" shall be substituted.

3. In section 2 of the principal Act, clauses (a) and (c) and the ^{Amendment of section 2.} brackets and letter "(b)" shall be omitted.

4. In section 5 of the principal Act, after the words "any order made ^{Amendment of section 5.} or deemed to have been made under this Act", the words "or any condition of a licence granted under any such order" shall be inserted.

5. In section 6 of the principal Act, for the words "a Customs-collector ^{Amendment of section 6.} or by an officer of Customs authorised in writing in this behalf by a Customs-collector", the words "an officer authorised in this behalf by the Central Government by general or special order" shall be substituted.

THE MOTOR VEHICLES (AMENDMENT) ACT, 1960

NO. 5 OF 1960

[11th March, 1960]

An Act further to amend the Motor Vehicles Act, 1939.

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

Short title and commencement. 1. (1) This Act may be called the Motor Vehicles (Amendment) Act, 1960.

~~stet~~ (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 1. 2. In the Motor Vehicles Act, 1939 (hereinafter referred to as "the principal Act), for sub-sections (2) and (3) of section 1, the following sub-section shall be substituted, namely:—

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

Provided that Chapter VIII shall take effect in the State of Kerala only from such date as the Central Government may, by notification in the Official Gazette, appoint; and until that Chapter so takes effect in that State, Chapter VII of the Travancore-Cochin Motor Vehicles Act, 1125, shall have effect in that State as if enacted in this Act".

Travancore-Cochin Act
10 of 1125.

Repeals and savings. 3. On the commencement of this Act,—

(a) Chapter VII of the Travancore-Cochin Motor Vehicles Act, 1125, shall cease to have effect in the territories transferred to the State of Madras by section 4 of the States Reorganisation Act, 1956, except as respects things done or omitted to be done before such commencement; and

(b) Chapter VIII of the principal Act shall cease to have effect in the territories transferred to the State of Kerala under section 5 of the States Reorganisation Act, 1956, except as respects things done or omitted to be done before such commencement.

¹15th July, 1960, vide Notification No. S.O. 1724, dated the 6th July, 1960, Gazette of India, Extraordinary, Pt. II, Sec. 3 (ii), p. 403.

²Rep. by Act 52 of 1964, S. 24 sch. I (refd. 12.64).

Not Corrected: See India Code Vol. V B, Pt. VI, p. 17.

THE GENEVA CONVENTIONS ACT, 1960

NO. 6 OF 1960

[12th March, 1960]

An Act to enable effect to be given to certain international Conventions done at Geneva on the twelfth day of August, 1949, to which India is a party, and for purposes connected therewith.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Geneva Conventions Act, 1960. Short title, extent and commencement.
(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

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

(a) "Conventions" means the Conventions set out in the Schedules; and the First Convention, the Second Convention, the Third Convention and the Fourth Convention mean the Conventions set out in the First, Second, Third and Fourth Schedules, respectively;

(b) "court" does not include a court-martial or military court;

(c) "protected internee" means a person protected by the Fourth Convention and interned in India;

(d) "protecting power", in relation to a protected internee or a protected prisoner of war, means the power or organisation which is carrying out, in the interests of the power of which he is a national or of whose forces he is or was at any material

14.8.1961, vide S.R.O. 222, dt 2.8.61, See
Law of India, Pt. II, Sec. 4, Pt. 151.

time a member, the duties assigned to protecting powers under the Third Convention or, as the case may be, the Fourth Convention;

(e) "protected prisoner of war" means a person protected by the Third Convention.

CHAPTER II

PUNISHMENT OF OFFENDERS AGAINST CONVENTIONS

Punishment 3. (1) If any person within or without India commits or attempts of grave breaches of to commit, or abets or procures the commission by any other person conventions, of, a grave breach of any of the Conventions he shall be punished,—

(a) where the offence involves the wilful killing of a person protected by any of the Conventions, with death or with imprisonment for life; and

(b) in any other case, with imprisonment for a term which may extend to fourteen years.

(2) Sub-section (1) applies to persons regardless of their nationality or citizenship.

(3) For the purposes of this section,—

(a) a grave breach of the First Convention is a breach of that Convention involving an act referred to in article 50 of that Convention committed against persons or property protected by that Convention;

(b) a grave breach of the Second Convention is a breach of that Convention involving an act referred to in article 51 of that Convention committed against persons or property protected by that Convention;

(c) a grave breach of the Third Convention is a breach of that Convention involving an act referred to in article 130 of that Convention committed against persons or property protected by that Convention; and

(d) a grave breach of the Fourth Convention is a breach of that Convention involving an act referred to in article 147 of that Convention committed against persons or property protected by that Convention.

Not Corrected: See India Code

or 1960]

Geneva Conventions

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4. When an offence under this Chapter is committed by any person outside India, he may be dealt with in respect of such offence as if it had been committed at any place within India at which he may be found.

5. No court inferior to that of a chief presidency magistrate or a Court of Session shall try any offence punishable under this Chapter.

6. If in any proceeding under this Chapter in respect of a grave breach of any of the Conventions a question arises under article 2 of that Convention (which relates to the circumstances in which the Convention applies), a certificate under the hand of a Secretary to the Government of India certifying to any matter relevant to that question shall be conclusive evidence of the matter so certified.

46 of 1950.
45 of 1950.
62 of 1957. 7. The Army Act, 1950, the Air Force Act, 1950, or the Navy Act, 1957, relating to trial by court-martial of persons who commit civil offences shall have effect for the purposes of the jurisdiction of courts-martial as if this Chapter had not been passed.

CHAPTER III

LEGAL PROCEEDINGS IN RESPECT OF PROTECTED PERSONS

8. (1) The court before which—

- (a) a protected prisoner of war is brought up for trial for any offence; or
(b) a protected internee is brought up for trial for an offence for which that court has power to sentence him to death or to imprisonment for a term of two years or more,

Notice of trial of protected persons to be served on protecting power, etc.

shall not proceed with the trial until it is proved to the satisfaction of the court that a notice containing the particulars mentioned in the next following sub-section, so far as they are known to the prosecutor, has been served not less than three weeks previously on the protecting power (if there is a protecting power) and, if the accused is a protected prisoner of war on the accused and the prisoners' representative.

(2) The particulars referred to in the foregoing sub-section are—

- (a) the full name and description of the accused, including the date of his birth and his profession or trade, if any, and if the accused is a protected prisoner of war, his rank and arm, regimental, personal or serial number;

- (b) his place of detention, internment or residence;
- (c) the offence with which he is charged; and
- (d) the court before which the trial is to take place and the time and place appointed for the trial.

(3) For the purposes of this section a document purporting—

- (a) to be signed on behalf of the protecting power or by the prisoners' representative or by the person accused, as the case may be; and

- (b) to be an acknowledgment of the receipt by that power, representative or person on a specified day of a notice described therein as a notice under this section,

shall, unless the contrary is shown, be sufficient evidence that the notice required by sub-section (1) was served on that power, representative or person on that day.

(4) In this section, the expression "prisoners' representative" in relation to a particular protected prisoner of war at a particular time means the person by whom the functions of prisoners' representative within the meaning of article 79 of the Third Convention were exercisable in relation to that prisoner at the camp or place at which that prisoner was, at or last before that time, detained as a protected prisoner of war.

(5) Any court which adjourns a trial for the purpose of enabling the requirements of this section to be complied with may, notwithstanding anything in any other law, authorise the detention of the accused in such custody as it may think fit for the period of the adjournment.

Legal representation
of certain persons.

9. (1) The court before which—

- (a) any person is brought up for trial for an offence under section 3 of this Act; or
- (b) a protected prisoner of war is brought up for trial for any offence,

shall not proceed with the trial unless—

- (i) the accused is represented by a legal practitioner; and
- (ii) it is proved to the satisfaction of the court that a period of not less than fourteen days has elapsed since instructions for the representation of the accused at the trial were first given to the legal practitioner,

and if the court adjourns the trial for the purpose of enabling the requirements of this sub-section to be complied with, then, notwithstanding anything in any other law, the Court may authorise the detention of the accused in such custody as it may think fit for the period of the adjournment.

(2) Where the accused is a protected prisoner of war, in the absence of a legal practitioner accepted by the accused as representing him, the legal practitioner instructed for the purpose on behalf of the protecting power shall, without prejudice to the requirements of clause (ii) of the foregoing sub-section, be regarded for the purposes of that sub-section as representing the accused.

(3) If the court adjourns the trial in pursuance of sub-section (1) by reason that the accused is not represented by a legal practitioner, the court shall direct that a legal practitioner be assigned to watch over the interests of the accused at any further proceedings in connection with the offence, and at any such further proceedings, in the absence of a legal practitioner either accepted by the accused as representing him or instructed as mentioned in the last foregoing sub-section, the legal practitioner assigned in pursuance of this sub-section shall, without prejudice to the requirements of clause (ii) of sub-section (1), be regarded for the purposes of that sub-section as representing the accused.

(4) A legal practitioner shall be assigned in pursuance of sub-section (3) in such manner as may be provided in the rules made under this Act or, in the absence of provisions in the rules, as the court directs, and the legal practitioner so assigned shall be entitled to such fees as may be provided in the rules made under this Act.

10. (1) Where a protected prisoner of war or a protected internee has been sentenced by a court to death or to imprisonment for a term of two years or more, any time allowed in relation to the institution of an appeal against the conviction or sentence shall be deemed to continue to run until the day on which the convicted person receives a notice given,—

Appeals by
protected
prisoners of
war and
internees.

(a) in the case of a protected prisoner of war—by an officer in the Armed Forces; or

(b) in the case of a protected internee—by or on behalf of the governor or other person in charge of the prison or place in which he is confined,

that the protecting power has been notified of his conviction and sentence, and for such further time as would have been within the time allowed if the conviction or sentence had taken place or been pronounced on that day.

(2) Where, after an appeal against the conviction or sentence by a court of a protected prisoner of war or a protected internee has been decided, the sentence remains a sentence of death, or remains or has become a sentence of imprisonment for a term of two years or more, any time allowed in relation to a further appeal in respect of the conviction or sentence as confirmed or varied upon the previous appeal shall be deemed to continue to run until the day on which the convicted person receives a notice given by a person referred to in clause (a) or clause (b) of the last preceding sub-section, as the case may require, that the protecting power has been notified of the decision of the court upon the previous appeal, and for such further time as would have been within the time allowed if that decision had been pronounced on that day.

(3) Where sub-section (1) applies in relation to a convicted person, then, unless the court otherwise orders, an order of the court relating to the restitution of property or the payment of compensation to an aggrieved person shall not take effect, and a provision of any law relating to the revesting of property on conviction shall not take effect in relation to the conviction, while an appeal by the convicted person against his conviction or sentence is possible without an extension of time other than the extension provided by the last preceding sub-section.

(4) Sub-sections (1), (2) and (3) shall not apply in relation to an appeal against a conviction or sentence, or against the decision of a court upon a previous appeal, if, at the time of the conviction or sentence, or of the decision of the court upon the previous appeal, as the case may be, there is no protecting power.

Reduction of sentence and custody of protected prisoners of war and internees.

II. (1) When a protected prisoner of war or a protected internee is convicted of an offence, the court shall,—

(a) in fixing a term of imprisonment in respect of the offence, deduct from the term which it would otherwise have fixed any period during which the convicted person has been in custody in connection with that offence before the trial; and

(b) in fixing any penalty other than imprisonment in respect of the offence, take that period of custody into account.

(2) Where the Central Government is satisfied that a protected prisoner of war accused of an offence has been in custody in connection with that offence, while awaiting trial, in a place other than a camp or place in which protected prisoners of war are detained, for

an aggregate period of not less than three months, the Central Government may direct that the prisoner shall be transferred from that custody to the custody of an officer of the Armed Forces of the Union and thereafter remain in military custody at a camp or place in which protected prisoners of war are detained, and be brought before the court at the time appointed for his trial.

CHAPTER IV

ABUSE OF THE RED CROSS AND OTHER EMBLEMS

12. No person shall, without the approval of the Central Government, use for any purpose whatsoever—

Prohibition
of use of
Red Cross
and other
emblems.

(a) the emblem of a red cross with vertical and horizontal arms of the same length on, and completely surrounded by, a white ground, or the designation "Red Cross" or "Geneva Cross";

(b) the emblem of a red crescent moon on, and completely surrounded by, a white ground, or the designation "Red Crescent";

(c) the following emblem in red on, and completely surrounded by, a white ground, that is to say, a lion passing from right to left of, and with its face turned towards, the observer, holding erect in its raised right forepaw a scimitar, with, appearing above the lion's back, the upper half of the sun shooting forth rays, or the designation "Red Lion and Sun";

(d) the emblem of a white or silver cross with vertical and horizontal arms of the same length on, and completely surrounded by, a red ground, being the heraldic emblem of the Swiss Confederation; or

(e) any design or wording so nearly resembling any of the emblems or designations specified in the preceding clauses of this section as to be capable of being mistaken for, or, as the case may be, understood as referring to, one of those emblems.

13. If any person contravenes any of the provisions of section 12, he shall be punishable with fine which may extend to five hundred rupees, and be liable to forfeit any goods upon or in connection with which the emblem, designation, design or wording was used by that person.

14. (1) If the person committing an offence under this Chapter is a company, the company as well as every person in charge of, and responsible to, the company for the conduct of its business at

Offences by
companies.

the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

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

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

- (a) "company" means any body corporate and includes a firm or other association of individuals, and
- (b) "director" in relation to a firm means a partner in the firm.

Saving.

15. In the case of a trade mark registered before the coming into force of this Act, the foregoing provisions of this Chapter shall not apply by reason only of its consisting of or containing a design or wording which reproduces or resembles an emblem or designation specified in clause (b) or clause (c) of section 12; and where a person is charged with using such a design or wording for any purpose and it is proved that he used it otherwise than as, or as part of, a trade mark so registered, it shall be a defence for him to prove—

- (a) that he lawfully used that design or wording for that purpose before the coming into force of this Act; or
- (b) in a case where he is charged with using the design or wording upon goods, that the design or wording had been applied to the goods before he acquired them by some other person who had manufactured or dealt with the goods in the course of trade and who lawfully used the design or wording upon similar goods before the coming into force of this Act.

16. The provisions of this Chapter extend to the use in or outside India of any emblem, designation, design or wording as is referred to in section 12 on any Indian ship or aircraft.

Use of 'Red
Cross' and
other
emblems on
Indian ship
or aircraft.

CHAPTER V

MISCELLANEOUS

17. No court shall take cognizance of any offence under this Act Cognizance except on complaint by the Government or of such officer of the Government as the Central Government may, by notification in the Official Gazette, specify.

18. The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

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

14 of 1936. 20. (1) The Geneva Convention Implementing Act, 1936, is hereby repealed.

(2) The Geneva Convention Act, 1911, shall cease to have effect as part of the law of India.

THE FIRST SCHEDULE

(See section 2)

GENEVA CONVENTION FOR THE AMELIORATION OF THE CONDITION OF THE WOUNDED AND SICK IN ARMED FORCES IN THE FIELD AUGUST 12, 1949

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of revising the Geneva Convention for the Relief of the Wounded and Sick in Armies in the Field of July 27, 1929, have agreed as follows:—

CHAPTER I

GENERAL PROVISIONS

Article 1

The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

Respect for
the Convention.

Article 2

**Application
of the Con-
vention.**

In addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

Article 3

**Conflicts not
of an inter-
national
character.**

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions :—

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:—

(a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(b) taking of hostages;

(c) outrages upon personal dignity, in particular humiliating and degrading treatment;

(d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded and sick shall be collected and cared for. An impartial humanitarian body, such as the International

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Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

Article 4

Neutral Powers shall apply by analogy the provisions of the present Convention to the wounded and sick, and to members of the medical personnel and to chaplains of the armed forces of the Parties to the conflict, received or interned in their territory, as well as to dead persons found.

Article 5

For the protected persons who have fallen into the hands of the enemy, the present Convention shall apply until their final repatriation.

Article 6

In addition to the agreements expressly provided for in Articles 10, 15, 23, 28, 31, 36, 37 and 52, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of the wounded and sick, of members of the medical personnel or of chaplains, as defined by the present Convention, nor restrict the rights which it confers upon them.

Wounded and sick, as well as medical personnel and chaplains, shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

Article 7

Wounded and sick, as well as members of the medical personnel and chaplains, may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

Article 8

*(c)
Protecting Powers.*

The present Convention shall be applied with the co-operation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.

The Parties to the conflict shall facilitate to the greatest extent possible, the task of the representatives or delegates of the Protecting Powers.

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties. Their activities shall only be restricted as an exceptional and temporary measure when this is rendered necessary by imperative military necessities.

Article 9

Activities of the International Committees of the Red Cross, and for Protecting Powers.

The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of wounded and sick, medical personnel and chaplains, and for their relief.

Article 10

Substitutes for Protecting Powers.

The High Contracting Parties may at any time agree to entrust to an organization which offers all guarantees of impartiality and efficacy the duties incumbent on the Protecting Powers by virtue of the present Convention.

When wounded and sick, or medical personnel and chaplains do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

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If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral Power, or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever in the present Convention mention is made of a Protecting Power, such mention also applies to substitute organizations in the sense of present Article.

Article 11

In cases where they deem it advisable in the interest of protected persons, particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, in particular of the authorities responsible for the wounded and sick, members of medical personnel and chaplains, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. The Protecting Powers may, if necessary, propose for approval by the Parties to the conflict a person belonging to a neutral Power or delegated by the International Committee of the Red Cross who shall be invited to take part in such a meeting.

CHAPTER II

WOUNDED AND SICK

Article 12

Protection
and care.

Members of the armed forces and other persons mentioned in the following Article, who are wounded or sick, shall be respected and protected in all circumstances.

They shall be treated humanely and cared for by the Party to the conflict in whose power they may be, without any adverse distinction founded on sex, race, nationality, religion, political opinions, or any other similar criteria. Any attempts upon their lives, or violence to their persons, shall be strictly prohibited; in particular, they shall not be murdered or exterminated, subjected to torture or to biological experiments; they shall not wilfully be left without medical assistance and care, nor shall conditions exposing them to contagion or infection be created.

Only urgent medical reasons will authorize priority in the order of treatment to be administered.

Women shall be treated with all consideration due to their sex.

The Party to the conflict which is compelled to abandon wounded or sick to the enemy shall, as far as military consideration permits, leave with them a part of its medical personnel and material to assist in their care.

Protected
persons.

Article 13

The present Convention shall apply to the wounded and sick belonging to the following categories :—

(1) Members of the armed forces of a Party to the conflict as well as members of militias or volunteer corps forming part of such armed forces;

(2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions:—

(a) that of being commanded by a person responsible for his subordinates;

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- (b) that of having a fixed distinctive sign recognizable at a distance;
 - (c) that of carrying arms openly;
 - (d) that of conducting their operations in accordance with the laws and customs of war.
- (3) Members of regular armed forces who profess allegiance to a Government or an authority not recognized by the Detaining Power;
- (4) Persons who accompany the armed forces without actually being members thereof, such as civil members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany;
- (5) Members of crews, including masters, pilots and apprentices, of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favourable treatment under any other provisions in international law;
- (6) Inhabitants of a non-occupied territory who on the approach of the enemy spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war.

Article 14

Subject to the provisions of Article 12, the wounded and sick ~~status.~~ of a belligerent who fall into enemy hands shall be prisoners of war, and the provisions of international law concerning prisoners of war shall apply to them.

Article 15

At all times, and particularly after an engagement, Parties to the conflict shall, without delay, take all possible measures to search for and collect the wounded and sick, to protect them against pillage and ill-treatment, to ensure their adequate care, and to search for the dead and prevent their being dispoiled.

Search for
casualties.
Evacuation.

Whenever circumstances permit, an armistice or a suspension of fire shall be arranged, or local arrangements made, to permit the removal, exchange and transport of the wounded left on the battlefield.

Likewise, local arrangements may be concluded between Parties to the conflict for the removal or exchange of wounded and sick from a besieged or encircled area, and for the passage of medical and religious personnel and equipment on their way to that area.

Article 16

Recording
and forward-
ing of
information

Parties to the conflict shall record as soon as possible, in respect of each wounded, sick or dead person of the adverse Party falling into their hands, any particulars which may assist in his identification.

These records should if possible include—

- (a) designation of the Power on which he depends;
- (b) army, regimental, personal or serial number;
- (c) surname;
- (d) first name or names;
- (e) date of birth;
- (f) any other particulars shown on his identity card or disc;
- (g) date and place of capture or death;
- (h) particulars concerning wounds or illness, or cause of death.

As soon as possible the above-mentioned information shall be forwarded to the Information Bureau described in Article 122 of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, which shall transmit this information to the Power on which these persons depend through the intermediary of the Protecting Power and of the Central Prisoners of War Agency.

Parties to the conflict shall prepare and forward to each other through the same bureau, certificates of death or duly authenticated lists of the dead. They shall likewise collect and forward through the same bureau one-half of a double identity disc, last wills or other documents of importance to the next of kin, money and in general all articles of an intrinsic or sentimental value, which are found on the dead. These articles, together with unidentified articles, shall be sent in sealed packets, accompanied by statements giving all particulars necessary for the identification of the deceased owners, as well as by a complete list of the contents of the parcel.

Article 17

Parties to the conflict shall ensure that burial or cremation of Prescriptions the dead, carried out individually as far as circumstances permit, regarding the dead. is preceded by a careful examination, if possible by a medical examination, of the bodies, with a view to confirming death, establishing identity and enabling a report to be made. One-half of the double identity disc, or the identity disc itself if it is a single disc, should remain on the body.

Graves Registration Service.

Bodies shall not be cremated except for imperative reasons of hygiene or for motives based on the religion of the deceased. In case of cremation, the circumstances and reasons for cremation shall be stated in detail in the death certificate or on the authenticated list of the dead.

They shall further ensure that the dead are honourably interred, if possible according to the rites of the religion to which they belonged, that their graves are respected, grouped if possible according to the nationality of the deceased, properly maintained and marked so that they may always be found. For this purpose, they shall organise at the commencement of hostilities an Official Graves Registration Service, to allow subsequent exhumations and to ensure the identification of bodies, whatever the site of the graves; and the possible transportation to the home country. These provisions shall likewise apply to the ashes, which shall be kept by the Graves Registration Service until proper disposal thereof in accordance with the wishes of the home country.

As soon as circumstances permit, and at latest at the end of hostilities, these Services shall exchange, through the Information Bureau mentioned in the second paragraph of Article 16, lists showing the exact location and markings of the graves together with particulars of the dead interred therein.

Article 18

The military authorities may appeal to the charity of the inhabitants voluntarily to collect and care for, under their direction, the wounded and sick, granting persons who have responded to this appeal the necessary protection and facilities. Should the adverse party take or retake control of the area, he shall likewise grant these persons the same protection and the same facilities.

The military authorities shall permit the inhabitants and relief societies, even in invaded or occupied areas, spontaneously to collect and care for wounded or sick of whatever nationality. The

civilian population shall respect these wounded and sick, and in particular abstain from offering them violence.

No one may ever be molested or convicted for having nursed the wounded or sick.

The provisions of the present Article do not relieve the occupying Power of its obligation to give both physical and moral care to the wounded and sick.

CHAPTER III

MEDICAL UNITS AND ESTABLISHMENTS

Article 19

Protection.

Fixed establishments and mobile medical units of the Medical Service may in no circumstances be attacked, but shall at all times be respected and protected by the Parties to the conflict. Should they fall into the hands of the adverse Party, their personnel shall be free to pursue their duties, as long as the capturing Power has not itself ensured the necessary care of the wounded and sick found in such establishments and units.

The responsible authorities shall ensure that the said medical establishments and units are, as far as possible, situated in such a manner that attacks against military objectives cannot imperil their safety.

Article 20

Protection of hospital ships.

Hospital ships entitled to the protection of the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949, shall not be attacked from the land.

Article 21

Discontinuance of protection of medical establishments and units.

The protection to which fixed establishments and mobile medical units of the Medical Service are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however, cease, only after a due warning has been given, naming, in all appropriate cases, a reasonable time limit and after such warning has remained unheeded.

Article 22

The following conditions shall not be considered as depriving a medical unit or establishment of the protection guaranteed by Article 19:—

- (1) That the personnel of the unit or establishment are armed, and that they use the arms in their own defence, or in that of the wounded and sick in their charge.
- (2) That in the absence of armed orderlies, the unit or establishment is protected by a picket or by sentries or by an escort.
- (3) That small arms and ammunition taken from the wounded and sick and not yet handed to the proper service, are found in the unit or establishment.
- (4) That personnel and material of the veterinary service are found in the unit or establishment, without forming an integral part thereof.
- (5) That the humanitarian activities of medical units and establishments, or of their personnel extend to the care of civilian wounded or sick.

Article 23

In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the Parties to the conflict, may establish in their own territory and, if the need arises, in occupied areas, hospital zones and localities so organized as to protect the wounded and sick from the effects of war, as well as the personnel entrusted with the organisation and administration of these zones and localities and with the care of the persons therein assembled.

Upon the outbreak and during the course of hostilities, the Parties concerned may conclude agreements on mutual recognition of the hospital zones and localities they have created. They may for this purpose implement the provisions of the Draft Agreement annexed to the present Convention, with such amendments as they may consider necessary.

The Protecting Powers and the International Committee of the Red Cross are invited to lend their good offices in order to facilitate the institution and recognition of these hospital zones and localities.

CHAPTER IV

PERSONNEL

Article 24

Protection of permanent personnel. Medical personnel exclusively engaged in the search for, or the collection, transport or treatment of, the wounded or sick, or in the prevention of disease, staff exclusively engaged in the administration of medical units and establishments, as well as chaplains attached to the armed forces, shall be respected and protected in all circumstances.

Article 25

Protection of auxiliary personnel. Members of the armed forces specially trained for employment, should the need arise, as hospital orderlies, nurses or auxiliary stretcher-bearers, in the search for or the collection, transport or treatment of the wounded and sick shall likewise be respected and protected if they are carrying out these duties at the time when they come into contact with the enemy or fall into his hands.

Article 26

Personnel of aid societies. The staff of National Red Cross Societies and that of other Voluntary Aid Societies, duly recognised and authorised by their Governments, who may be employed on the same duties as the personnel named in Article 24, are placed on the same footing as the personnel named in the said Article, provided that the staff of such societies are subject to military laws and regulations.

Each High Contracting Party shall notify to the other, either in time of peace or at the commencement of or during hostilities, but in any case before actually employing them, the names of the societies which it has authorised, under its responsibility, to render assistance to the regular medical service of its armed forces.

Article 27

Societies of neutral countries. A recognized Society of a neutral country can only lend the assistance of its medical personnel and units to a Party to the conflict with the previous consent of its own Government and the authorisation of the Party to the conflict concerned. That personnel and those units shall be placed under the control of that Party to the conflict.

The neutral Government shall notify this consent to the adversary of the State which accepts such assistance. The Party to the conflict who accepts such assistance is bound to notify the adverse Party thereof before making any use of it.

In no circumstances shall this assistance be considered as interference in the conflict.

The members of the personnel named in the first paragraph shall be duly furnished with the identity cards provided for in Article 40 before leaving the neutral country to which they belong.

Article 28

Personnel designated in Articles 24 and 26 who fall into the hands of the adverse Party, shall be retained only in so far as the state of health, the spiritual needs and the number of prisoners of war require.

Personnel thus retained shall not be deemed prisoners of war. Nevertheless they shall at least benefit by all the provisions of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949. Within the framework of the military laws and regulations of the Detaining Power, and under the authority of its competent service, they shall continue to carry out, in accordance with their professional ethics, their medical and spiritual duties on behalf of prisoners of war, preferably those of the armed forces to which they themselves belong. They shall further enjoy the following facilities for carrying out their medical or spiritual duties :—

(a) They shall be authorised to visit periodically the prisoners of war in labour units or hospitals outside the camp. The Detaining Power shall put at their disposal the means of transport required.

(b) In each camp the senior medical officer of the highest rank shall be responsible to the military authorities of the camp for the professional activity of the retained medical personnel. For this purpose, from the outbreak of hostilities, the Parties to the conflict shall agree regarding the corresponding seniority of the ranks of their medical personnel, including those of the societies designated in Article 26. In all questions arising out of their duties, this medical officer, and the chaplains, shall have direct access to the military and medical authorities of the camp who shall grant them the facilities they may require for correspondence relating to these questions.

(c) Although retained personnel in a camp shall be subject to its internal discipline, they shall not, however, be required to perform any work outside their medical or religious duties.

During hostilities the parties to the conflict shall make arrangements for relieving where possible retained personnel, and shall settle the procedure of such relief.

None of the preceding provisions shall relieve the Detaining Power of the obligations imposed upon it with regard to the medical and spiritual welfare of the prisoners of war.

Status of auxiliary personnel.

Members of the personnel designated in Article 25 who have fallen into the hands of the enemy, shall be prisoners of war, but shall be employed on their medical duties in so far as the need arises.

Return of medical and religious personnel.

Personnel whose retention is not indispensable by virtue of the provisions of Article 28 shall be returned to the Party to the conflict to whom they belong, as soon as a road is open for their return and military requirements permit.

Pending their return, they shall not be deemed prisoners of war. Nevertheless they shall at least benefit by all the provisions of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949. They shall continue to fulfil their duties under the orders of the adverse Party and shall preferably be engaged in the care of the wounded and sick of the Party to the conflict to which they themselves belong.

On their departure, they shall take with them the effects, personal belongings, valuables and instruments belonging to them.

Selection of personnel for return.

The selection of personnel for return under Article 30 shall be made irrespective of any consideration of race, religion or political opinion, but preferably according to the chronological order of their capture and their state of health.

As from the outbreak of hostilities, parties to the conflict may determine by special agreement the percentage of personnel to be retained, in proportion to the number of prisoners and the distribution of the said personnel in the camps.

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Article 32

Persons designated in Article 27 who have fallen into the hands of the adverse Party may not be detained.

Unless otherwise agreed, they shall have permission to return to their country, or if this is not possible, to the territory of the Party to the conflict in whose service they were, as soon as a route for their return is open and military considerations permit.

Pending their release, they shall continue their work under the direction of the adverse Party; they shall preferably be engaged in the care of the wounded and sick of the Party to the conflict in whose service they were.

On their departure, they shall take with them their effects, personal articles and valuables and the instruments, arms and if possible the means of transport belonging to them.

The Parties to the conflict shall secure to these personnel, while in their power, the same food, lodging, allowances and pay as are granted to the corresponding personnel of their armed forces. The food shall in any case be sufficient as regards quantity, quality and variety to keep the said personnel in a normal state of health.

CHAPTER V

BUILDINGS AND MATERIAL

Article 33

The material of mobile medical units of the armed forces which fall into the hands of the enemy, shall be reserved for the care of wounded and sick.

The buildings, material and stores of fixed medical establishments of the armed forces shall remain subject to the laws of war, but may not be diverted from that purpose as long as they are required for the care of wounded and sick. Nevertheless, the commanders of forces in the field may make use of them, in case of urgent military necessity, provided that they make previous arrangements for the welfare of the wounded and sick who are nursed in them.

The material and stores defined in the present Article shall not be intentionally destroyed.

Article 34

The real and personal property of aid societies which are admitted to the privileges of the Convention shall be regarded as private property.

The right of requisition recognised for belligerents by the laws and customs of war shall not be exercised except in case of urgent necessity, and only after the welfare of the wounded and sick has been ensured.

CHAPTER VI

MEDICAL TRANSPORTS

Article 35

Protection.

Transports of wounded and sick or of medical equipment shall be respected and protected in the same way as mobile medical units.

Should such transport or vehicles fall into the hands of the adverse Party, they shall be subject to the laws of war, on condition that the Party to the conflict who captures them shall in all cases ensure the care of the wounded and sick they contain.

The civilian personnel and all means of transport obtained by requisition shall be subject to the general rules of international law.

Article 36

Medical aircraft.

Medical aircraft, that is to say, aircraft exclusively employed for the removal of wounded and sick and for the transport of medical personnel and equipment, shall not be attacked, but shall be respected by the belligerents, while flying at heights, times and on routes specifically agreed upon between the belligerents concerned.

They shall bear, clearly marked, the distinctive emblem prescribed in Article 38, together with their national colours, on their lower, upper and lateral surfaces. They shall be provided with any other markings or means of identification that may be agreed upon between the belligerents upon the outbreak or during the course of hostilities.

Unless agreed otherwise, flights over enemy or enemy-occupied territory are prohibited.

Medical aircraft shall obey every summons to land. In the event of a landing thus imposed, the aircraft with its occupants may continue its flight after examination, if any.

In the event of an involuntary landing in enemy or enemy-occupied territory, the wounded and sick, as well as the crew of the aircraft shall be prisoners of war. The medical personnel shall be treated according to Article 24 and the Articles following.

Article 37

Flight over
neutral
countries.
Landing of
wounded.

Subject to the provisions of the second paragraph, medical aircraft of Parties to the conflict may fly over the territory of neutral Powers, land on it in case of necessity, or use it as a port of call. They shall give the neutral Powers previous notice of their passage

over the said territory and obey all summons to alight, on land or water. They will be immune from attack only when flying on routes, at heights and at times specifically agreed upon between the Parties to the conflict and the neutral Power concerned.

The neutral Powers may, however, place conditions or restrictions on the passage or landing of medical aircraft on their territory. Such possible conditions or restrictions shall be applied equally to all Parties to the conflict.

Unless agreed otherwise between neutral Power and the Parties to the conflict, the wounded and sick who are disembarked, with the consent of the local authorities, on neutral territory by medical aircraft, shall be detained by the neutral Power, where so required by international law, in such a manner that they cannot again take part in operations of war. The cost of their accommodation and internment shall be borne by the Power on which they depend.

CHAPTER VII

THE DISTINCTIVE EMBLEM

Article 38

As a compliment to Switzerland, the heraldic emblem of the red cross on a white ground, formed by reversing the Federal colours, ^{Emblem of} is retained as the emblem and distinctive sign of the Medical Service ^{the} Convention. of armed forces.

Nevertheless, in the case of countries which already use as emblem, in place of the red cross, the red crescent or the red lion and sun on a white ground, those emblems are also recognized by the terms of the present Convention.

Article 39

Under the direction of the competent military authority, the ^{Use of the} emblem shall be displayed on the flags, armlets and on all equipment employed in the Medical Service.

Article 40

The personnel designated in Article 24 and in Articles 26 and 27 ^{Identification of} shall wear, affixed to the left arm, a water-resistant armlet bearing the distinctive emblem, issued and stamped by the military authority. ^{medical and religious personnel.}

Such personnel, in addition to wearing the identity disc mentioned in Article 16, shall also carry a special identity card bearing the distinctive emblem. This card shall be water-resistant and of such size that it can be carried in the pocket. It shall be worded in

the national language, shall mention at least the surname and first names, the date of birth, the rank and the service number of the bearer, and shall state in what capacity he is entitled to the protection of the present Convention. The card shall bear the photograph of the owner and also either his signature or his finger-prints or both. It shall be embossed with the stamp of the military authority.

The identity card shall be uniform throughout the same armed forces and, as far as possible, of a similar type in the armed forces of the High Contracting Parties. The Parties to the conflict may be guided by the model which is annexed, by way of example, to the present Convention. They shall inform each other, at the outbreak of hostilities, of the model they are using. Identity cards should be made out, if possible, at least in duplicate, one copy being kept by the home country.

In no circumstances may the said personnel be deprived of their insignia or identity cards nor of the right to wear the armlet. In case of loss, they shall be entitled to receive duplicates of the cards and to have the insignia replaced.

Article 41

**Identifica-
tion of
auxiliary
personnel**

The personnel designated in Article 25 shall wear, but only while carrying out medical duties, a white armlet bearing in its centre the distinctive sign in miniature; the armlet shall be issued and stamped by the military authority.

Military identity documents to be carried by this type of personnel shall specify what special training they have received, the temporary character of the duties they are engaged upon, and their authority for wearing the armlet.

Article 42

**Marking of
medical
units and
establish-
ments**

The distinctive flag of the Convention shall be hoisted only over such medical units and establishments as are entitled to be respected under the Convention, and only with the consent of the military authorities.

In mobile units, as in fixed establishments, it may be accompanied by the national flag of the Party to the conflict to which the unit or establishment belongs.

Nevertheless, medical units which have fallen into the hands of the enemy shall not fly any flag other than that of the Convention.

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Parties to the conflict shall take the necessary steps, in so far as military considerations permit, to make the distinctive emblems indicating medical units and establishments clearly visible to the enemy land, air or naval forces, in order to obviate the possibility of any hostile action.

Article 43

The medical units belonging to neutral countries, which may have been authorized to lend their services to a belligerent under the conditions laid down in Article 27, shall fly, along with the flag of the countries. Marking of units of neutral countries.

Convention, the national flag of that belligerent, wherever the latter makes use of the faculty conferred on him by Article 42.

Subject to orders to the contrary by the responsible military authorities, they may on all occasions, fly their national flag, even if they fall into the hands of the adverse Party.

Article 44

With the exception of the cases mentioned in the following paragraphs of the present Article, the emblem of the Red Cross on a white ground and the words "Red Cross", or "Geneva Cross" may not be employed, either in time of peace or in time of war, except to indicate or to protect the medical units and establishments, the personnel and material protected by the present Convention and other Conventions dealing with similar matters. The same shall apply to the emblems mentioned in Article 38 second paragraph, in respect of the countries which use them. The National Red Cross Societies and other Societies designated in Article 26 shall have the right to use the distinctive emblem conferring the protection of the Convention only within the frame work of the present paragraph. Restrictions in the use of the emblem. Exceptions.

Furthermore, National Red Cross (Red Crescent, Red Lion and Sun) Societies may, in time of peace, in accordance with their national legislation, make use of the name and emblem of the Red Cross for their other activities which are in conformity with the principles laid down by the International Red Cross Conferences. When those activities are carried out in time of war, the conditions for the use of the emblem shall be such that it cannot be considered as conferring the protection of the Convention; the emblem shall be comparatively small in size and may not be placed on armlets or on the roofs of buildings.

The international Red Cross organizations and their duly authorized personnel shall be permitted to make use, at all times, of the emblem of the Red Cross on a white ground.

As an exceptional measure, in conformity with national legislation and with the express permission of one of the National Red Cross (Red Crescent, Red Lion and Sun) Societies, the emblem of the Convention may be employed in time of peace to identify vehicles used as ambulances and to mark the position of aid stations exclusively assigned to the purpose of giving free treatment to the wounded or sick.

CHAPTER VIII

EXECUTION OF THE CONVENTION

Article 45

Detailed execution.
Unforeseen cases.

Each Party to the conflict, acting through its commanders-in-chief, shall ensure the detailed execution of the preceding Articles, and provide for unforeseen cases, in conformity with the general principles of the present Convention.

Article 46

Prohibition of reprisals.

Reprisals against the wounded, sick, personnel, buildings or equipment protected by the Convention are prohibited.

Article 47

Dissemination of the Convention.

The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to the entire population, in particular to the armed fighting forces, the medical personnel and the chaplains.

Article 48

Translations.
Rules of application.

The High Contracting Parties shall communicate to one another through the Swiss Federal Council and, during hostilities, through the Protecting Powers, the official translations of the present Convention, as well as the laws and regulations which they may adopt to ensure the application thereof.

CHAPTER IX

REPRESSEMENT OF ABUSES AND INFRACTIONS

Article 49

The High Contracting Parties undertake to enact any legislation Penal necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the observations present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

Article 50

Grave breaches to which the preceding Article relates shall be II. those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

Grave
breaches.

Article 51

No High Contracting Party shall be allowed to absolve itself or III. any other High Contracting Party of any liability incurred by itself Responsibilities of the or by another High Contracting Party in respect of breaches referred Contracting parties to in the preceding Article.

Enquiry procedure.

Article 52

At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

Article 53

Misuse of the emblem.

The use by individuals, societies, firms or companies either public or private, other than those entitled thereto under the present Convention, of the emblem or the designation "Red Cross" or "Geneva Cross", or any sign or designation constituting an imitation thereof, whatever the object of such use, and irrespective of the date of its adoption, shall be prohibited at all times.

By reason of the tribute paid to Switzerland by the adoption of the reversed Federal colours, and of the confusion which may arise between the arms of Switzerland and the distinctive emblem of the Convention, the use by private individuals, societies or firms, of the arms of the Swiss Confederation, or of marks constituting an imitation thereof, whether as trade marks or commercial marks, or as parts of such marks, or for a purpose contrary to commercial honesty, or in circumstances capable of wounding Swiss national sentiment, shall be prohibited at all times.

Nevertheless, such High Contracting Parties as were not party to the Geneva Convention of July 27, 1929, may grant to prior users of the emblems, designations, signs or marks designated in the first paragraph, a time limit not to exceed three years from the coming into force of the present Convention to discontinue such use, provided that the said use shall not be such as would appear, in time of war, to confer the protection of the Convention.

The prohibition laid down in the first paragraph of the present Article shall also apply, without effect on any rights acquired through prior use, to the emblems and marks mentioned in the second paragraph of Article 38.

Prevention of misuse.

The High Contracting Parties shall, if their legislation is not already adequate, take measures necessary for the prevention and repression, at all times, of the abuses referred to under Article 53.

FINAL PROVISIONS

Article 55

The present Convention is established in English and in French. Languages Both texts are equally authentic.

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

Article 56

The present Convention, which bears the date of this day, is open Signature. to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949; furthermore, by Powers not represented at that Conference but which are parties to the Geneva Conventions of 1864, 1906 or 1929 for the Relief of the Wounded and Sick in Armies in the Field.

Article 57

The present Convention shall be ratified as soon as possible and Ratification. the ratifications shall be deposited at Berne.

A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

Article 58

The present Convention shall come into force six months after Coming into force. not less than two instruments of ratification have been deposited.

Thereafter, it shall come into force for each High Contracting Party six months after the deposit of the instrument of ratification.

Article 59

The present Convention replaces the Conventions of August 22, Relation to previous 1864, July 6, 1906 and July 27, 1929, in relations between the High Conventions. Contracting Parties.

Article 60

From the date of its coming into force, it shall be open to any Accession. Power in whose name the present Convention has not been signed, to accede to this Convention.

Article 61

Accessions shall be notified in writing to the Swiss Federal Coun- Notification oil, and shall take effect six months after the date on which they are of accessions. received.

The Swiss Federal Council shall communicate the accessions to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

Article 62

Immediate effect.

The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

Article 63

Denunciation.

Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with release and repatriation of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

Article 64

Registration with the United Nations.

The Swiss Federal Council shall register the present Convention with the Secretariat of the United Nations. The Swiss Federal Council shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Convention.

In witness whereof the undersigned, having deposited their respective full powers, have signed the present Convention.

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Done at Geneva this twelfth day of August 1949 in the English and French languages. The original shall be deposited in the archives of the Swiss Confederation. The Swiss Federal Council shall transmit certified copies thereof to each of the signatory and acceding States.

THE SECOND SCHEDULE

(See section 2)

GENEVA CONVENTION FOR THE AMELIORATION OF THE CONDITION OF WOUNDED, SICK AND SHIPWRECKED MEMBERS OF ARMED FORCES AT SEA OF AUGUST 12, 1949

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of revising the Xth Hague Convention of October 18, 1907 for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention of 1906, have agreed as follows:

CHAPTER I

GENERAL PROVISIONS

Article 1

The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

Article 2

In addition to the provisions which shall be implemented in peace time, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognised by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

Article 3

Conflicts not of an international character. In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:—

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed, *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:—

(a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(b) taking of hostages;

(c) outrages upon personal dignity, in particular, humiliating and degrading treatment;

(d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognised as indispensable by civilized peoples.

(2) The wounded, sick and shipwrecked shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provision shall not affect the legal status of the Parties to the conflict.

Article 4

In case of hostilities between land and naval forces of Parties to the conflict, the provisions of the present Convention shall apply only to forces on board ship.

Forces put ashore shall immediately become subject to the provisions of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

Article 5

Neutral Powers shall apply by analogy the provisions of the present Convention to the wounded, sick and shipwrecked, and to members of the medical personnel and to chaplains of the armed forces of the Parties to the conflict received or interned in their territory, as well as to dead persons found.

Article 6

In addition to the agreements expressly provided for in Articles 10, 18, 31, 38, 39, 40, 43 and 53, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of wounded, sick and shipwrecked persons, of members of the medical personnel or of chaplains, as defined by the present Convention, nor restrict the rights which it confers upon them.

Wounded, sick and shipwrecked persons, as well as medical personnel and chaplains, shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

Article 7

Wounded, sick and shipwrecked persons, as well as members of the medical personnel and chaplains, may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

Article 8**Protecting Powers.**

The present Convention shall be applied with the co-operation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals, or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.

The Parties to the conflict shall facilitate to the greatest extent possible the task of the representatives or delegates of the Protecting Powers.

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties. Their activities shall only be restricted as an exceptional and temporary measure when this is rendered necessary by imperative military necessities.

Article 9**Activities of the International Committee of the Red Cross.**

The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organisation may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of wounded, sick and shipwrecked persons, medical personnel and chaplains, and for their relief.

Article 10**Substitutes for Protecting Powers.**

The High Contracting Parties may at any time agree to entrust to an organisation which offers all guarantees of impartiality and efficacy the duties incumbent on the Protecting Powers by virtue of the present Convention.

When wounded, sick and shipwrecked, or medical personnel and chaplains do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organisation provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organisation, to undertake the functions performed under present Convention by a Protecting Power designated by the Parties to a conflict.

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If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organisation, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral Power, or any organisation invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever, in the present Convention, mention is made of a Protecting Power, such mention also applies to substitute organisations in the sense of the present Article.

Article 11

In cases where they deem it advisable in the interest of protected persons, particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement. Conciliation procedure.

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, in particular of the authorities responsible for the wounded, sick and shipwrecked, medical personnel and chaplains, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. The Protecting Powers may, if necessary, propose for approval by the Parties to the conflict, a person belonging to a neutral Power or delegated by the International Committee of the Red Cross, who shall be invited to take part in such a meeting.

WOUNDED, SICK AND SHIPWRECKED

Article 12

Protection
and care.

Members of the armed forces and other persons mentioned in the following Article, who are at sea and who are wounded, sick or shipwrecked, shall be respected and protected in all circumstances, it being understood that the term "shipwreck" means shipwreck from any cause and includes forced landings at sea by or from aircraft.

Such persons shall be treated humanely and cared for by the Parties to the conflict in whose power they may be, without any adverse distinction founded on sex, race, nationality, religion, political opinions, or any other similar criteria. Any attempts upon their lives, or violence to their persons, shall be strictly prohibited; in particular, they shall not be murdered or exterminated, subjected to torture or to biological experiments; they shall not wilfully be left without medical assistance and care, nor shall conditions exposing them to contagion or infection be created.

Only urgent medical reasons will authorize priority in the order of treatment to be administered.

Women shall be treated with all consideration due to their sex.

Article 13

Protected
persons.

The present Convention shall apply to the wounded, sick and shipwrecked at sea belonging to the following categories:—

- (1) Members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces;
- (2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions:—
 - (a) that of being commanded by a person responsible for his subordinates;
 - (b) that of having a fixed distinctive sign recognisable at a distance.

- (c) that of carrying arms openly;
 - (d) that of conducting their operations in accordance with the laws and customs of war;
- (3) Members of regular armed forces who profess allegiance to a Government or an authority not recognised by the Detaining Power;
- (4) Persons who accompany the armed forces without actually being members thereof, such as civil members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany;
- (5) Members of crews, including masters, pilots and apprentices, of the merchant marine and the crews of civil aircraft of the Parties to the conflict who do not benefit by more favourable treatment under any other provisions of international law;
- (6) Inhabitants of a non-occupied territory who, on the approach of the enemy, spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war.

Article 14

All warships of a belligerent Party shall have the right to demand ^{Handing over to a belligerent.} that the wounded, sick or shipwrecked on board military hospital ships, and hospital ships belonging to relief societies or to private individuals, as well as merchant vessels, yachts and other craft shall be surrendered, whatever their nationality, provided that the wounded and sick are in a fit state to be moved and that the warship can provide adequate facilities for necessary medical treatment.

Article 15

If wounded, sick or shipwrecked persons are taken on board a neutral warship or a neutral military aircraft, it shall be ensured, ^{taken on board a neutral warship.} where so required by international law, that they can take no further part in operations of war.

Article 16

Subject to the provisions of Article 12, the wounded, sick and shipwrecked of a belligerent who fall into enemy hands shall be prisoners of war, and the provisions of international law concerning ^{Wounded falling into enemy hands.}

prisoners of war shall apply to them. The captor may decide, according to circumstances, whether it is expedient to hold them, or to convey them to a port in the captor's own country, to a neutral port or even to a port in enemy territory. In the last case, prisoners of war thus returned to their home country may not serve for the duration of the war.

Article 17

Wounded landed in a neutral port. Wounded, sick or shipwrecked persons who are landed in neutral ports with the consent of the local authorities, shall, failing arrangements to the contrary between the neutral and the belligerent Powers, be so guarded by the neutral Power, where so required by international law, that the said persons cannot again take part in operations of war.

The costs of hospital accommodation and internment shall be borne by the Power on whom the wounded, sick or shipwrecked persons depend.

Article 18

Search for casualties after an engagement. After each engagement, Parties to the conflict shall without delay take all possible measures to search for and collect the shipwrecked, wounded and sick, to protect them against pillage and ill-treatment, to ensure their adequate care, and to search for the dead and prevent their being despoiled.

Whenever circumstances permit, the Parties to the conflict shall conclude local arrangements for the removal of the wounded and sick by sea from a besieged or encircled area and for the passage of medical and religious personnel and equipment on their way to that area.

Article 19

Recording and forwarding of information. The Parties to the conflict shall record as soon as possible in respect of each shipwrecked, wounded, sick or dead person of the adverse Party falling into their hands, any particulars which may assist in his identification. These records should if possible include:—

- (a) designation of the Power on which he depends;
- (b) army, regimental, personnel or serial number;
- (c) surname;
- (d) first name or names;
- (e) date of birth;
- (f) any other particulars shown on his identity card or disc;

- (g) date and place of capture or death;
- (h) particulars concerning wounds or illness, or cause of death.

As soon as possible the above mentioned information shall be forwarded to the Information Bureau described in Article 122 of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, which shall transmit this information to the Power on which these persons depend through the intermediary of the protecting Power and of the Central Prisoners of War Agency.

Parties to the conflict shall prepare and forward to each other through the same Bureau, certificates of death or duly authenticated lists of the dead. They shall likewise collect and forward through the same Bureau one-half of the double identity disc, or the identity disc itself if it is a single disc, last wills or other documents of importance to the next of kin, money and in general all articles of an intrinsic or sentimental value, which are found on the dead. These articles, together with unidentified articles, shall be sent in sealed packets, accompanied by statements giving all particulars necessary for the identification of the deceased owners as well as by a complete list of the contents of the parcel.

Article 20

Parties to the conflict shall ensure that burial at sea of the dead, carried out individually as far as circumstances permit, is preceded by a careful examination, if possible by a medical examination, of the bodies, with a view to confirming death, establishing identity and enabling a report to be made. Where a double identity disc is used, one-half of the disc should remain on the body.

Prescriptions
regarding
the dead.

If dead persons are landed, the provisions of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, shall be applicable.

Article 21

The Parties to the conflict may appeal to the charity of commanders of neutral merchant vessels, yachts or other craft to take on board and care for wounded, sick or shipwrecked persons, and to collect the dead.

Vessels of any kind responding to this appeal, and those having of their own accord collected wounded, sick or shipwrecked persons, shall enjoy special protection and facilities to carry out such assistance.

They may, in no case, be captured on account of any such transport; but, in the absence of any promise to the contrary, they shall remain liable to capture for any violations of neutrality they may have committed.

CHAPTER III

HOSPITAL SHIPS

Article 22

Notification and protection of military hospital ships.

Military hospital ships, that is to say, ships built or equipped by the Powers specially and solely with a view to assisting the wounded, sick and shipwrecked, to treating them and to transporting them, may in no circumstances be attacked or captured, but shall at all times be respected and protected, on condition that their names and descriptions have been notified to the Parties to the conflict ten days before those ships are employed.

The characteristics which must appear in the notification shall include registered gross tonnage, the length from stem to stern and the number of masts and funnels.

Article 23

Protection of medical establishments ashore.

Establishments ashore entitled to the protection of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, shall be protected from bombardment or attack from the sea.

Article 24

Hospital ships utilized by relief societies and private individuals of I. Parties to the conflict.

Hospital ships utilized by National Red Cross Societies, by officially recognized relief societies or by private persons shall have the same protection as military hospital ships and shall be exempt from capture, if the Party to the conflict on which they depend has given them an official commission and in so far as the provisions of Article 22 concerning notification have been complied with.

These ships must be provided with certificates of the responsible authorities, stating that the vessels have been under their control while fitting out and on departure.

Article 25

II. Neutral countries.

Hospital ships utilized by National Red Cross Societies, officially recognised relief societies, or private persons of neutral countries shall have the same protection as military hospital ships and shall be exempt from capture, on condition that they have placed themselves under the control of one of the Parties to the conflict, with

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the previous consent of their own governments and with the authorization of the Party to the conflict concerned, in so far as the provisions of Article 22 concerning notification have been complied with.

Article 26

The protection mentioned in Articles 22, 24 and 25 shall apply to Tonnage hospital ships of any tonnage and to their lifeboats, wherever they are operating. Nevertheless, to ensure the maximum comfort and security, the Parties to the conflict shall endeavour to utilize, for the transport of wounded, sick and shipwrecked over long distances and on the high seas, only hospital ships of over 2,000 tons gross.

Article 27

Under the same conditions as those provided for in Articles 22 Coastal and 24, small craft employed by the State or by the officially recognised lifeboat institutions for coastal rescue operations, shall also be respected and protected, so far as operational requirements permit.

The same shall apply so far as possible to fixed coastal installations used exclusively by these crafts for their humanitarian missions.

Article 28

Should fighting occur on board a warship, the sick-bays shall be respected and spared as far as possible. Sick-bays and their equipment shall remain subject to the laws of warfare, but may not be diverted from their purpose so long as they are required for the wounded and sick. Nevertheless, the commander into whose power they have fallen may, after ensuring the proper care of the wounded and sick who are accommodated therein, apply them to other purposes in case of urgent military necessity.

Article 29

Any hospital ship in a port which falls into the hands of the Hospital enemy shall be authorised to leave the said port.

ships in occupied ports.

Article 30

The vessels described in Articles 22, 24, 25 and 27 shall afford Employment relief and assistance to the wounded, sick and shipwrecked without distinction of nationality.

of Hospital ships and small craft.

The High Contracting Parties undertake not to use these vessels for any military purpose.

Such vessels shall in no wise hamper the movements of the combatants.

During and after an engagement, they will act at their own risk.

Article 31**Right of control and search.**

The Parties to the conflict shall have the right to control and search the vessels mentioned in Articles 22, 24, 25 and 27. They can refuse assistance from these vessels, order them off, make them take a certain course, control the use of their wireless and other means of communication, and even detain them for a period not exceeding seven days from the time of interception, if the gravity of the circumstances so requires.

They may put a commissioner temporarily on board whose sole task shall be to see that orders given in virtue of the provisions of the preceding paragraph are carried out.

As far as possible, the Parties to the conflict shall enter in the log of the hospital ship, in a language he can understand, the orders they have given to the captain of the vessel.

Parties to the conflict may, either unilaterally or by particular agreements, put on board their ships neutral observers who shall verify the strict observation of the provisions contained in the present Convention.

Article 32**Stay in a neutral port.**

Vessels described in Articles 22, 24, 25 and 27 are not classed as warships as regards their stay in a neutral port.

Article 33**Converted merchant vessels.**

Merchant vessels which have been transformed into hospital ships cannot be put to any other use throughout the duration of hostilities.

Article 34**Discontinuance of protection.**

The protection to which hospital ships and sick-bays are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may, however, cease only after due warning has been given, naming in all appropriate cases a reasonable time limit, and after such warning has remained unheeded.

In particular, hospital ships may not possess or use a secret code for their wireless or other means of communication.

Article 35

The following conditions shall not be considered as depriving hospital ships or sick-bays of vessels of the protection due to them:—

- (1) The fact that the crews of ships or sick-bays are armed for the maintenance of order, for their own defence or that of the sick and wounded.
- (2) The presence on board of apparatus exclusively intended to facilitate navigation or communication.
- (3) The discovery on board hospital ships or in sick-bays of portable arms and ammunition taken from the wounded, sick and shipwrecked and not yet handed to the proper service.
- (4) The fact that the humanitarian activities of hospital ships and sick-bays of vessels or of the crews extend to the care of wounded, sick or shipwrecked civilians.
- (5) The transport of equipment and of personnel intended exclusively for medical duties, over and above the normal requirements.

CHAPTER IV

PERSONNEL

Article 36

The religious, medical and hospital personnel or hospital ships and their crews shall be respected and protected; they may not be captured during the time they are in the service of the hospital ship, whether or not there are wounded and sick on board.

Article 37

The religious, medical and hospital personnel assigned to the medical or spiritual care of the persons designated in Articles 12 and 13 shall, if they fall into the hands of the enemy, be respected and protected; they may continue to carry out their duties as long as this is necessary for the care of the wounded and sick. They shall afterwards be sent back as soon as the Commander-in-Chief, under whose authority they are, considers it practicable. They may take with them, on leaving the ship, their personal property.

If, however, it prove necessary to retain some of this personnel owing to the medical or spiritual needs of prisoners of war, everything possible shall be done for their earliest possible landing.

Retained personnel shall be subject on landing, to the provisions of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

CHAPTER V

MEDICAL TRANSPORTS

Article 38

Ships used
for the
conveyance
of medical
equipment.

Ships chartered for that purpose shall be authorised to transport equipment exclusively intended for the treatment of wounded and sick members of armed forces or for the prevention of disease, provided that the particulars regarding their voyage have been notified to the adverse Power and approved by the latter. The adverse Power shall preserve the right to board the carrier ships, but not to capture them or seize the equipment carried.

By agreement amongst the Parties to the conflict, neutral observers may be placed on board such ships to verify the equipment carried. For this purpose, free access to the equipment shall be given.

Article 39

Medical
aircrafts.

Medical aircraft, that is to say, aircraft exclusively employed for the removal of wounded, sick and shipwrecked, and for the transport of medical personnel and equipment, may not be the object of attack, but shall be respected by the Parties to the conflict, while flying at heights, at times and on routes specially agreed upon between the Parties to the conflict concerned.

They shall be clearly marked with the distinctive emblem prescribed in Article 41, together with their national colours, on their lower, upper and lateral surfaces. They shall be provided with any other markings or means of identification which may be agreed upon between the Parties to the conflict upon the outbreak or during the course of hostilities.

Unless agreed otherwise, flights over enemy or enemy-occupied territory are prohibited.

Medical aircraft shall obey every summons to alight on land or water. In the event of having thus to alight, the aircraft with its occupants may continue its flight after examination, if any.

In the event of alighting involuntarily on land or water in enemy or enemy-occupied territory, the wounded, sick and shipwrecked, as well as the crew of the aircraft shall be prisoners of war. The medical personnel shall be treated according to Articles 36 and 37.

Article 40

Subject to the provisions of the second paragraph, medical aircraft of Parties to the conflict may fly over the territory of neutral Powers, land thereon in case of necessity, or use it as a port of call. They shall give neutral Powers prior notice of their passage over the said territory, and obey every summons to alight, on land or water. They will be immune from attack only when flying on routes, at heights and at times specifically agreed upon between the Parties to the conflict and the neutral Power concerned.

The neutral Powers may, however, place conditions or restrictions on the passage or landing of medical aircraft on their territory. Such possible conditions or restrictions shall be applied equally to all Parties to the conflict.

Unless otherwise agreed between the neutral Powers and the Parties to the conflict, the wounded, sick or shipwrecked who are disembarked with the consent of the local authorities on neutral territory by medical aircraft shall be detained by the neutral Power, where so required by international law, in such a manner that they cannot again take part in operations of war. The cost of their accommodation and internment shall be borne by the Power on which they depend.

CHAPTER VI

THE DISTINCTIVE EMBLEM

Article 41

Under the direction of the competent military authority, the ~~use of the emblem~~ emblem of the red cross on a white ground shall be displayed on the flags, armlets and on all equipment employed in the Medical Service.

Nevertheless, in the case of countries which already use as emblem, in place of the red cross, the red crescent or the red lion and sun on a white ground, these emblems are also recognized by the terms of the present Convention.

Article 42

Identification of medical and religious personnel. The personnel designated in Articles 36 and 37 shall wear, affixed to the left arm, a water-resistant armlet bearing the distinctive emblem, issued and stamped by the military authority.

Such personnel, in addition to wearing the identity disc mentioned in Article 19, shall also carry a special identity card bearing the distinctive emblem. This card shall be water-resistant and of such size that it can be carried in the pocket. It shall be worded in the national language, shall mention at least the surname and first names, the date of birth, the rank and the service number of the bearer, and shall state in what capacity he is entitled to the protection of the present Convention. The card shall bear the photograph of the owner and also either his signature or his finger-prints or both. It shall be embossed with the stamp of the military authority.

The identity card shall be uniform throughout the same armed forces and, as far as possible, of a similar type in the armed forces of the High Contracting Parties. The Parties to the conflict may be guided by the model which is annexed, by way of example, to the present Convention. They shall inform each other, at the outbreak of hostilities, of the model they are using. Identity cards should be made out, if possible, at least in duplicate, one copy being kept by the home country.

In no circumstances may the said personnel be deprived of their insignia or identity cards nor of the right to wear the armlet. In cases of loss they shall be entitled to receive duplicates of the cards and to have the insignia replaced.

Article 43

Marking of hospital ships and small craft. The ships designated in Articles 22, 24, 25 and 27 shall be distinctively marked as follows:—

(a) All exterior surfaces shall be white.

(b) One or more dark red crosses, as large as possible, shall be painted and displayed on each side of the hull and on the horizontal surfaces, so placed as to afford the greatest possible visibility from the sea and from the air.

All hospital ships shall make themselves known by hoisting their national flag and further, if they belong to a neutral State, the flag of the Party to the conflict whose direction they have

accepted. A white flag with a red cross shall be flown at the main mast as high as possible.

Lifeboats of hospital ships, coastal lifeboats and all small crafts used by the Medical Service shall be painted white with dark red crosses prominently displayed and shall, in general, comply with the identification system prescribed above for hospital ships.

The above-mentioned ships and crafts, which may wish to ensure by night and in times of reduced visibility the protection to which they are entitled, must, subject to the assent of the Party to the conflict under whose power they are, take the necessary measures to render their painting and distinctive emblems sufficiently apparent.

Hospital ships which, in accordance with Article 31 are provisionally detained by the enemy, must haul down the flag of the Party to the conflict in whose service they are or whose direction they have accepted.

Coastal lifeboats, if they continue to operate with the consent of the Occupying Power from a base which is occupied, may be allowed, when away from their base, to continue to fly their own national colours along with a flag carrying a red cross on a white ground, subject to prior notification to all the Parties to the conflict concerned.

All the provisions in this Article relating to the red cross shall apply equally to the other emblems mentioned in Article 41.

Parties to the conflict shall at all times endeavour to conclude mutual agreements in order to use the most modern methods available to facilitate the identification of hospital ships.

Article 44

The distinguishing signs referred to in Article 43 can only be used, whether in time of peace or war, for indicating or protecting the ships therein mentioned, except as may be provided in any other International Convention or by agreement between all the Parties to the conflict concerned.

Article 45

The High Contracting Parties shall, if their legislation is not Prevention of misuse already adequate, take the measures necessary for the prevention and repression, at all times, of any abuse of the distinctive signs provided for under Article 43.

CHAPTER VII

EXECUTION OF THE CONVENTION

Article 46

Detailed execution. Each Party to the conflict, acting through its Commanders-in-Chief shall ensure the detailed execution of the preceding Articles and provide for unforeseen cases, in conformity with the general principles of the present Convention.

Prohibition of reprisals. Reprisals against the wounded, sick and shipwrecked persons, the personnel, the vessels or the equipment protected by the Convention are prohibited.

Article 47

Dissemination of the Convention. The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to the entire population, in particular to the armed fighting forces, the medical personnel and the chaplains.

Article 48

Translations. Rules of application. The High Contracting Parties shall communicate to one another through the Swiss Federal Council and, during hostilities, through the Protecting Powers, the official translations of the present Convention, as well as the laws and regulations which they may adopt to ensure the application thereof.

CHAPTER VIII

REPRESSION OF ABUSES AND INFRACTIONS

Article 49

Penal sanctions. The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legis-

lation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

Article 51

Grave breaches to which the preceding Article relates shall be III. Grave breaches.
those involving any of the following acts, if committed against persons or property protected by the Convention; wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

Article 52

No High Contracting Party shall be allowed to absolve itself III. Res-
or any other High Contracting Party of any liability incurred by ponsibilities
of the Con-
itself or by another High Contracting Party in respect of breaches tracting
Parties.
referred to in the preceding Article.

Article 53

At the request of a Party to the conflict, an enquiry shall be Enquiry procedure.
instituted, in a manner to be decided between the interested Parties,
concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire, who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

FINAL PROVISIONS

Article 54

The present Convention is established in English and in French. Languages.
Both texts are equally authentic.

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

Article 55**Signature.**

The present Convention, which bears the date of this day, is open to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949; furthermore, by Powers not represented at that Conference, but which are parties to the Xth Hague Convention of October 18, 1907, for the adaptation to Maritime Warfare of the principles of the Geneva Convention of 1906, or to the Geneva Conventions of 1864, 1906 or 1929 for the Relief of the Wounded and Sick in Armies in the Field.

Article 56

Ratification. The present Convention shall be ratified as soon as possible and the ratifications shall be deposited at Berne.

A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

Article 57

Coming into force. The present Convention shall come into force six months after not less than two instruments of ratification have been deposited.

Thereafter, it shall come into force for each High Contracting Party six months after the deposit of the instruments of ratification.

Article 58

Relation to the 1907 Convention. The present Convention replaces the Xth Hague Convention of October 18, 1907, for the adaptation to Maritime Warfare of the principles of the Geneva Convention of 1906, in relations between the High Contracting Parties.

Article 59

Accession. From the date of its coming into force, it shall be open to any Power in whose name the present Convention has not been signed, to accede to this Convention.

Article 60

Notification of accessions. Accessions shall be notified in writing to the Swiss Federal Council, and shall take effect six months after the date on which they are received.

The Swiss Federal Council shall communicate the accessions to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

Article 61

The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

Article 62

Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with release and repatriation of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

Article 63

The Swiss Federal Council shall register the present Convention Registration with the Secretariat of the United Nations. The Swiss Federal Council shall also inform the Secretariat of the United Nations of Nation^s with the all ratifications, accessions and denunciations received by it with respect to the present Convention.

In witness whereof the undersigned, having deposited their respective full powers, have signed the present Convention.

Done at Geneva this twelfth day of August, 1949, in the English and French languages. The original shall be deposited in the Archives of the Swiss Confederation. The Swiss Federal Council shall transmit certified copies thereof to each of the signatory and acceding States.

Geneva Conventions
THE THIRD SCHEDULE

[ACT 6]

(See section 2)

GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR OF AUGUST 12, 1949

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of revising the Convention concluded at Geneva on July 27, 1929, relative to the Treatment of Prisoners of War, have agreed as follows:—

PART I

GENERAL PROVISIONS

Article 1

Respect for the Convention. The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

Article 2

Application of the Convention. In addition to the provisions which shall be implemented in peace time, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognised by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

Article 3

Conflicts not of an international character. In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:—

- (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and

those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:—

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
 - (b) taking of hostages;
 - (c) outrages upon personal dignity, in particular, humiliating and degrading treatment;
 - (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognised as indispensable by civilized peoples.
- (2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

Article 4

A. Prisoners of war, in the sense of the present Convention, are persons belonging to one of the following categories, who have fallen of war into the power of the enemy:—

- (1) Members of the armed forces of a Party to the conflict as well as members of militias or volunteer corps forming part of such armed forces.
- (2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided

that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions:—

- (a) that of being commanded by a person responsible for his subordinates;
- (b) that of having a fixed distinctive sign recognizable at a distance;
- (c) that of carrying arms openly;
- (d) that of conducting their operations in accordance with the laws and customs of war.

(3) Members of regular armed forces who profess allegiance to a government or an authority not recognised by the Detaining Power.

(4) Persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany, who shall provide them for that purpose with an identity card similar to the annexed model.

(5) Members of crews, including masters, pilots and apprentices, of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favourable treatment under any other provisions of international law.

(6) Inhabitants of a non-occupied territory, who on the approach of the enemy spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war.

B. The following shall likewise be treated as prisoners of war under the present Convention:—

(1) Persons belonging, or having belonged, to the armed forces of the occupied country, if the occupying Power considers it necessary by reason of such allegiance to intern them, even though it has originally liberated them while hostilities were going on outside the territory it occupies, in particular where such persons have made an unsuccessful attempt to rejoin the armed forces to which they belong and which are engaged in combat, or where they fail to comply with a summons made to them with a view to internment.

(2) The persons belonging to one of the categories enumerated in the present Article, who have been received by neutral or non-belligerent Powers on their territory and whom these Powers are required to intern under international law, without prejudice to any more favourable treatment which these Powers may choose to give and with the exception of Articles 8, 10, 15, 30, fifth paragraph, 58-67, 92, 126 and, where diplomatic relations exist between the Parties to the conflict and the neutral or non-belligerent Power concerned, those Articles concerning the Protecting Power. Where such diplomatic relations exist, the Parties to a conflict on whom these persons depend shall be allowed to perform towards them the functions of a Protecting Power as provided in the present Convention, without prejudice to the functions which these Parties normally exercise in conformity with diplomatic and consular usage and treaties.

C. This Article shall in no way affect the status of medical personnel and chaplains as provided for in Article 33 of the present Convention.

Article 5

The present Convention shall apply to the persons referred to in Beginning Article 4 from the time they fall into the power of the enemy and ^{and end of} application until their final release and repatriation.

Should any doubt arise as to whether persons, having committed a belligerent act and having fallen into the hands of the enemy, belong to any of the categories enumerated in Article 4, such persons shall enjoy the protection of the present Convention until such time as their status has been determined by a competent tribunal.

Article 6

In addition to the agreements expressly provided for in Articles 10, 23, 28, 33, 60, 65, 66, 67, 72, 73, 75, 109, 110, 118, 119, 122 and 132, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of prisoners of war as defined by the present Convention, nor restrict the rights which it confers upon them.

Prisoners of war shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

Article 7

Non-renunciation of rights. Prisoners of war may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

Article 8**Protecting Powers.**

The present Convention shall be applied with the co-operation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.

The Parties to the conflict shall facilitate to the greatest extent possible the task of the representatives or delegates of the Protecting Powers.

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties.

Article 9**Activities of the International Committee of the Red Cross.**

The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organisation may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of prisoners of war and for their relief.

Article 10**Substitutes for Protecting Powers.**

The High Contracting Parties may at any time agree to entrust to an organization which offers all guarantees of impartiality and efficacy the duties incumbent on the Protecting Powers by virtue of the present Convention.

When prisoners of war do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral power or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever in the present Convention mention is made of a Protecting Power, such mention applies to substitute organizations in the sense of the present Article.

Article 11

In cases where they deem it advisable in the interest of protected persons, particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for prisoners of war, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. The Protecting Powers may, if necessary, propose for approval by the Parties to the conflict a person belonging to a neutral Power, or delegated by the International Committee of the Red Cross, who shall be invited to take part in such a meeting.

PART II

GENERAL PROTECTION OF PRISONERS OF WAR

Article 12

Responsibility for the treatment of prisoners. Prisoners of war are in the hands of the enemy Power, but not of the individuals or military units who have captured them. Irrespective of the individual responsibilities that may exist, the Detaining Power is responsible for the treatment given them.

Prisoners of war may only be transferred by the Detaining Power to a Power which is a party to the Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the Convention. When prisoners of war are transferred under such circumstances, responsibility for the application of the Convention rests on the Power accepting them while they are in its custody.

Nevertheless, if that Power fails to carry out the provisions of the Convention in any important respect, the Power by whom the prisoners of war were transferred shall, upon being notified by the Protecting Power, take effective measures to correct the situation or shall request the return of the prisoners of war. Such requests must be complied with.

Article 13

Humane treatment of prisoners. Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited and will be regarded as a serious breach of the present Convention. In particular, no prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical, dental or hospital treatment of the prisoner concerned and carried out in his interest.

Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity.

Measures of reprisal against prisoners of war are prohibited.

Article 14

Respect for the person of prisoners. Prisoners of war are entitled in all circumstances to respect for their persons and their honour.

Women shall be treated with all the regard due to their sex and shall in all cases benefit by treatment as favourable as that granted to men.

Prisoners of war shall retain the full civil capacity which they enjoyed at the time of their capture. The Detaining Power may not restrict the exercise, either within or without its own territory, of the rights such capacity confers except in so far as the captivity requires.

Article 15

The Power detaining prisoners of war shall be bound to provide free of charge for their maintenance and for the medical attention required by their state of health. Maintenance of prisoners.

Article 16

Taking into consideration the provisions of the present Convention relating to rank and sex, and subject to any privileged treatment which may be accorded to them by reason of their state of health, age or professional qualifications, all prisoners of war shall be treated alike by the Detaining Power, without any adverse distinction based on race, nationality, religious belief or political opinions, or any other distinction founded on similar criteria. Equality of treatment.

PART III

CAPTIVITY

SECTION I

BEGINNING OF CAPTIVITY

Article 17

Every prisoner of war, when questioned on the subject, is bound to give only his surname, first names and rank, date of birth, and army, regimental, personal or serial number, or failing this, equivalent information. Questioning of prisoners.

If he wilfully infringes this rule he may render himself liable to a restriction of the privileges accorded to his rank or status.

Each Party to a conflict is required to furnish the persons under its jurisdiction who are liable to become prisoners of war, with an identity card showing the owner's surname, first names, rank, army, regimental, personal or serial number or equivalent information, and date of birth. The identity card may, furthermore, bear the signature or the fingerprints, or both, of the owner, and may bear, as well, any other information the Party to the conflict may wish to add concerning persons belonging to its armed forces. As far as possible the card shall measure 6.5×10 cm. and shall be issued in duplicate. The identity card shall be shown by the prisoner of war upon demand, but may in no case be taken away from him.

No physical or mental torture, nor any other form of coercion may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind.

Prisoners of war who, owing to their physical or mental condition, are unable to state their identity shall be handed over to the medical service. The identity of such prisoners shall be established by all possible means, subject to the provisions of the preceding paragraph.

The questioning of prisoners of war shall be carried out in a language which they understand.

Article 18

Property of prisoners. All effects and articles of personal use, except arms, horses, military equipment and military documents, shall remain in the possession of prisoners of war, likewise their metal helmets and gas masks and like articles issued for personal protection. Effects and articles used for their clothing or feeding shall likewise remain in their possession, even if such effects and articles belong to their regulation military equipment.

At no time should prisoners of war be without identity documents. The Detaining Power shall supply such documents to prisoners of war who possess none.

Badges of rank and nationality, decorations and articles having above all a personal or sentimental value may not be taken from prisoners of war.

Sums of money carried by prisoners of war may not be taken away from them except by order of an officer, and after the amount and particulars of the owner have been recorded in a special register and an itemized receipt has been given, legibly inscribed with the name, rank and unit of the person issuing the said receipt. Sums in the currency of the Detaining Power, or which are changed into such currency at the prisoner's request, shall be placed to the credit of the prisoner's account as provided in Article 64.

The Detaining Power may withdraw articles of value from prisoners of war only for reasons of security; when such articles are withdrawn, the procedure laid down for sums of money impounded shall apply.

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Such objects, likewise the sums taken away in any currency other than that of the Detaining Power, and the conversion of which has not been asked for by the owners, shall be kept in the custody of the Detaining Power and shall be returned in their initial shape to prisoners of war at the end of their captivity.

Article 19

Prisoners of war shall be evacuated as soon as possible after Evacuation
their capture, to camps situated in an area far enough from the of prisoners.
combat zone for them to be out of danger.

Only those prisoners of war who, owing to wounds or sickness, would run greater risks by being evacuated than by remaining where they are, may be temporarily kept back in a danger zone.

Prisoners of war shall not be unnecessarily exposed to danger while awaiting evacuation from a fighting zone.

Article 20

The evacuation of prisoners of war shall always be effected Conditions
humanely and in conditions similar to those for the forces of the nation.
Detaining Power in their changes of station.

The Detaining Power shall supply prisoners of war who are being evacuated with sufficient food and potable water, and with the necessary clothing and medical attention. The Detaining Power shall take all suitable precautions to ensure their safety during evacuation, and shall establish as soon as possible a list of the prisoners of war who are evacuated.

If prisoners of war must, during evacuation, pass through transit camps, their stay in such camps shall be as brief as possible.

SECTION II

INTERNMENT OF PRISONERS OF WAR

CHAPTER I

GENERAL OBSERVATIONS

Article 21

The Detaining Power may subject prisoners of war to internment. It may impose on them the obligation of not leaving, beyond certain limits, the camp where they are interned, or if the said camp is fenced in, of not going outside its perimeter. Subject to the provisions of the present Convention relative to penal and disciplinary sanctions, prisoners of war may not be held in close Restriction of liberty of movement.

confinement except where necessary to safeguard their health and then only during the continuation of the circumstances which make such confinement necessary.

Prisoners of war may be partially or wholly released on parole or promise, in so far as is allowed by the laws of the Power on which they depend. Such measures shall be taken particularly in cases where this may contribute to the improvement of their state of health. No prisoner of war shall be compelled to accept liberty on parole or promise.

Upon the outbreak of hostilities, each Party to the conflict shall notify the adverse Party of the laws and regulations allowing or forbidding its own nationals to accept liberty on parole or promise. Prisoners of war who are paroled or who have given their promise in conformity with the laws and regulations so notified, are bound on their personal honour scrupulously to fulfil, both towards the Power on which they depend and towards the Power which has captured them, the engagements of their paroles or promises. In such cases, the Power on which they depend is bound neither to require nor to accept from them any service incompatible with the parole or promise given.

Article 22

Places and conditions of internment. Prisoners of war may be interned only in premises located on land and affording every guarantee of hygiene and healthfulness. Except in particular cases which are justified by the interest of the prisoners themselves, they shall not be interned in penitentiaries.

Prisoners of war interned in unhealthy areas, or where the climate is injurious for them, shall be removed as soon as possible to a more favourable climate.

The Detaining Power shall assemble prisoners of war in camps or camp compounds according to their nationality, language and customs, provided that such prisoners shall not be separated from prisoners of war belonging to the armed forces with which they were serving at the time of their capture, except with their consent.

Article 23

Security of prisoners. No prisoner of war may at any time be sent to, or detained in areas where he may be exposed to the fire of the combat zone, nor may his presence be used to render certain points or areas immune from military operations.

Prisoners of war shall have shelters against air bombardment and other hazards of war, to the same extent as the local civilian

population. With the exception of those engaged in the protection of their quarters against the aforesaid hazards, they may enter such shelters as soon as possible after the giving of the alarm. Any other protective measure taken in favour of the population shall also apply to them.

Detaining Powers shall give the Powers concerned, through the intermediary of the Protecting Powers, all useful information regarding the geographical location of prisoner of war camps.

Whenever military considerations permit, prisoner of war camps shall be indicated in the day-time by the letters PW or PG, placed so as to be clearly visible from the air. The Powers concerned may, however, agree upon any other system of marking. Only prisoner of war camps shall be marked as such.

Article 24

Transit or screening camps of a permanent kind shall be fitted out under conditions similar to those described in the present Section, and the prisoners therein shall have the same treatment as in other camps.

CHAPTER II

QUARTERS, FOOD AND CLOTHING OF PRISONERS OF WAR

Article 25

Prisoners of war shall be quartered under conditions as favourable as those for the forces of the Detaining Power who are billeted in the same area. The said conditions shall make allowance for the habits and customs of the prisoners and shall in no case be prejudicial to their health.

The foregoing provisions shall apply in particular to the dormitories of prisoners of war as regards both total surface and minimum cubic space, and the general installations, bedding and blankets.

The premises provided for the use of prisoners of war individually or collectively, shall be entirely protected from dampness and adequately heated and lighted, in particular between dusk and lights out. All precautions must be taken against the danger of fire.

In any camps in which women prisoners of war, as well as men, are accommodated, separate dormitories shall be provided for them.

Article 26

The basic daily food rations shall be sufficient in quantity, quality and variety to keep prisoners of war in good health and to prevent

loss of weight or the development of nutritional deficiencies. Account shall also be taken of the habitual diet of the prisoners.

The Detaining Power shall supply prisoners of war who work with such additional rations as are necessary for the labour on which they are employed.

Sufficient drinking water shall be supplied to prisoners of war. The use of tobacco shall be permitted.

Prisoners of war shall, as far as possible, be associated with the preparation of their meals; they may be employed for that purpose in the kitchens. Furthermore, they shall be given the means of preparing, themselves, the additional food in their possession.

Adequate premises shall be provided for messing.

Collective disciplinary measures affecting food are prohibited.

Article 27

Clothing.

Clothing, underwear and footwear shall be supplied to prisoners of war in sufficient quantities by the Detaining Power, which shall make allowance for the climate of the region where the prisoners are detained. Uniforms of enemy armed forces captured by the Detaining Power should, if suitable for the climate, be made available to clothe prisoners of war.

The regular replacement and repair of the above articles shall be assured by the Detaining Power. In addition, prisoners of war who work shall receive appropriate clothing, wherever the nature of the work demands.

Article 28

Canteens.

Canteens shall be installed in all camps, where prisoners of war may procure foodstuffs, soap and tobacco and ordinary articles in daily use. The tariff shall never be in excess of local market prices.

The profits made by camp canteens shall be used for the benefit of the prisoners; a special fund shall be created for this purpose. The prisoner's representative shall have the right to collaborate in the management of the canteen and of this fund.

When a camp is closed down, the credit balance of the special fund shall be handed to an international welfare organization, to be employed for the benefit of prisoners of war of the same nationality as those who have attributed to the fund. In case of a general

repatriation, such profits shall be kept by the Detaining Power, subject to any agreement to the contrary between the Powers concerned.

CHAPTER III

HYGIENE AND MEDICAL ATTENTION

Article 29

The Detaining Power shall be bound to take all sanitary measures **Hygiene**, necessary to ensure the cleanliness and healthfulness of camps, and to prevent epidemics.

Prisoners of war shall have for their use, day and night, conveniences which conform to the rules of hygiene and are maintained in a constant state of cleanliness. In any camps in which women prisoners of war are accommodated, separate conveniences shall be provided for them.

Also, apart from the baths and showers with which the camps shall be furnished, prisoners of war shall be provided with sufficient water and soap for their personal toilet and for washing their personal laundry; the necessary installations, facilities and time shall be granted them for that purpose.

Article 30

Every camp shall have an adequate infirmary where prisoners **Medical** of war may have the attention they require as well as appropriate **attention**, diet. Isolation wards shall, if necessary, be set aside for cases of contagious or mental disease.

Prisoners of war suffering from serious disease, or whose condition necessitates special treatment, a surgical operation or hospital care, must be admitted to any military or civilian medical unit where such treatment can be given, even if their repatriation is contemplated in the near future. Special facilities shall be afforded for the care to be given to the disabled, in particular to the blind, and for their rehabilitation, pending repatriation.

Prisoners of war shall have the attention, preferably, of medical personnel of the Power on which they depend and, if possible, of their nationality.

Prisoners of war may not be prevented from presenting themselves to the medical authorities for examination. The detaining authorities shall, upon request, issue to every prisoner who has undergone treatment, an official certificate indicating the nature of

his illness or injury, and the duration and kind of treatment received. A duplicate of this certificate shall be forwarded to the Central Prisoners of War Agency.

The costs of treatment, including those of any apparatus necessary for the maintenance of prisoners of war in good health, particularly dentures and other artificial appliances, and spectacles, shall be borne by the Detaining Power.

Article 31

Medical inspections.

Medical inspections of prisoners of war shall be made at least once a month. They shall include the checking and the recording of the weight of each prisoner of war. Their purpose shall be, in particular, to supervise the general state of health, nutrition and cleanliness of prisoners and to detect contagious diseases, especially tuberculosis, malaria and venereal disease. For this purpose, the most efficient methods available shall be employed, e.g., periodic mass miniature radiography for the early detection of tuberculosis.

Article 32

Prisoners engaged on medical duties.

Prisoners of war who, though not attached to the medical service of their armed forces, are physicians, surgeons, dentists, nurses or medical orderlies, may be required by the Detaining Power to exercise their medical functions in the interests of prisoners of war dependent on the same Power. In that case they shall continue to be prisoners of war, but shall receive the same treatment as corresponding medical personnel retained by the Detaining Power. They shall be exempted from any other work under Article 49.

CHAPTER IV

MEDICAL PERSONNEL AND CHAPLAINS RETAINED TO ASSIST PRISONERS OF WAR

Article 33

Rights and privileges of retained personnel.

Members of the medical personnel and chaplains while retained by the Detaining Power with a view to assisting prisoners of war, shall not be considered as prisoners of war. They shall, however, receive as a minimum the benefits and protection of the present Convention, and shall also be granted all facilities necessary to provide for the medical care of, and religious ministration to prisoners of war.

They shall continue to exercise their medical and spiritual functions for the benefit of prisoners of war, preferably those belonging to the armed forces upon which they depend, within the scope of the military laws and regulations of the Detaining Power and under the

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control of its competent services, in accordance with their professional etiquette. They shall also benefit by the following facilities in the exercise of their medical or spiritual functions:—

(a) They shall be authorised to visit periodically prisoners of war situated in working detachments or in hospitals outside the camp. For this purpose, the Detaining Power shall place at their disposal the necessary means of transport.

(b) The senior medical officer in each camp shall be responsible to the camp military authorities for everything connected with the activities of retained medical personnel. For this purpose, Parties to the conflict shall agree at the outbreak of hostilities on the subject of the corresponding ranks of the medical personnel, including that of societies mentioned in Article 26 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949. This senior medical officer, as well as chaplains, shall have the right to deal with the competent authorities of the camp on all questions relating to their duties. Such authorities shall afford them all necessary facilities for correspondence relating to these questions.

(c) Although they shall be subject to the internal discipline of the camp in which they are retained, such personnel may not be compelled to carry out any work other than that concerned with their medical or religious duties.

During hostilities, the Parties to the conflict shall agree concerning the possible relief of retained personnel and shall settle the procedure to be followed.

None of the preceding provisions shall relieve the Detaining Power of its obligations with regard to prisoners of war from the medical or spiritual point of view.

CHAPTER V

RELIGIOUS, INTELLECTUAL AND PHYSICAL ACTIVITIES

Article 34

Prisoners of war shall enjoy complete latitude in the exercise of Religious their religious duties, including attendance at the service of their duties. faith, on condition that they comply with the disciplinary routine prescribed by the military authorities.

Adequate premises shall be provided where religious services may be held.

Retained
chaplains.

Article 35

Chaplains who fall into the hands of the enemy Power and who remain or are retained with a view to assisting prisoners of war, shall be allowed to minister to them and to exercise freely their ministry amongst prisoners of war of the same religion, in accordance with their religious conscience. They shall be allocated among the various camps and labour detachments containing prisoners of war belonging to the same forces, speaking the same language or practising the same religion. They shall enjoy the necessary facilities, including the means of transport provided for in Article 33, for visiting the prisoners of war outside their camp. They shall be free to correspond, subject to censorship, on matters concerning their religious duties with the ecclesiastical authorities in the country of detention and with the international religious organizations. Letters and cards which they may send for this purpose shall be in addition to the quota provided for in Article 71.

Article 36

Prisoners
who are
ministers of
religion.

Prisoners of war who are ministers of religion, without having officiated as chaplains to their own forces, shall be at liberty, whatever their denomination, to minister freely to the members of their community. For this purpose, they shall receive the same treatment as the chaplains retained by the Detaining Power. They shall not be obliged to do any other work.

Article 37

Prisoners
without a
minister of
their reli-
gion.

When prisoners of war have not the assistance of a retained chaplain or of a prisoner of war minister of their faith, a minister belonging to the prisoners' or a similar denomination, or in his absence a qualified layman, if such a course is feasible from a confessional point of view, shall be appointed at the request of the prisoners concerned to fill this office. This appointment, subject to the approval of the Detaining Power, shall take place with the agreement of the community of prisoners concerned and, wherever necessary, with the approval of the local religious authorities of the same faith. The person thus appointed shall comply with all regulations established by the Detaining Power in the interests of discipline and military security.

Article 38

Recreation,
study, sports
and games.

While respecting the individual preferences of every prisoner, the Detaining Power shall encourage the practice of intellectual, educational, and recreational pursuits, sports and games amongst prisoners, and shall take the measures necessary to ensure the exercise thereof by providing them with adequate premises and necessary equipment.

Prisoners shall have opportunities for taking physical exercise including sports and games and for being out of doors. Sufficient open spaces shall be provided for this purpose in all camps.

CHAPTER VI

DISCIPLINE

Article 39

Every prisoner of war camp shall be put under the immediate ^{Adminis-}
authority of a responsible commissioned officer belonging to the
regular armed forces of the Detaining Power. Such officer shall
have in his possession a copy of the present Convention; he shall
ensure that its provisions are known to the camp staff and the guard
and shall be responsible, under the direction of his government, for
its application.

Prisoners of war, with the exception of officers, must salute and ^{Saluting.}
show to all officers of the Detaining Power the external marks of
respect provided for by the regulations applying ⁱⁿ their own forces.

Officer prisoners of war are bound to salute only officers of a
higher rank of the Detaining Power; they must, however, salute the
camp commander regardless of his rank.

Article 40

The wearing of badges of rank and nationality, as well as of ^{Badges and}
decorations shall be permitted.

Article 41

In every camp the text of the present Convention and its Annexes and the contents of any special agreement provided for in Article 6, shall be posted, in the prisoners' own language, at places where all may read them. Copies shall be supplied, on request, to the prisoners who cannot have access to the copy which has been posted.

Posting of
the Conven-
tion, and of
regulations
and orders
concerning
prisoners.

Regulations, orders, notices and publications of every kind relating to the conduct of prisoners of war shall be issued to them in a language which they understand. Such regulations, orders and publications shall be posted in the manner described above and copies shall be handed to the prisoners' representative. Every order and command addressed to prisoners of war individually must likewise be given in a language which they understand.

Article 42

The use of weapons against prisoners of war, especially against ^{Use of}
those who are escaping or attempting to escape, shall constitute an ^{weapons.}
extreme measure, which shall always be preceded by warnings appropriate to the circumstances.

CHAPTER VII

RANK OF PRISONERS OF WAR

*Article 43*Notification
of ranks.

Upon the outbreak of hostilities, the Parties to the conflict shall communicate to one another the titles and ranks of all the persons mentioned in Article 4 of the present Convention, in order to ensure equality of treatment between prisoners of equivalent rank. Titles and ranks which are subsequently created shall form the subject of similar communications.

The Detaining Power shall recognize promotions in rank which have been accorded to prisoners of war and which have been duly notified by the Power on which these prisoners depend.

*Article 44*Treatment
of officers.

Officers and prisoners of equivalent status shall be treated with the regard due to their rank and age.

In order to ensure service in officers' camps, other ranks of the same armed forces who, as far as possible, speak the same language, shall be assigned in sufficient numbers, account being taken of the rank of officers and prisoners of equivalent status. Such orderlies shall not be required to perform any other work.

Supervision of the mess by the officers themselves shall be facilitated in every way.

*Article 45*Treatment
of other
prisoners.

Prisoners of war other than officers and prisoners of equivalent status shall be treated with the regard due to their rank and age.

Supervision of the mess by the prisoners themselves shall be facilitated in every way.

CHAPTER VIII

TRANSFER OF PRISONERS OF WAR AFTER THEIR ARRIVAL IN CAMP

Article 46

Conditions.

The Detaining Power, when deciding upon the transfer of prisoners of war, shall take into account the interests of the prisoners themselves, more especially so as not to increase the difficulty of their repatriation.

The transfer of prisoners of war shall always be effected humanely and in conditions not less favourable than those under which the forces of the Detaining Power are transferred. Account shall always

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be taken of the climatic conditions to which the prisoners of war are accustomed and the conditions of transfer shall in no case be prejudicial to their health.

The Detaining Power shall supply prisoners of war during transfer with sufficient food and drinking water to keep them in good health, likewise with the necessary clothing, shelter and medical attention. The Detaining Power shall take adequate precautions especially in case of transport by sea or by air, to ensure their safety during transfer, and shall draw up a complete list of all transferred prisoners before their departure.

Article 47

Sick or wounded prisoners of war shall not be transferred as long as their recovery may be endangered by the journey, unless their safety imperatively demands it.

If the combat zone draws closer to a camp, the prisoners of war in the said camp shall not be transferred unless their transfer can be carried out in adequate conditions of safety, or unless they are exposed to greater risks by remaining on the spot than by being transferred.

Article 48

In the event of transfer, prisoners of war shall be officially advised of their departure and of their new postal address. Such notifications shall be given in time for them to pack their luggage and inform their next of kin.

They shall be allowed to take with them their personal effects, and the correspondence and parcels which have arrived for them. The weight of such baggage may be limited, if the conditions of transfer so require, to what each prisoner can reasonably carry, which shall in no case be more than twenty-five kilograms per head.

Mail and parcels addressed to their former camp shall be forwarded to them without delay. The camp commander shall take, in agreement with the prisoners' representative, any measures needed to ensure the transport of the prisoners community property and of the luggage they are unable to take with them in consequence of restrictions imposed by virtue of the second paragraph of this Article.

The costs of transfers shall be borne by the Detaining Power.

SECTION III

LABOUR OF PRISONERS OF WAR

Article 49

General observations.

The Detaining Power may utilize the labour of prisoners of war who are physically fit, taking into account their age, sex, rank and physical aptitude, and with a view particularly to maintaining them in a good state of physical and mental health.

Non-commissioned officers who are prisoners of war shall only be required to do supervisory work. Those not so required may ask for other suitable work which shall, so far as possible, be found for them.

If officers or persons of equivalent status ask for suitable work, it shall be found for them, so far as possible, but they may in no circumstances be compelled to work.

Article 50

Authorized work.

Besides work connected with camp administration, installation or maintenance, prisoners of war may be compelled to do only such work as is included in the following classes:—

- (a) agriculture;
- (b) industries connected with the production or the extraction of raw materials, and manufacturing industries, with the exception of metallurgical, machinery and chemical industries; public works and building operations which have no military character or purpose;
- (c) transport and handling of stores which are not military in character or purpose;
- (d) commercial business, and arts and crafts;
- (e) domestic service;
- (f) public utility services having no military character or purpose.

Should the above provisions be infringed, prisoners of war shall be allowed to exercise their right of complaint, in conformity with Article 78.

Article 51

Working conditions.

Prisoners of war must be granted suitable working conditions, especially as regards accommodation, food, clothing and equipment; such conditions shall not be inferior to those enjoyed by nationals

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of the Detaining Power employed in similar work; account shall also be taken of climatic conditions.

The Detaining Power, in utilizing the labour of prisoners of war, shall ensure that in areas in which prisoners are employed, the national legislation concerning the protection of labour, and, more particularly, the regulations for the safety of workers, are duly applied.

Prisoners of war shall receive training and be provided with the means of protection suitable to the work they will have to do and similar to those accorded to the nationals of the Detaining Power. Subject to the provisions of Article 52, prisoners may be submitted to the normal risks run by these civilian workers.

Conditions of labour shall in no case be rendered more arduous by disciplinary measures.

Article 52

Unless he be a volunteer, no prisoner of war may be employed on labour which is of an unhealthy or dangerous nature. Dangerous or humiliating labour.

No prisoner of war shall be assigned to labour which would be looked upon as humiliating for a member of the Detaining Power's own forces.

The removal of mines or similar devices shall be considered as dangerous labour.

Article 53

The duration of the daily labour of prisoners of war, including the time of the journey to and fro, shall not be excessive, and must in no case exceed that permitted for civilian workers in the district, who are nationals of the Detaining Power and employed on the same work. Duration of labour.

Prisoners of war must be allowed, in the middle of the day's work, a rest of not less than one hour. This rest will be the same as that to which workers of the Detaining Power are entitled, if the latter is of longer duration. They shall be allowed in addition a rest of twenty-four consecutive hours every week, preferably on Sunday or the day of rest in their country of origin. Furthermore, every prisoner who has worked for one year shall be granted a rest of eight consecutive days, during which his working pay shall be paid to him.

If methods of labour such as piece work are employed, the length of the working period shall not be rendered excessive thereby.

Article 54

Working pay, The working pay due to prisoners of war shall be fixed in accordance with the provisions of Article 62 of the present Convention.

Prisoners of war who sustain accidents in connection with work, or who contract a disease in the course, or in consequence of their work, shall receive all the care their condition may require. The Detaining Power shall furthermore deliver to such prisoners of war a medical certificate enabling them to submit their claims to the Power on which they depend, and shall send a duplicate to the Central Prisoners of War Agency provided for in Article 123.

Article 55**Medical supervision.**

The fitness of prisoners of war for work shall be periodically verified by medical examinations, at least once a month. The examinations shall have particular regard to the nature of the work which prisoners of war are required to do.

If any prisoner of war considers himself incapable of working, he shall be permitted to appear before the medical authorities of his camp; Physicians or surgeons may recommend that the prisoners who are, in their opinion, unfit for work, be exempted therefrom.

Article 56**Labour detachments.**

The organisation and administration of labour detachments shall be similar to those of prisoner of war camps.

Every labour detachment shall remain under the control of and administratively part of a prisoner of war camp. The military authorities and the commander of the said camp shall be responsible, under the direction of their government, for the observance of the provisions of the present Convention in labour detachments.

The camp commander shall keep an up-to-date record of the labour detachments dependent on his camp, and shall communicate it to the delegates of the Protecting Power, of the International Committee of the Red Cross, or of other agencies giving relief to prisoners of war, who may visit the camp.

Article 57**Prisoners working for private employers.**

The treatment of prisoners of war who work for private persons, even if the latter are responsible for guarding and protecting them, shall not be inferior to that which is provided for by the present Convention. The Detaining Power, the military authorities and the commander of the camp to which such prisoners belong shall be

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entirely responsible for the maintenance, care, treatment, and payment of the working pay of such prisoners of war.

Such prisoners of war shall have the right to remain in communication with the prisoners' representatives in the camps on which they depend.

SECTION IV

FINANCIAL RESOURCES OF PRISONERS OF WAR

Article 58

Upon the outbreak of hostilities, and pending an arrangement Ready money. on this matter with the Protecting Power, the Detaining Power may determine the maximum amount of money in cash or in any similar form, that prisoners may have in their possession. Any amount in excess, which was properly in their possession and which has been taken or withheld from them, shall be placed to their account, together with any monies deposited by them, and shall not be converted into any other currency without their consent.

If prisoners of war are permitted to purchase services or commodities outside the camp against payment in cash, such payments shall be made by the prisoner himself or the camp administration who will charge them to the accounts of the prisoners concerned. The Detaining Power will establish the necessary rules in this respect.

Article 59

Cash which was taken from prisoners of war, in accordance with Article 18, at the time of their capture, and which is in the currency of the Detaining Power, shall be placed to their separate accounts, in accordance with the provisions of Article 64 of the present Section.

The amounts, in the currency of the Detaining Power, due to the conversion of sums in other currencies that are taken from the prisoners of war at the same time, shall also be credited to their separate accounts.

Article 60

The Detaining Power shall grant all prisoners of war a monthly advance of pay, the amount of which shall be fixed by conversion, into the currency of the said Power, of the following amounts:—

Category I: Prisoners ranking below sergeants: eight Swiss francs.

Category II: Sergeants and other non-commissioned officers, or prisoners of equivalent rank: twelve Swiss francs.

Category III: Warrant officers and commissioned officers below the rank of major or prisoners of equivalent rank: fifty Swiss francs.

Category IV: Majors, lieutenant-colonels, colonels or prisoners of equivalent rank: sixty Swiss francs.

Category V: General officers or prisoners of war of equivalent rank: seventy-five Swiss francs.

However, the Parties to the conflict concerned may by special agreement modify the amount of advances of pay due to prisoners of the preceding categories.

Furthermore, if the amounts indicated in the first paragraph above would be unduly high compared with the pay of the Detaining Power's armed forces or would, for any reason, seriously embarrass the Detaining Power, then, pending the conclusion of a special agreement with the Power on which the prisoners depend to vary the amounts indicated above, the Detaining Power—

(a) shall continue to credit the accounts of the prisoners with the amounts indicated in the first paragraph above;

(b) may temporarily limit the amount made available from these advances of pay to prisoners of war for their own use, to sums which are reasonable, but which, for Category I, shall never be inferior to the amount that the Detaining Power gives to the members of its own armed forces.

The reasons for any limitations will be given without delay to the Protecting Power.

Article 61

Supplementary pay.

The Detaining Power shall accept for distribution as supplementary pay to prisoners of war sums which the Power on which the prisoners depend may forward to them, on condition that the sums to be paid shall be the same for each prisoner of the same category, shall be payable to all prisoners of that category depending on that Power, and shall be placed in their separate accounts, at the earliest opportunity, in accordance with the provisions of Article 64. Such

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supplementary pay shall not relieve the Detaining Power of any obligation under this Convention.

Article 62

Prisoners of war shall be paid a fair working rate of pay by the ^{Working} _{pay.} detaining authorities direct. The rate shall be fixed by the said authorities, but shall at no time be less than one-fourth of one Swiss franc for a full working day. The Detaining Power shall inform prisoners of war, as well as the Power on which they depend, through the intermediary of the Protecting Power, of the rate of daily working pay that it has fixed.

Working pay shall likewise be paid by the detaining authorities to prisoners of war permanently detailed to duties or to a skilled or semi-skilled occupation in connection with the administration, installation or maintenance of camps, and to the prisoners who are required to carry out spiritual or medical duties on behalf of their comrades.

The working pay of the prisoners' representative, of his advisers, if any, and of his assistants, shall be paid out of the fund maintained by canteen profits. The scale of this working pay shall be fixed by the prisoners' representative and approved by the camp commander. If there is no such fund, the detaining authorities shall pay these prisoners a fair working rate of pay.

Article 63

Prisoners of war shall be permitted to receive remittances of ^{Transfer of} funds money addressed to them individually or collectively.

Every prisoner of war shall have at his disposal the credit balance of his account as provided for in the following Article, within the limits fixed by the Detaining Power, which shall make such payments as are requested. Subject to financial or monetary restrictions which the Detaining Power regards as essential, prisoners of war may also have payments made abroad. In this case payments addressed by prisoners of war to dependents shall be given priority.

In any event, and subject to the consent of the power on which they depend, prisoners may have payments made in their own country, as follows: the Detaining Power shall send to the aforesaid Power through the Protecting Power, a notification giving all the necessary particulars concerning the prisoners of war, the beneficiaries of the payments, and the amount of the sums to be paid, expressed in the Detaining Power's currency. The said notification

shall be signed by the prisoners and countersigned by the camp commander. The Detaining Power shall debit the prisoners' account by a corresponding amount; the sums thus debited shall be placed by it to the credit of the Power on which the prisoners depend.

To apply the foregoing provisions, the Detaining Power may usefully consult the Model Regulations in Annex V of the present Convention.

Article 64

Prisoners' accounts.

The Detaining Power shall hold an account for each prisoner of war, showing at least the following:—

- (1) The amounts due to the prisoner or received by him as advances of pay, as working pay or derived from any other source; the sums in the currency of the Detaining Power which were taken from him; the sums taken from him and converted at his request into the currency of the said Power.
- (2) The payments made to the prisoner in cash, or in any other similar form; the payments made on his behalf and at his request; the sums transferred under Article 63, third paragraph.

Article 65

Management of prisoners' accounts.

Every item entered in the account of a prisoner of war shall be countersigned or initialled by him, or by the prisoners' representative acting on his behalf.

Prisoners of war shall at all times be afforded reasonable facilities for consulting and obtaining copies of their accounts, which may likewise be inspected by the representatives of the Protecting Powers at the time of visits to the camp.

When prisoners of war are transferred from one camp to another, their personal accounts will follow them. In case of transfer from one Detaining Power to another, the monies which are their property and are not in the currency of the Detaining Power will follow them. They shall be given certificates for any other monies standing to the credit of their accounts.

The Parties to the conflict concerned may agree to notify to each other at specific intervals through the Protecting Power, the amount of the accounts of the prisoners of war.

Article 66

Winding up of accounts.

On the termination of captivity, through the release of a prisoner of war or his repatriation, the Detaining Power shall give him a

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statement, signed by an authorized officer of that Power, showing the credit balance then due to him. The Detaining Power shall also send through the Protecting Power to the government upon which the prisoner of war depends, lists giving all appropriate particulars of all prisoners of war whose captivity has been terminated by repatriation, release, escape, death or any other means, and showing the amount of their credit balances. Such lists shall be certified on each sheet by an authorized representative of the Detaining Power.

Any of the above provisions of this Article may be varied by mutual agreement between any two Parties to the conflict.

The power on which the prisoner of war depends shall be responsible for settling with him any credit balance due to him from the Detaining Power on the termination of his captivity.

Article 67

Advances of pay, issued to prisoners of war in conformity with Adjustments Article 60, shall be considered as made on behalf of the power on which they depend. Such advances of pay, as well as all payments made by the said Power under Article 63, third paragraph, and Article 68, shall form the subject of arrangements between the Powers concerned, at the close of hostilities.

Article 68

Any claim by a prisoner of war for compensation in respect of any injury or other disability arising out of work shall be referred to the Power on which he depends, through the Protecting Power. In accordance with Article 54, the Detaining Power will, in all cases, provide the prisoner of war concerned with a statement showing the nature of the injury or disability, the circumstances in which it arose and particulars of medical or hospital treatment given for it. This statement will be signed by a responsible officer of the Detaining Power and the medical particulars certified by a medical officer.

Any claim by a prisoner of war for compensation in respect of personal effects, monies or valuables impounded by the Detaining Power under Article 18 and not forthcoming on his repatriation, or in respect of loss alleged to be due to the fault of the Detaining Power or any of its servants, shall likewise be referred to the Power on which he depends. Nevertheless, any such personal effects required for use by the prisoners of war whilst in captivity shall be replaced at the expense of the Detaining Power. The Detaining Power will, in all cases, provide the prisoner of war with a statement, signed by a responsible officer, showing all available information

regarding the reasons why such effects, monies or valuables have not been restored to him. A copy of this statement will be forwarded to the Power on which he depends through the Central Agency for Prisoners of War provided for in Article 123.

SECTION V

RELATIONS OF PRISONERS OF WAR WITH THE EXTERIOR

Article 69

Notification
of measures
taken.

Immediately upon prisoners of war falling into its power, the Detaining Power shall inform them and the Powers on which they depend, through the Protecting Power, of the measures taken to carry out the provisions of the present Section. They shall likewise inform the parties concerned of any subsequent modifications of such measures.

Article 70

Capture card.

Immediately upon capture, or not more than one week after arrival at a camp, even if it is a transit camp, likewise in case of sickness or transfer to hospital or another camp, every prisoner of war shall be enabled to write direct to his family, on the one hand, and to the Central Prisoners of War Agency provided for in Article 123, on the other hand, a card similar, if possible, to the model annexed to the present Convention, informing his relatives of his capture, address and state of health. The said cards shall be forwarded as rapidly as possible and may not be delayed in any manner.

Article 71

Corres-
pondence.

Prisoners of war shall be allowed to send and receive letters and cards. If the Detaining Power deems it necessary to limit the number of letters and cards sent by each prisoner of war, the said number shall not be less than two letters and four cards monthly exclusive of the capture cards provided for in Article 70, and conforming as closely as possible to the models annexed to the present Convention. Further limitations may be imposed only if the Protecting Power is satisfied that it would be in the interests of the prisoners of war concerned to do so owing to difficulties of translation caused by the Detaining Power's inability to find sufficient qualified linguists to carry out the necessary censorship. If limitations must be placed on the correspondence addressed to prisoners of war, they may be ordered only by the Power on which the prisoners depend, possibly at the request of the Detaining Power. Such letters and cards must

be conveyed by the most rapid method at the disposal of the Detaining Power; they may not be delayed or retained for disciplinary reasons.

Prisoners of war who have been without news for a long period, or who are unable to receive news from their next of kin or to give them news by the ordinary postal route, as well as those who are at a great distance from their homes, shall be permitted to send telegrams, the fees being charged against the prisoners of war's accounts with the Detaining Power or paid in the currency at their disposal. They shall likewise benefit by this measure in cases of urgency.

As a general rule, the correspondence of prisoners of war shall be written in their native language. The Parties to the conflict may allow correspondence in other languages.

Sacks containing prisoner of war mail must be securely sealed and labelled so as clearly to indicate their contents and must be addressed to offices of destination.

Article 72

Prisoners of war shall be allowed to receive by post or by any Relief Shipments. other means individual parcels or collective shipments containing, in particular, foodstuffs, clothing, medical supplies and articles of a 1. General religious, educational or recreational character which may meet principles. their needs, including books, devotional articles, scientific equipment, examination papers, musical instruments, sports outfits and materials allowing prisoners of war to pursue their studies or their cultural activities.

Such shipments shall in no way free the Detaining Power from the obligations imposed upon it by virtue of the present Convention.

The only limits which may be placed on these shipments shall be those proposed by the Protecting Power in the interest of the prisoners themselves, or by the International Committee of the Red Cross or any other organization giving assistance to the prisoners, in respect of their own shipments only, on account of exceptional strain on transport or communications.

The conditions for the sending of individual parcels and collective relief shall, if necessary, be the subject of special agreements between the Powers concerned, which may in no case delay the receipt by the prisoners of relief supplies. Books may not be included in parcels of clothing and foodstuffs. Medical supplies shall, as a rule, be sent in collective parcels.

II.
Collective
relief.

Article 73

In the absence of special agreements between the Powers concerned on the conditions for the receipt and distribution of collective relief shipments, the rules and regulations concerning collective shipments, which are annexed to the present Convention, shall be applied.

The special agreements referred to above shall in no case restrict the right of prisoners' representatives to take possession of collective relief shipments intended for prisoners of war, to proceed to their distribution or to dispose of them in the interest of the prisoners.

Nor shall such agreements restrict the right of representatives of the Protecting Power, the International Committee of the Red Cross or any other organisation giving assistance to prisoners of war and responsible for the forwarding of collective shipments, to supervise their distribution to the recipients.

Article 74

**Exemption
from
postal and
transport
charges.**

All relief shipments for prisoners of war shall be exempt from import, customs and other dues.

Correspondence, relief shipments and authorized remittances of money addressed to prisoners of war or despatched by them through the post office, either direct or through the Information Bureaux provided for in Article 122 and the Central Prisoners of War Agency provided for in Article 123, shall be exempt from any postal dues, both in the countries of origin and destination, and in intermediate countries.

If relief shipments intended for prisoners of war cannot be sent through the post office by reason of weight or for any other cause, the cost of transportation shall be borne by the Detaining Power in all the territories under its control. The other Powers, party to the Convention, shall bear the cost of transport in their respective territories.

In the absence of special agreements between the Parties concerned, the costs connected with transport of such shipments, other than costs covered by the above exemption, shall be charged to the senders.

The High Contracting Parties shall endeavour to reduce, so far as possible, the rates charged for telegrams sent by prisoners of war, or addressed to them.

Article 75

Should military operations prevent the Powers concerned from fulfilling their obligation to assure the transport of the shipments referred to in Articles 70, 71, 72 and 77, the Protecting Powers concerned, the International Committee of the Red Cross or any other organization duly approved by the Parties to the conflict may undertake to ensure the conveyance of such shipments by suitable means (railway wagons, motor vehicles, vessels or aircraft, etc.). For this purpose, the High Contracting Parties shall endeavour to supply them with such transport and to allow its circulation, especially by granting the necessary safe-conducts.

Such transport may also be used to convey:—

(a) correspondence, lists and reports exchanged between the Central Information Agency referred to in Article 123 and the National Bureaux referred to in Article 122;

(b) correspondence and reports relating to prisoners of war which the Protecting Powers, the International Committee of the Red Cross or any other body assisting the prisoners, exchange either with their own delegates or with the Parties to the conflict.

These provisions in no way detract from the right of any Party to the conflict to arrange other means of transport, if it should so prefer, nor preclude the granting of safe-conducts, under mutually agreed conditions, to such means of transport.

In the absence of special agreements, the costs occasioned by the use of such means of transport shall be borne proportionally by the Parties to the conflict whose nationals are benefited thereby.

Article 76

The censoring of correspondence addressed to prisoners of war Censorship or despatched by them shall be done as quickly as possible. Mail and examination shall be censored only by the despatching State and the receiving State, and once only by each.

The examination of consignments intended for prisoners of war shall not be carried out under conditions that will expose the goods contained in them to deterioration; except in the case of written or printed matter, it shall be done in the presence of the addressee, or of a fellow-prisoner duly delegated by him. The delivery to

prisoners of individual or collective consignments shall not be delayed under the pretext of difficulties of censorship.

Any prohibition of correspondence ordered by Parties to the conflict, either for military or political reasons, shall be only temporary and its duration shall be as short as possible.

Article 77

Preparation,
execution
and
transmission
of legal
documents.

The Detaining Powers shall provide all facilities for the transmission, through the Protecting Power or the Central Prisoners of War Agency provided for in Article 123, of instruments, papers or documents intended for prisoners of war or despatched by them, especially powers of attorney and wills.

In all cases they shall facilitate the preparation and execution of such documents on behalf of prisoners of war; in particular, they shall allow them to consult a lawyer and shall take what measures are necessary for the authentication of their signatures.

SECTION VI

RELATIONS BETWEEN PRISONERS OF WAR AND THE AUTHORITIES

CHAPTER I

COMPLAINTS OF PRISONERS OF WAR RESPECTING THE CONDITIONS OF CAPTIVITY

Complaints
and requests.

Prisoners of war shall have the right to make known to the military authorities in whose power they are, their requests regarding the conditions of captivity to which they are subjected.

They shall also have the unrestricted right to apply to the representatives of the Protecting Powers either through their prisoners' representative or, if they consider it necessary, direct, in order to draw their attention to any points on which they may have complaints to make regarding their conditions of captivity.

These requests and complaints shall not be limited nor considered to be a part of the correspondence quota referred to in Article 71. They must be transmitted immediately. Even if they are recognized to be unfounded, they may not give rise to any punishment.

Prisoners' representatives may send periodic reports on the situation in the camps and the needs of the prisoners of war to the representatives of the Protecting Powers.

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CHAPTER II

PRISONERS OF WAR REPRESENTATIVES

Article 79

In all places where there are prisoners of war, except in those election, where there are officers, the prisoners shall freely elect by secret ballot, every six months, and also in case of vacancies, prisoners' representatives entrusted with representing them before the military authorities, the Protecting Powers, the International Committee of the Red Cross and any other organization which may assist them. These prisoners' representatives shall be eligible for re-election.

In camps for officers and persons of equivalent status or in mixed camps, the senior officer among the prisoners of war shall be recognised as the camp prisoners' representative. In camps for officers, he shall be assisted by one or more advisers chosen by the officers; in mixed camps, his assistants shall be chosen from among the prisoners of war who are not officers and shall be elected by them.

Officer prisoners of war of the same nationality shall be stationed in labour camps for prisoners of war, for the purpose of carrying out the camp administration duties for which the prisoners of war are responsible. These officers may be elected as prisoners' representatives under the first paragraph of this Article. In such a case the assistants to the prisoners' representatives shall be chosen from among those prisoners of war who are not officers.

Every representative elected must be approved by the Detaining Power before he has the right to commence his duties. Where the Detaining Power refuses to approve a prisoner of war elected by his fellow prisoners of war, it must inform the Protecting Power of the reason for such refusal.

In all cases the prisoners' representative must have the same nationality, language and customs as the prisoners of war whom he represents. Thus, prisoners of war distributed in different sections of a camp, according to their nationality, language or customs, shall have for each section their own prisoners' representative, in accordance with the foregoing paragraphs.

Article 80

Prisoners' representatives shall further the physical, spiritual and Duties, intellectual well-being of prisoners of war.

In particular, where the prisoners decide to organize amongst themselves a system of mutual assistance, this organization will be

within the province of the prisoners' representative, in addition to the special duties entrusted to him by other provisions of the present Convention.

Prisoners' representatives shall not be held responsible, simply by reason of their duties, for any offences committed by prisoners of war.

Article 81

Prerogatives. Prisoners' representatives shall not be required to perform any other work, if the accomplishment of their duties is thereby made more difficult.

Prisoners' representatives may appoint from amongst the prisoners such assistants as they may require. All material facilities shall be granted them, particularly a certain freedom of movement necessary for the accomplishment of their duties (inspection of labour detachments, receipt of supplies, etc.).

Prisoners' representatives shall be permitted to visit premises where prisoners of war are detained, and every prisoner of war shall have the right to consult freely his prisoners' representative.

All facilities shall likewise be accorded to the prisoners' representatives for communication by post and telegraph with the detaining authorities, the Protecting Powers, the International Committee of the Red Cross and their delegates, the Mixed Medical Commissions and with the bodies which give assistance to prisoners of war. Prisoners' representatives of labour detachments shall enjoy the same facilities for communication with the prisoners' representatives of the principal camp. Such communications shall not be restricted, nor considered as forming a part of the quota mentioned in Article 71.

Prisoners' representatives who are transferred shall be allowed a reasonable time to acquaint their successors with current affairs.

In case of dismissal, the reasons therefor shall be communicated to the Protecting Power.

CHAPTER III

PENAL AND DISCIPLINARY SANCTIONS

1. General provisions

Article 82

Applicable legislation.

A prisoner of war shall be subject to the laws, regulations and orders in force in the armed forces of the Detaining Power; the

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Detaining Power shall be justified in taking judicial or disciplinary measures in respect of any offence committed by a prisoner of war against such laws, regulations or orders. However, no proceedings or punishments contrary to the provisions of this Chapter shall be allowed.

If any law, regulation or order of the Detaining Power shall declare acts committed by a prisoner of war to be punishable, whereas the same acts would not be punishable if committed by a member of the forces of the Detaining Power, such acts shall entail disciplinary punishments only.

Article 83

In deciding whether proceedings in respect of an offence alleged to have been committed by a prisoner of war shall be ^{Choice of} disciplinary ^{judicial or} or ^{judicial} disciplinary, the Detaining Power shall ensure that the competent proceeding authorities exercise the greatest leniency and adopt, wherever possible, disciplinary rather than judicial measures.

Article 84

A prisoner of war shall be tried only by a military court unless Courts. the existing laws of the Detaining Power expressly permit the civil courts to try a member of the armed forces of the Detaining Power in respect of the particular offence alleged to have been committed by the prisoner of war.

In no circumstances whatever shall a prisoner of war be tried by a court of any kind which does not offer the essential guarantees of independence and impartiality as generally recognized, and, in particular, the procedure of which does not afford the accused the rights and means of defence provided for in Article 105.

Article 85

Prisoners of war prosecuted under the laws of the Detaining Power for acts committed prior to capture shall retain, even if convicted, the benefits of the present Convention.

Offences committed before capture.

Article 86

No prisoner of war may be punished more than once for the same act or on the same charge.

"Non bis in idem."

Article 87

Prisoners of war may not be sentenced by the military authorities and courts of the Detaining Power to any penalties except those provided for in respect of members of the armed forces of the said Power who have committed the same acts.

Penalties.

When fixing the penalty, the courts or authorities of the Detaining Power shall take into consideration, to the widest extent possible, the fact that the accused, not being a national of the Detaining Power, is not bound to it by any duty of allegiance, and that he is in its power as the result of circumstances independent of his own will. The said courts or authorities shall be at liberty to reduce the penalty provided for the violation of which the prisoner of war is accused, and shall therefore not be bound to apply the minimum penalty prescribed.

Collective punishment for individual acts, corporal punishments, imprisonment in premises without daylight and, in general, any form of torture or cruelty, are forbidden.

No prisoner of war may be deprived of his rank by the Detaining Power, or prevented from wearing his badges.

Article 88

**Execution
of Penalties.**

Officers, non-commissioned officers and men who are prisoners of war undergoing a disciplinary or judicial punishment, shall not be subjected to more severe treatment than that applied in respect of the same punishment to members of the armed forces of the Detaining Power of equivalent rank.

A woman prisoner of war shall not be awarded or sentenced to a punishment more severe, or treated whilst undergoing punishment more severely, than a woman member of the armed forces of the Detaining Power dealt with for a similar offence.

In no case may a woman prisoner of war be awarded or sentenced to a punishment more severe, or treated whilst undergoing punishment more severely, than a male member of the armed forces of the Detaining Power dealt with for a similar offence.

Prisoners of war who have served disciplinary or judicial sentences may not be treated differently from other prisoners of war.

II. Disciplinary sanctions

Article 89

**General ob-
servations.**

The disciplinary punishment applicable to prisoners of war are the following:—

**I. Forms of
Punishment.**

(1) A fine which shall not exceed 50 per cent. of the advances of pay and working pay which the prisoner of war would otherwise receive under the provisions of Articles 60 and 62 during a period of not more than thirty days.

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(2) Discontinuance of privileges granted over and above the treatment provided for by the present Convention.

(3) Fatigue duties not exceeding two hours daily.

(4) Confinement.

The punishment referred to under (3) shall not be applied to officers.

In no case shall disciplinary punishments be inhuman, brutal or dangerous to the health of prisoners of war.

Article 90

The duration of any single punishment shall in no case exceed ^{II.} thirty days. Any period of confinement awaiting the hearing of a disciplinary offence or the award of disciplinary punishment shall Duration of punishments. be deducted from an award pronounced against a prisoner of war.

The maximum of thirty days provided above may not be exceeded, even if the prisoner of war is answerable for several acts at the same time when he is awarded punishment, whether such acts are related or not.

The period between the pronouncing of an award of disciplinary punishment and its execution shall not exceed one month.

When a prisoner of war is awarded a further disciplinary punishment, a period of at least three days shall elapse between the execution of any two of the punishments, if the duration of one of these is ten days or more.

Article 91

The escape of a prisoner of war shall be deemed to have succeeded when :—

(1) he has joined the armed forces of the power on which he depends, or those of an allied power;

(2) he has left the territory under the control of the Detaining Power, or of an ally of the said power;

(3) he has joined a ship flying the flag of a power on which he depends, or of an allied Power, in the territorial waters of the Detaining Power, the said ship not being under the control of the last named Power.

Prisoners of war who have made good their escape in the sense of this Article and who are recaptured, shall not be liable to any punishment in respect of their previous escape.

Article 92**II.
Unsuccess-
ful escape.**

A prisoner of war who attempts to escape and is recaptured before having made good his escape in the sense of Article 91 shall be liable only to a disciplinary punishment, in respect of this act, even if it is a repeated offence.

A prisoner of war who is recaptured shall be handed over without delay to the competent military authority.

Article 88, fourth paragraph, notwithstanding, prisoners of war punished as a result of an unsuccessful escape may be subjected to special surveillance. Such surveillance must not affect the state of their health, must be undergone in a prisoner of war camp, and must not entail the suppression of any of the safeguards granted them by the present Convention.

Article 93**III.
Connected
offences.**

Escape or attempt to escape, even if it is a repeated offence, shall not be deemed an aggravating circumstance if the prisoner of war is subjected to trial by judicial proceedings in respect of an offence committed during his escape or attempt to escape.

In conformity with the principle stated in Article 83, offences committed by prisoners of war with the sole intention of facilitating their escape and which do not entail any violence against life or limb, such as offences against public property, theft without intention of self-enrichment, the drawing up or use of false papers, or the wearing of civilian clothing, shall occasion disciplinary punishment only.

Prisoners of war who aid or abet an escape or an attempt to escape shall be liable on this count to disciplinary punishment only.

Article 94**IV.
Notification
of recapture.**

If an escaped prisoner of war is recaptured, the Power on which he depends shall be notified thereof in the manner defined in Article 122, provided notification of his escape has been made.

Article 95**I.
Confinement
awaiting
hearing.**

A prisoner of war accused of an offence against discipline shall not be kept in confinement pending the hearing unless a member of the armed forces of the Detaining Power would be so kept if he were accused of a similar offence, or if it is essential in the interests of camp order and discipline.

Any period spent by a prisoner of war in confinement awaiting the disposal of an offence against discipline shall be reduced to an absolute minimum and shall not exceed fourteen days.

The provisions of Articles 97 and 98 of this Chapter shall apply to prisoners of war who are in confinement awaiting the disposal of offences against discipline.

Article 96

Acts which constitute offences against discipline shall be investigated immediately.

Without prejudice to the competence of courts and superior military authorities, disciplinary punishment may be ordered only by an officer having disciplinary powers in his capacity as camp commander, or by a responsible officer who replaces him or to whom he has delegated his disciplinary powers.

In no case may such powers be delegated to a prisoner of war or be exercised by a prisoner of war.

Before any disciplinary award is pronounced, the accused shall be given precise information regarding the offences of which he is accused, and given an opportunity of explaining his conduct and of defending himself. He shall be permitted, in particular, to call witnesses and to have recourse, if necessary, to the services of a qualified interpreter. The decision shall be announced to the accused prisoner of war and to the prisoners' representative.

A record of disciplinary punishments shall be maintained by the camp commander and shall be open to inspection by representatives of the Protecting Power.

Article 97

Prisoners of war shall not in any case be transferred to penitentiary establishments (prisons, penitentiaries, convict prisons, etc.) to undergo disciplinary punishment therein.

Execution of
I. punishment.
Premises.

All premises in which disciplinary punishments are undergone shall conform to the sanitary requirements set forth in Article 25. A prisoner of war undergoing punishment shall be enabled to keep himself in a state of cleanliness, in conformity with Article 29.

Officers and persons of equivalent status shall not be lodged in the same quarters as non-commissioned officers or men.

Women prisoners of war undergoing disciplinary punishment shall be confined in separate quarters from male prisoners of war and shall be under the immediate supervision of women.

*Article 98***II.
Essential
safeguards.**

A prisoner of war undergoing confinement as a disciplinary punishment, shall continue to enjoy the benefits of the provisions of this Convention except in so far as these are necessarily rendered inapplicable by the mere fact that he is confined. In no case may he be deprived of the benefits of the provisions of Articles 78 and 126.

A prisoner of war awarded disciplinary punishment may not be deprived of the prerogatives attached to his rank.

Prisoners of war awarded disciplinary punishment shall be allowed to exercise and to stay in the open air at least two hours daily.

They shall be allowed, on their request, to be present at the daily medical inspections. They shall receive the attention which their state of health requires and, if necessary, shall be removed to the camp infirmary or to a hospital.

They shall have permission to read and write, likewise to send and receive letters. Parcels and remittances of money however, may be withheld from them until the completion of the punishment; they shall meanwhile be entrusted to the prisoners' representative, who will hand over to the infirmary the perishable goods contained in such parcels.

III. Judicial proceedings*Article 99***Essential
rules.
I.
General prin-
ciples.**

No prisoner of war may be tried or sentenced for an act which is not forbidden by the law of the Detaining Power or by International Law, in force at the time the said act was committed.

No moral or physical coercion may be exerted on a prisoner of war in order to induce him to admit himself guilty of the act of which he is accused.

No prisoner of war may be convicted without having had an opportunity to present his defence and the assistance of a qualified advocate or counsel.

*Article 100***II.
Death
penalty.**

Prisoners of war and the Protecting Powers shall be informed, as soon as possible, of the offences which are punishable by the death sentence under the laws of the Detaining Power.

Other offences shall not thereafter be made punishable by the death penalty without the concurrence of the Power on which the prisoners of war depend.

The death sentence cannot be pronounced on a prisoner of war unless the attention of the court has, in accordance with Article 87, second paragraph, been particularly called to the fact that since the accused is not a national of the Detaining Power, he is not bound to it by any duty of allegiance, and that he is in its power as the result of circumstances independent of his own will.

Article 101

If the death penalty is pronounced on a prisoner of war, the sentence shall not be executed before the expiration of a period of at least six months from the date when the Protecting Power receives, at an indicated address, the detailed communication provided for in Article 107.

Article 102

A prisoner of war can be validly sentenced only if the sentence has been pronounced by the same courts according to the same procedure as in the case of members of the armed forces of the Detaining Power, and if furthermore, the provisions of the present Chapter of sentence have been observed.

Article 103

Judicial investigations relating to a prisoner of war shall be conducted as rapidly as circumstances permit and so that his trial shall take place as soon as possible. A prisoner of war shall not be confined while awaiting trial unless a member of the armed forces of the Detaining Power would be so confined if he were accused of a similar offence, or if it is essential to do so in the interests of national security. In no circumstances shall this confinement exceed three months.

Any period spent by a prisoner of war in confinement awaiting trial shall be deducted from any sentence of imprisonment passed upon him and taken into account in fixing any penalty.

The provisions of Articles 97 and 98 of this Chapter shall apply to a prisoner of war whilst in confinement awaiting trial.

Article 104

In any case in which the Detaining Power has decided to institute judicial proceedings against a prisoner of war, it shall notify the Protecting Power as soon as possible and at least three weeks before the opening of the trial. This period of three weeks shall run as from the day on which such notification reaches the Protecting Power at the address previously indicated by the latter to the Detaining Power.

The said notification shall contain the following information:—

- (1) Surname and first names of the prisoner of war, his rank, his army, regimental, personal or serial number, his date of birth, and his profession or trade, if any;
- (2) Place of internment or confinement;
- (3) Specification of the charge or charges on which the prisoner of war is to be arraigned, giving the legal provisions applicable;
- (4) Designation of the court which will try the case, likewise the date and place fixed for the opening of the trial.

The same communication shall be made by the Detaining Power to the prisoners' representative.

If no evidence is submitted, at the opening of a trial that the notification referred to above was received by the Protecting Power, by the prisoner of war and by the prisoners' representative concerned, at least three weeks before the opening of the trial, then the latter cannot take place and must be adjourned.

Article 105

**IV.
Rights and
means of
defence.**

The prisoner of war shall be entitled to assistance by one of his prisoner comrades, to defence by a qualified advocate or counsel of his own choice, to the calling of witnesses and, if he deems necessary, to the services of a competent interpreter. He shall be advised of these rights by the Detaining Power in due time before the trial.

Failing a choice by the prisoner of war, the Protecting Power shall find him an advocate or counsel, and shall have at least one week at its disposal for the purpose. The Detaining Power shall deliver to the said Power, on request, a list of persons qualified to present the defence. Failing a choice of an advocate or counsel by the prisoner of war or the Protecting Power, the Detaining Power shall appoint a competent advocate or counsel to conduct the defence.

The advocate or counsel conducting the defence on behalf of the prisoner of war shall have at his disposal a period of two weeks at least before the opening of the trial, as well as the necessary facilities to prepare the defence of the accused. He may, in particular, freely visit the accused and interview him in private. He may also confer with any witnesses for the defence, including prisoners of war. He shall have the benefit of these facilities until the term of appeal or petition has expired.

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Particulars of the charge or charges on which the prisoner of war is to be arraigned, as well as the documents which are generally communicated to the accused by virtue of the laws in force in the armed forces of the Detaining Power, shall be communicated to the accused prisoner of war in a language which he understands, and in good time before the opening of the trial. The same communication in the same circumstances shall be made to the advocate or counsel conducting the defence on behalf of the prisoner of war.

The representatives of the Protecting Power shall be entitled to attend the trial of the case, unless, exceptionally, this is held *in camera* in the interest of State security. In such a case the Detaining Power shall advise the Protecting Power accordingly.

Article 106

Every prisoner of war shall have, in the same manner as the members of the armed forces of the Detaining Power, the right of appeal or petition from any sentence pronounced upon him, with a view to the quashing or revising of the sentence or the re-opening of the trial. He shall be fully informed of his right to appeal or petition and of the time limit within which he may do so.

Article 107

Any judgment and sentence pronounced upon a prisoner of war shall be immediately reported to the Protecting Power in the form of a summary communication, which shall also indicate whether he has the right of appeal with a view to the quashing of the sentence or the re-opening of the trial. This communication shall likewise be sent to the prisoner's representative concerned. It shall also be sent to the accused prisoner of war in a language he understands, if the sentence was not pronounced in his presence. The Detaining Power shall also immediately communicate to the Protecting Power the decision of the prisoner of war to use or to waive his right of appeal.

Notification
of findings
and sentence.

Furthermore, if a prisoner of war is finally convicted or if a sentence pronounced on a prisoner of war in the first instance is a death sentence, the Detaining Power shall as soon as possible address to the Protecting Power a detailed communication containing:—

- (1) the precise wording of the finding and sentence;
- (2) a summarized report of any preliminary investigation and of the trial, emphasizing in particular the elements of the prosecution and the defence;

(3) notification, where applicable, of the establishment where the sentence will be served.

The communications provided for in the foregoing sub-paragraphs shall be sent to the Protecting Power at the address previously made known to the Detaining Power.

Article 108

**Execution
of penalties.
penal
regulations.**

Sentences pronounced on prisoners of war after a conviction has become duly enforceable, shall be served in the same establishments and under the same conditions as in the case of members of the armed forces of the Detaining Power. These conditions shall in all cases conform to the requirements of health and humanity.

A woman prisoner of war on whom such a sentence has been pronounced shall be confined in separate quarters and shall be under the supervision of women.

In any case, prisoners of war sentenced to a penalty depriving them of their liberty shall retain the benefit of the provisions of Articles 78 and 126 of the present Convention. Furthermore, they shall be entitled to receive and despatch correspondence, to receive at least one relief parcel monthly, to take regular exercise in the open air, to have the medical care required by their state of health, and the spiritual assistance they may desire. Penalties to which they may be subjected shall be in accordance with the provisions of Article 87, third paragraph.

PART IV

TERMINATION OF CAPTIVITY

SECTION I

DIRECT REPATRIATION AND ACCOMMODATION IN NEUTRAL COUNTRIES

Article 109

**General
observations.** Subject to the provisions of the third paragraph of this Article, Parties to the conflict are bound to send back to their own country, regardless of number or rank, seriously wounded and seriously sick prisoners of war, after having cared for them until they are fit to travel, in accordance with the first paragraph of the following Article.

Throughout the duration of hostilities, Parties to the conflict shall endeavour, with the co-operation of the neutral Powers concerned, to make arrangements for the accommodation in neutral

countries of the sick and wounded prisoners of war referred to in the second paragraph of the following Article. They may, in addition, conclude agreements with a view to the direct repatriation or internment in a neutral country of able-bodied prisoners of war who have undergone a long period of captivity.

No sick or injured prisoner of war who is eligible for repatriation under the first paragraph of this Article, may be repatriated against his will during hostilities.

Article 110

The following shall be repatriated direct:—

Cases of
repatriation
and
accommodation.

- (1) Incurably wounded and sick whose mental or physical fitness seems to have been gravely diminished.
- (2) Wounded and sick who, according to medical opinion, are not likely to recover within one year, whose condition requires treatment and whose mental or physical fitness seems to have been gravely diminished.
- (3) Wounded and sick who have recovered, but whose mental or physical fitness seems to have gravely and permanently diminished.

The following may be accommodated in a neutral country:—

- (1) Wounded and sick whose recovery may be expected within one year of the date of the wound or the beginning of the illness, if treatment in a neutral country might increase the prospects of a more certain and speedy recovery.
- (2) Prisoners of war whose mental or physical health, according to medical opinion, is seriously threatened by continued captivity, but whose accommodation in a neutral country might remove such a threat.

The conditions which prisoners of war accommodated in a neutral country must fulfil in order to permit their repatriation shall be fixed, as shall likewise their status, by agreement between the Powers concerned. In general, prisoners of war who have been accommodated in a neutral country, and who belong to the following categories, should be repatriated:—

- (1) Those whose state of health has deteriorated so as to fulfil the conditions laid down for direct repatriation.

(2) Those whose mental or physical powers remain, even after treatment, considerably impaired.

If no special agreements are concluded between the Parties to the conflict concerned, to determine the cases of disablement or sickness entailing direct repatriation or accommodation in a neutral country, such cases shall be settled in accordance with the principles laid down in the Model Agreement concerning direct repatriation and accommodation in neutral countries of wounded and sick prisoners of war and in the Regulations concerning Mixed Medical Commissions annexed to the present Convention.

Article 111

**Internment
in a neutral
country.**

The Detaining Power, the Power on which the prisoners of war depend, and a neutral Power agreed upon by these two Powers, shall endeavour to conclude agreements which will enable prisoners of war to be interned in the territory of the said neutral Power until the close of hostilities.

Article 112

**Mixed
Medical
Commissions**

Upon the outbreak of hostilities, Mixed Medical Commissions shall be appointed to examine sick and wounded prisoners of war, and to make all appropriate decisions regarding them. The appointment, duties and functioning of these Commissions shall be in conformity with the provisions of the Regulations annexed to the present Convention.

However, prisoners of war who, in the opinion of the medical authorities of the Detaining Power, are manifestly seriously injured or seriously sick, may be repatriated without having to be examined by a Mixed Medical Commission.

Article 113

**Prisoners
entitled to
examination
by Mixed
Medical
Commissions.**

Besides those who are designated by the medical authorities of the Detaining Power, wounded or sick prisoners of war belonging to the categories listed below shall be entitled to present themselves for examination by the Mixed Medical Commissions provided for in the foregoing Article:—

- (1) Wounded and sick proposed by a physician or surgeon who is of the same nationality, or a national of a Party to the conflict allied with the Power on which the said prisoners depend, and who exercises his functions in the camp.
- (2) Wounded and sick proposed by their prisoners' representative.

(3) Wounded and sick proposed by the Power on which they depend, or by an organization duly recognised by the said Power and giving assistance to the prisoners.

Prisoners of war who do not belong to one of the three foregoing categories may nevertheless present themselves for examination by Mixed Medical Commissions, but shall be examined only after those belonging to the said categories.

The physician or surgeon of the same nationality as the prisoners who present themselves for examination by the Mixed Medical Commission, likewise the prisoners' representative of the said prisoners, shall have permission to be present at the examination.

Article 114

Prisoners of war who meet with accidents shall, unless the injury is self-inflicted, have the benefit of the provisions of this Convention as regards repatriation or accommodation in a neutral country. *Prisoners meeting with accidents.*

Article 115

No prisoner of war on whom a disciplinary punishment has been imposed and who is eligible for repatriation or for accommodation in a neutral country, may be kept back on the plea that he has not undergone his punishment. *Prisoners serving a sentence.*

Prisoners of war detained in connection with a judicial prosecution or conviction and who are designated for repatriation or accommodation in a neutral country, may benefit by such measures before the end of the proceedings or the completion of the punishment, if the Detaining Power consents.

Parties to the conflict shall communicate to each other the names of those who will be detained until the end of the proceedings or the completion of the punishment.

Article 116

The costs of repatriating prisoners of war or of transporting them to a neutral country shall be borne, from the frontiers of the Detaining Power, by the Power on which the said prisoners depend. *Cost of repatriation.*

Article 117

No repatriated person may be employed on active military service. *Activity after repatriation.*

SECTION II

RELEASE AND REPATRIATION OF PRISONERS OF WAR AT THE CLOSE OF
HOSTILITIES

Article 118

Release and repatriation. Prisoners of war shall be released and repatriated without delay after the cessation of active hostilities.

In the absence of stipulations to the above effect in any agreement concluded between the Parties to the conflict with a view to the cessation of hostilities, or failing any such agreement, each of the Detaining Powers shall itself establish and execute without delay a plan of repatriation in conformity with the principle laid down in the foregoing paragraph.

In either case, the measures adopted shall be brought to the knowledge of the prisoners of war.

The costs of repatriation of prisoners of war shall in all cases be equitably apportioned between the Detaining Power and the Power on which the prisoners depend. This apportionment shall be carried out on the following basis:

(a) If the two Powers are contiguous, the Power on which the prisoners of war depend shall bear the cost of repatriation from the frontiers of the Detaining Power.

(b) If the two Powers are not contiguous, the Detaining Power shall bear the costs of transport of prisoners of war over its own territory as far as its frontier or its port of embarkation nearest to the territory of the Power on which the prisoners of war depend. The Parties concerned shall agree between themselves as to the equitable apportionment of the remaining costs of the repatriation. The conclusion of this agreement shall in no circumstances justify any delay in the repatriation of the prisoners of war.

Article 119

Details of procedure. Repatriation shall be effected in conditions similar to those laid down in Articles 46 to 48 inclusive of the present Convention for the transfer of prisoners of war, having regard to the provisions of Article 118 and to those of the following paragraphs.

On repatriation, any articles of value impounded from prisoners of war under Article 18, and any foreign currency which has not been converted into the currency of the Detaining Power, shall be restored

to them. Articles of value and foreign currency which, for any reason whatever, are not restored to prisoners of war on repatriation, shall be despatched to the Information Bureau set up under Article 122.

Prisoners of war shall be allowed to take with them their personal effects, and any correspondence and parcels which have arrived for them. The weight of such baggage may be limited, if the conditions of repatriation so require, to what each prisoner can reasonably carry. Each prisoner shall in all cases be authorised to carry at least twenty-five kilograms.

The other personal effects of the repatriated prisoner shall be left in the charge of the Detaining Power which shall have them forwarded to him as soon as it has concluded an agreement to this effect, regulating the conditions of transport and the payment of the costs involved, with the Power on which the prisoner depends.

Prisoners of war against whom criminal proceedings for an indictable offence are pending may be detained until the end of such proceedings, and, if necessary, until the completion of the punishment. The same shall apply to prisoners of war already convicted for an indictable offence.

Parties to the conflict shall communicate to each other the names of any prisoners of war who are detained until the end of the proceedings or until punishment has been completed.

By agreement between the Parties to the conflict, commissions shall be established for the purpose of searching for dispersed prisoners of war and of assuring their repatriation with the least possible delay.

SECTION III

DEATH OF PRISONERS OF WAR

Article 120

Wills of prisoners of war shall be drawn up so as to satisfy the conditions of validity required by the legislation of their country of origin, which will take steps to inform the Detaining Power of its requirements in this respect. At the request of the prisoner of war and, in all cases, after death, the will shall be transmitted without delay to the Protecting Power; a certified copy shall be sent to the Central Agency.

Death certificates, in the form annexed to the present convention, or lists certified by a responsible officer, of all persons who die as

Wills, death
certificates,
burial,
cremation.

prisoners of war shall be forwarded as rapidly as possible to the Prisoner of War Information Bureau established in accordance with Article 122. The death certificates or certified lists shall show particulars of identity as set out in the third paragraph of Article 17, and also the date and place of death, the cause of death, the date and place of burial and all particulars necessary to identify the graves.

The burial or cremation of a prisoner of war shall be preceded by a medical examination of the body with a view to confirming death and enabling a report to be made and, where necessary, establishing identity.

The detaining authorities shall ensure that prisoners of war who have died in captivity are honourably buried, if possible according to the rites of the religion to which they belonged, and that their graves are respected, suitably maintained and marked so as to be found at any time. Wherever possible, deceased prisoners of war who depended on the same Power shall be interred in the same place.

Deceased prisoners of war shall be buried in individual graves unless unavoidable circumstances require the use of collective graves. Bodies may be cremated only for imperative reasons of hygiene, on account of the religion of the deceased or in accordance with his express wish to this effect. In case of cremation, the fact shall be stated and the reasons given in the death certificate of the deceased.

In order that graves may always be found, all particulars of burials and graves shall be recorded with a Graves Registration Service established by the Detaining Power. Lists of graves and particulars of the prisoners of war interred in cemeteries and elsewhere shall be transmitted to the Power on which such prisoners of war depended. Responsibility for the care of these graves and for records of any subsequent moves of the bodies shall rest on the Power controlling the territory, if a Party to the present Convention. These provisions shall also apply to the ashes which shall be kept by the Graves Registration Service until proper disposal thereof in accordance with the wishes of the home country.

Article 121

Prisoners
killed or
injured in
special cir-
cumstances.

Every death or serious injury of a prisoner of war caused or suspected to have been caused by a sentry, another prisoner of war, or any other person, as well as any death the cause of which is unknown, shall be immediately followed by an official enquiry by the Detaining Power.

A communication on this subject shall be sent immediately to the Protecting Power. Statements shall be taken from witnesses, especially from those who are prisoners of war, and a report including such statements shall be forwarded to the Protecting Power.

If the enquiry indicates the guilt of one or more persons, the Detaining Power shall take all measures for the prosecution of the person or persons responsible.

PART V

INFORMATION BUREAUX AND RELIEF SOCIETIES FOR PRISONERS OF WAR

Article 122

Upon the outbreak of a conflict and in all cases of occupation, each of the Parties to the conflict shall institute an official Information Bureau for prisoners of war who are in its power. Neutral or non-belligerent Powers who may have received within their territory persons belonging to one of the categories referred to in Article 4, shall take the same action with respect to such persons. The Power concerned shall ensure that the Prisoners of War Information Bureau is provided with the necessary accommodation, equipment and staff to ensure its efficient working. It shall be at liberty to employ prisoners of war in such a Bureau under the conditions laid down in the Section of the present Convention dealing with work by prisoners of war.

Within the shortest possible period, each of the Parties to the conflict shall give its Bureau the information referred to in the fourth, fifth and sixth paragraphs of this Article regarding any enemy person belonging to one of the categories referred to in Article 4, who has fallen into its power. Neutral or non-belligerent Powers shall take the same action with regard to persons belonging to such categories whom they have received within their territory.

The Bureau shall immediately forward such information by the most rapid means to the Powers concerned through the intermediary of the Protecting Powers and likewise of the Central Agency provided for in Article 123.

This information shall make it possible quickly to advise the next of kin concerned. Subject to the provisions of Article 17, the information shall include, in so far as available to the Information Bureau, in respect of each prisoner of war, his surname, first names, rank, army, regimental, personal or serial number, place and full date

of birth, indication of the Power on which he depends, first name of the father and maiden name of the mother, name and address of the person to be informed and the address to which correspondence for the prisoner may be sent.

The Information Bureau shall receive from the various departments concerned information regarding transfers, releases, repatriations, escapes, admissions to hospital, and deaths, and shall transmit such information in the manner described in the third paragraph above.

Likewise, information regarding the state of health of prisoners of war who are seriously ill or seriously wounded shall be supplied regularly, every week if possible.

The Information Bureau shall also be responsible for replying to all enquiries sent to it concerning prisoners of war, including those who have died in captivity; it will make any enquiries necessary to obtain the information which is asked for if this is not in its possession.

All written communications made by the Bureau shall be authenticated by a signature or a seal.

The information Bureau shall furthermore be charged with collecting all personal valuables, including sums in currencies other than that of the Detaining Power and documents of importance to the next of kin, left by prisoners of war who have been repatriated or released, or who have escaped or died, and shall forward the said valuables to the Powers concerned. Such articles shall be sent by the Bureau in sealed packets which shall be accompanied by statements giving clear and full particulars of the identity of the person to whom the articles belonged, and by a complete list of the contents of the parcel. Other personal effects of such prisoners of war shall be transmitted under arrangements agreed upon between the Parties to the conflict concerned.

Article 123

Central Agency.

A Central Prisoners of War Information Agency shall be created in a neutral country. The International Committee of the Red Cross shall, if it deems necessary, propose to the powers concerned the organization of such an Agency.

The function of the Agency shall be to collect all the information it may obtain through official or private channels respecting prisoners of war, and to transmit it as rapidly as possible to the country of origin of the prisoners of war or to the Power on which they depend. It shall receive from the Parties to the conflict all facilities for effecting such transmissions.

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The High Contracting Parties, and in particular those whose nationals benefit by the services of the Central Agency, are requested to give the said Agency the financial aid it may require.

The foregoing provisions shall in no way be interpreted as restricting the humanitarian activities of the International Committee of the Red Cross, or of the relief Societies provided for in Article 125.

Article 124

The National Information Bureaux and the Central Information Agency shall enjoy free postage for mail, likewise all the exemptions provided for in Article 74, and further, so far as possible, exemption from telegraphic charges or, at least, greatly reduced rates.

Article 125

Subject to the measures which the Detaining Powers may consider essential to ensure their security or to meet any other reasonable need, the representatives of religious organizations, relief societies, or any other organization assisting prisoners of war, shall receive from the said Powers, for themselves and their duly accredited agents, all necessary facilities for visiting the prisoners for distributing relief supplies and material, from any source, intended for religious, educational or recreative purposes, and for assisting them in organising their leisure time within the camps. Such societies or organizations may be constituted in the territory of the Detaining Power or in any other country, or they may have an international character.

The Detaining Power may limit the number of societies and organizations whose delegates are allowed to carry out their activities in its territory and under its supervision, on condition, however, that such limitation shall not hinder the effective operation of adequate relief to all prisoners of war.

The special position of the International Committee of the Red Cross in this field shall be recognized and respected at all times.

As soon as relief supplies or material intended for the above-mentioned purposes are handed over to prisoners of war, or very shortly afterwards, receipts for each consignment, signed by the prisoners' representative, shall be forwarded to the relief society or organization making the shipment. At the same time, receipts for these consignments shall be supplied by the administrative authorities responsible for guarding the prisoners.

PART VI.

EXECUTION OF THE CONVENTION

SECTION I

GENERAL PROVISIONS

Article 126

Supervision. Representatives or delegates of the Protecting Powers shall have permission to go to all places where prisoners of war may be, particularly to places of internment, imprisonment and labour, and shall have access to all premises occupied by prisoners of war; they shall also be allowed to go to the places of departure, passage and arrival of prisoners who are being transferred. They shall be able to interview the prisoners, and in particular the prisoners' representatives, without witnesses, either personally or through an interpreter.

Representatives and delegates of the Protecting Powers shall have full liberty to select the places they wish to visit. The duration and frequency of these visits shall not be restricted. Visits may not be prohibited except for reasons of imperative military necessity, and then only as an exceptional and temporary measure.

The Detaining Power and the Power on which the said prisoners of war depend may agree, if necessary, that compatriots of these prisoners of war be permitted to participate in the visits.

The delegates of the International Committee of the Red Cross shall enjoy the same prerogatives. The appointment of such delegates shall be submitted to the approval of the Power detaining the prisoners of war to be visited.

*Article 127***Dissemination of the Convention.**

The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to all their armed forces and to the entire population.

Any military or other authorities, who in time of war assume responsibilities in respect of prisoners of war, must possess the text of the Convention and be specially instructed as to its provisions.

Article 128

The High Contracting Parties shall communicate to one another through the Swiss Federal Council and, during hostilities, through the Protecting Powers, the official translations of the present Convention, as well as the laws and regulations which they may adopt to ensure the application thereof.

Article 129

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided "such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the present Convention.

Article 130

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, compelling a prisoner of war to serve in the forces of the hostile Power, or wilfully depriving a prisoner of war of the rights of fair and regular trial prescribed in this Convention.

Article 131

**III.
Responsibilities
of the
Contracting
Parties.**

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

Article 132

**Enquiry
procedure.**

At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

SECTION II**FINAL PROVISIONS***Article 133*

Languages.

The present Convention is established in English and in French. Both texts are equally authentic.

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

Article 134

**Relation to
the 1929
Convention.**

The present Convention replaces the Convention of July 27, 1929, in relations between the High Contracting Parties.

Article 135

**Relation to
the Hague
Convention.**

In the relations between the Powers which are bound by the Hague Convention respecting the Law and Customs of War on Land, whether that of July 29, 1899, or that of October 18, 1907, and which are parties to the present Convention, this last Convention shall be complementary to Chapter II of the Regulations annexed to the above mentioned Conventions of the Hague.

Article 136

Signature.

The present Convention, which bears the date of this day is open to signature until February 12, 1950, in the name of the Power

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represented at the Conference which opened at Geneva on April 21, 1949; furthermore, by Powers not represented at that Conference, but which are parties to the Convention of July 27, 1929.

Article 137

The present Convention shall be ratified as soon as possible and Ratification. the ratification shall be deposited at Berne.

A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

Article 138

The present Convention shall come into force six months after Coming into force. not less than two instruments of ratification have been deposited.

Thereafter, it shall come into force for each High Contracting Party six months after the deposit of the instrument of ratification.

Article 139

From the date of its coming into force, it shall be open to any Accession. Power in whose name the present Convention has not been signed, to accede to this Convention.

Article 140

Accessions shall be notified in writing to the Swiss Federal Notification Council, and shall take effect six months after the date on which ^{of accession,} they are received.

The Swiss Federal Council shall communicate the accessions to all the Powers in whose name the Convention has been signed or whose accession has been notified.

Article 141

The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accounts notified by effect.

the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

Article 142

Denunciation.

Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with release and repatriation of the persons protected by the present Convention has been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as the result from the usages established among civilised peoples, from the laws of humanity and the dictates of the public conscience.

Article 143

Registration with the United Nations.

The Swiss Federal Council shall register the present Convention with the Secretariat of the United Nations. The Swiss Federal Council shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Convention.

In witness whereof the undersigned, having deposited their respective full powers, have signed the present Convention.

Done at Geneva this twelfth day of August 1949, in the English and French languages. The original shall be deposited in the Archives of the Swiss Confederation. The Swiss Federal Council shall transmit certified copies thereof to each of the signatory and acceding States.

THE FOURTH SCHEDULE

(See section 2)

GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS
IN TIME OF WAR OF AUGUST 12, 1949

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of establishing a Convention for the Protection of Civilian persons in Time of War, have agreed as follows:

PART I

GENERAL PROVISIONS

Article 1.

The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances. Respect for the Convention.

(peaceful, the present Convention shall apply to all cases of

In addition to the provisions which shall be implemented in ~~principles of the law of nations, as the result from the usages~~ Application of the Convention. ~~declared war or of any other armed conflict which may arise between~~ two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

Article 3

Conflicts not
of an inter-
national
character.

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:—

(a) violence to life and persons, in particular murder of all kinds, mutilation, cruel treatment and torture;

(b) taking of hostages;

(c) outrages upon personal dignity, in particular humiliating and degrading treatment;

(d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

Article 4

Definition of
protected
persons.

Persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.

Nationals of a State which is not bound by the Convention are not protected by it. Nationals of a neutral State who find themselves in the territory of a belligerent State, and nationals of a co-belligerent State, shall not be regarded as protected persons while the State of which they are nationals has normal diplomatic representation in the State in whose hands they are.

The provisions of Part II are, however, wider in application, as defined in Article 13.

Persons protected by the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, or by the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949, or by the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, shall not be considered as protected persons within the meaning of the present Convention.

Article 5

Where, in the territory of a Party to the conflict, the latter is satisfied that an individual protected person is definitely suspected of or engaged in activities hostile to the security of the State, such individual person shall not be entitled to claim such rights and privileges under the present Convention as would, if exercised in the favour of such individual person, be prejudicial to the security of such State.

Where in occupied territory an individual protected person is detained as a spy or saboteur, or as a person under definite suspicion of activity hostile to the security of the Occupying Power, such person shall, in those cases where absolute military security so requires, be regarded as having forfeited rights of communication under the present Convention.

In each case, such persons shall nevertheless be treated with humanity and, in case of trial, shall not be deprived of the rights of fair and regular trial prescribed by the present Convention. They shall also be granted the full rights and privileges of a protected person under the present Convention at the earliest date consistent with the security of the State or Occupying Power, as the case may be.

Article 6

The present Convention shall apply from the outset of any conflict or occupation mentioned in Article 2. Beginning and end of application.

In the territory of Parties to the conflict, the application of the present Convention shall cease on the general close of military operations.

In the case of occupied territory, the application of the present Convention shall cease one year after the general close of military operations; however, the Occupying Power shall be bound, for the duration of the occupation, to the extent that such Power exercises the functions of government in such territory, by the provisions of the following Articles of the present Convention: 1 to 12, 27, 29 to 34, 47, 49, 51, 52, 53, 59, 61 to 77, 143.

Protected persons whose release, repatriation or re-establishment may take place after such dates shall meanwhile continue to benefit by the present Convention.

Article 7

Special agreements.

In addition to the agreements expressly provided for in Articles 11, 14, 15, 17, 36, 108, 109, 132, 133 and 149, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of protected persons, as defined by the present Convention, nor restrict the rights which it confers upon them.

Protected persons shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

Article 8

Non-renunciation of rights.

Protected persons may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

Article 9

Protecting Powers.

The present Convention shall be applied with the co-operation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.

The Parties to the conflict shall facilitate to the greatest extent possible the task of the representatives or delegates of the Protecting Powers.

The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties.

Article 10

The provision of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of civilian persons and for their relief.

Activities of
the Interna-
tional Com-
mittee of the
Red Cross

Article 11

The High Contracting Parties may at any time agree to entrust to an organization which offers all guarantees of impartiality and efficacy the duties incumbent on the Protecting Powers by virtue of the present Convention.

When persons protected by the present Convention do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

If protection cannot be arranged accordingly, the Detaining Power shall request or shall accept, subject to the provisions of this Article, the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention.

Any neutral Power or any organization invited by the Power concerned or offering itself for these purposes, shall be required to act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.

No derogation from the preceding provisions shall be made by special agreements between Powers one of which is restricted, even

temporarily, in its freedom to negotiate with the other Power or its allies by reason of military events, more particularly where the whole, or a substantial part, of the territory of the said Power is occupied.

Whenever in the present Convention mention is made of a Protecting Power, such mention applies to substitute organizations in the sense of the present Article.

The provisions of this Article shall extend and be adapted to cases of nationals of a neutral State who are in occupied territory or who find themselves in the territory of a belligerent State in which the State of which they are nationals has not normal diplomatic representation.

Article 12

Conciliation Procedure.

In cases where they deem it advisable in the interest of protected persons, particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement.

For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for protected persons, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. The Protecting Powers may, if necessary, propose for approval by the Parties to the conflict, a person belonging to a neutral Power, or delegated by the International Committee of the Red Cross, who shall be invited to take part in such a meeting.

PART II

GENERAL PROTECTION OF POPULATIONS AGAINST CERTAIN CONSEQUENCES OF WAR

Article 13

Field of application of Part II.

The provisions of Part II cover the whole of the populations of the countries in conflict, without any adverse distinction based, in particular, on race, nationality, religion or political opinion, and are intended to alleviate the sufferings caused by war.

Article 14

In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the Parties thereto, may establish in their own territory and, if the need arises, in occupied areas, hospital and safety zones and localities so organized as to protect from the effect of war, wounded, sick and aged persons, children under fifteen, expectant mothers and mothers of children under seven.

Upon the outbreak and during the course of hostilities, the Parties concerned may conclude agreements on mutual recognition of the zones and localities they have created. They may for this purpose implement the provisions of the Draft Agreement annexed to the present Convention, with such amendments as they may consider necessary.

The Protecting Powers and the International Committee of the Red Cross are invited to lend their good offices in order to facilitate the institution and recognition of these hospital and safety zones and localities.

Article 15

Any Party to the conflict may, either direct or through a neutral State or some humanitarian organization, propose to the adverse Party to establish, in the regions where fighting is taking place, neutralized zones intended to shelter from the effects of war the following persons, without distinction:—

- (a) wounded and sick combatants or non-combatants;
- (b) civilian persons who take no part in hostilities, and who, while they reside in the zones, perform no work of a military character.

When the Parties concerned have agreed upon the geographical position, administration, food supply and supervision of the proposed neutralized zone, a written agreement shall be concluded and signed by the representatives of the Parties to the conflict. The agreement shall fix the beginning and the duration of the neutralization of the zone.

Article 16

The wounded and sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect.

Wounded
and sick,
I. General
protection.

As far as military considerations allow, each Party to the conflict shall facilitate the steps taken to search for the killed and

wounded, to assist the shipwrecked and other persons exposed to grave danger, and to protect them against pillage and ill-treatment.

Article 17

II. Evacuation.

The Parties to the conflict shall endeavour to conclude local agreements for the removal from besieged or encircled areas, of wounded, sick, infirm, and aged persons, children and maternity cases, and for the passage of ministers of all religions, medical personnel and medical equipment on their way to such areas.

Article 18

III. Protection of hospitals.

Civilian hospitals organized to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be the object of attack but shall at all times be respected and protected by the Parties to the conflict.

States which are Parties to a conflict shall provide all civilian hospitals with certificates showing that they are civilian hospitals and that the buildings which they occupy are not used for any purpose which would deprive these hospitals of protection in accordance with Article 19.

Civilian hospitals shall be marked by means of the emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, but only if so authorized by the State.

The Parties to the conflict shall, in so far as military considerations permit, take the necessary steps to make the distinctive emblems indicating civilian hospitals clearly visible to the enemy land, air and naval forces in order to obviate the possibility of any hostile action.

In view of the dangers to which hospitals may be exposed by being close to military objectives, it is recommended that such hospitals be situated as far as possible from such objectives.

Article 19

IV. Discontinu- ance of pro- tection of hospitals.

The protection to which civilian hospitals are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy. Protection may however, cease only after due warning has been given, naming, in all appropriate cases, a reasonable time limit, and after such warning has remained unheeded.

The fact that sick or wounded members of the armed forces are nursed in these hospitals, or the presence of small arms and ammunition taken from such combatants which have not yet been handed to the proper service, shall not be considered to be acts harmful to the enemy.

Article 20

Persons regularly and solely engaged in the operation and administration of civilian hospitals, including the personnel engaged in the search for, removal and transporting of and caring for wounded and sick civilians, the infirm and maternity cases shall be respected and protected.

In occupied territory and in zones of military operations, the above personnel shall be recognisable by means of an identity card certifying their status, bearing the photograph of the holder and embossed with the stamp of the responsible authority, and also by means of a stamped, water-resistant armlet which they shall wear on the left arm while carrying out their duties. This armlet shall be issued by the State and shall bear the emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

Other personnel who are engaged in the operation and administration of civilian hospitals shall be entitled to respect and protection and to wear the armlet, as provided in and under the conditions prescribed in this Article, while they are employed on such duties. The identity card shall state the duties on which they are employed.

The management of each hospital shall at all times hold at the disposal of the competent national or occupying authorities an up-to-date list of such personnel.

Article 21

Convoys of vehicles or hospital trains on land or specially provided vessels on sea, conveying wounded and sick civilians, the infirm and maternity cases, shall be respected and protected in the same manner as the hospitals provided for in Article 18, and shall be marked, with the consent of the State, by the display of the distinctive emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

vi.
Land and sea
transport.

Article 22

Aircraft exclusively employed for the removal of wounded and sick civilians, the infirm and maternity cases, or for the transport of

vii.
Air transport.

medical personnel and equipment, shall not be attacked, but shall be respected while flying at heights, times and on routes specifically agreed upon between all the Parties to the conflict concerned.

They may be marked with the distinctive emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

Unless agreed otherwise, flights over enemy or enemy occupied territory are prohibited.

Such aircraft shall obey every summons to land. In the event of a landing thus imposed, the aircraft with its occupants may continue its flight after examination, if any.

Article 23

Consignments
of medical
supplies,
food and
clothing.

Each High Contracting Party shall allow the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only for civilians of another High Contracting Party, even if the latter is its adversary. It shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases.

The obligation of a High Contracting Party to allow the free passage of the consignments indicated in the preceding paragraph is subject to the condition that this Party is satisfied that there are no serious reasons for fearing:

- (a) that the consignments may be diverted from their destination,
- (b) that the control may not be effective, or
- (c) that a definite advantage may accrue to the military efforts or economy of the enemy through the substitution of the above-mentioned consignments for goods which would otherwise be provided or produced by the enemy or through the release of such material, services or facilities as would otherwise be required for the production of such goods.

The Power which allows the passage of the consignments indicated in the first paragraph of this Article may make such permission conditional on the distribution to the persons benefited thereby being made under the local supervision of the Protecting Powers.

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Such consignments shall be forwarded as rapidly as possible, and the Power which permits their free passage shall have the right to prescribe the technical arrangements under which such passage is allowed.

Article 24

The Parties to the conflict shall take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own resources, and that their maintenance, the exercise of their religion and their education are facilitated in all circumstances. Their education shall, as far as possible, be entrusted to persons of a similar cultural tradition.

The Parties to the conflict shall facilitate the reception of such children in a neutral country for the duration of the conflict with the consent of the Protecting Power, if any, and under due safeguards for the observance of the principles stated in the first paragraph.

They shall, furthermore, endeavour to arrange for all children under twelve to be identified by the wearing of identity discs or by some other means.

Article 25

All persons in the territory of a Party to the conflict, or in a Family news territory occupied by it, shall be enabled to give news of a strictly personal nature to members of their families, wherever they may be, and to receive news from them. This correspondence shall be forwarded speedily and without undue delay.

If, as a result of circumstances, it becomes difficult or impossible to exchange family correspondence by the ordinary post, the Parties to the conflict concerned shall apply to a neutral intermediary, such as the Central Agency provided for in Article 140, and shall decide in consultation with it how to ensure the fulfilment of their obligations under the best possible conditions, in particular with the co-operation of the National Red Cross (Red Crescent, Red Lion and Sun) Societies.

If the Parties to the conflict deem it necessary to restrict family correspondence, such restrictions shall be confined to the compulsory use of standard forms containing twenty-five freely chosen words, and to the limitation of the number of these forms despatched to one each month.

Article 26

Dispersed families.

Each Party to the conflict shall facilitate enquiries made by members of families dispersed owing to the war, with the object of renewing contact with one another and of meeting, if possible. It shall encourage, in particular, the work of organisations engaged on this task provided they are acceptable to it and conform to its security regulations.

PART III

STATUS AND TREATMENT OF PROTECTED PERSONS

SECTION I

PROVISIONS COMMON TO THE TERRITORIES OF THE PARTIES
TO THE CONFLICT AND TO OCCUPIED TERRITORIESTreatment
I.
General observations.

Article 27

Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.

Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion.

However, the Parties to the conflict may take such measures of control and security in regard to protected persons as may be necessary as a result of the war.

II.
Danger zones.

Article 28

The presence of a protected person may not be used to render certain points or areas immune from military operations.

III.
Responsibilities.

Article 29

The Party to the conflict in whose hands protected persons may be, is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred.

Article 30

Protected persons shall have every facility for making application to the Protecting Powers, the International Committee of the Red Cross, the National Red Cross (Red Crescent, Red Lion and Sun) Society of the country where they may be, as well as to any organisations that might assist them.

These several organisations shall be granted all facilities for that purpose by the authorities, within the bounds set by military or security considerations.

Apart from the visits of the delegates of the Protecting Powers and of the International Committee of the Red Cross, provided for by Article 143, the Detaining or Occupying Powers shall facilitate as much as possible visits to protected persons by the representatives of other organisations whose object is to give spiritual aid or material relief to such persons.

Article 31

No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties.

Article 32

The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishment, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents.

Article 33

No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.

Pillage is prohibited.

Reprisals against protected persons and their property are prohibited.

Individual responsibility, collective penalties, pillage, reprisals.

Article 34

The taking of hostages is prohibited.

Hostages.

SECTION II

ALIENS IN THE TERRITORY OF A PARTY TO THE CONFLICT

Article 35

Right to leave the territory.

All protected persons who may desire to leave the territory at the outset of, or during a conflict, shall be entitled to do so, unless their departure is contrary to the national interest of the State. The applications of such persons to leave shall be decided in accordance with regularly established procedures and the decision shall be taken as rapidly as possible. Those persons permitted to leave may provide themselves with the necessary funds for their journey and take with them a reasonable amount of their effects and articles of personal use.

If any such person is refused permission to leave the territory, he shall be entitled to have such refusal reconsidered as soon as possible by an appropriate court or administrative board designated by the Detaining Power for that purpose.

Upon request, representatives of the Protecting Power shall, unless reasons of security prevent it, or the persons concerned object, be furnished with the reasons for refusal of any request for permission to leave the territory and be given, as expeditiously as possible, the names of all persons who have been denied permission to leave.

Article 36

Method of repatriation.

Departures permitted under the foregoing Article shall be carried out in satisfactory conditions as regards safety, hygiene, sanitation and food. All costs in connection therewith, from the point of exit in the territory of the Detaining Power, shall be borne by the country of destination, or, in the case of accommodation in neutral country, by the Power whose nationals are benefited. The practical details of such movements may, if necessary, be settled by special agreements between the Powers concerned.

The foregoing shall not prejudice such special agreements as may be concluded between Parties to the conflict concerning the exchange and repatriation of their nationals in enemy hands.

Article 37

Persons in confinement.

Protected persons who are confined pending proceedings or subject to a sentence involving loss of liberty, shall during their confinement be humanely treated.

As soon as they are released, they may ask to leave the territory in conformity with the foregoing Articles.

Article 38

With the exception of special measures authorised by the present Convention, in particular by Articles 27 and 41 thereof, the situation of protected persons shall continue to be regulated, in principle, by the provisions concerning aliens in time of peace. In any case, the following rights shall be granted to them:—

- (1) They shall be enabled to receive the individual or collective relief that may be sent to them.
- (2) They shall, if their state of health so requires, receive medical attention and hospital treatment to the same extent as the nationals of the State concerned.
- (3) They shall be allowed to practise their religion and to receive spiritual assistance from ministers of their faith.
- (4) If they reside in an area particularly exposed to the dangers of war, they shall be authorised to move from that area to the same extent as the nationals of the State concerned.
- (5) Children under fifteen years, pregnant women and mothers of children under seven years shall benefit by any preferential treatment to the same extent as the nationals of the State concerned.

Article 39

Protected persons who, as a result of the war, have lost their gainful employment, shall be granted the opportunity to find paid employment. That opportunity shall, subject to security considerations and to the provisions of Article 40, be equal to that enjoyed by the nationals of the Power in whose territory they are.

II.
Means of
existence.

Where a Party to the conflict applies to a protected person methods of control which result in his being unable to support himself, and especially if such a person is prevented for reasons of security from finding paid employment on reasonable conditions, the said Party shall ensure his support and that of his dependents.

Protected persons may in any case receive allowances from their home country, the Protecting Power, or the relief societies referred to in Article 30.

Article 40

Protected persons may be compelled to work only to the same extent as nationals of the Party to the conflict in whose territory they are.

III.
Employment.

If protected persons are of enemy nationality, they may only be compelled to do work which is normally necessary to ensure the feeding, sheltering, clothing, transport and health of human beings and which is not directly related to the conduct of military operations.

In the cases mentioned in the two preceding paragraphs, protected persons compelled to work shall have the benefit of the same working conditions and of the same safeguards as national workers, in particular as regards wages, hours of labour, clothing and equipment, previous training and compensation for occupational accidents and diseases.

If the above provisions are infringed, protected persons shall be allowed to exercise their right of complaint in accordance with Article 30.

Article 41

IV.
Assigned
residence,
Internment.

Should the Power in whose hands protected persons may be considered the measures of control mentioned in the present Convention to be inadequate, it may not have recourse to any other measure of control more severe than that of assigned residence or internment, in accordance with the provisions of Articles 42 and 43.

In applying the provisions of Article 39, second paragraph, to the cases of persons required to leave their usual places of residence by virtue of a decision placing them in assigned residence elsewhere, the Detaining Power shall be guided as closely as possible by the standards of welfare set forth in Part III, Section IV of this Convention.

Article 42

V.
Grounds for
internment
or assigned
residence.
Voluntary
internment.

The internment or placing in assigned residence of protected persons may be ordered only if the security of the Detaining Power makes it absolutely necessary.

If any person, acting through the representatives of the Protecting Power, voluntarily demands internment, and if his situation renders this step necessary, he shall be interned by the Power in whose hands he may be.

Article 43

VI.
Procedure.

Any protected person who has been interned or placed in assigned residence shall be entitled to have such action reconsidered as soon as possible by an appropriate court or administrative board designated by the Detaining Power for that purpose. If the internment or placing in assigned residence is maintained, the court or administrative board shall periodically, and at least twice yearly, give consideration to his or her case, with a view to the favourable amendment of the initial decision, if circumstances permit.

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Unless the protected persons concerned object, the Detaining Power shall, as rapidly as possible, give the Protecting Power the names of any protected persons who have been interned or subjected to assigned residence, or who have been released from internment or assigned residence. The decisions of the courts or boards mentioned in the first paragraph of the present Article shall also, subject to the same conditions, be notified as rapidly as possible to the Protecting Power.

Article 44

In applying the measures of control mentioned in the present Convention, the Detaining Power shall not treat as enemy aliens exclusively on the basis of their nationality *de jure* of an enemy State refugees who do not, in fact, enjoy the protection of any government.

Article 45

Protected persons shall not be transferred to a Power which is not a party to the Convention.

VIII.
Transfer to
another
Power.

This provision shall in no way constitute an obstacle to the repatriation of protected persons, or to their return to their country of residence after the cessation of hostilities.

Protected persons may be transferred by the Detaining Power only to a Power which is a party to the present Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the present Convention. If protected persons are transferred under such circumstances, responsibility for the application of the present Convention rests on the Power accepting them, while they are in its custody. Nevertheless, if that Power fails to carry out the provisions of the present Convention in any important respect, the Power by which the protected persons were transferred shall, upon being so notified by the Protecting Power, take effective measures to correct the situation or shall request the return of the protected persons. Such request must be complied with.

In no circumstances shall a protected person be transferred to a country where he or she may have reason to fear persecution for his or her political opinions or religious beliefs.

The provisions of this Article do not constitute an obstacle to the extradition, in pursuance of extradition treaties concluded before the outbreak of hostilities, of protected persons accused of offences against ordinary criminal law.

Article 46

Cancellation
of restrictive
measures.

In so far as they have not been previously withdrawn, restrictive measures taken regarding protected persons shall be cancelled as soon as possible after the close of hostilities.

Restrictive measures affecting their property shall be cancelled, in accordance with the law of the Detaining Power, as soon as possible after the close of hostilities.

SECTION III

OCCUPIED TERRITORIES

Article 47

Inviolability
of rights.

Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory.

Article 48

Special cases
of repatria-
tion.

Protected persons who are not nationals of the Power whose territory is occupied, may avail themselves of the right to leave the territory subject to the provisions of Article 35, and decisions thereon shall be taken according to the procedure which the Occupying Power shall establish in accordance with the said Article.

Article 49

Deportations,
transfers,
evacuations.

Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.

Nevertheless, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand. Such evacuations may not involve the displacement of protected persons outside the bounds of the occupied territory except when for material reasons it is impossible to avoid such displacement. Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased.

The Occupying Power undertaking such transfers or evacuations shall ensure, to the greatest practicable extent, that proper accommodation is provided to receive the protected persons, that the removals are effected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated.

The Protecting Power shall be informed of any transfers and evacuations as soon as they have taken place.

The Occupying Power shall not detain protected persons in an area particularly exposed to the dangers of war unless the security of the population or imperative military reasons so demand.

The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.

Article 50

The Occupying Power shall, with the co-operation of the national Children. and local authorities, facilitate the proper working of all institutions devoted to the care and education of children.

The Occupying Power shall take all necessary steps to facilitate the identification of children and the registration of their parentage. It may not, in any case, change their personal status, nor enlist them in formations or organizations subordinate to it.

Should the local institutions be inadequate for the purpose, the Occupying Power shall make arrangements for the maintenance and education, if possible by persons of their own nationality, language and religion, of children who are orphaned or separated from their parents as a result of the war and who cannot be adequately cared for by a near relative or friend.

A special section of the Bureau set up in accordance with Article 136 shall be responsible for taking all necessary steps to identify children whose identity is in doubt. Particulars of their parents or other near relatives should always be recorded if available.

The Occupying Power shall not hinder the application of any preferential measures in regard to food, medical care and protection against the effects of war which may have been adopted prior to the occupation in favour of children under fifteen years, expectant mothers, and mothers of children under seven years.

Article 51

The Occupying Power may not compel protected persons to serve Enlistment Labour. in its armed or auxiliary forces. No pressure or propaganda which aims at securing voluntary enlistment is permitted.

The Occupying Power may not compel protected persons to work unless they are over eighteen years of age, and then only on work which is necessary either for the needs of the army of occupation, or for the public utility services, or for the feeding, sheltering, clothing, transportation or health of the population of the occupied country. Protected persons may not be compelled to undertake any work which would involve them in the obligation of taking part in military operations. The Occupying Power may not compel protected persons to employ forcible means to ensure the security of the installations where they are performing compulsory labour.

The work shall be carried out only in the occupied territory where the persons whose services have been requisitioned are. Every such person shall, so far as possible, be kept in his usual place of employment. Workers shall be paid a fair wage and the work shall be proportionate to their physical and intellectual capacities. The legislation in force in the occupied country concerning working conditions, and safeguards as regards, in particular, such matters as wages, hours of work, equipment, preliminary training and compensation for occupational accidents and diseases, shall be applicable to the protected persons assigned to the work referred to in this Article.

In no case shall requisition of labour lead to a mobilization of workers in an organization of a military or semi-military character.

Article 52

Protection of workers.

No contract, agreement or regulation shall impair the right of any worker, whether voluntary or not and wherever he may be, to apply to the representatives of the Protecting Power in order to request the said Power's intervention.

All measures aiming at creating unemployment or at restricting the opportunities offered to workers in an occupied territory, in order to induce them to work for the Occupying Power, are prohibited.

Article 53

Prohibited destruction.

Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or co-operative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.

Article 54

Judges and public officials.

The Occupying Power may not alter the status of public officials or judges in the occupied territories, or in any way apply sanctions to or take any measures of coercion or discrimination against them,

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should they abstain from fulfilling their functions for reasons of conscience.

This prohibition does not prejudice the application of the second paragraph of Article 51. It does not affect the right of the Occupying Power to remove public officials from their posts.

Article 55

To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate.

Food and
medical
supplies for
the popula-
tion.

The Occupying Power may not requisition foodstuffs, articles or medical supplies available in the occupied territory, except for use by the occupation forces and administration personnel, and then only if the requirements of the civilian population have been taken into account. Subject to the provisions of other international Conventions, the Occupying Power shall make arrangements to ensure that fair value is paid for any requisitioned goods.

The Protecting Power shall, at any time, be at liberty to verify the state of the food and medical supplies in occupied territories, except where temporary restrictions are made necessary by imperative military requirements.

Article 56

To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring and maintaining, with the co-operation of national and local authorities, the medical and hospital establishments and services, public health and hygiene in the occupied territory, with particular reference to the adoption and application of the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics. Medical personnel of all categories shall be allowed to carry out their duties.

Hygiene and
public health

If new hospitals are set up in occupied territory and if the competent organs of the occupied State are not operating there, the occupying authorities shall, if necessary, grant them the recognition provided for in Article 18. In similar circumstances, the occupying authorities shall also grant recognition to hospital personnel and transport vehicles under the provisions of Articles 20 and 21.

In adopting measures of health and hygiene and in their implementation, the Occupying Power shall take into consideration the moral and ethical susceptibilities of the population of the occupied territory.

*Article 57***Requisition
of hospitals.**

The Occupying Power may requisition civilian hospitals only temporarily and only in cases of urgent necessity for the care of military wounded and sick, and then on condition that suitable arrangements are made in due time for the care and treatment of the patients and for the needs of the civilian population for hospital accommodation.

The material and stores of civilian hospitals cannot be requisitioned so long as they are necessary for the needs of the civilian population.

*Article 58***Spiritual
assistance.**

The Occupying Power shall permit ministers of religion to give spiritual assistance to the members of their religious communities.

The Occupying Power shall also accept consignments of books and articles required for religious needs and shall facilitate their distribution in occupied territory.

*Article 59***Relief
I.
Collective
relief.**

If the whole or part of the population of an occupied territory is inadequately supplied, the Occupying Power shall agree to relief schemes on behalf of the said population, and shall facilitate them by all the means at its disposal.

Such schemes, which may be undertaken either by States or by impartial humanitarian organizations such as the International Committee of the Red Cross, shall consist, in particular, of the provision of consignments of foodstuffs, medical supplies and clothing.

All Contracting Parties shall permit the free passage of these consignments and shall guarantee their protection.

A Power granting free passage to consignments on their way to territory occupied by an adverse Party to the conflict shall, however, have the right to search the consignments, to regulate their passage according to prescribed times and routes, and to be reasonably satisfied through the Protecting Power that these consignments are to be used for the relief of the needy population and are not to be used for the benefit of the Occupying Power.

*Article 60***II. Responsi-
bilities of the
Occupying
Power.**

Relief consignments shall in no way relieve the Occupying Power of any of its responsibilities under Articles 55, 56 and 59. The Occupying Powers shall in no way whatsoever divert relief consignments from the purpose for which they are intended, except

in cases of urgent necessity, in the interests of the population of the occupied territory and with the consent of the Protecting Power.

Article 61

The distribution of the relief consignments referred to in the III. foregoings Articles shall be carried out with the co-operation and under Distributions. the supervision of the Protecting Power. This duty may also be delegated, by agreement between the Occupying Power and the Protecting Power, to a neutral Power, to the International Committee of the Red Cross or to any other impartial humanitarian body.

Such consignments shall be exempt in occupied territory from all charges, taxes or customs duties unless these are necessary in the interests of the economy of the territory. The Occupying Power shall facilitate the rapid distribution of these consignments.

All Contracting Parties shall endeavour to permit the transit and transport, free of charge, of such relief consignments on their way to occupied territories.

Article 62

Subject to imperative reasons of security, protected persons in IV. individual occupied territories shall be permitted to receive the individual relief. relief consignments sent to them.

Article 63

Subject to temporary and exceptional measures imposed for National Red Cross and other relief societies. urgent reasons of security by the Occupying Power :

(a) recognized National Red Cross (Red Crescent, Red Lion and Sun) Societies shall be able to pursue their activities in accordance with Red Cross principles, as defined by the International Red Cross Conferences. Other relief societies shall be permitted to continue their humanitarian activities under similar conditions ;

(b) the Occupying Power may not require any changes in the personnel or structure of these societies, which would prejudice the aforesaid activities.

The same principles shall apply to the activities and personnel of special organizations of a non-military character, which already exist or which may be established, for the purpose of ensuring the living conditions of the civilian population by the maintenance of the essential public utility services, by the distribution of relief and by the organization of rescues.

Article 64

Penal legislation.
I.
General observations.

The penal laws of the occupied territory shall remain in force, with the exception that they may be repealed or suspended by the Occupying Power in cases where they constitute a threat to its security or an obstacle to the application of the present Convention. Subject to the latter consideration and to the necessity for ensuring the effective administration of justice, the tribunals of the occupied territory shall continue to function in respect of all offences covered by the said laws.

The Occupying Power may, however, subject the population of the occupied territory to provisions which are essential to enable the Occupying Power to fulfil its obligations under the present Convention, to maintain the orderly government of the territory, and to ensure the security of the Occupying Power, of the members and property of the occupying forces or administration, and likewise of the establishments and lines of communications used by them.

Article 65

II.
Publication.

The penal provisions enacted by the Occupying Power shall not come into force before they have been published and brought to the knowledge of the inhabitants in their own language. The effect of these penal provisions shall not be retroactive.

Article 66

III.
Competent Courts.

In case of a breach of the penal provisions promulgated by it by virtue of the second paragraph of Article 64, the Occupying Power may hand over the accused to its properly constituted, non-political military courts, on condition that the said courts sit in the occupied country. Courts of appeal shall preferably sit in the occupied country.

Article 67

IV.
Applicable provisions.

The courts shall apply only those provisions of law which were applicable prior to the offence, and which are in accordance with general principles of law, in particular the principle that the penalty shall be proportional to the offence. They shall take into consideration the fact that the accused is not a national of the Occupying Power.

Article 68

V.
Penalties.
Death penalty.

Protected persons who commit an offence which is solely intended to harm the Occupying Power, but which does not constitute an attempt on the life or limb of members of the occupying forces or

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administration, nor a grave collective danger, nor seriously damage the property of the occupying forces or administration or the installations used by them, shall be liable to internment or simple imprisonment, provided the duration of such internment or imprisonment is proportionate to the offence committed. Furthermore, internment or imprisonment shall, for such offences, be the only measure adopted for depriving protected persons of liberty. The courts provided for under Article 66 of the present Convention may at their discretion convert a sentence of imprisonment to one of internment for the same period.

The penal provisions promulgated by the Occupying Power in accordance with Articles 64 and 65 may impose the death penalty on a protected person only in cases where the person is guilty of espionage, of serious acts of sabotage against the military installations of the Occupying Power or of intentional offences which have caused the death of one or more persons, provided that such offences were punishable by death under the law of the occupied territory in force before the occupation began.

The death penalty may not be pronounced against a protected person unless the attention of the court has been particularly called to the fact that since the accused is not a national of the Occupying Power, he is not bound to it by any duty of allegiance.

In any case, the death penalty may not be pronounced against a protected person who was under eighteen years of age at the time of the offence.

Article 69

In all cases, the duration of the period during which a protected person accused of an offence is under arrest awaiting trial or punishment shall be deducted from any period of imprisonment awarded.

VI.
Deduction
from
sentence of
period spent
under arrest

Article 70

Protected persons shall not be arrested, prosecuted or convicted by the Occupying Power for acts committed or for opinions expressed before the occupation, or during a temporary interruption thereof, with the exception of breaches of the laws and customs of war.

VII.
Offences
committed
before
occupation.

Nationals of the Occupying Power who, before the outbreak of hostilities, have sought refuge in the territory of the occupied State, shall not be arrested, prosecuted, convicted or deported from the occupied territory, except for offences committed after the outbreak of hostilities, or for offences under common law committed before the outbreak of hostilities which, according to the law of the occupied State, would have justified extradition in time of peace.

Article 71

Penal procedure.

I.
General observations.

No sentence shall be pronounced by the competent courts of the Occupying Power except after a regular trial.

Accused persons who are prosecuted by the Occupying Power shall be promptly informed, in writing, in a language which they understand, of the particulars of the charges preferred against them, and shall be brought to trial as rapidly as possible. The Protecting Power shall be informed of all proceedings instituted by the Occupying Power against protected persons in respect of charges involving the death penalty or imprisonment for two years or more; it shall be enabled, at any time, to obtain information regarding the state of such proceedings. Furthermore, the Protecting Power shall be entitled, on request, to be furnished with all particulars of these and of any other proceedings instituted by the Occupying Power against protected persons.

The notification to the Protecting Power, as provided for in the second paragraph above, shall be sent immediately, and shall in any case reach the Protecting Power three weeks before the date of the first hearing. Unless, at the opening of the trial, evidence is submitted that the provisions of this Article are fully complied with, the trial shall not proceed. The notification shall include the following particulars :

- (a) description of the accused;
- (b) place of residence or detention ;
- (c) specification of the charge or charges (with mention of the penal provisions under which it is brought);
- (d) designation of the court which will hear the case ;
- (e) place and date of the first hearing.

Article 72

II.
Right of defence.

Accused persons shall have the right to present evidence necessary to their defence and may, in particular, call witnesses. They shall have the right to be assisted by a qualified advocate or counsel of their own choice, who shall be able to visit them freely and shall enjoy the necessary facilities for preparing the defence.

Failing a choice by the accused, the Protecting Power may provide him with an advocate or counsel. When an accused person has to meet a serious charge and the Protecting Power is not functioning, the Occupying Power, subject to the consent of the accused, shall provide an advocate or counsel.

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Accused persons shall, unless they freely waive such assistance, be aided by an interpreter, both during preliminary investigation and during the hearing in court. They shall have the right at any time to object to the interpreter and to ask for his replacement.

Article 73

A convicted person shall have the right of appeal provided for III. by the laws applied by the court. He shall be fully informed of his Right of appeal. right to appeal or petition and of the time limit within which he may do so.

The penal procedure provided in the present Section shall apply, as far as it is applicable, to appeals. Where the laws applied by the Court make no provision for appeals, the convicted person shall have the right to petition against the finding and sentence to the competent authority of the Occupying Power.

Article 74

Representatives of the Protecting Power shall have the right to IV. attend the trial of any protected person, unless the hearing has, as Assistance by the an exceptional measure, to be held *in camera* in the interests of Protecting Power. the security of the Occupying Power, which shall then notify the Protecting Power. A notification in respect of the date and place of trial shall be sent to the Protecting Power.

Any judgment involving a sentence of death, or imprisonment for two years or more, shall be communicated, with the relevant grounds, as rapidly as possible to the Protecting Power. The notification shall contain a reference to the notification made under Article 71 and, in the case of sentences of imprisonment, the name of the place where the sentence is to be served. A record of judgments other than those referred to above shall be kept by the court and shall be open to inspection by representatives of the Protecting Power. Any period allowed for appeal in the case of sentences involving the death penalty, or imprisonment of two years or more, shall not run until notification of judgment has been received by the Protecting Power.

Article 75

In no case shall persons condemned to death be deprived of the V. right of petition for pardon or reprieve. Death sentence

No death sentence shall be carried out before the expiration of a period of at least six months from the date of receipt by the Protecting Power of the notification of the final judgment confirming such death sentence, or of an order denying pardon or reprieve.

The six months period of suspension of the death sentence herein prescribed may be reduced in individual cases in circumstances of grave emergency involving an organized threat to the security of the Occupying Power or its forces, provided always that the Protecting Power is notified of such reduction and is given reasonable time and opportunity to make representations to the competent occupying authorities in respect of such death sentences.

Article 76

Treatment of detainees.

Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein. They shall, if possible, be separated from other detainees and shall enjoy conditions of food and hygiene which will be sufficient to keep them in good health, and which will be at least equal to those obtaining in prisons in the occupied country.

They shall receive the medical attention required by their state of health.

They shall also have the right to receive any spiritual assistance which they may require.

Women shall be confined in separate quarters and shall be under the direct supervision of women.

Proper regard shall be paid to the special treatment due to minors.

Protected persons who are detained shall have the right to be visited by delegates of the Protecting Power and of the International Committee of the Red Cross, in accordance with the provisions of Article 143.

Such persons shall have the right to receive at least one relief parcel monthly.

Article 77

Handing over of detainees at the close of occupation.

Protected persons who have been accused of offences or convicted by the courts in occupied territory, shall be handed over at the close of occupation, with the relevant records, to the authorities of the liberated territory.

Article 78

Security measures.

If the Occupying Power considers it necessary, for imperative reasons of security, to take safety measures concerning protected

persons, it may, at the most, subject them to assigned residence or Internment and assigned residences.

Decisions regarding such assigned residence or internment shall Right of be made according to a regular procedure to be prescribed by the appeal. Occupying Power in accordance with the provisions of the present Convention. This procedure shall include the right of appeal for the parties concerned. Appeals shall be decided with the least possible delay. In the event of the decision being upheld, it shall be subject to periodical review, if possible every six months, by a competent body set up by the said Power.

Protected persons made subject to assigned residence and thus required to leave their homes shall enjoy the full benefit of Article 39 of the present Convention.

SECTION IV

REGULATIONS FOR THE TREATMENT OF INTERNEES

CHAPTER I

GENERAL PROVISIONS

Article 79

The Parties to the conflict shall not intern protected persons, Cases of except in accordance with the provisions of Articles 41, 42, 43, 68 internment and applicable provisions. and 78.

Article 80

Internees shall retain their full civil capacity and shall exercise Civil capacity. such attendant rights as may be compatible with their status.

Article 81

Parties to the conflict who intern protected persons shall be Maintenance. bound to provide free of charge for their maintenance, and to grant them also the medical attention required by their state of health.

No deduction from the allowances, salaries or credits due to the internees shall be made for the repayment of these costs.

The Detaining Power shall provide for the support of those dependent on the internees, if such dependents are without adequate means of support or are unable to earn a living.

Article 82

Grouping of Internees. The Detaining Power shall, as far as possible, accommodate the internees according to their nationality, language and customs. Internees who are nationals of the same country shall not be separated merely because they have different languages.

Throughout the duration of their internment, members of the same family, and in particular parents and children, shall be lodged together in the same place of internment, except when separation of a temporary nature is necessitated for reasons of employment or health or for the purposes of enforcement of the provisions of Chapter IX of the present Section. Internees may request that their children who are left at liberty without parental care shall be interned with them.

Wherever possible, interned members of the same family shall be housed in the same premises and given separate accommodation from other internees, together with facilities for leading a proper family life.

CHAPTER II

PLACES OF INTERNMENT

Article 83

Location of places of internment. The Detaining Power shall not set up places of internment in areas particularly exposed to the dangers of war.

Marking of camps. The Detaining Power shall give the enemy Powers, through the intermediary of the Protecting Powers, all useful information regarding the geographical location of places of internment.

Whenever military considerations permit, internment camps shall be indicated by the letters IC, placed so as to be clearly visible in the daytime from the air. The Powers concerned may, however, agree upon any other system of marking. No place other than an internment camp shall be marked as such.

Article 84

Separate internment. Internees shall be accommodated and administered separately from prisoners of war and from persons deprived of liberty for any other reason.

Article 85

Accommodation, hygiene. The Detaining Power is bound to take all necessary and possible measures to ensure that protected persons shall, from the outset of

their internment, be accommodated in buildings or quarters which afford every possible safeguard as regards hygiene and health, and provide efficient protection against the rigours of the climate, and the effects of the war. In no case shall permanent places of internment be situated in unhealthy areas or in districts the climate of which is injurious to the internees. In all cases where the district, in which a protected person is temporarily interned, is an unhealthy area or has a climate which is harmful to his health, he shall be removed to a more suitable place of internment as rapidly as circumstances permit.

The premises shall be fully protected from dampness, adequately heated and lighted, in particular between dusk and lights out. The sleeping quarters shall be sufficiently spacious and well ventilated, and the internees shall have suitable bedding and sufficient blankets, account being taken of the climate, and the age, sex, and state of health of the internees.

Internees shall have for their use, day and night, sanitary conveniences which conform to the rules of hygiene, and are constantly maintained in a state of cleanliness. They shall be provided with sufficient water and soap for their daily personal toilet and for washing their personal laundry; installations and facilities necessary for this purpose shall be granted to them. Showers or baths shall also be available. The necessary time shall be set aside for washing and for cleaning.

Whenever it is necessary, as an exceptional and temporary measure, to accommodate women internees who are not members of a family unit in the same place of internment as men, the provision of separate sleeping quarters and sanitary conveniences for the use of such women internees shall be obligatory.

Article 86

The Detaining Power shall place at the disposal of interned persons, of whatever denomination, premises suitable for the holding of their religious services.

Article 87

Canteens shall be installed in every place of internment, except Canteens, where other suitable facilities are available. Their purpose shall be to enable internees to make purchases, at prices not higher than local market prices, of foodstuffs and articles of everyday use, including soap and tobacco, such as would increase their personal well-being and comfort.

Profits made by canteens shall be credited to a welfare fund to be set up for each place of internment, and administered for the benefit of the internees attached to such place of internment. The Internee Committee provided for in Article 102 shall have the right to check the management of the canteen and of the said fund.

When a place of internment is closed down, the balance of the welfare fund shall be transferred to the welfare fund of a place of internment for internees of the same nationality, or, if such a place does not exist, to a central welfare fund which shall be administered for the benefit of all internees remaining in the custody of the Detaining Power. In case of a general release, the said profits shall be kept by the Detaining Power, subject to any agreement to the contrary between the Powers concerned.

Article 88

Air raid
shelters.
Protective
measures.

In all places of internment exposed to air raids and other hazards of war, shelters adequate in number and structure to ensure the necessary protection shall be installed. In case of alarms, the internees shall be free to enter such shelters as quickly as possible, excepting those who remain for the protection of their quarters against the aforesaid hazards. Any protective measures taken in favour of the population shall also apply to them.

All due precautions must be taken in places of internment against the danger of fire.

CHAPTER III

FOOD AND CLOTHING

Food.

Daily food rations for internees shall be sufficient in quantity, quality and variety to keep internees in a good state of health and prevent the development of nutritional deficiencies. Account shall also be taken of the customary diet of the internees.

Internees shall also be given the means by which they can prepare for themselves any additional food in their possession.

Sufficient drinking water shall be supplied to internees. The use of tobacco shall be permitted.

Internees who work shall receive additional rations, in proportion to the kind of labour which they perform.

Expectant and nursing mothers and children under fifteen years of age, shall be given additional food, in proportion to their physiological needs.

Article 90

When taken into custody, internees shall be given all facilities to Clothing, provide themselves with the necessary clothing, footwear and change of underwear, and later on, to procure further supplies if required. Should any internees not have sufficient clothing, account being taken of the climate, and be unable to procure any, it shall be provided free of charge to them by the Detaining Power.

The clothing supplied by the Detaining Power to internees and the outward markings placed on their own clothes shall not be ignominious nor expose them to ridicule.

Workers shall receive suitable working outfits, including protective clothing, whenever the nature of their work so requires.

CHAPTER IV

HYGIENE AND MEDICAL ATTENTION

Article 91

Every place of internment shall have an adequate infirmary, Medical under the direction of a qualified doctor, where internees may have attention. the attention they require, as well as appropriate diet. Isolation wards shall be set aside for cases of contagious or mental diseases.

Maternity cases and internees suffering from serious diseases, or whose conditions require special treatment, a surgical operation or hospital care, must be admitted to any institution where adequate treatment can be given and shall receive care not inferior to that provided for the general population.

Internees shall, for preference, have the attention of medical personnel of their own nationality.

Internees may not be prevented from presenting themselves to the medical authorities for examination. The medical authorities of the Detaining Power shall, upon request, issue to every internee who has undergone treatment an official certificate showing the nature of his illness or injury, and the duration and nature of the treatment given. A duplicate of this certificate shall be forwarded to the Central Agency provided for in Article 140.

Treatment, including the provision of any apparatus necessary for the maintenance of internees in good health, particularly dentures and other artificial appliances and spectacles, shall be free of charge to the internee.

Article 92

Medical inspections.

Medical inspections of internees shall be made at least once a month. Their purpose shall be, in particular, to supervise the general state of health, nutrition and cleanliness of internees and to detect contagious diseases, especially tuberculosis, malaria, and venereal diseases. Such inspections shall include, in particular the checking of weight of each internee and, at least once a year, radioscopic examination.

CHAPTER V

RELIGIOUS, INTELLECTUAL AND PHYSICAL ACTIVITIES

Article 93

Religious duties.

Internees shall enjoy complete latitude in the exercise of their religious duties, including attendance at the services of their faith, on condition that they comply with the disciplinary routine prescribed by the detaining authorities.

Ministers of religion who are interned shall be allowed to minister freely to the members of their community. For this purpose the Detaining Power shall ensure their equitable allocation amongst the various places of internment in which there are internees speaking the same language and belonging to the same religion. Should such ministers be too few in number, the Detaining Power shall provide them with the necessary facilities including means of transport, for moving from one place to another, and they shall be authorized to visit any internees who are in hospital. Ministers of religions shall be at liberty to correspond on matters concerning their ministry with the religious authorities in the country of detention and, as far as possible, with the international religious organizations of their faith. Such correspondence shall not be considered as forming a part of the quota mentioned in Article 107. It shall, however, be subject to the provisions of Article 112.

When internees do not have at their disposal the assistance of ministers of their faith, or should these latter be too few in number, the local religious authorities of the same faith may appoint, in agreement with the Detaining Power, a minister of the internees' faith or, if such a course is feasible from a denominational point of view, a minister of similar religion or a qualified layman. The latter shall enjoy the facilities granted to the ministry he has assumed. Persons so appointed shall comply with all regulations laid down by the Detaining Power in the interests of discipline and security.

Article 94

The Detaining Power shall encourage intellectual, educational Recreation, and recreational pursuits, sports and games amongst internees, study, sports whilst leaving them free to take part in them or not. It shall take all practicable measures to ensure the exercise thereof, in particular by providing suitable premises.

All possible facilities shall be granted to internees to continue their studies or to take up new subjects. The education of children and young people shall be ensured; they shall be allowed to attend schools either within the place of internment or outside.

Internees shall be given opportunities for physical exercise, sports and outdoor games. For this purpose, sufficient open spaces shall be set aside in all places of internment. Special playgrounds shall be reserved for children and young people.

Article 95

The Detaining Power shall not employ internees as workers, unless they so desire. Employment which, if undertaken under compulsion by a protected person not in internment, would involve a breach of Article 40 or 51 of the present Convention, and employment on work which is of a degrading or humiliating character are in any case prohibited.

After a working period of six weeks, internees shall be free to give up work at any moment, subject to eight days' notice.

These provisions constitute no obstacle to the right of the Detaining Power to employ interned doctors, dentists and other medical personnel in their professional capacity on behalf of their fellow internees, or to employ internees for administrative and maintenance work in places of internment and to detail such persons for work in the kitchens or for other domestic tasks, or to require such persons to undertake duties connected with the protection of internees against aerial bombardment or other war risks. No internee may, however, be required to perform tasks for which he is, in the opinion of a medical officer, physically unsuited.

The Detaining Power shall take entire responsibility for all working conditions, for medical attention, for the payment of wages, and for ensuring that all employed internees receive compensation for occupational accidents and diseases. The standards prescribed for the said working conditions and for compensation shall be in accordance with the national laws and regulations, and with the existing practice; they shall in no case be inferior to those obtaining for work of the same nature in the same district. Wages for work

done shall be determined on an equitable basis by special agreements between the internees, the Detaining Power, and, if the case arises, employers other than the Detaining Power, due regard being paid to the obligation of the Detaining Power to provide for the free maintenance of internees and for the medical attention which their state of health may require. Internees permanently detailed for categories of work mentioned in the third paragraph of this Article, shall be paid fair wages by the Detaining Power. The working conditions and the scale of compensation for occupational accidents and diseases to internees, thus detailed, shall not be inferior to those applicable to work of the same nature in the same district.

Article 96

Labour detachments.

All labour detachments shall remain part of and dependent upon a place of internment. The competent authorities of the Detaining Power and the commandant of a place of internment shall be responsible for the observance in a labour detachment of the provisions of the present Convention. The commandant shall keep an up-to-date list of the labour detachments subordinate to him and shall communicate it to the delegates of the Protecting Power, of the International Committee of the Red Cross and of other humanitarian organisations who may visit the places of internment.

CHAPTER VI

PERSONAL PROPERTY AND FINANCIAL RESOURCES

Article 97

Valuables and personal effects.

Internees shall be permitted to retain articles of personal use. Monies, cheques, bonds, etc., and valuables in their possession may not be taken from them except in accordance with established procedure. Detailed receipts shall be given therefor.

The amounts shall be paid into the account of every internee as provided for in Article 98. Such amounts may not be converted into any other currency unless legislation in force in the territory in which the owner is interned so requires or the internee gives his consent.

Articles which have above all a personal or sentimental value may not be taken away.

A woman internee shall not be searched except by a woman.

On release or repatriation, internees shall be given all articles, monies or other valuables taken from them during internment and shall receive in currency the balance of any credit to their accounts.

kept in accordance with Article 98, with the exception of any articles or amounts withheld by the Detaining Power by virtue of its legislation in force. If the property of an internee is so withheld, the owner shall receive a detailed receipt.

Family or identity documents in the possession of internees may not be taken away without a receipt being given. At no time shall internees be left without identity documents. If they have none, they shall be issued with special documents drawn up by the detaining authorities, which will serve as their identity papers until the end of their internment.

Internees may keep on their persons a certain amount of money, in cash or in the shape of purchase coupons, to enable them to make purchases.

Article 98

All internees shall receive regular allowances, sufficient to enable them to purchase goods and articles, such as tobacco, toilet requisites, etc. Such allowances may take the form of credits or purchase coupons.

Financial resources and individual accounts.

Furthermore, internees may receive allowances from the Power to which they owe allegiance, the Protecting Powers, the organisations which may assist them, or their families, as well as the income on their property in accordance with the law of the Detaining Power. The amount of allowances granted by the Power to which they owe allegiance shall be the same for each category of internees (infirm, sick, pregnant women, etc.) but may not be allocated by that Power or distributed by the Detaining Power on the basis of discriminations between internees which are prohibited by Article 27 of the present Convention.

The Detaining Power shall open a regular account for every internee, to which shall be credited the allowances named in the present Article, the wages earned and the remittances received, together with such sums taken from him as may be available under the legislation in force in the territory in which he is interned. Internees shall be granted all facilities consistent with the legislation in force in such territory to make remittances to their families and to other dependants. They may draw from their accounts the amounts necessary for their personal expenses, within the limits fixed by the Detaining Power. They shall at all times be afforded reasonable facilities for consulting and obtaining copies of their accounts. A statement of accounts shall be furnished to the Protecting Power, on request and shall accompany the internee in case of transfer.

CHAPTER VII

ADMINISTRATION AND DISCIPLINE

Article 99

Camp administration.
Posting of the Convention and of orders.

Every place of internment shall be put under the authority of a responsible officer, chosen from the regular military forces or the regular civil administration of the Detaining Power. The officer in charge of the place of internment must have in his possession a copy of the present Convention in the official language, or one of the official languages, of his country and shall be responsible for its application. The staff in control of internees shall be instructed in the provisions of the present Convention and of the administrative measures adopted to ensure its application.

The text of the present Convention and the texts of special agreements concluded under the said Convention shall be posted inside the place of internment, in a language which the internees understand, or shall be in the possession of the Internee Committee.

Regulations, orders, notices and publications of every kind shall be communicated to the internees and posted inside the places of internment, in a language which they understand.

Every order and command addressed to internees individually must, likewise, be given in a language which they understand.

Article 100

General discipline.

The disciplinary regime in places of internment shall be consistent with humanitarian principles, and shall in no circumstances include regulations imposing on internees any physical exertion dangerous to their health or involving physical or moral victimization. Identification by tattooing or imprinting signs or markings on the body, is prohibited.

In particular, prolonged standing and roll-calls, punishment drill, military drill and manoeuvres, or the reduction of food rations, are prohibited.

Article 101

Complaints and petitions.

Internees shall have the right to present to the authorities in whose power they are, any petition with regard to the conditions of internment to which they are subjected.

They shall also have the right to apply without restriction through the Internee Committee or, if they consider it necessary, direct to the representatives of the Protecting Power, in order to indicate to them

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any points on which they may have complaints to make with regard to the conditions of internment.

Such petitions and complaints shall be transmitted forthwith and without alteration, and even if the latter are recognized to be unfounded they may not occasion any punishment.

Periodic reports on the situation in places of internment and as to the needs of the internees may be sent by the Internee Committees to the representatives of the Protecting Powers.

Article 102

In every place of internment, the internees shall freely elect by secret ballot every six months, the members of a Committee empowered to represent them before the Detaining and the Protecting Powers, the International Committee of the Red Cross and any other organization which may assist them. The members of the Committee shall be eligible for re-election.

Internees so elected shall enter upon their duties after their election has been approved by the detaining authorities. The reasons for any refusals or dismissals shall be communicated to the Protecting Powers concerned.

Article 103

The Internee Committees shall further the physical, spiritual and intellectual well-being of the internees.

In case the internees decide, in particular, to organise a system of mutual assistance amongst themselves, this organisation would be within the competence of the Committees in addition to the special duties entrusted to them under other provisions of the present Convention.

Article 104

Members of Internee Committees shall not be required to perform any other work, if the accomplishment of their duties is rendered more difficult thereby.

Members of Internee Committees may appoint from amongst the internees such assistants as they may require. All material facilities shall be granted to them, particularly a certain freedom of movement necessary for the accomplishment of their duties (visits to labour detachments, receipt of supplies, etc.).

All facilities shall likewise be accorded to members of Internee Committees for communication by post and telegraph with the detaining authorities, the Protecting Powers, the International Committee

of the Red Cross and their delegates, and with the organizations which give assistance to internees. Committee members in labour detachments shall enjoy similar facilities for communication with their Internee Committee in the principal place of internment. Such communications shall not be limited, nor considered as forming a part of the quota mentioned in Article 107.

Members of Internee Committees who are transferred shall be allowed a reasonable time to acquaint their successors with current affairs.

CHAPTER VIII

RELATIONS WITH THE EXTERIOR

Article 105

Notification
of measures
taken.

Immediately upon interning protected persons, the Detaining Powers shall inform them, the Power to which they owe allegiance and their Protecting Power of the measures taken for executing the provisions of the present Chapter. The Detaining Powers shall likewise inform the Parties concerned of any subsequent modifications of such measures.

Article 106

Internment
card.

As soon as he is interned, or at the latest not more than one week after his arrival in a place of internment, and likewise in cases of sickness or transfer to another place of internment or to a hospital, every internee shall be enabled to send direct to his family, on the one hand, and to the Central Agency provided for by Article 140, on the other, an internment card similar, if possible, to the model annexed to the present Convention, informing his relatives of his detention, address and state of health. The said cards shall be forwarded as rapidly as possible and may not be delayed in any way.

Article 107

Correspon-
dence.

Internees shall be allowed to send and receive letters and cards. If the Detaining Power deems it necessary to limit the number of letters and cards sent by each internee, the said number shall not be less than two letters and four cards monthly; these shall be drawn up so as to conform as closely as possible to the models annexed to the present Convention. If limitations must be placed on the correspondence addressed to internees, they may be ordered only by the Power to which such internees owe allegiance, possibly at the request of the Detaining Power. Such letters and cards must be conveyed with reasonable despatch; they may not be delayed or retained for disciplinary reasons.

Internees who have been a long time without news, or who find it impossible to receive news from their relatives, or to give them news by the ordinary postal route, as well as those who are at a considerable distance from their homes, shall be allowed to send telegrams, the charges being paid by them in the currency at their disposal. They shall likewise benefit by this provision in cases which are recognized to be urgent.

As a rule, internees' mail shall be written in their own language. The Parties to the conflict may authorize correspondence in other languages.

Article 108

Internees shall be allowed to receive, by post or by any other means, individual parcels or collective shipments containing in particular foodstuffs, clothing, medical supplies, as well as books and objects of a devotional, educational or recreational character which may meet their needs. Such shipments shall in no way free the Detaining Power from the obligations imposed upon it by virtue of the present Convention.

Should military necessity require the quantity of such shipments to be limited, due notice thereof shall be given to the Protecting Power and to the International Committee of the Red Cross, or to any other organization giving assistance to the internees and responsible for the forwarding of such shipments.

The conditions for the sending of individual parcels and collective shipments shall, if necessary, be the subject of special agreements between the Powers concerned, which may in no case delay the receipt by the internees of relief supplies. Parcels of clothing and foodstuffs may not include books. Medical relief supplies shall, as a rule, be sent in collective parcels.

Article 109

In the absence of special agreements between Parties to the conflict regarding the conditions for the receipt and distribution of collective relief shipments, the regulations concerning collective relief which are annexed to the present Convention shall be applied.

The special agreements provided for above shall in no case restrict the right of Internee Committees to take possession of collective relief shipments intended for internees, to undertake their distribution and to dispose of them in the interests of the recipients.

Nor shall such agreements restrict the right of representatives of the Protecting Powers, the International Committee of the Red Cross,

or any other organization giving assistance to internees and responsible for the forwarding of collective shipments, to supervise their distribution to the recipients.

Article 110

**III.
Exemption
from postal
and transport
charges.**

All relief shipments for internees shall be exempt from import, customs and other dues.

All matter sent by mail, including relief parcels sent by parcel post and remittances of money, addressed from other countries to internees or despatched by them through the post office, either direct or through the Information Bureaux provided for in Article 136 and the Central Information Agency provided for in Article 140, shall be exempt from all postal dues both in the countries of origin and destination and in intermediate countries. To this end, in particular, the exemption provided by the Universal Postal Convention of 1947 and by the agreements of the Universal Postal Union in favour of civilians of enemy nationality detained in camps or civilian prisons, shall be extended to the other interned persons protected by the present Convention. The countries not signatory to the above-mentioned agreements shall be bound to grant freedom from charges in the same circumstances.

The cost of transporting relief shipments which are intended for internees and which, by reason of their weight or any other cause, cannot be sent through the post office, shall be borne by the Detaining Power in all the territories under its control. Other Powers which are Parties to the present Convention shall bear the cost of transport in their respective territories.

Costs connected with the transport of such shipments, which are not covered by the above paragraphs, shall be charged to the senders.

The High Contracting Parties shall endeavour to reduce, so far as possible, the charges for telegrams sent by internees, or addressed to them.

Article 111

**Special
means of
transport.**

Should military operations prevent the Powers concerned from fulfilling their obligation to ensure the conveyance of the mail and relief shipments provided for in Articles 106, 107, 108 and 113, the Protecting Powers concerned, the International Committee of the Red Cross or any other organization duly approved by the Parties to the conflict may undertake the conveyance of such shipments by suitable means (rail, motor vehicles, vessels or aircraft, etc.)

For this purpose, the High Contracting Parties shall endeavour to supply them with such transport, and to allow its circulation, especially by granting the necessary safe-conducts.

Such transport may also be used to convey:—

(a) correspondence, lists and reports exchanged between the Central Information Agency referred to in Article 140 and the National Bureaux referred to in Article 136;

(b) correspondence and reports relating to internees which the Protecting Powers, the international Committee of the Red Cross or any other organization assisting the internees exchange either with their own delegates or with the Parties to the conflict.

These provisions in no way detract from the right of any Party to the conflict to arrange other means of transport if it should so prefer, nor preclude the granting of safe-conducts, under mutually agreed conditions, to such means of transport.

The costs occasioned by the use of such means of transport shall be borne, in proportion to the importance of the shipments, by the Parties to the conflict whose nationals are benefited thereby.

Article 112

The censoring of correspondence addressed to internees or despatched by them shall be done as quickly as possible. Censorship and examination.

The examination of consignments intended for internees shall not be carried out under conditions that will expose the goods contained in them to deterioration. It shall be done in the presence of the addressee, or of a fellow-internee duly delegated by him. The delivery to internees of individual or collective consignments shall not be delayed under the pretext of difficulties of censorship.

Any prohibition of correspondence ordered by the parties to the conflict either for military or political reasons, shall be only temporary and its duration shall be as short as possible.

Article 113

The Detaining Powers shall provide all reasonable facilities for the transmission, through the Protecting Power or the Central Agency provided for in Article 140 or as otherwise required, of wills, powers of attorney, letters of authority, or any other documents intended for internees or despatched by them. Execution and transmission of legal documents.

In all cases the Detaining Powers shall facilitate the execution and authentication in due legal form of such documents on behalf of internees, in particular by allowing them to consult a lawyer.

Article 114

Management of property.

The Detaining Power shall afford internees all facilities to enable them to manage their property, provided this is not incompatible with the conditions of internment and the law which is applicable. For this purpose, the said Power may give them permission to leave the place of internment in urgent cases and if circumstances allow.

Article 115

Facilities for reparation and conduct of cases.

In all cases where an internee is a party to proceedings in any court, the Detaining Power shall, if he so requests, cause the court to be informed of his detention and shall, within legal limits, ensure that all necessary steps are taken to prevent him from being in any way prejudiced, by reason of his internment, as regards the preparation and conduct of his case or as regards the execution of any judgment of the court.

Article 116

Visits.

Every internee shall be allowed to receive visitors, especially near relatives, at regular intervals and as frequently as possible.

As far as is possible, internees shall be permitted to visit their homes in urgent cases, particularly in cases of death or serious illness of relatives.

CHAPTER IX

PENAL AND DISCIPLINARY SANCTIONS

General provisions.
Applicable legislation.

Subject to the provisions of the present Chapter, the laws in force in the territory in which they are detained will continue to apply to internees who commit offences during internment.

If general laws, regulations or orders declare acts committed by internees to be punishable, whereas the same acts are not punishable when committed by persons who are not internees, such acts shall entail disciplinary punishments only.

No internee may be punished more than once for the same act, or on the same count.

Article 118

The courts or authorities shall in passing sentence take as far as Penalties, possible into account the fact that the defendant is not a national of the Detaining Power. They shall be free to reduce the penalty prescribed for the offence with which the internee is charged and shall not be obliged, to this end, to apply the minimum sentence prescribed.

Imprisonment in premises without daylight, and, in general, all forms of cruelty without exception are forbidden.

Internees who have served disciplinary or judicial sentences shall not be treated differently from other internees.

The duration of preventive detention undergone by an internee shall be deducted from any disciplinary or judicial penalty involving confinement to which he may be sentenced.

Internee Committees shall be informed of all judicial proceedings instituted against internees whom they represent, and of their result.

Article 119

The disciplinary punishments applicable to internees shall be the *Disciplinary punishments* following:—

- (1) A fine which shall not exceed 50 per cent. of the wages which the internee would otherwise receive under the provisions of Article 95 during a period of not more than thirty days.
- (2) Discontinuance of privileges granted over and above the treatment provided for by the present Convention.
- (3) Fatigue duties, not exceeding two hours daily, in connection with the maintenance of the place of internment.
- (4) Confinement.

In no case shall disciplinary penalties be inhuman, brutal or dangerous for the health of internees. Account shall be taken of the internee's age, sex and state of health.

The duration of any single punishment shall in no case exceed a maximum of thirty consecutive days, even if the internee is answerable for several breaches of discipline when his case is dealt with, whether such breaches are connected or not.

Article 120

Internees who are recaptured after having escaped or when *Escapes*, attempting to escape, shall be liable only to disciplinary punishment in respect of this act, even if it is a repeated offence.

Article 118, paragraph 3, notwithstanding, internees punished as a result of escape or attempt to escape, may be subjected to special surveillance, on condition that such surveillance does not affect the state of their health, that it is exercised in a place of internment and that it does not entail the abolition of any of the safeguards granted by the present Convention.

Internees who aid and abet an escape or attempt to escape, shall be liable on this count to disciplinary punishment only.

Article 121

Connected offences.

Escape, or attempt to escape, even if it is a repeated offence, shall not be deemed an aggravating circumstance in cases where an internee is prosecuted for offences committed during his escape.

The Parties to the conflict shall ensure that the competent authorities exercise leniency in deciding whether punishment inflicted for an offence shall be of a disciplinary or judicial nature, especially in respect of acts committed in connection with an escape, whether successful or not.

Article 122

Investigations. Confinement awaiting hearing.

Acts which constitute offences against discipline shall be investigated immediately. This rule shall be applied, in particular, in cases of escape or attempt to escape. Recaptured internees shall be handed over to the competent authorities as soon as possible.

In case of offences against discipline, confinement awaiting trial shall be reduced to an absolute minimum for all internees, and shall not exceed fourteen days. Its duration shall in any case be deducted from any sentence of confinement. The provisions of Articles 124 and 125 shall apply to internees who are in confinement awaiting trial for offences against discipline.

Article 123

Competent authorities. Procedure.

Without prejudice to the competence of courts and higher authorities, disciplinary punishment may be ordered only by the commandant of the place of internment, or by a responsible officer or official who replaces him, or to whom he has delegated his disciplinary powers.

Before any disciplinary punishment is awarded, the accused internee shall be given precise information regarding the offences of which he is accused, and given an opportunity of explaining his conduct and of defending himself. He shall be permitted, in particular, to call witnesses and to have recourse, if necessary, to the services of

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a qualified interpreter. The decision shall be announced in the presence of the accused and of a member of the Internee Committee.

The period elapsing between the time of award of a disciplinary punishment and its execution shall not exceed one month.

When an internee is awarded a further disciplinary punishment, a period of at least three days shall elapse between the execution of any two of the punishments, if the duration of one of these is ten days or more.

A record of disciplinary punishments shall be maintained by the commandant of the place of internment and shall be open to inspection by representatives of the Protecting Power.

Article 124

Internees shall not in any case be transferred to penitentiary establishments (prisons, penitentiaries, convict prisons, etc.) to undergo disciplinary punishment therein. Premises for disciplinary punishments

The premises in which disciplinary punishments are undergone shall conform to sanitary requirements; they shall in particular be provided with adequate bedding. Internees undergoing punishment shall be enabled to keep themselves in a state of cleanliness.

Women internees undergoing disciplinary punishment shall be confined in separate quarters from male internees and shall be under the immediate supervision of women.

Article 125

Internees awarded disciplinary punishment shall be allowed to exercise and to stay in the open air at least two hours daily. Essential safeguards.

They shall be allowed, if they so request, to be present at the daily medical inspections. They shall receive the attention which their state of health requires and, if necessary, shall be removed to the infirmary of the place of internment or to a hospital.

They shall have permission to read and write, likewise to send and receive letters. Parcels and remittances of money, however, may be withheld from them until the completion of their punishment; such consignments shall meanwhile be entrusted to the Internee Committee, who will hand over to the infirmary the perishable goods contained in the parcels.

No internee given a disciplinary punishment may be deprived of the benefit of the provisions of Articles 107 and 143 of the present Convention.

Article 126

Provisions applicable to judicial proceedings. The provisions of Articles 71 to 76 inclusive shall apply, by analogy, to proceedings against internees who are in the national territory of the Detaining Power.

CHAPTER X**TRANSFERS OF INTERNEES***Article 127***Conditions.**

The transfer of internees shall always be effected humanely. As a general rule, it shall be carried out by rail or other means of transport, and under conditions at least equal to those obtaining for the forces of the Detaining Power in their changes of station. If as an exceptional measure such removals have to be effected on foot, they may not take place unless the internees are in a fit state of health, and may not in any case expose them to excessive fatigue.

The Detaining Power shall supply internees during transfer with drinking water and food sufficient in quantity, quality and variety to maintain them in good health, and also with the necessary clothing, adequate shelter and the necessary medical attention. The Detaining Power shall take all suitable precautions to ensure their safety during transfer, and shall establish before their departure a complete list of all internees transferred.

Sick, wounded or infirm internees and maternity cases shall not be transferred if the journey would be seriously detrimental to them, unless their safety imperatively so demands.

If the combat zone draws close to a place of internment, the internees in the said place shall not be transferred unless their removal can be carried out in adequate conditions of safety, or unless they are exposed to greater risks by remaining on the spot than by being transferred.

When making decisions regarding the transfer of internees, the Detaining Power shall take their interests into account and, in particular, shall not do anything to increase the difficulties of repatriating them or returning them to their own homes.

*Article 128***Method.**

In the event of transfer, internees shall be officially advised of their departure and of their new postal address. Such notification shall be given in time for them to pack their luggage and inform their next of kin.

They shall be allowed to take with them their personal effects, and the correspondence and parcels which have arrived for them. The weight of such baggage may be limited if the conditions of transfer so require, but in no case to less than twenty-five kilograms per internee.

Mail and parcels addressed to their former place of internment shall be forwarded to them without delay.

The commandant of the place of internment shall take, in agreement with the Internee Committee, any measures needed to ensure the transport of the internees' community property and of the luggage the internees are unable to take with them in consequence of restrictions imposed by virtue of the second paragraph.

CHAPTER XI

DEATHS

Article 129

The wills of internees shall be received for safe-keeping by the responsible authorities; and in the event of the death of an internee his will shall be transmitted without delay to a person whom he has previously designated.

Deaths of internees shall be certified in every case by a doctor, and a death certificate shall be made out, showing the causes of death and the conditions under which it occurred.

An official record of the death, duly registered, shall be drawn up in accordance with the procedure relating thereto in force in the territory where the place of internment is situated, and a duly certified copy of such record shall be transmitted without delay to the Protecting Power as well as to the Central Agency referred to in Article 140.

Article 130

The detaining authorities shall ensure that internees who die while interned are honourably buried, if possible according to the rites of the religion to which they belonged and that their graves are respected, properly maintained, and marked in such a way that they can always be recognized.

Deceased internees shall be buried in individual graves unless unavoidable circumstances require the use of collective graves. Bodies may be cremated only for imperative reasons of hygiene, on account of the religion of the deceased or in accordance with his

expressed wish to this effect. In case of cremation, the fact shall be stated and the reasons given in the death certificate of the deceased. The ashes shall be retained for safe-keeping by the detaining authorities and shall be transferred as soon as possible to the next of kin on their request.

As soon as circumstances permit, and not later than the close of hostilities, the Detaining Power shall forward lists of graves of deceased internees to the Powers on whom deceased internees depended, through the Information Bureaux provided for in Article 136. Such lists shall include all particulars necessary for the identification of the deceased internees, as well as the exact location of their graves.

Article 131

Internees killed or injured in special circumstances. Every death or serious injury of an internee, caused or suspected to have been caused by a sentry, another internee or any other person, as well as any death the cause of which is unknown, shall be immediately followed by an official enquiry by the Detaining Power.

A communication on this subject shall be sent immediately to the Protecting Power. The evidence of any witnesses shall be taken, and a report including such evidence shall be prepared and forwarded to the said Protecting Power.

If the enquiry indicates the guilt of one or more persons, the Detaining Power shall take all necessary steps to ensure the prosecution of the person or persons responsible.

CHAPTER XII

RELEASE, REPATRIATION AND ACCOMMODATION IN NEUTRAL COUNTRIES

Article 132

During hostilities or occupation. Each interned person shall be released by the Detaining Power as soon as the reasons which necessitated his internment no longer exist.

The Parties to the conflict shall, moreover, endeavour during the course of hostilities, to conclude agreements for the release, the repatriation, the return to places of residence or the accommodation in a neutral country of certain classes of internees, in particular children, pregnant women and mothers with infants and young children, wounded and sick, and internees who have been detained for a long time.

Not Corrected: See India Code

or 1960]

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Article 133

Internment shall cease as soon as possible after the close of After the
hostilities. close of
hostilities.

Internees in the territory of a Party to the conflict against whom penal proceedings are pending for offences not exclusively subject to disciplinary penalties, may be detained until the close of such proceedings and, if circumstances require, until the completion of the penalty. The same shall apply to internees who have been previously sentenced to a punishment depriving them of liberty.

By agreement between the Detaining Power and the Powers concerned, committees may be set up after the close of hostilities, or of the occupation of territories, to search for dispersed internees.

Article 134

The High Contracting Parties shall endeavour, upon the close of Repatriation
hostilities or occupation, to ensure the return of all internees to and return
to last place
of residence.

Article 135

The Detaining Power shall bear the expense of returning released Costs.
internees to the places where they were residing when interned, or,
if it took them into custody while they were in transit or on the
high seas, the cost of completing their journey or of their return to
their point of departure.

Where a Detaining Power refuses permission to reside in its territory to a released internee who previously had his permanent domicile therein, such Detaining Power shall pay the cost of the said internee's repatriation. If, however, the internee elects to return to his country on his own responsibility or in obedience to the Government of the Power to which he owes allegiance, the Detaining Power need not pay the expenses of his journey beyond the point of his departure from its territory. The Detaining Power need not pay the cost of repatriation of an internee who was interned at his own request.

If internees are transferred in accordance with Article 45, the transferring and receiving Powers shall agree on the portion of the above costs to be borne by each.

The foregoing shall not prejudice such special agreements as may be concluded between Parties to the conflict concerning the exchange and repatriation of their nationals in enemy hands.

SECTION V

INFORMATION BUREAUX AND CENTRAL AGENCY

Article 136

National Bureaux.

Upon the outbreak of a conflict and in all cases of occupation, each of the Parties to the conflict shall establish an official Information Bureau responsible for receiving and transmitting information in respect of the protected persons who are in its power.

Each of the Parties to the conflict shall, within the shortest possible period, give its Bureau information of any measure taken by it concerning any protected persons who are kept in custody for more than two weeks, who are subjected to assigned residence or who are interned. It shall, furthermore, require its various departments concerned with such matters to provide the aforesaid Bureau promptly with information concerning all changes pertaining to these protected persons, as for example, transfers, releases, repatriations, escapes, admittances to hospitals, births and deaths.

Article 137

Transmission of information.

Each national Bureau shall immediately forward information concerning protected persons by the most rapid means to the Powers of whom the aforesaid persons are nationals, or to Powers in whose territory they resided, through the intermediary of the Protecting Powers and likewise through the Central Agency provided for in Article 140. The Bureaux shall also reply to all enquiries which may be received regarding protected persons.

Information Bureaux shall transmit information concerning a protected person unless its transmission might be detrimental to the person concerned or to his or her relatives. Even in such a case, the information may not be withheld from the Central Agency which, upon being notified of the circumstances, will take the necessary precautions indicated in Article 140.

All communications in writing made by any Bureau shall be authenticated by a signature or a seal.

Article 138

Particulars required.

The information received by the national Bureau and transmitted by it shall be of such a character as to make it possible to identify the protected person exactly and to advise his next of kin quickly. The information in respect of each person shall include at least his surname, first names, place and date of birth, nationality, last residence and distinguishing characteristics, the first name of the father and the maiden name of the mother, the date, place and nature of

the action taken with regard to the individual, the address at which correspondence may be sent to him and the name and address of the person to be informed.

Likewise, information regarding the state of health of internees who are seriously ill or seriously wounded shall be supplied regularly and if possible every week.

Article 139

Each national Information Bureau shall, furthermore, be responsible for collecting all personal valuables left by protected persons mentioned in Article 136, in particular those who have been repatriated or released, or who have escaped or died; it shall forward the said valuables to those concerned, either direct, or, if necessary, through the Central Agency. Such articles shall be sent by the Bureau in sealed packets which shall be accompanied by statements giving clear and full identity particulars of the person to whom the articles belonged, and by a complete list of the contents of the parcel. Detailed records shall be maintained of the receipt and despatch of all such valuables.

Forwarding
of person
valuables.

Article 140

A Central Information Agency for protected persons, in particular for internees, shall be created in a neutral country. The International Committee of the Red Cross shall, if it deems necessary, propose to the Powers concerned the organization of such an Agency, which may be the same as that provided for in Article 123 of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

The function of the Agency shall be to collect all information of the type set forth in Article 136 which it may obtain through official or private channels and to transmit it as rapidly as possible to the countries of origin or of residence of the persons concerned, except in cases where such transmissions might be detrimental to the persons whom the said information concerns, or to their relatives. It shall receive from the Parties to the conflict all reasonable facilities for effecting such transmissions.

The High Contracting Parties, and in particular those whose nationals benefit by the services of the Central Agency, are requested to give the said Agency the financial aid it may require.

The foregoing provisions shall in no way be interpreted as restricting the humanitarian activities of the International Committee of the Red Cross and of the relief societies described in Article 142.

Article 141

Exemption
from
charges.

The national Information Bureaux and the Central Information Agency shall enjoy free postage for all mail, likewise the exemptions provided for in Article 110, and further, so far as possible, exemption from telegraphic charges or, at least, greatly reduced rates

PART IV**EXECUTION OF THE CONVENTION****SECTION I****GENERAL PROVISIONS***Article 142*

Relief socie-
ties and other
organiza-
tions.

Subject to the measures which the Detaining Powers may consider essential to ensure their security or to meet any other reasonable need, the representatives of religious organisations, relief societies, or any other organizations assisting the protected persons, shall receive from these Powers, for themselves or their duly accredited agents, all facilities for visiting the protected persons, for distributing relief supplies and material from any source, intended for educational, recreational or religious purposes, or for assisting them in organizing their leisure time within the places of internment. Such societies or organizations may be constituted in the territory of the Detaining Power, or in any other country, or they may have an international character.

The Detaining Power may limit the number of societies and organizations whose delegates are allowed to carry out their activities in its territory and under its supervision, on condition, however, that such limitation shall not hinder the supply of effective and adequate relief to all protected persons.

The special position of the International Committee of the Red Cross in this field shall be recognized and respected at all times.

Article 143

Supervision.

Representatives or delegates of the Protecting Powers shall have permission to go to all places where protected persons are, particularly to places of internment, detention and work.

They shall have access to all premises occupied by protected persons and shall be able to interview the latter without witnesses, personally or through an interpreter.

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Such visits may not be prohibited except for reasons of imperative military necessity, and then only as an exceptional and temporary measure. Their duration and frequency shall not be restricted.

Such representatives and delegates shall have full liberty to select the places they wish to visit. The Detaining or Occupying Power, the Protecting Power and when occasion arises the Power of origin of the persons to be visited, may agree that compatriots of the internees shall be permitted to participate in the visits.

The delegates of the International Committee of the Red Cross shall also enjoy the above prerogatives. The appointment of such delegates shall be submitted to the approval of the Power governing the territories where they will carry out their duties.

Article 144

The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to the entire population.

Any civilian, military, police or other authorities, who in time of war assume responsibilities in respect of protected persons, must possess the text of the Convention and be specially instructed as to its provisions.

Article 145

The High Contracting Parties shall communicate to one another through the Swiss Federal Council and, during hostilities, through the Protecting Powers, the official translations of the present Convention, as well as the laws and regulations which they may adopt to ensure the application thereof.

Article 146

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legis-

lation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence which shall not be less favourable than those provided by Article 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

Article 147

II. Grave breaches.

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

Article 148

III Responsibilities of the Contracting Parties.

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

Article 149

Enquiry procedure.

At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

Not Corrected: See India Code

or 1960]

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SECTION II

FINAL PROVISIONS

Article 150

The present Convention is established in English and in French. Languages. Both texts are equally authentic.

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

Article 151

The present Convention, which bears the date of this day, is Signature. open to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949.

Article 152

The present Convention shall be ratified as soon as possible and Ratification. the ratifications shall be deposited at Berne.

A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

Article 153

The present Convention shall come into force six months after Coming into force. not less than two instruments of ratification have been deposited.

Thereafter, it shall come into force for each High Contracting Party six months after the deposit of the instrument of ratification.

Article 154

In the relations between the Powers who are bound by the Hague Relation Conventions respecting the Laws and Customs of War on Land, with the Hague whether that of July 29, 1899, or that of October 18, 1907, and Conventions. who are parties to the present Convention, this last Convention shall be supplementary to Sections II and III of the Regulations annexed to the above-mentioned Conventions of the Hague.

Article 155

From the date of its coming into force, it shall be open to any Accession. Power in whose name the present Convention has not been signed, to accede to this Convention.

Article 156

Notification
of accessions

Accessions shall be notified in writing to the Swiss Federal Council, and shall take effect six months after the date on which they are received.

The Swiss Federal Council shall communicate the accessions to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

Article 157

Immediate
effect.

The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accessions notified by the parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

Article 158

Denuncia-
tion.

Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with release, repatriation and re-establishment of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

Not Corrected: See India Code

of 1960]

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Article 159

The Swiss Federal Council shall register the present Convention Registration
with the Secretariat of the United Nations.

with the
United
Nations.

The Swiss Federal Council shall also inform the Secretariat of
the United Nations of all ratifications, accessions and denunciations
received by it with respect to the present Convention.

IN WITNESS WHEREOF the undersigned, having deposited their
respective full powers, have signed the present Convention.

DONE at Geneva this twelfth day of August 1949, in the English
and French languages. The original shall be deposited in the
Archives of the Swiss Confederation. The Swiss Federal Council
shall transmit certified copies thereof to each of the signatory and
acceding States

THE APPROPRIATION (RAILWAYS) ACT, 1960

NO. 7 OF 1960

[16th March, 1960]

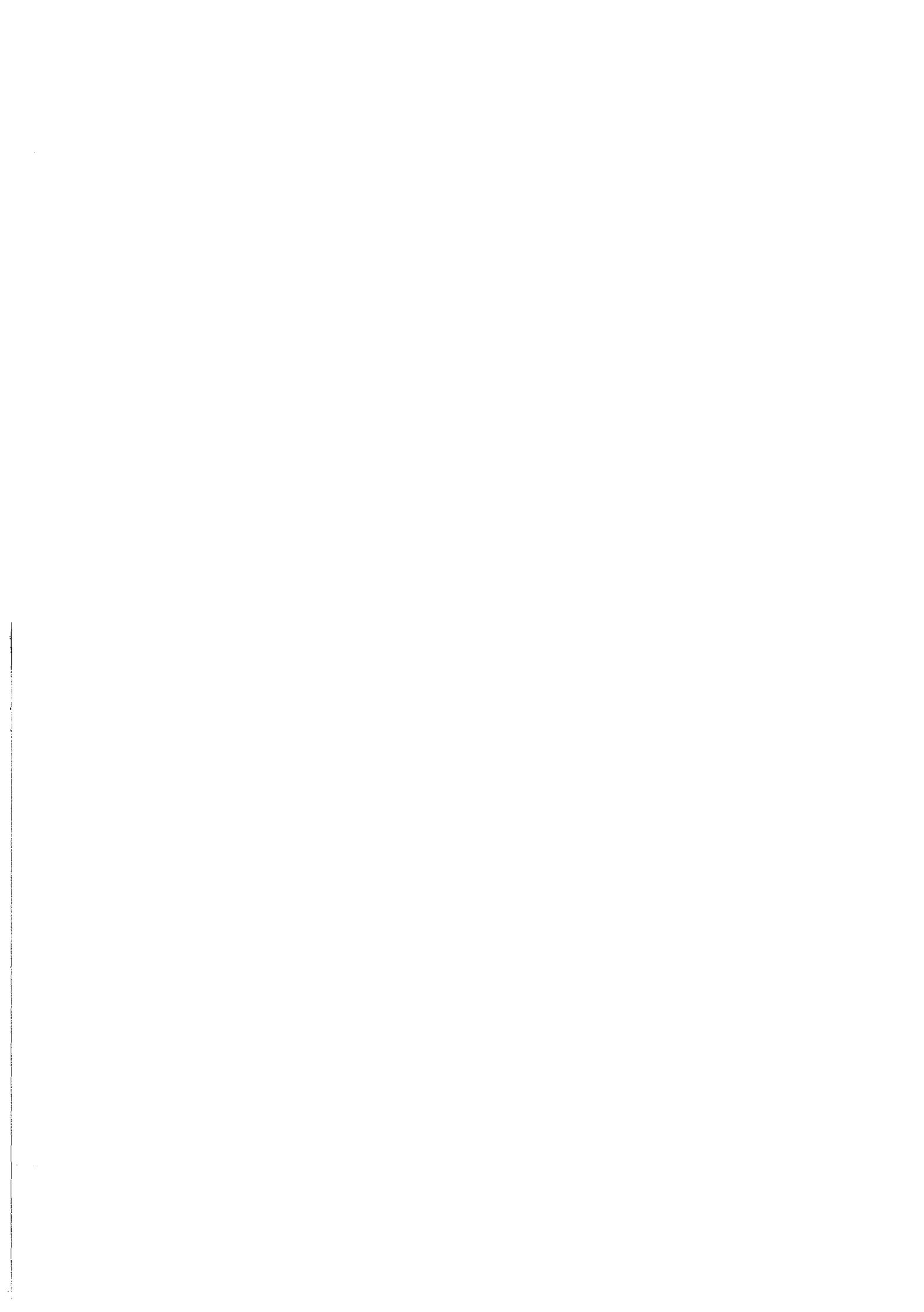
An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1960-61 for the purposes of Railways.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

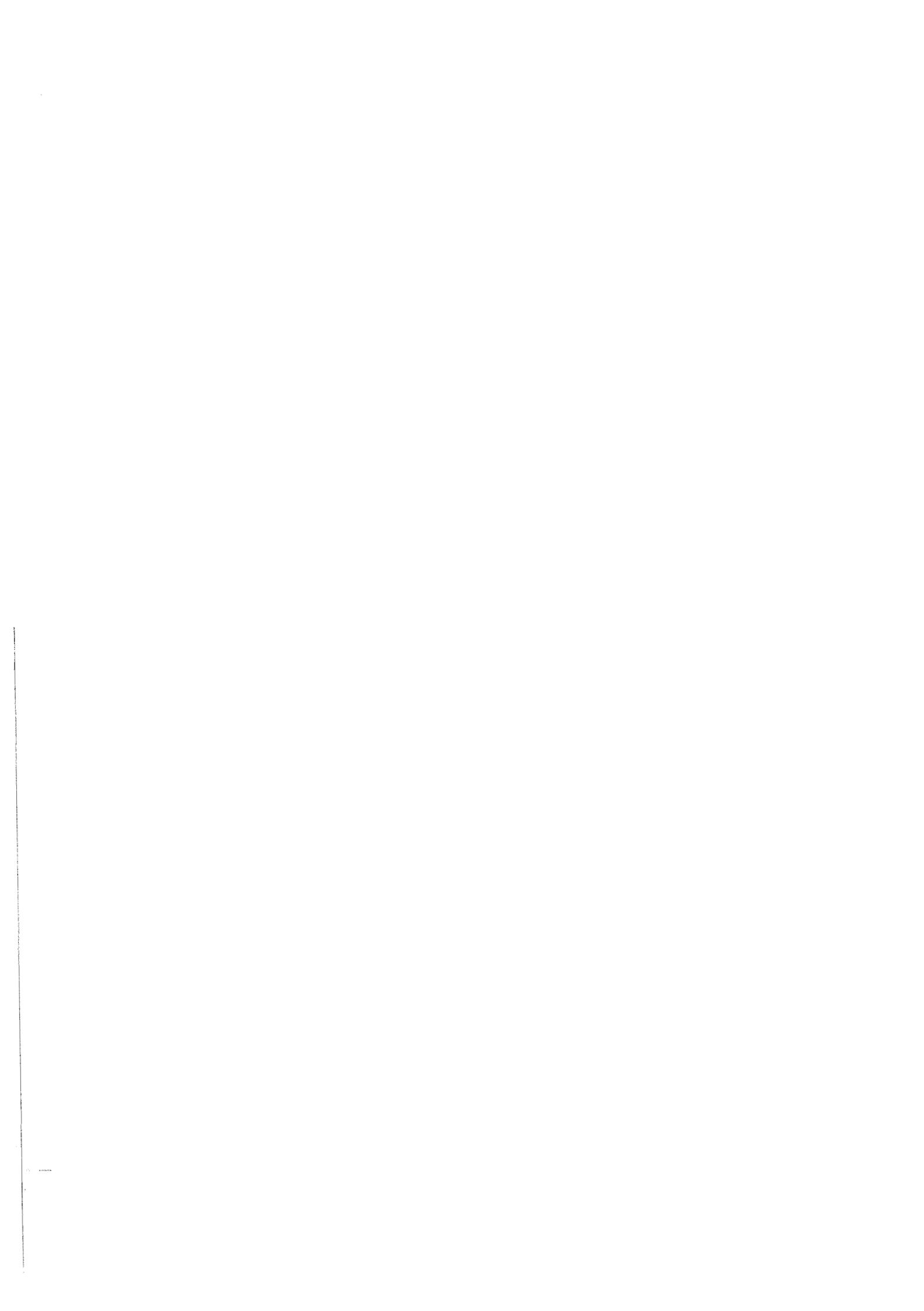
Short title. 1. This Act may be called the Appropriation (Railways) Act, 1960.

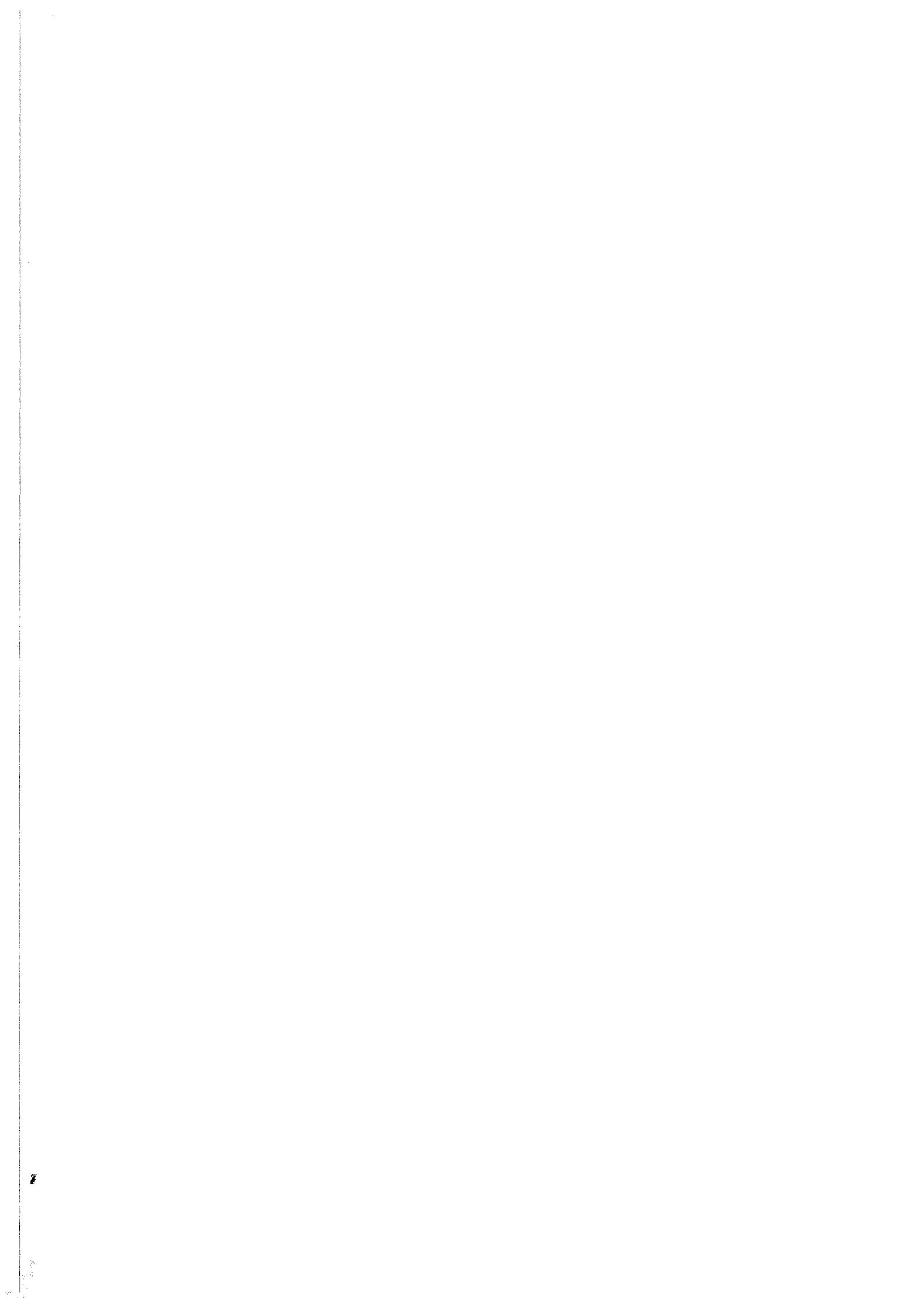
Issue of Rs. 9,48,20,00,000 out of the Consolidated Fund of India for the financial year 1960-61. 2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of nine hundred and forty-eight crores and twenty lakh rupees towards defraying the several charges which will come in course of payment during the financial year 1960-61, in respect of the services relating to Railways specified in column 2 of the Schedule.

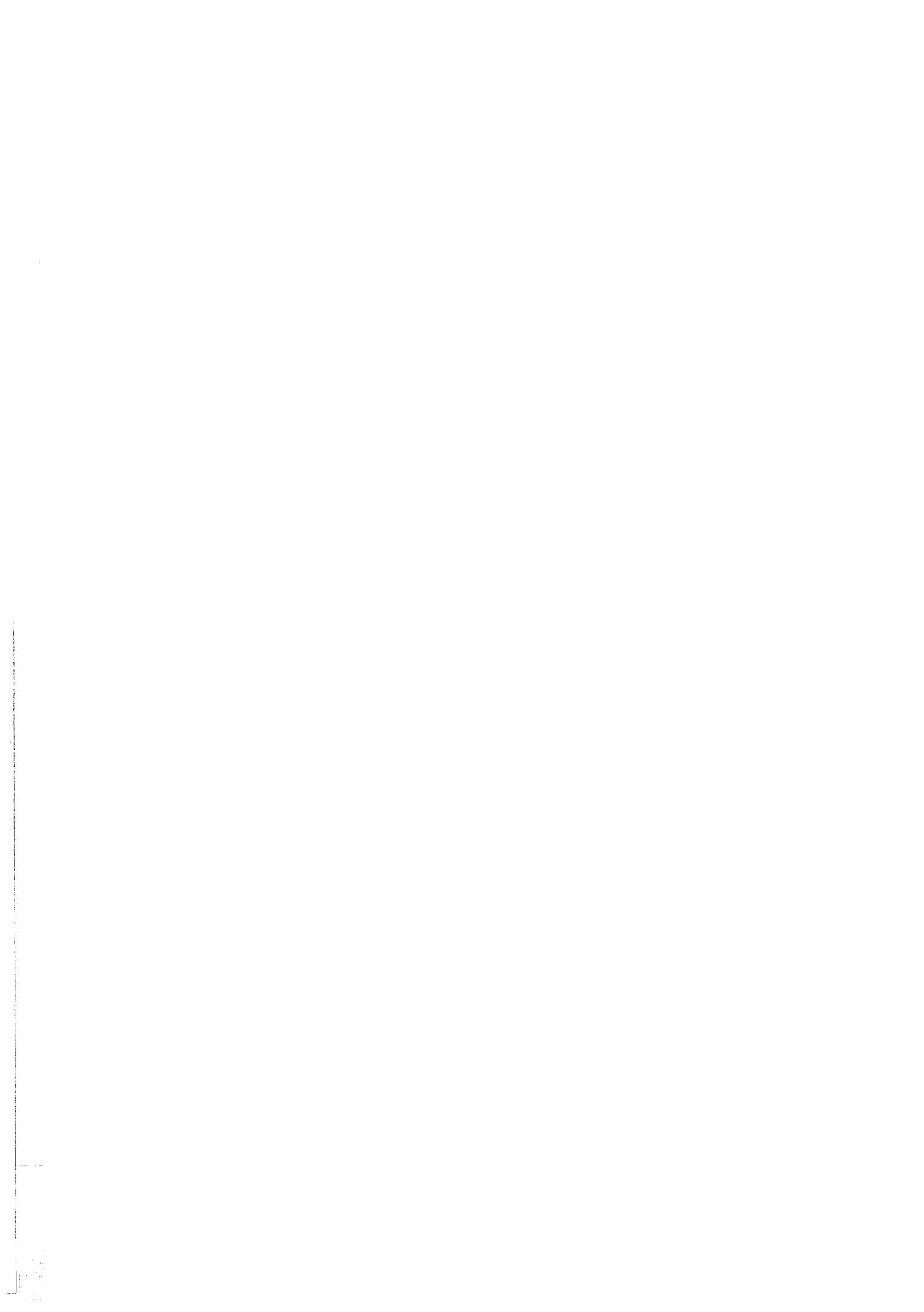
Appropriation. 3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.



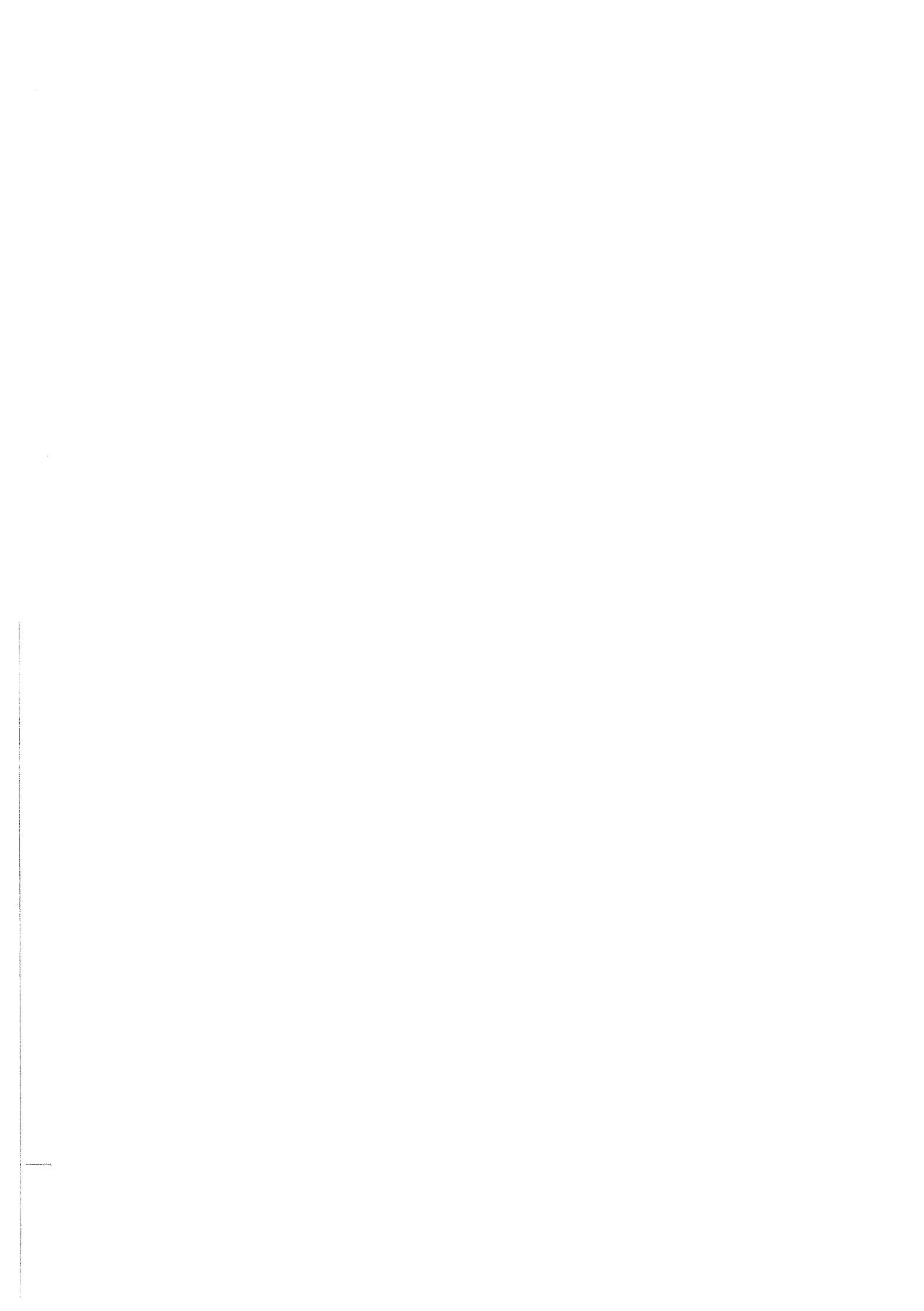


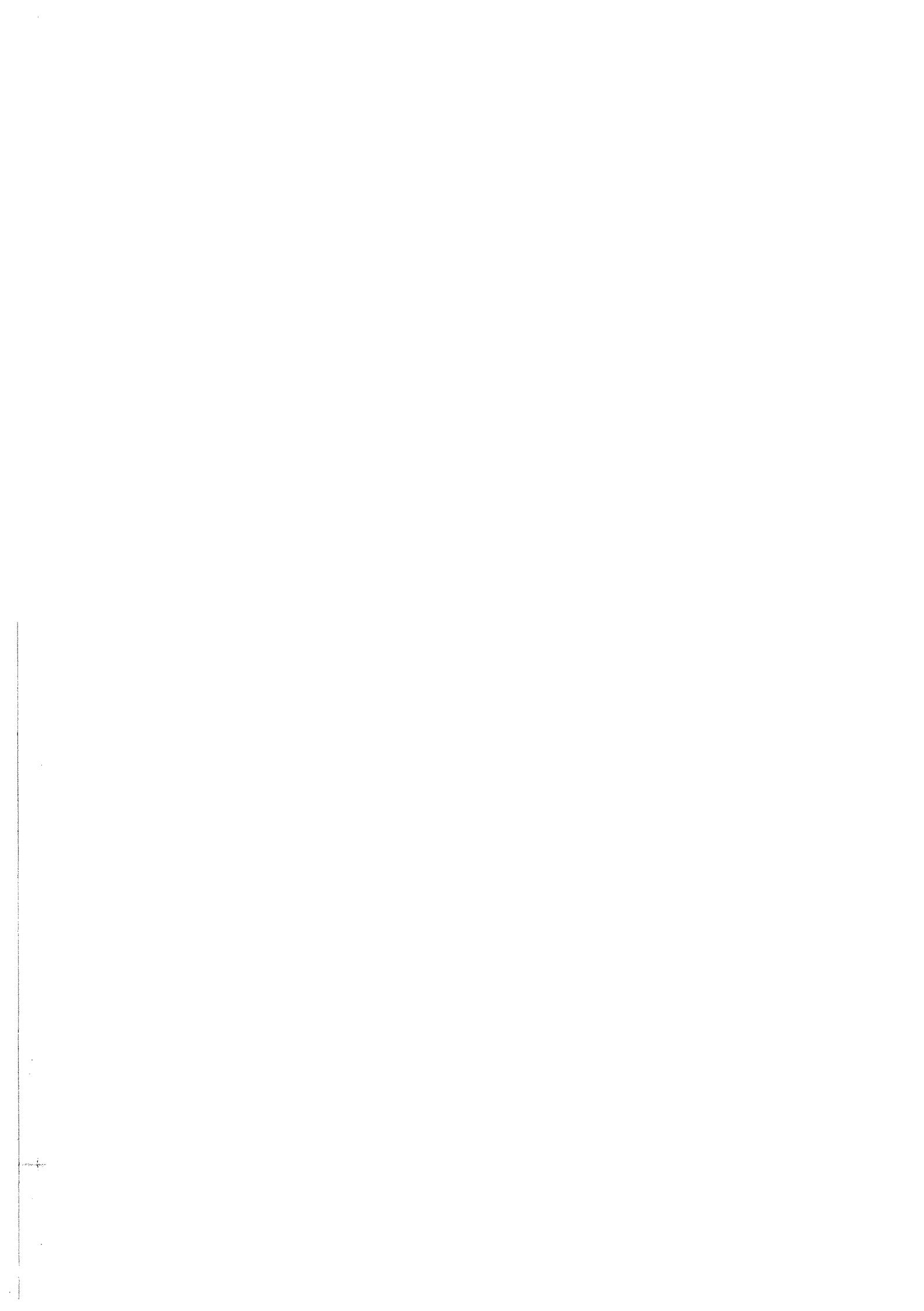




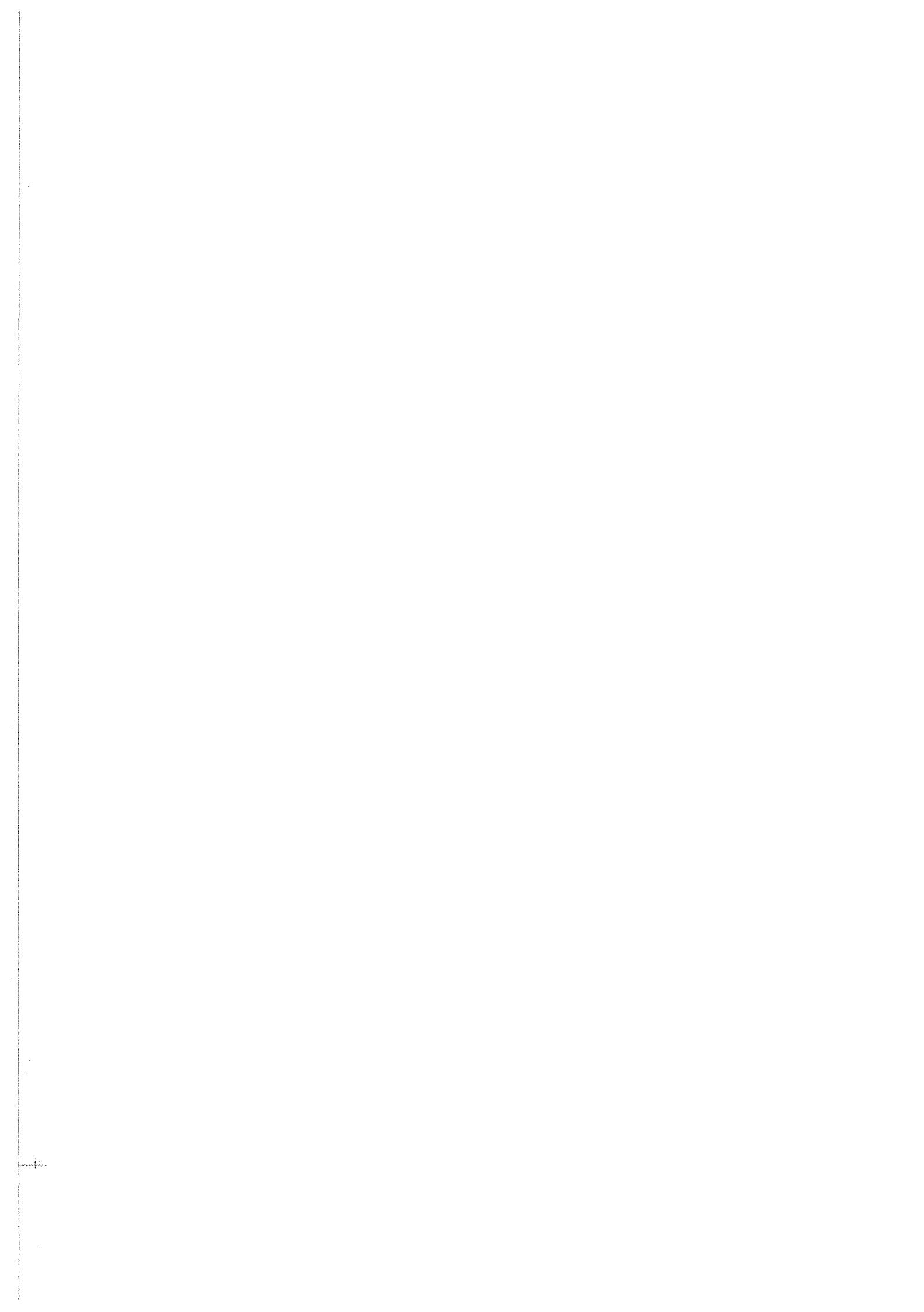


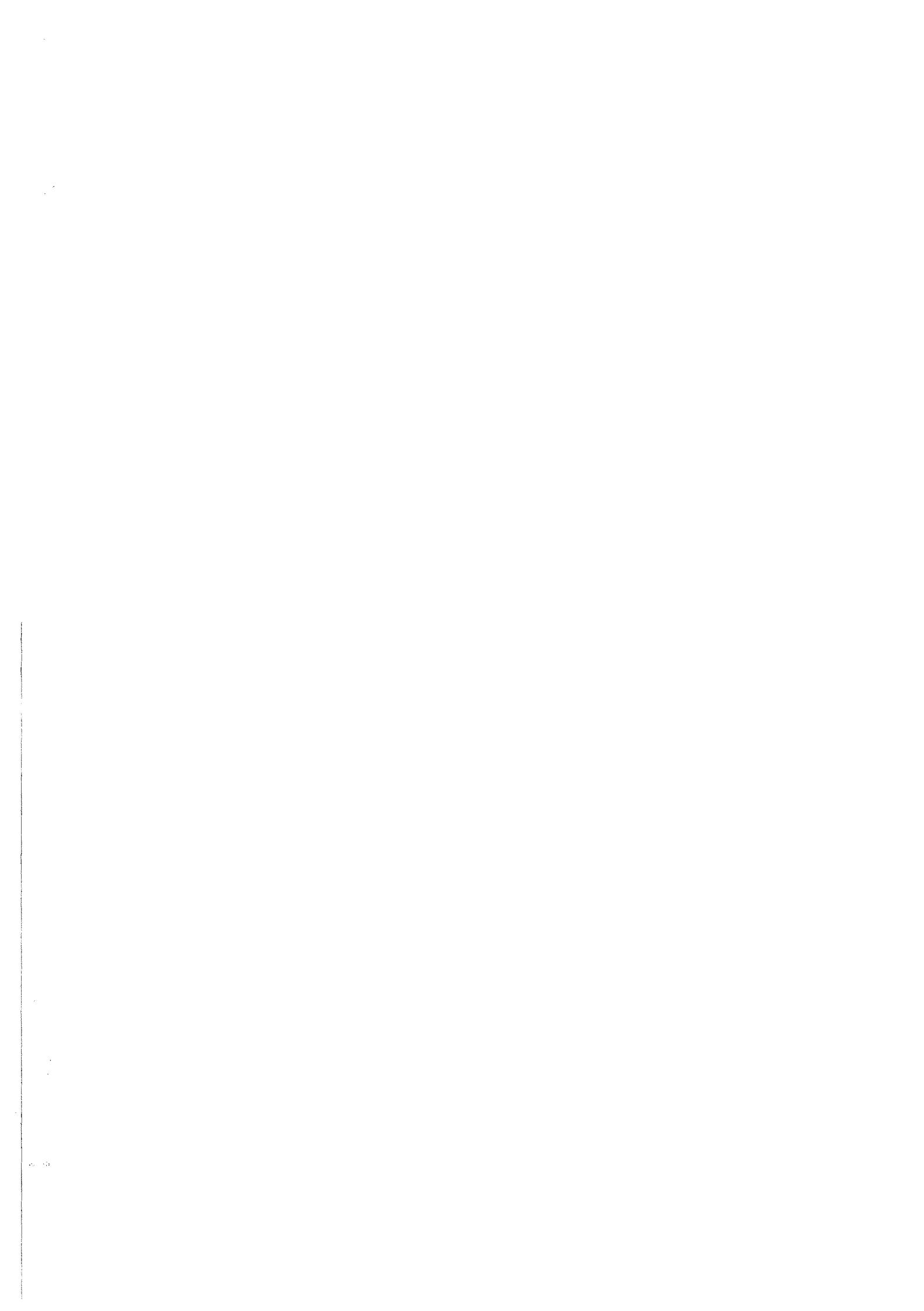




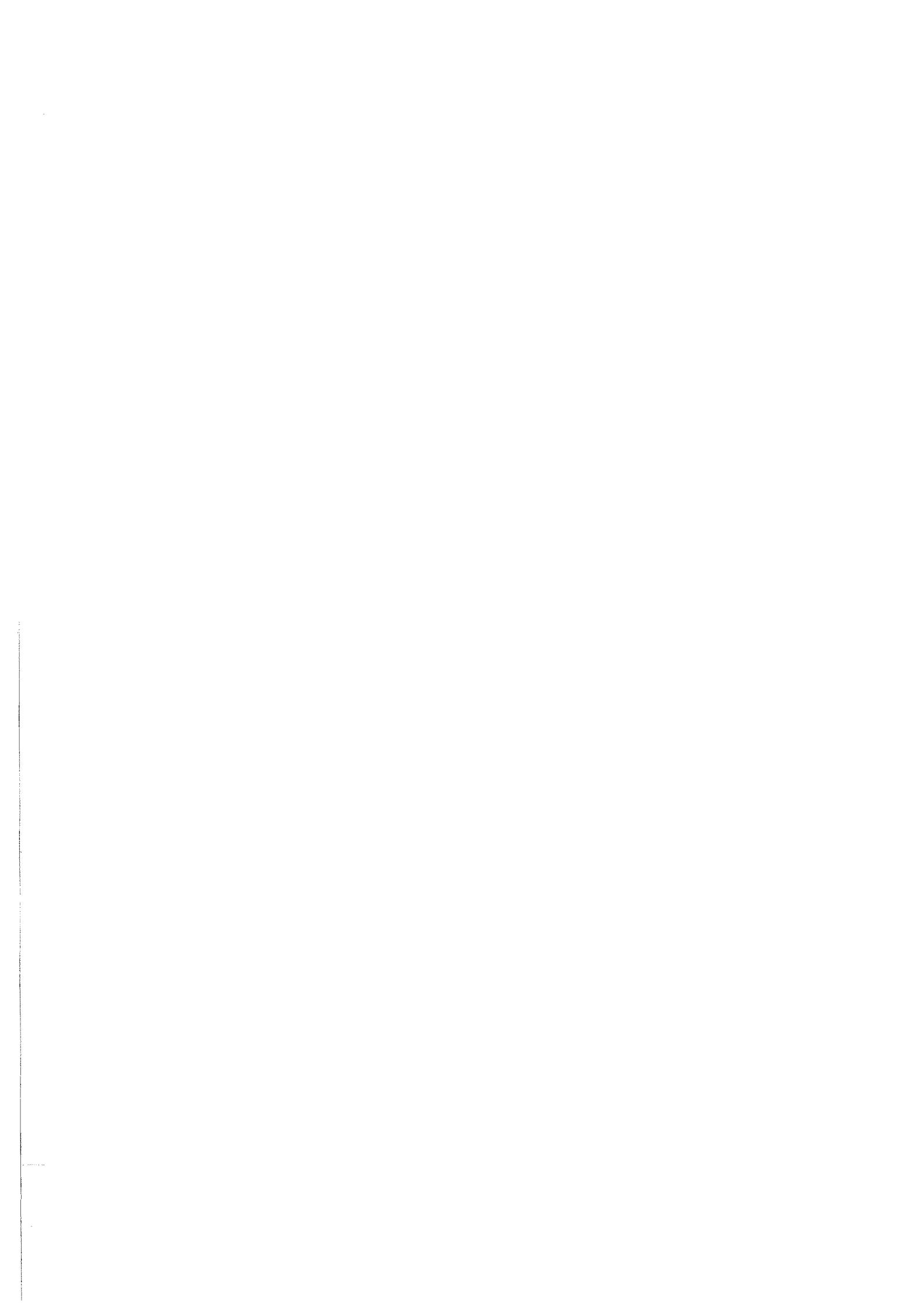


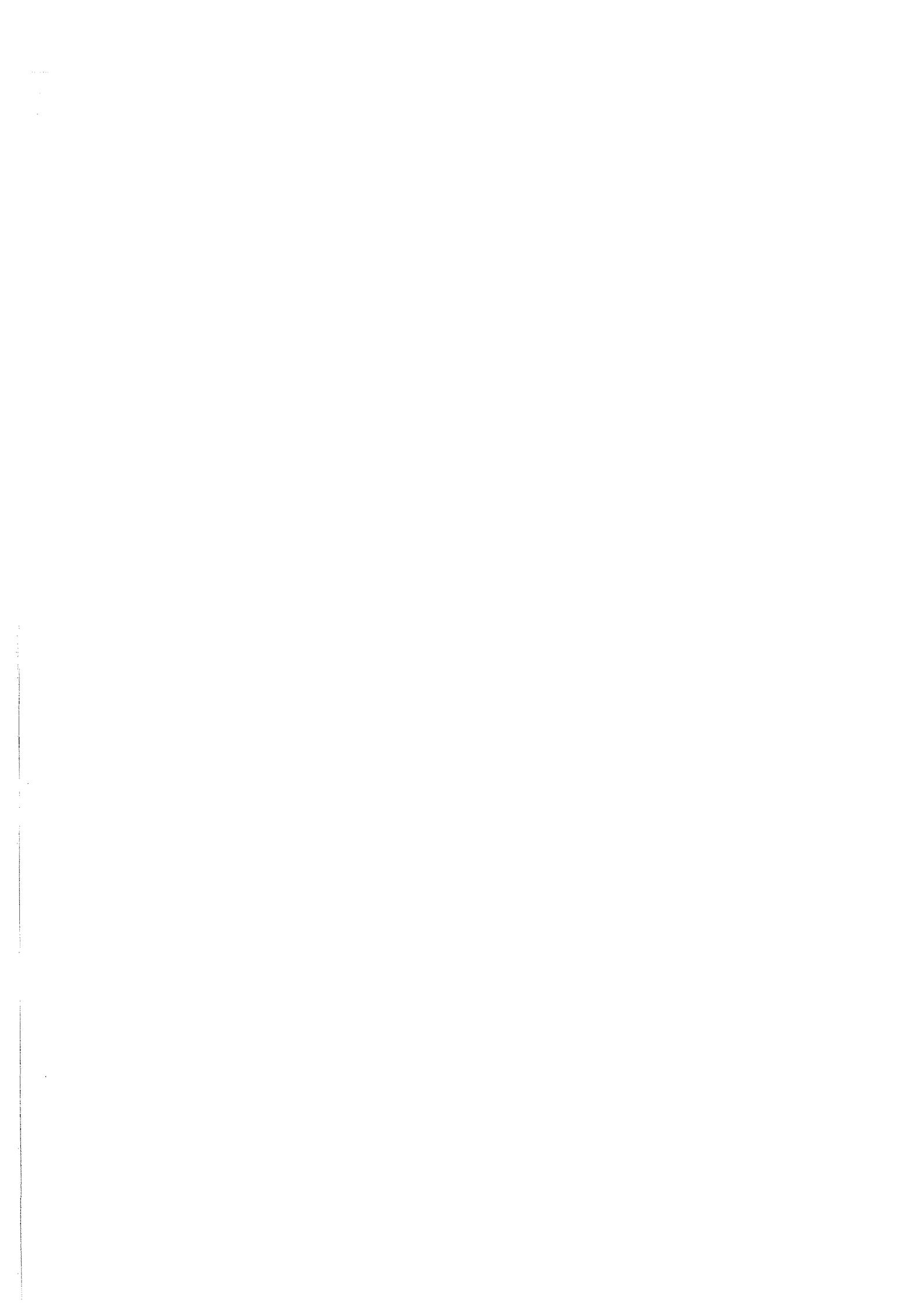


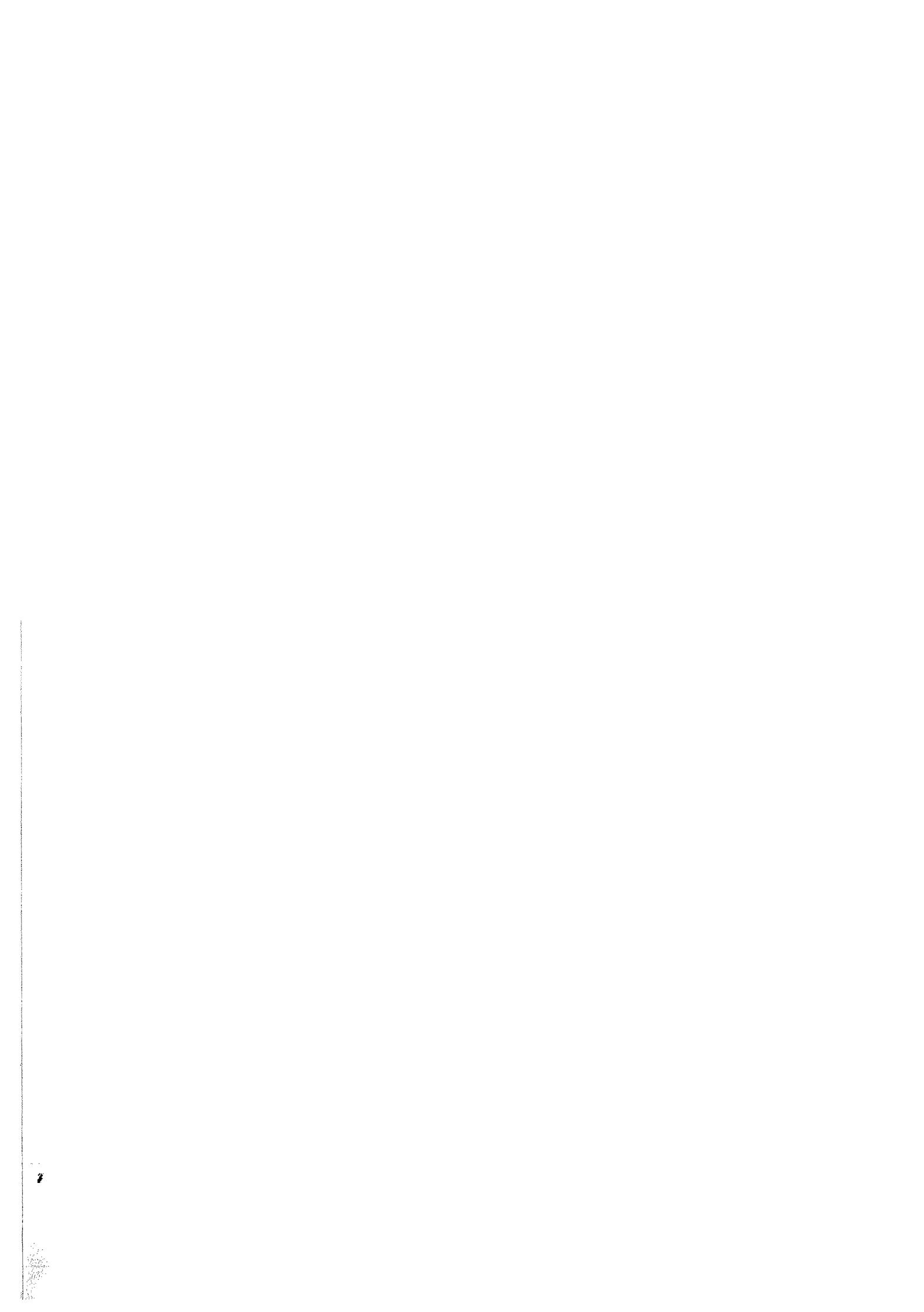


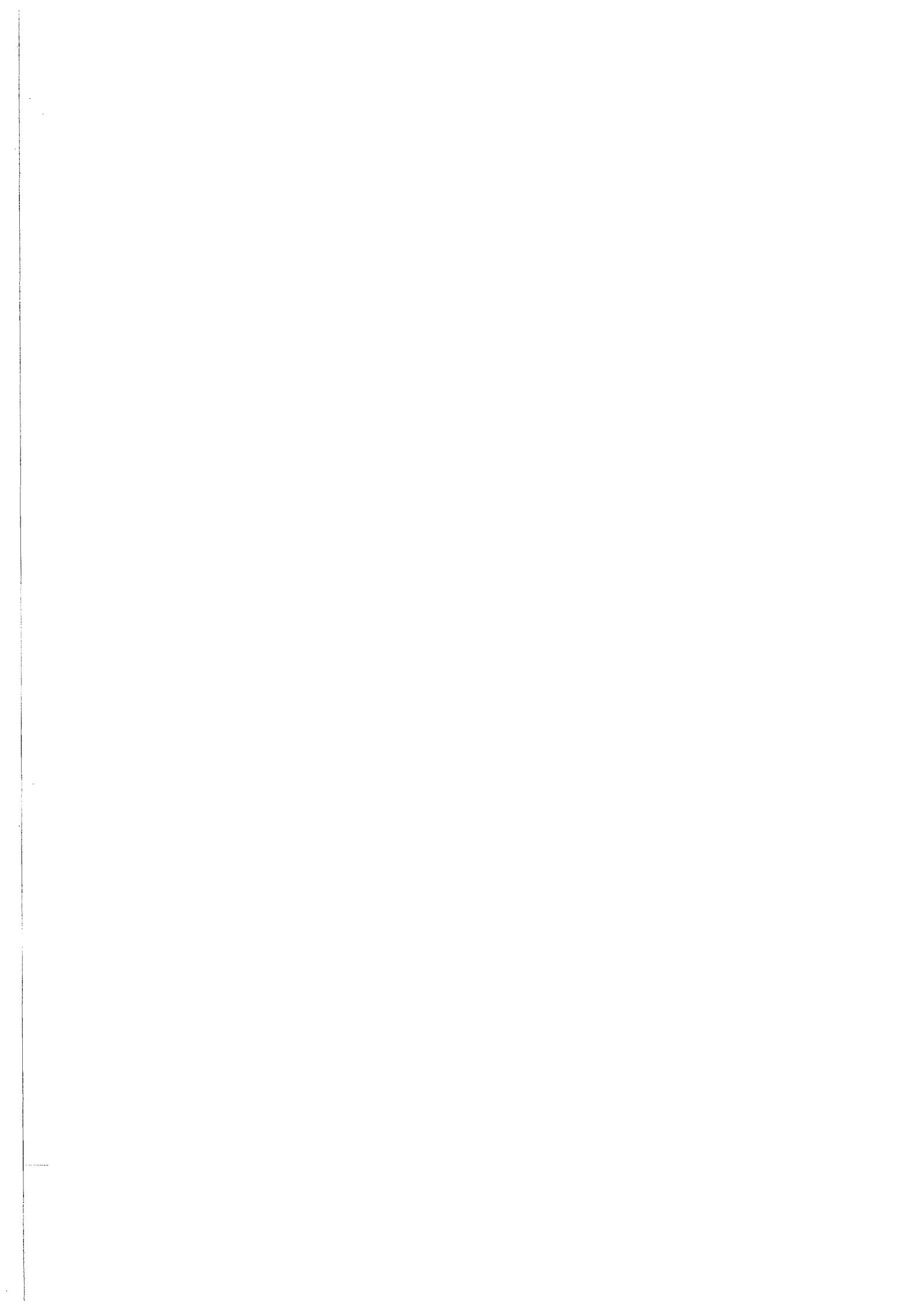


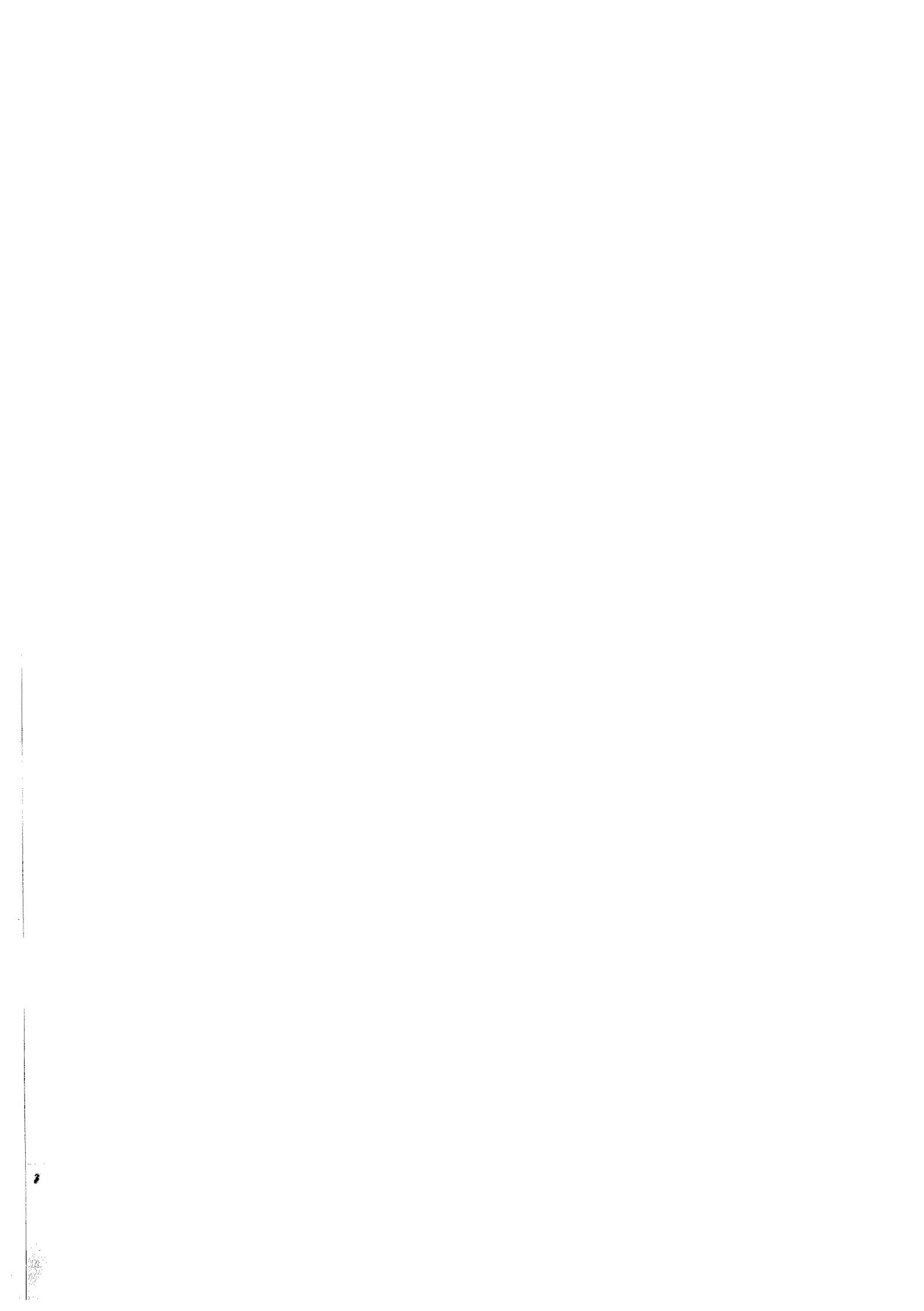


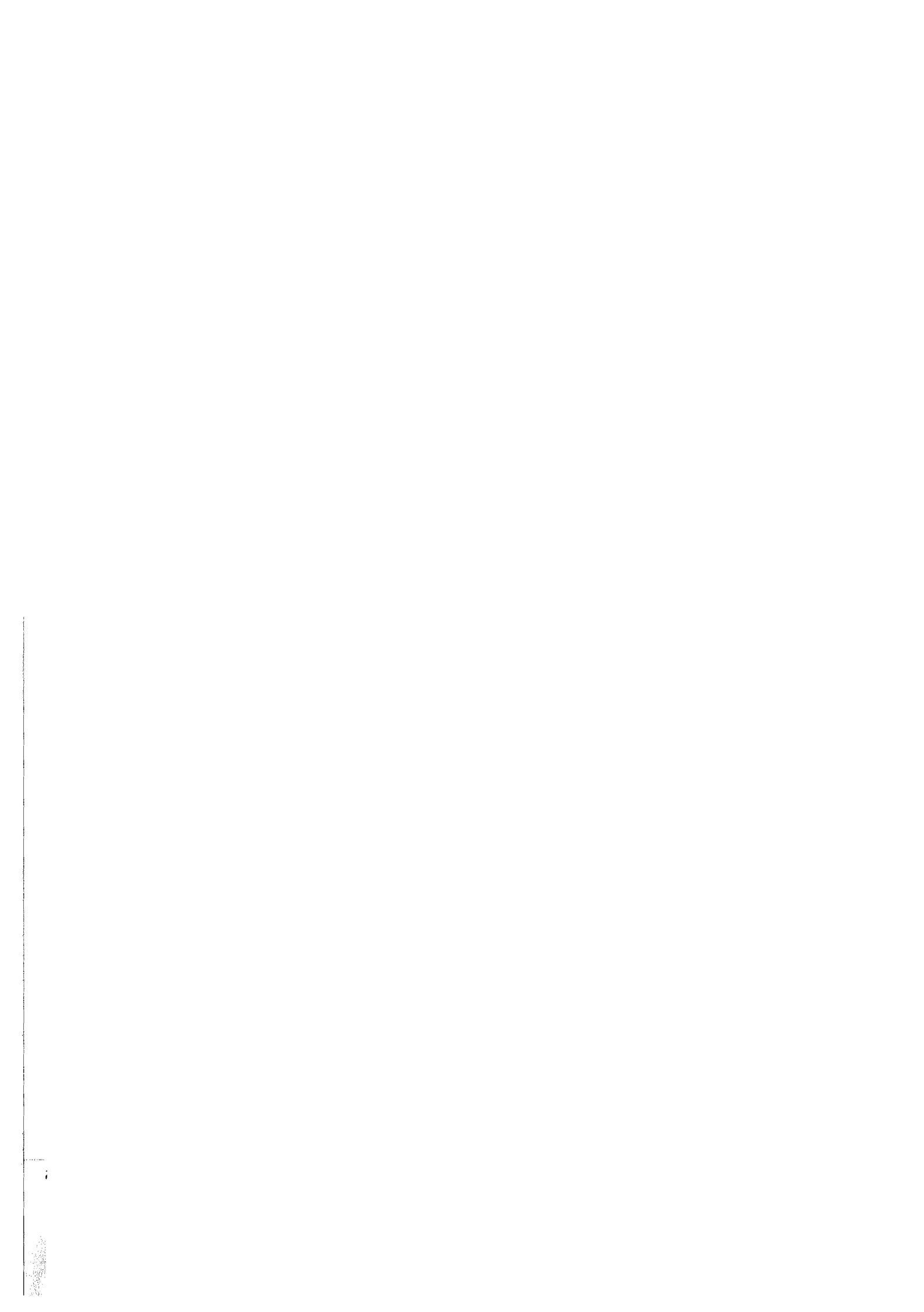


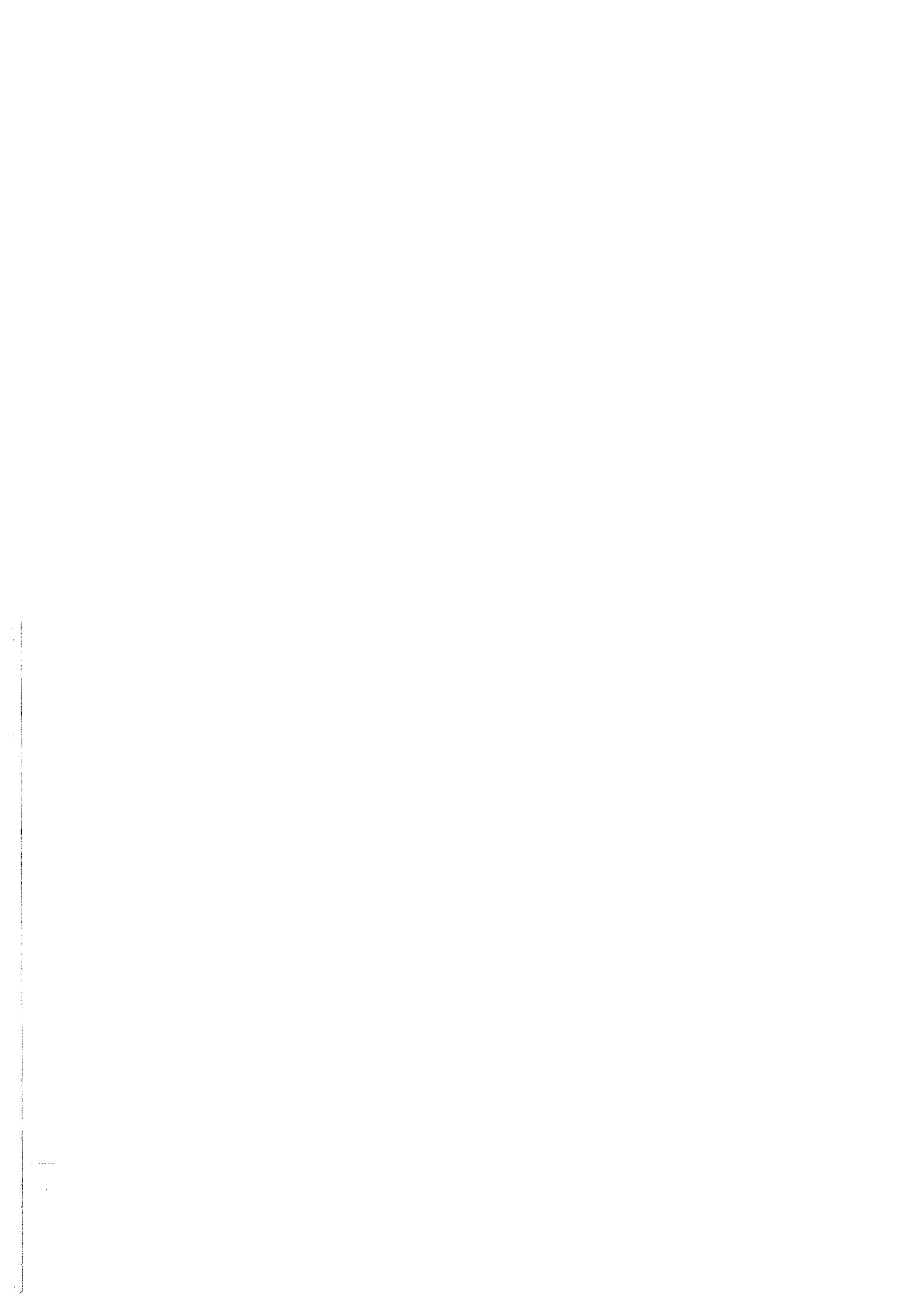




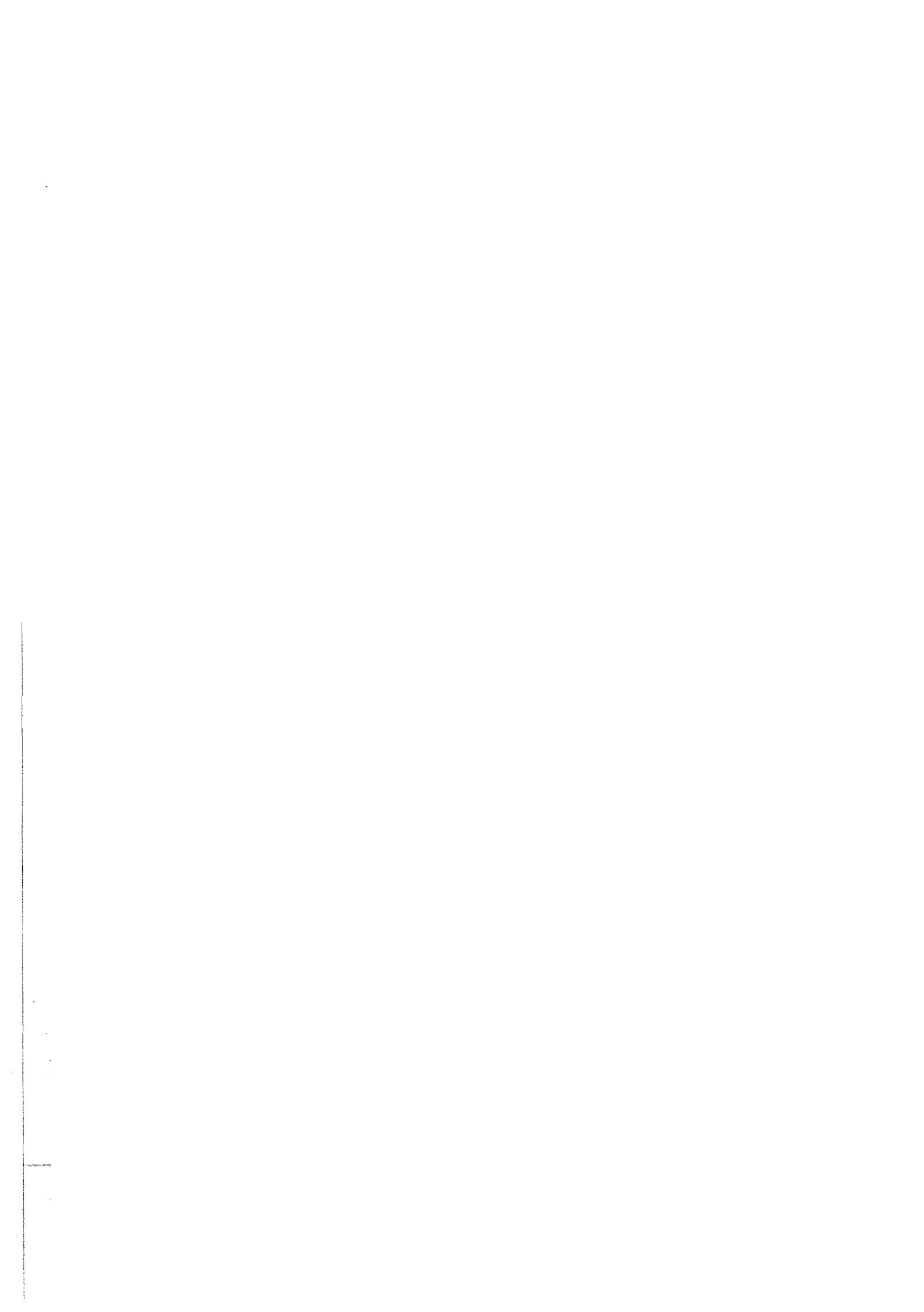


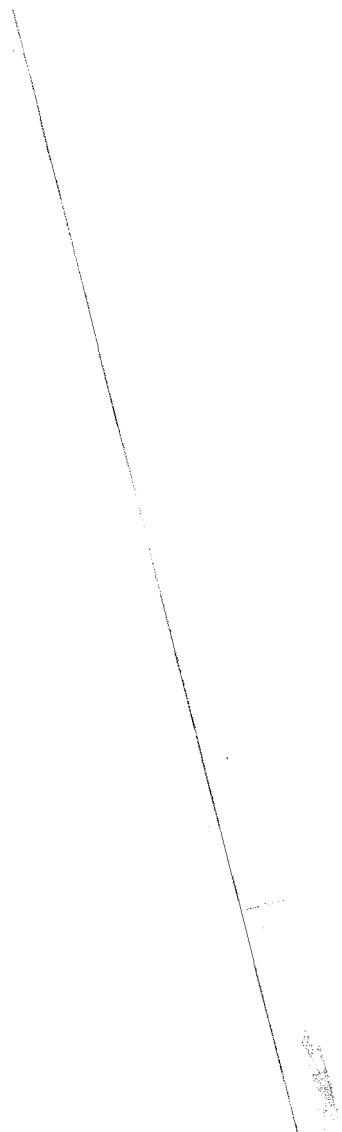


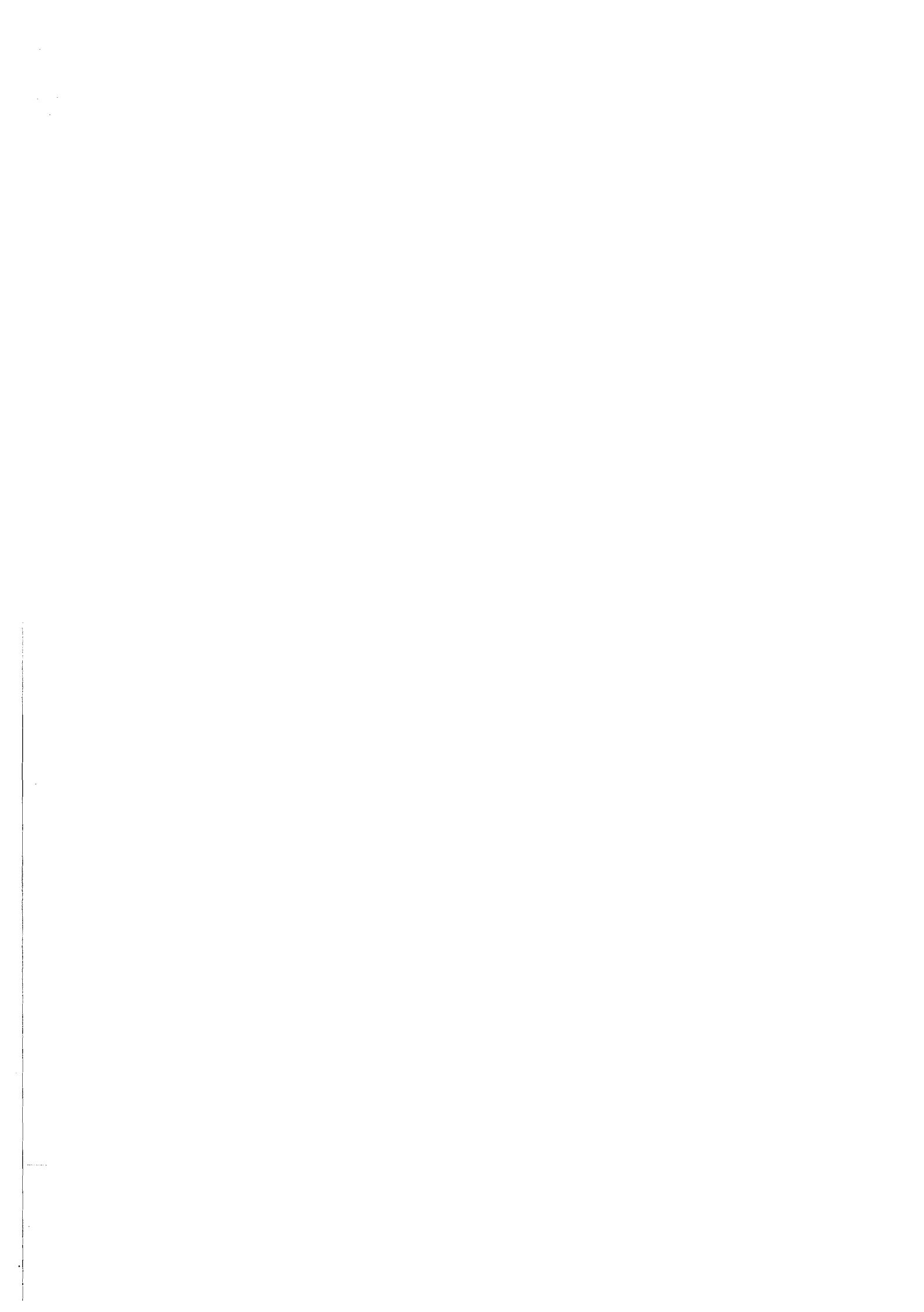


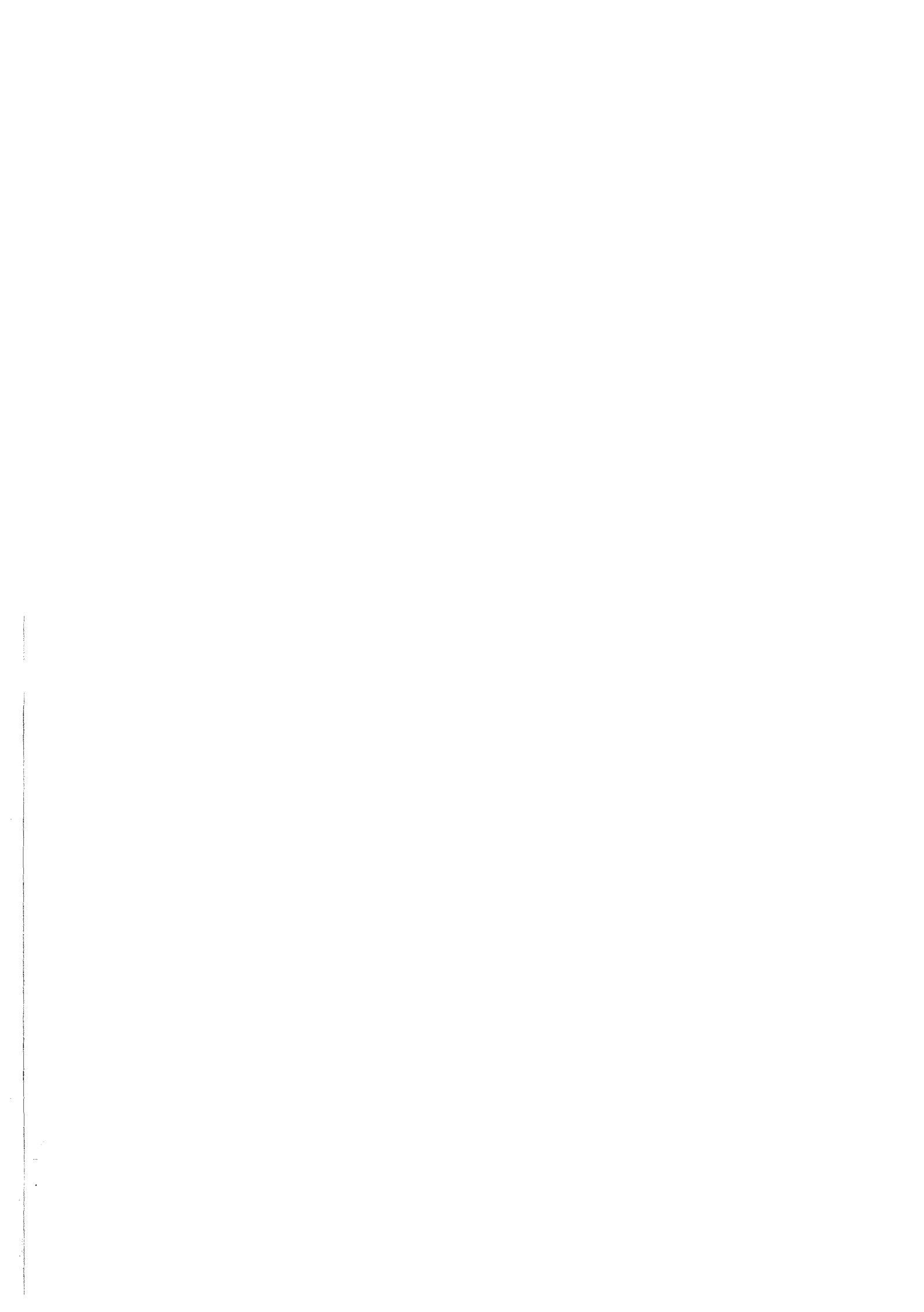


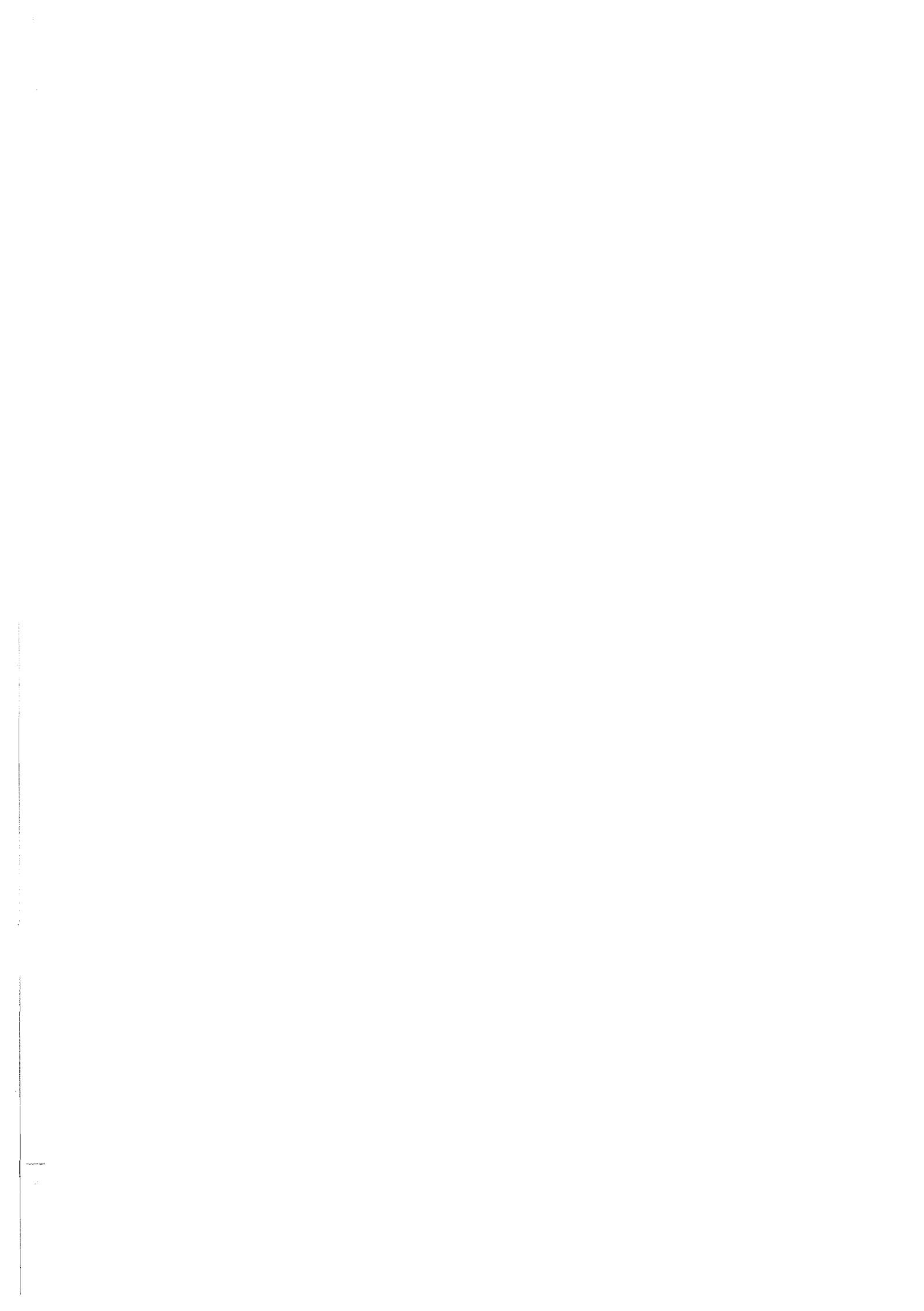




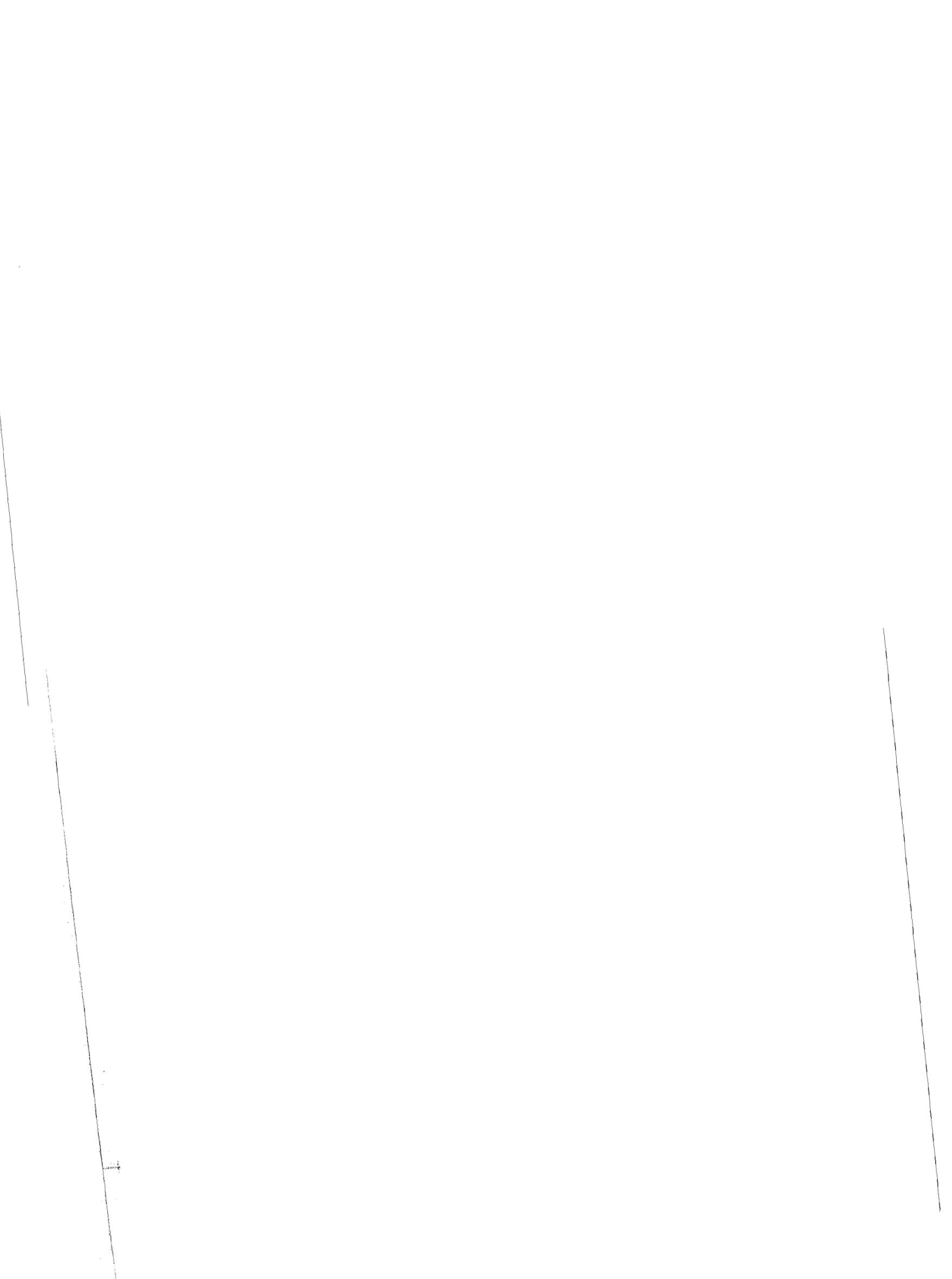


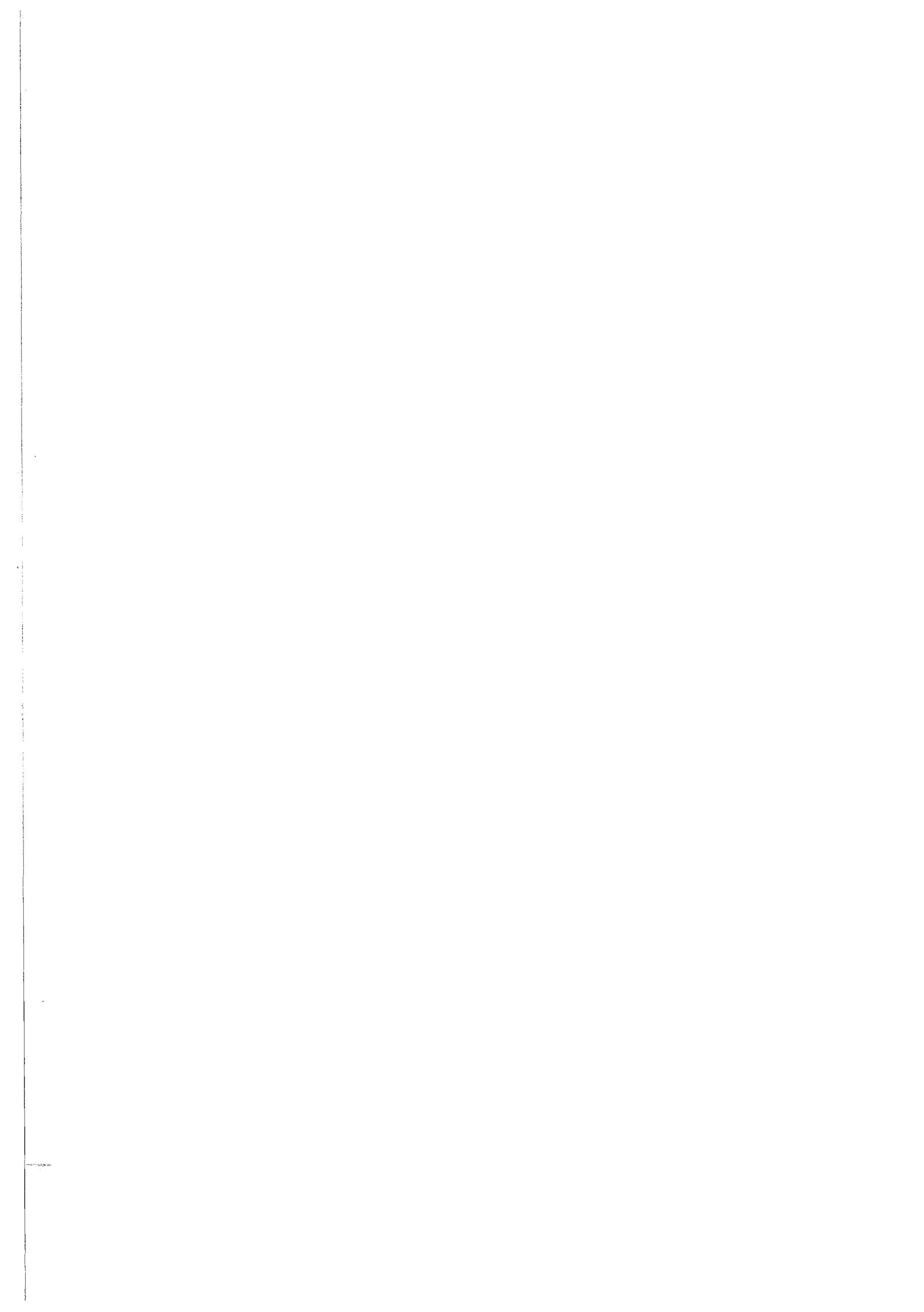


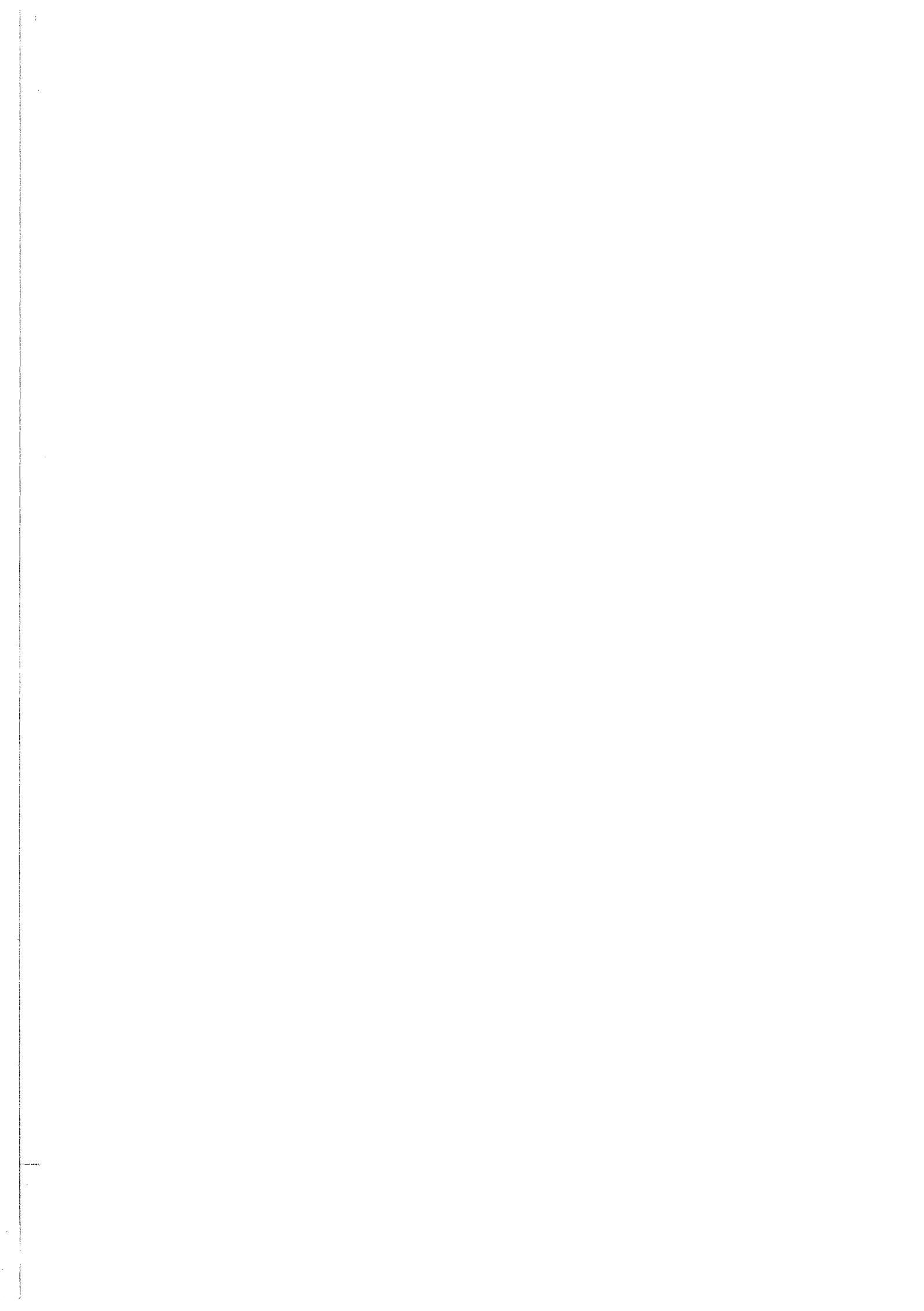


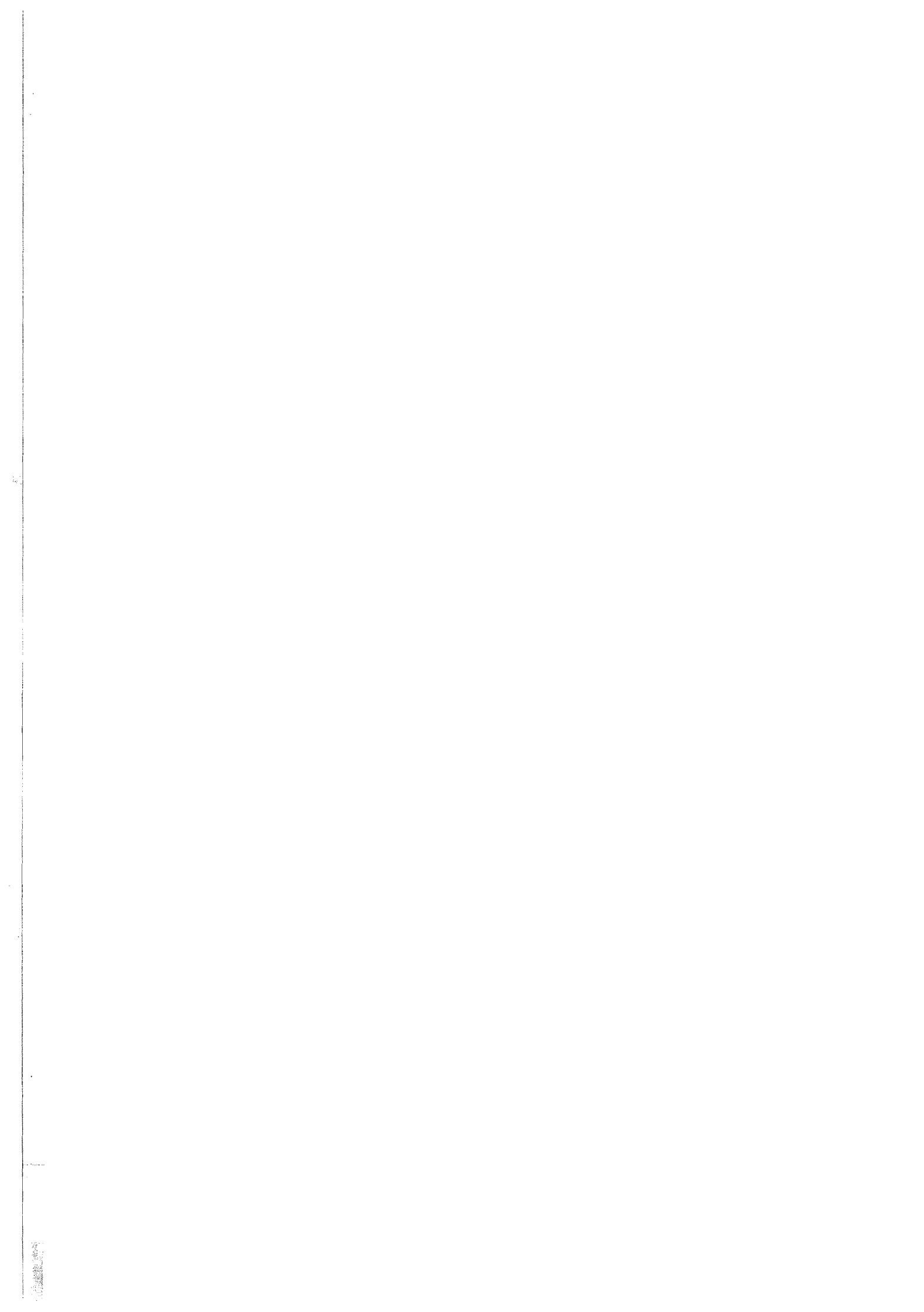


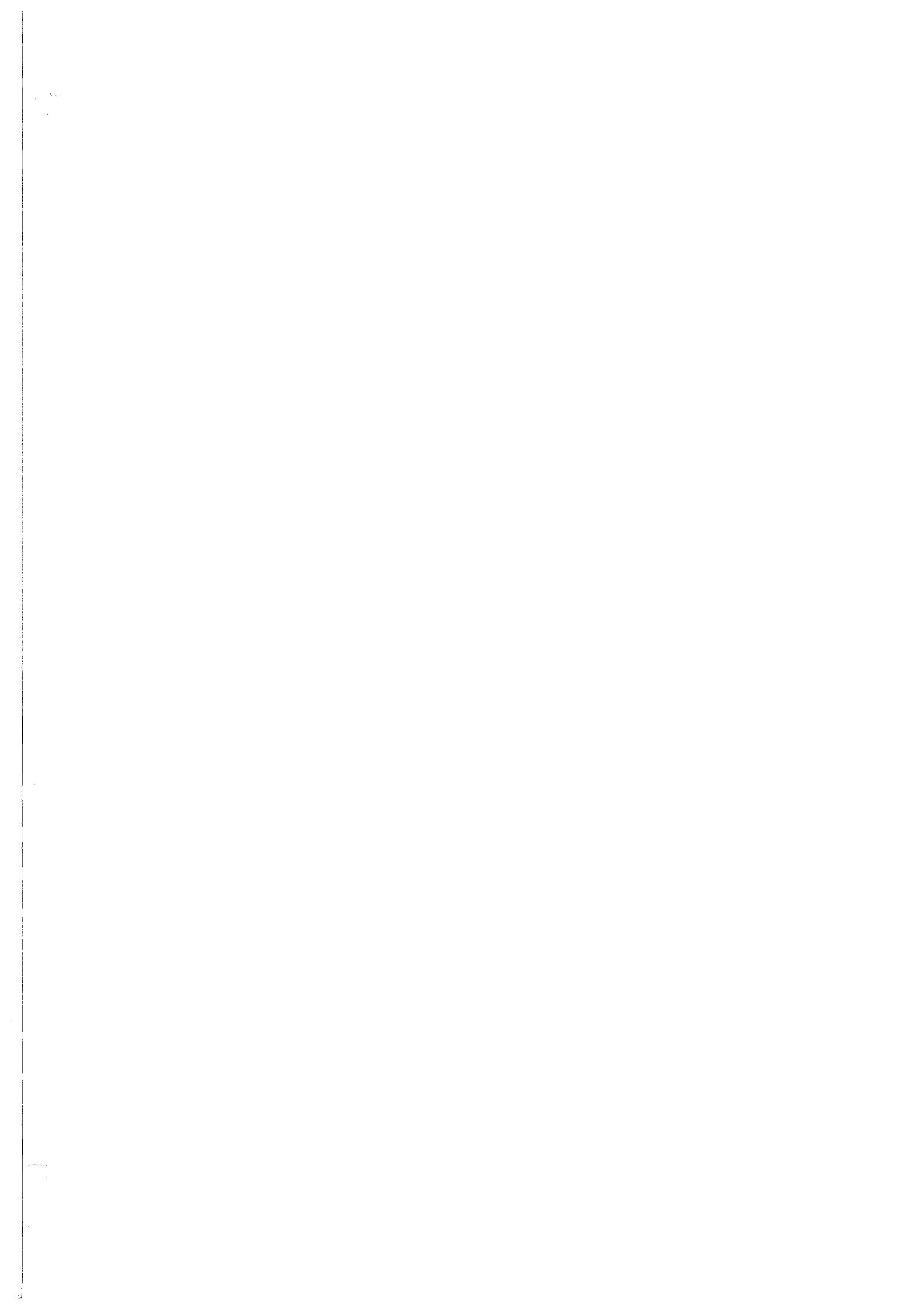


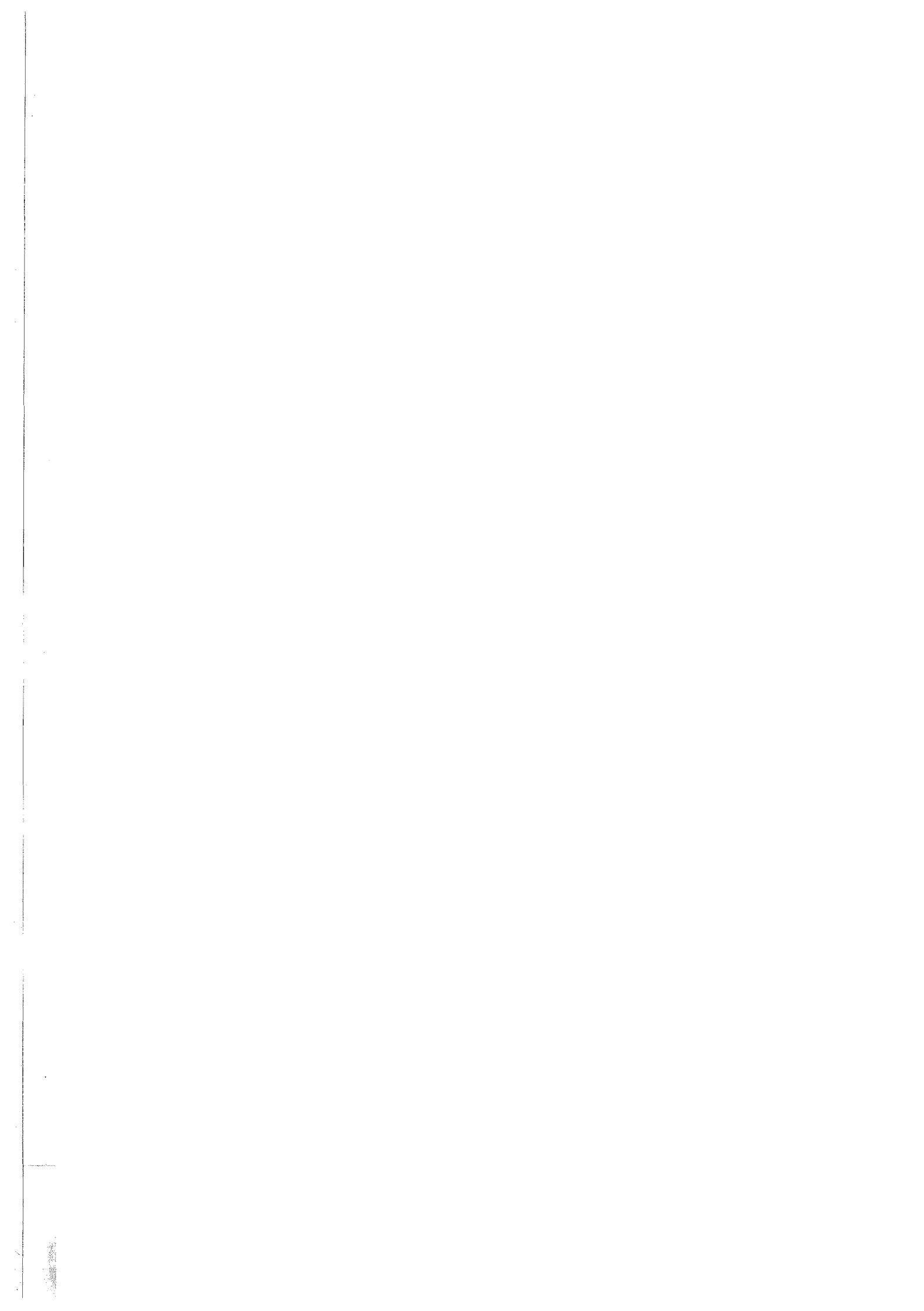


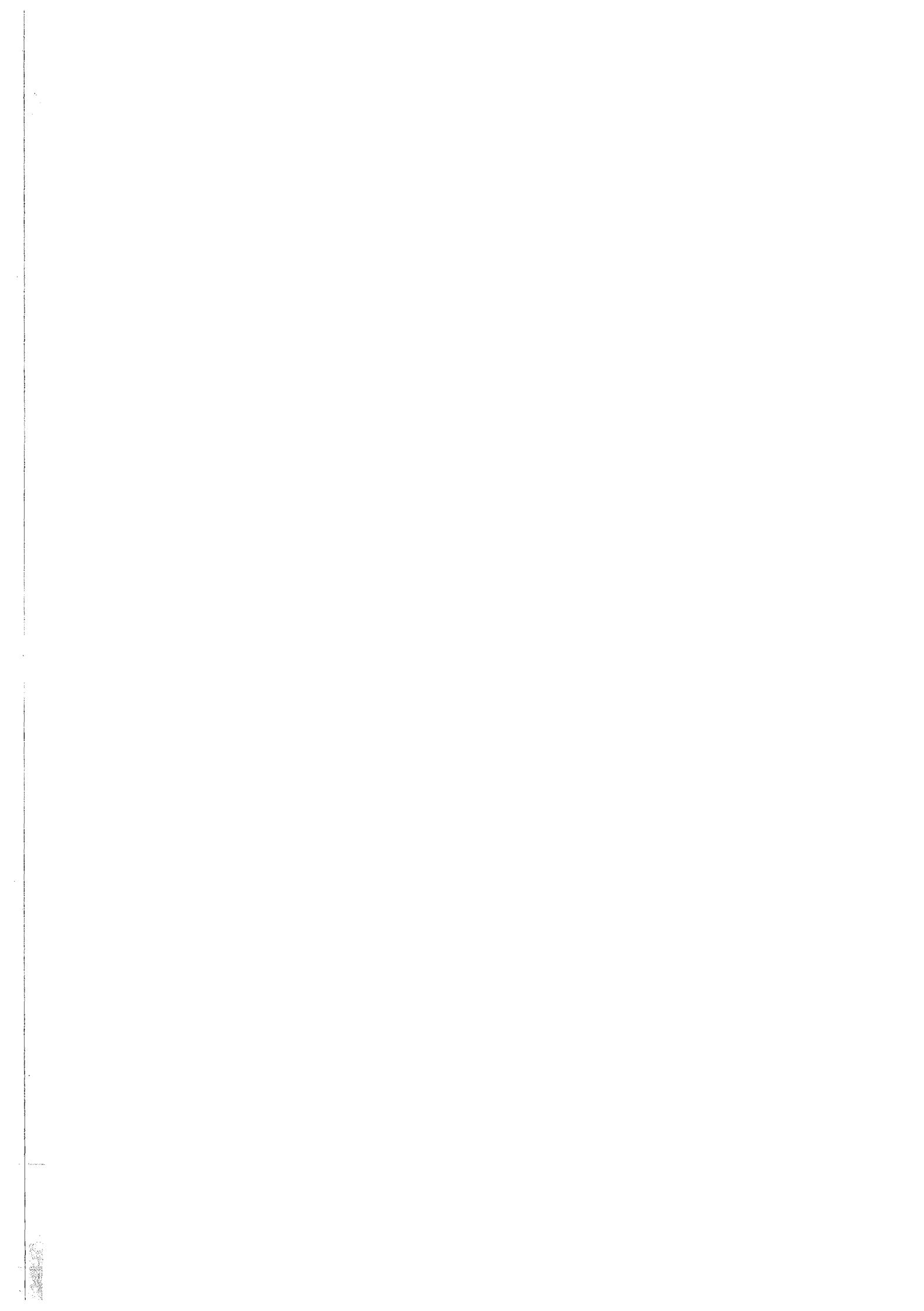




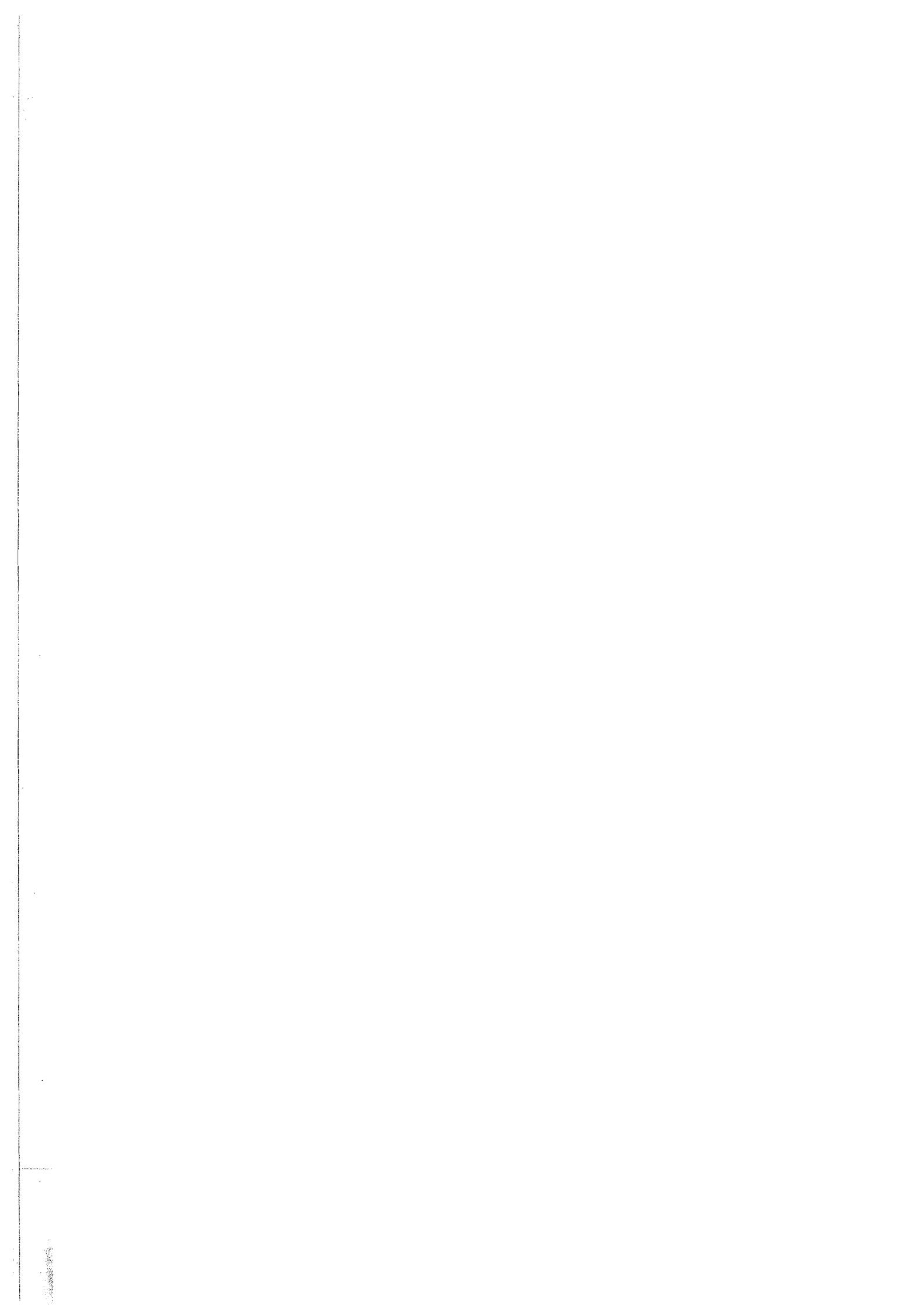




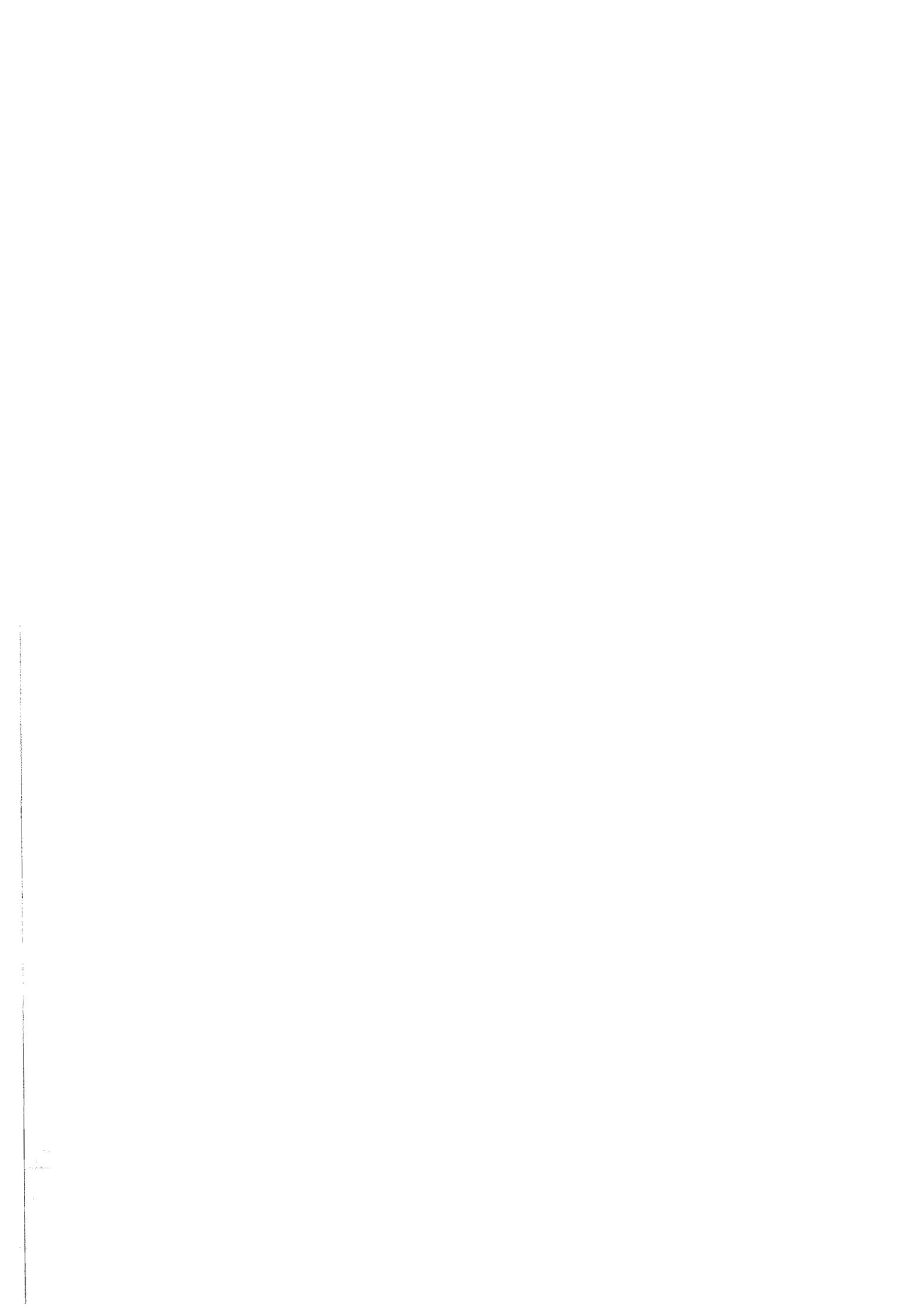




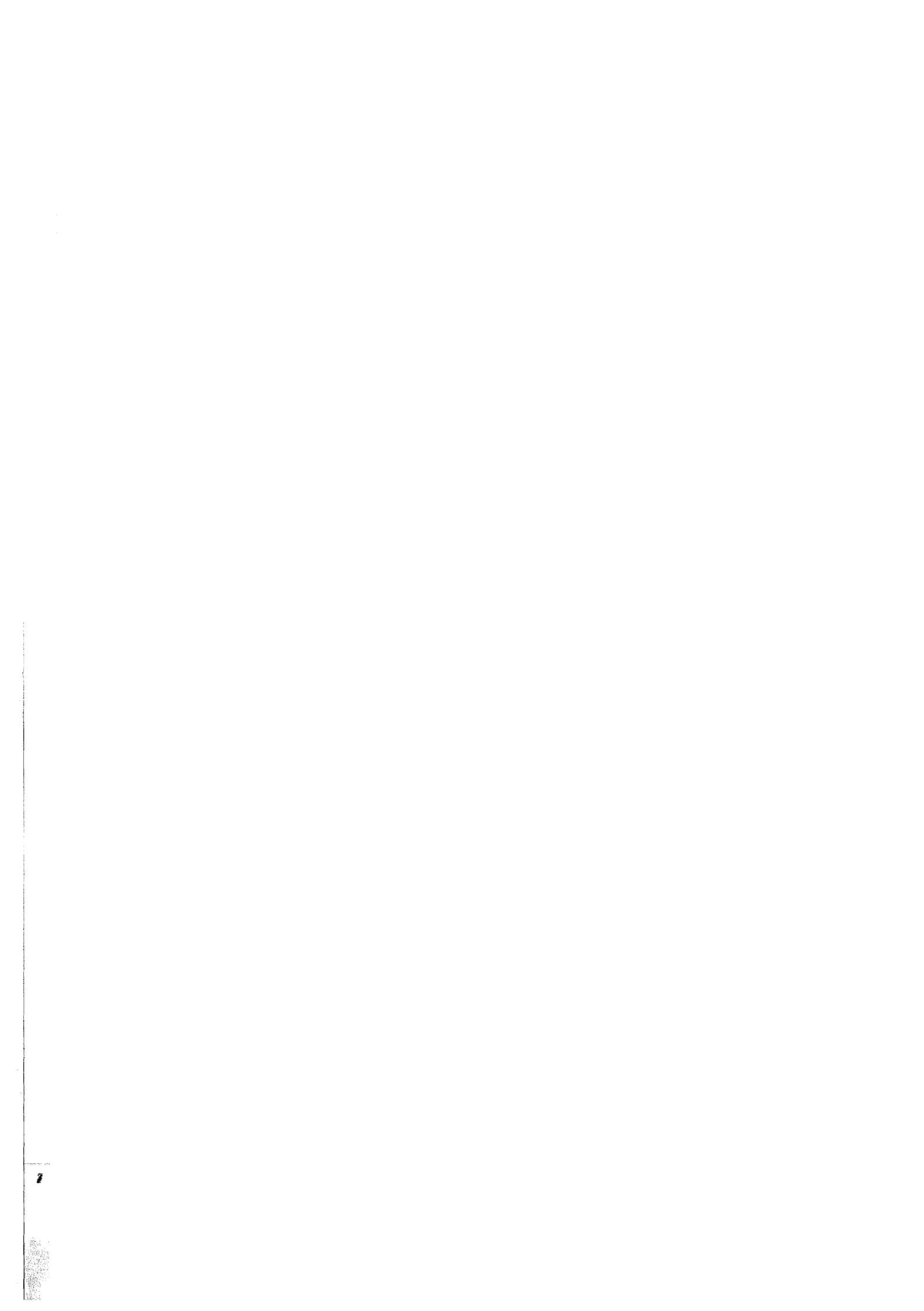


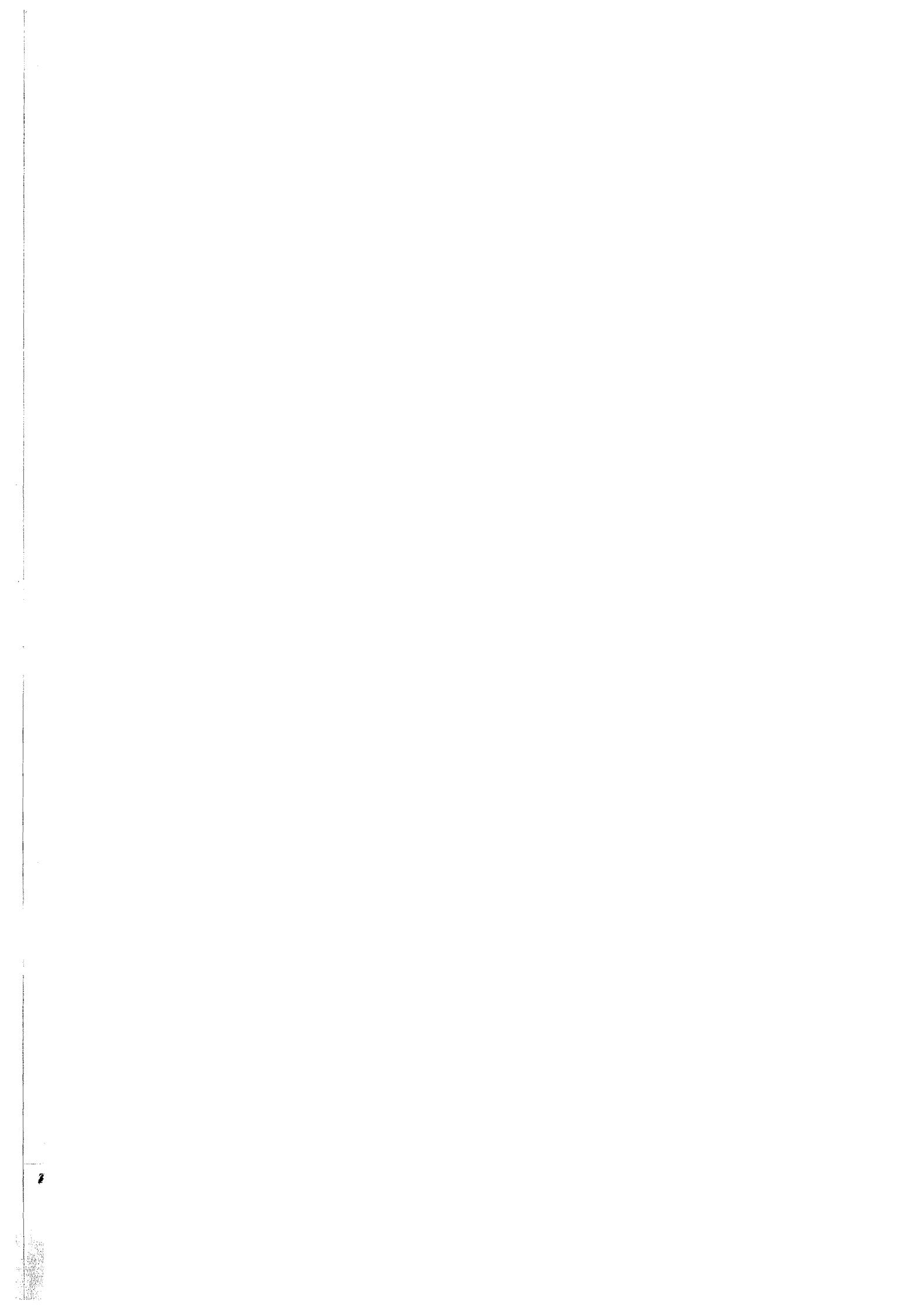


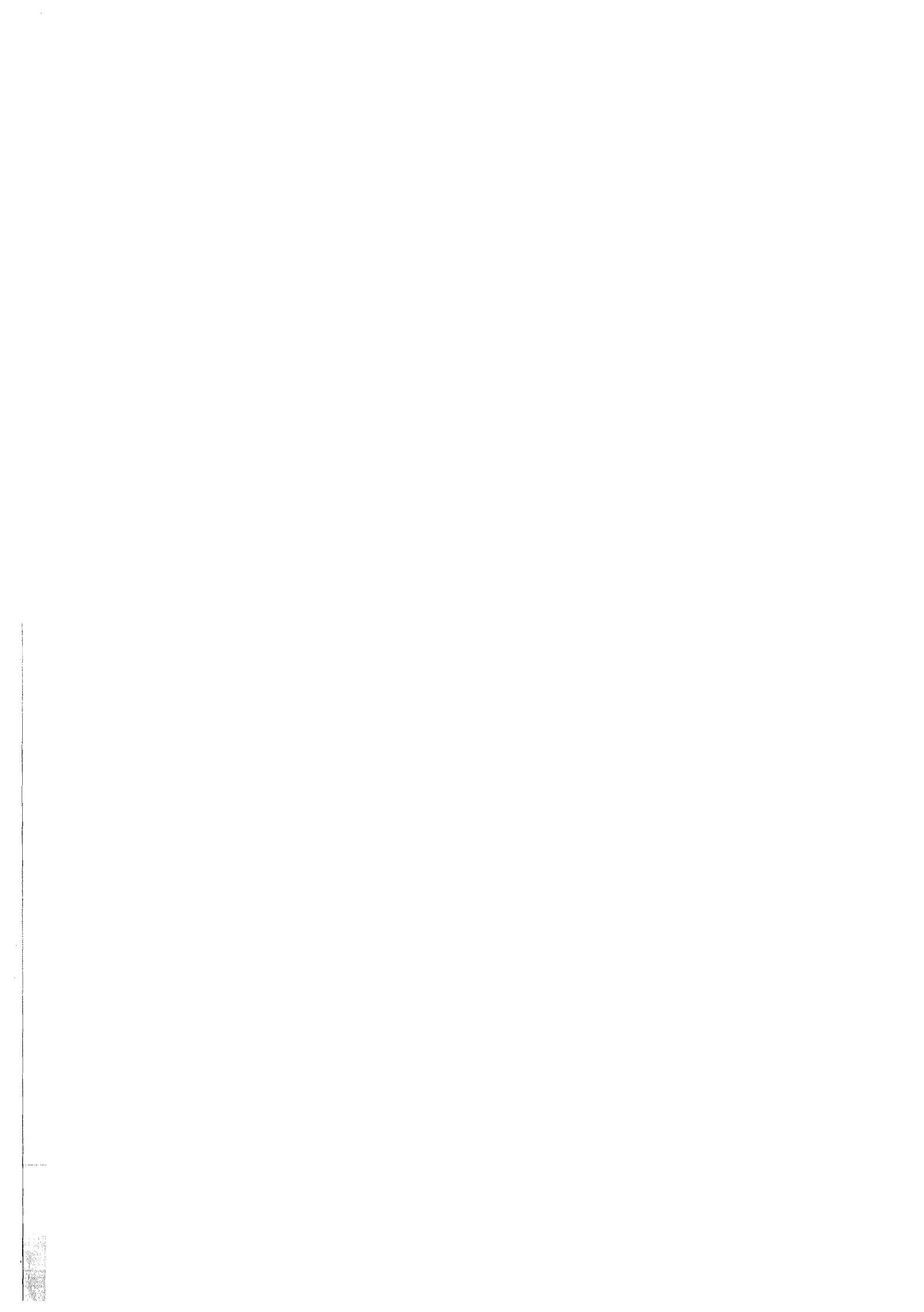












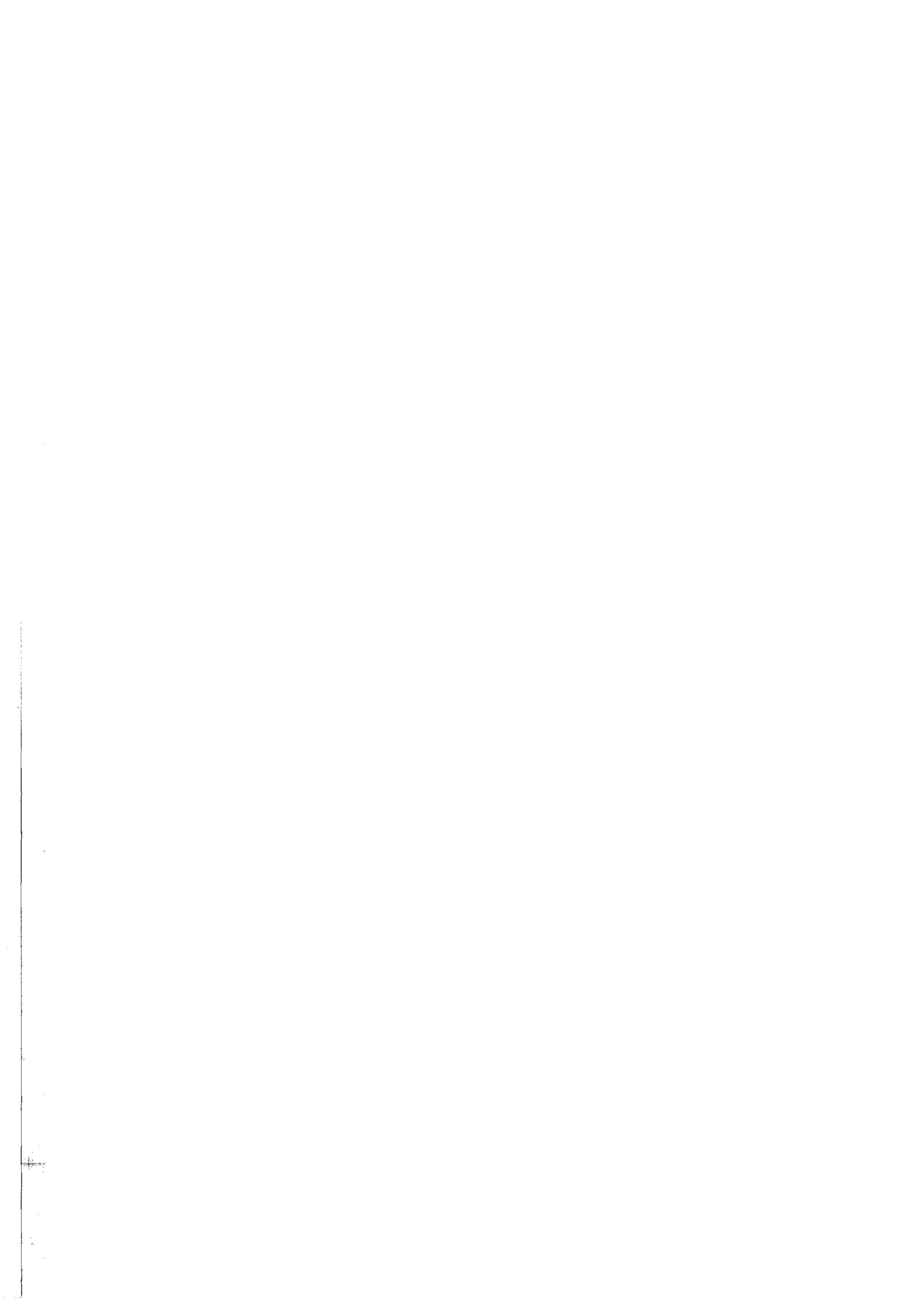




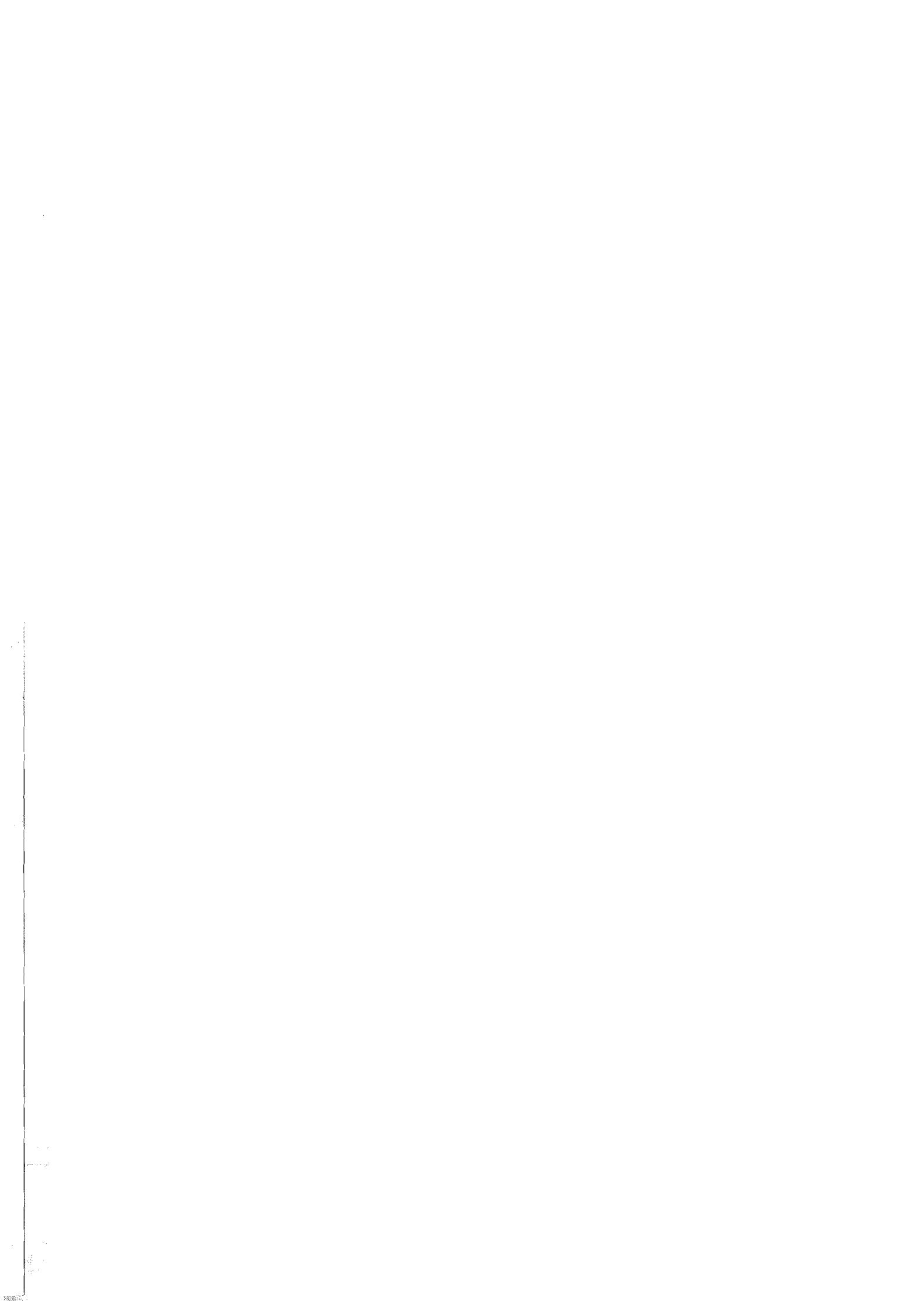


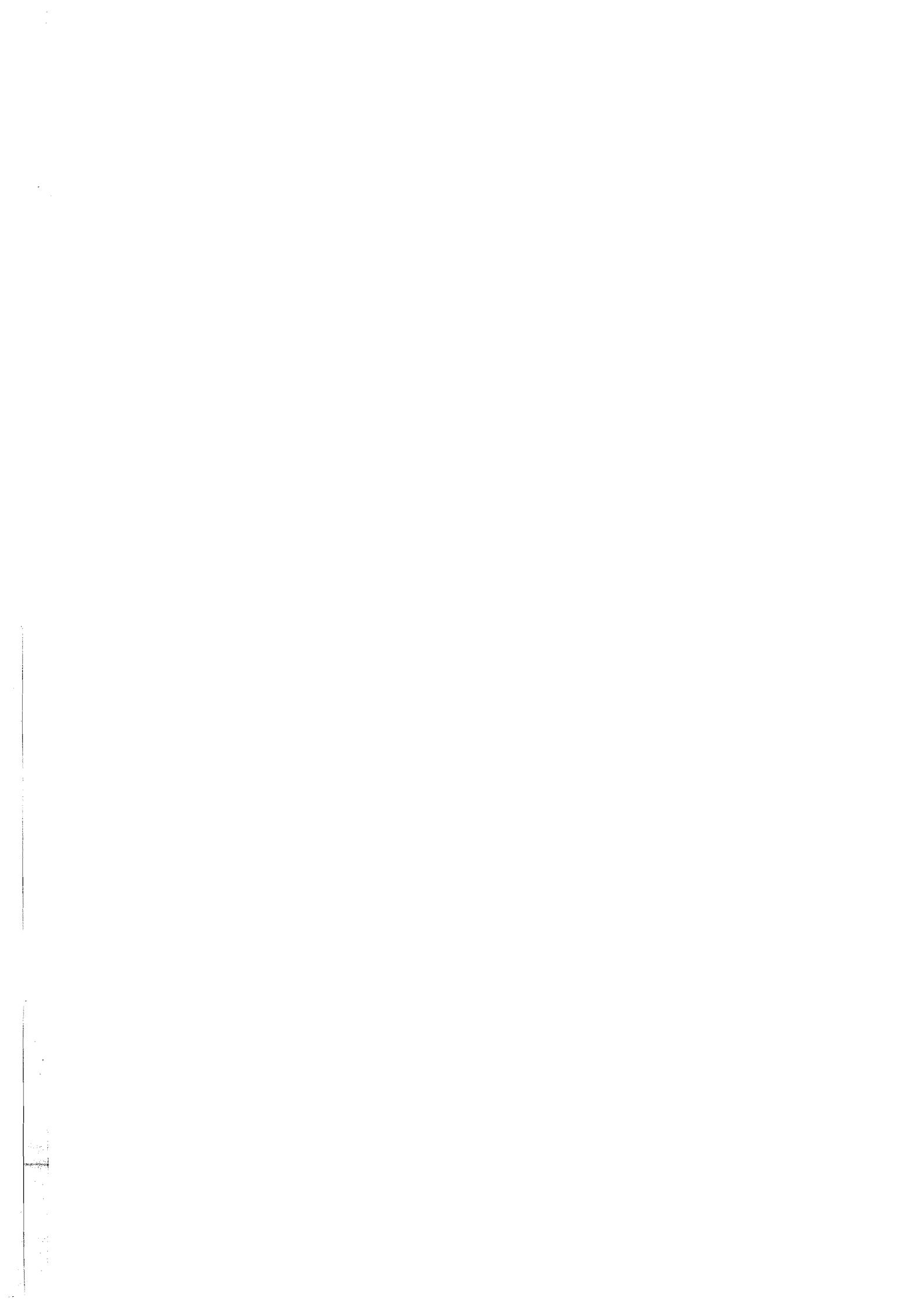


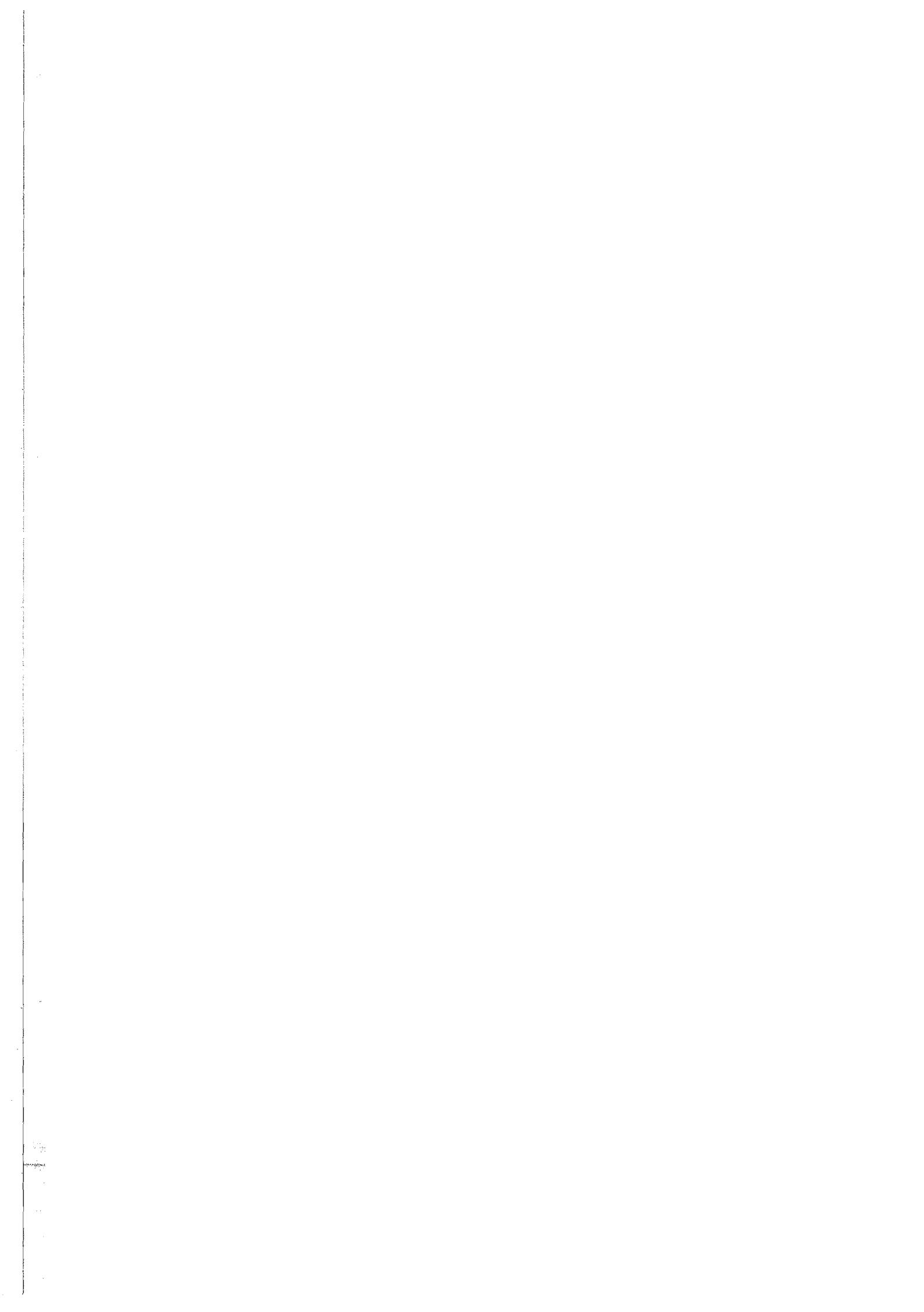


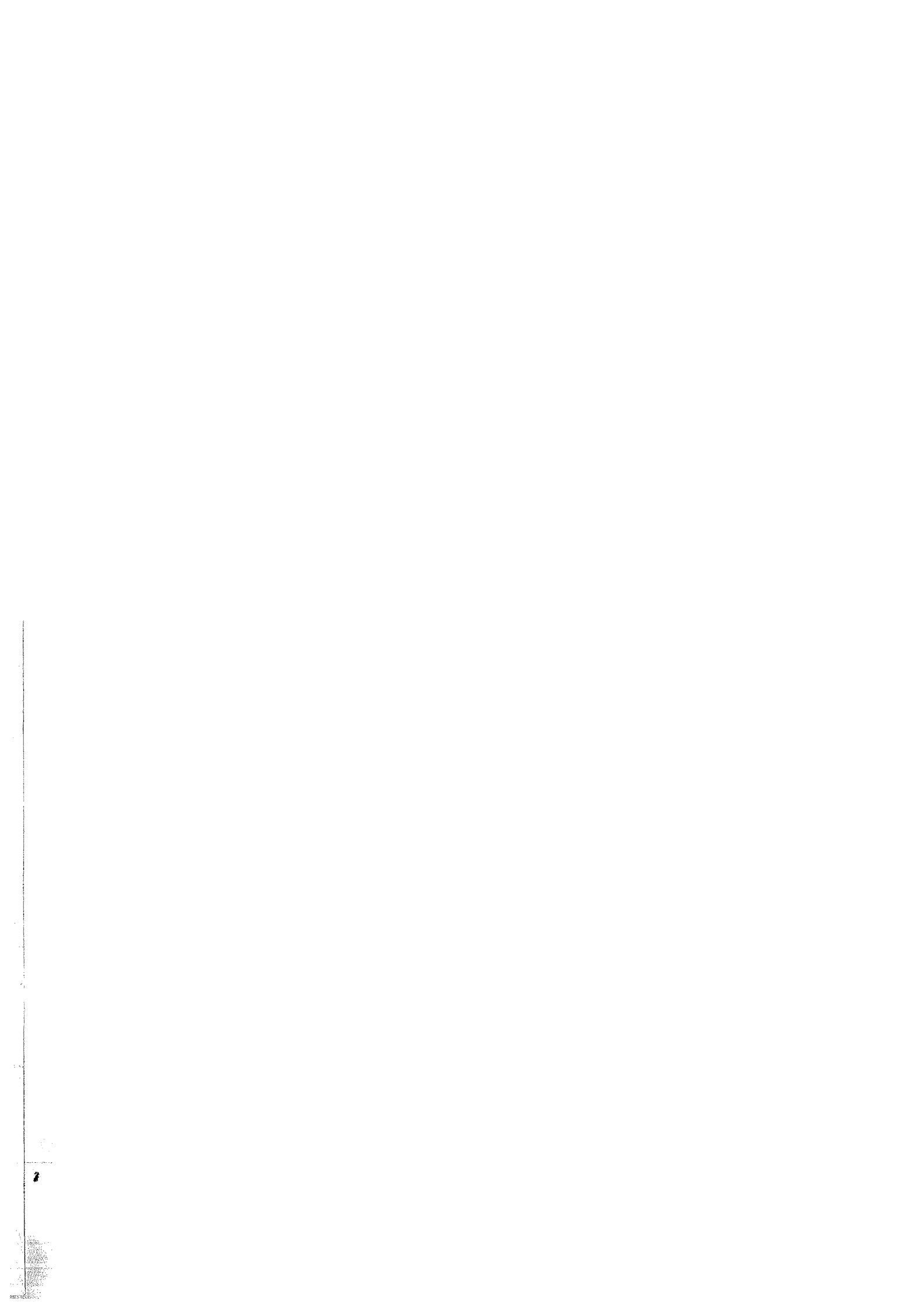




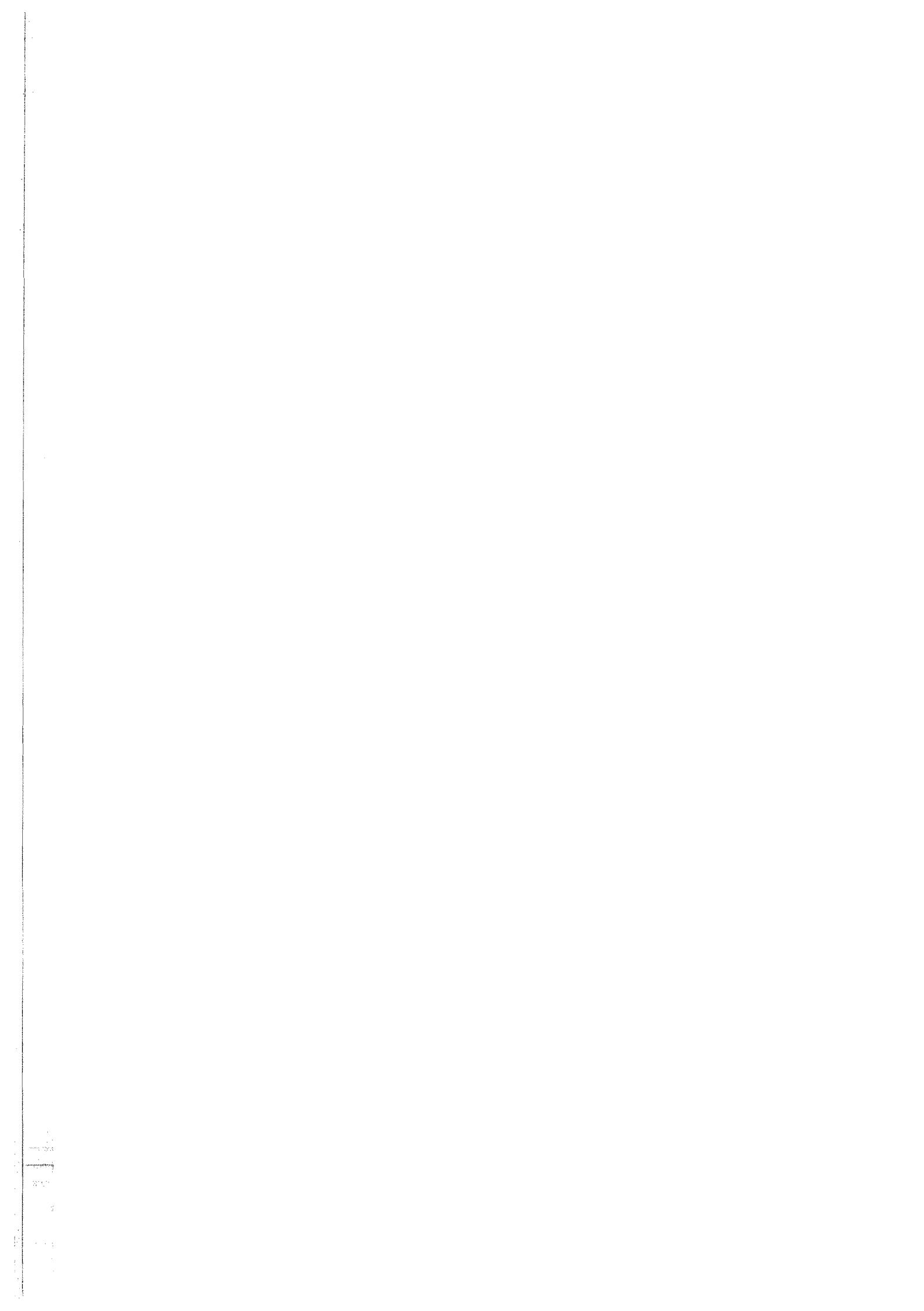


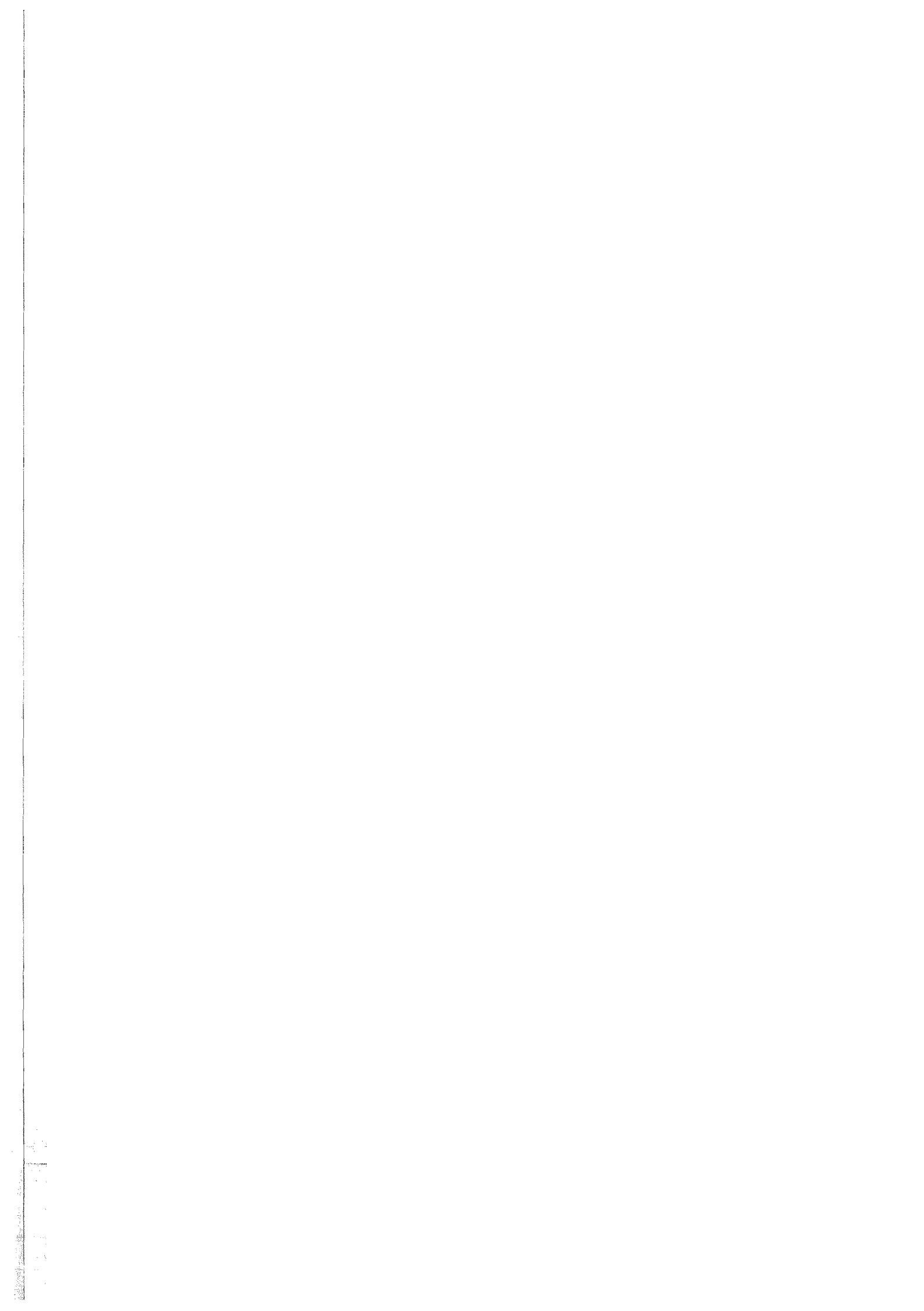


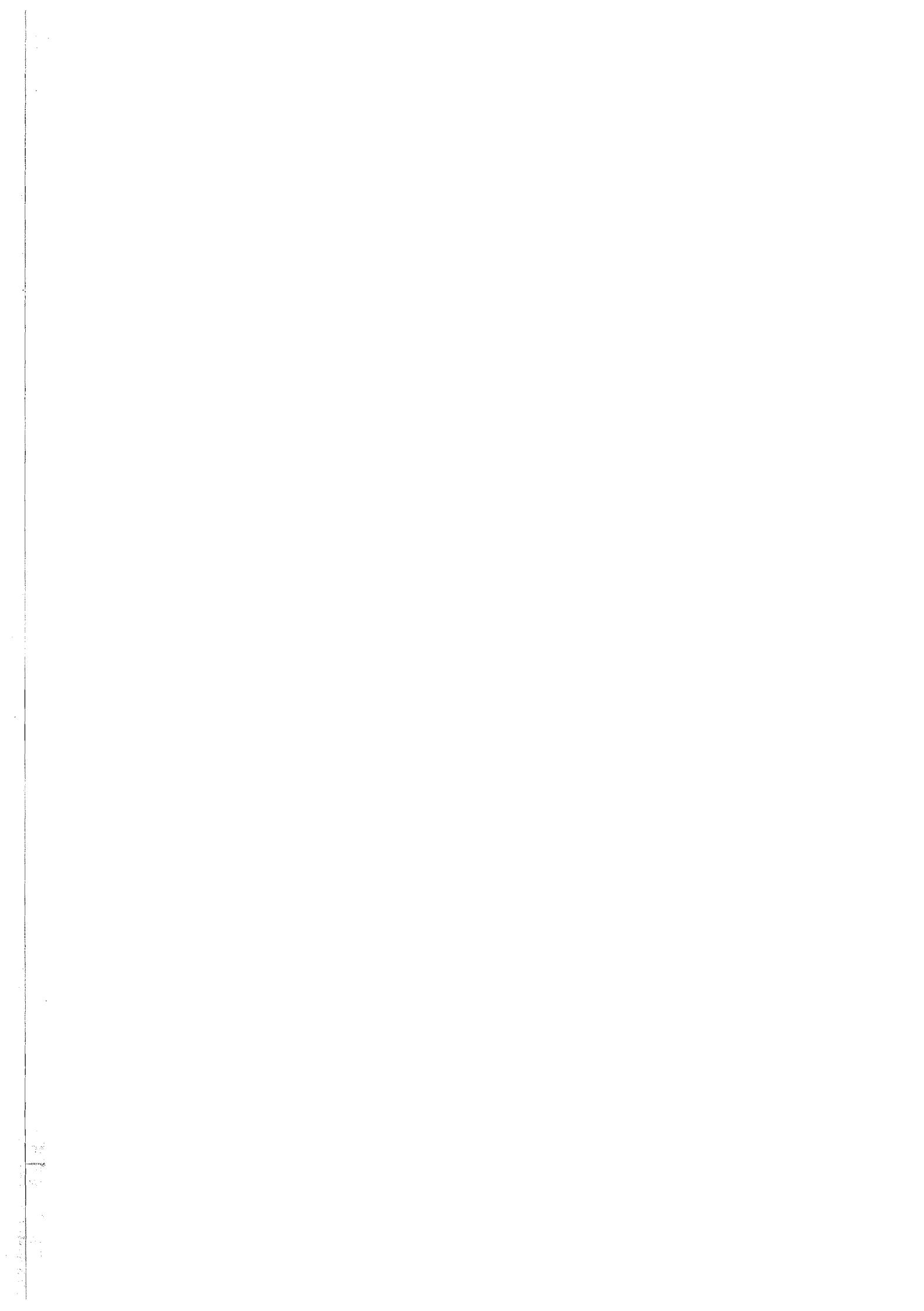


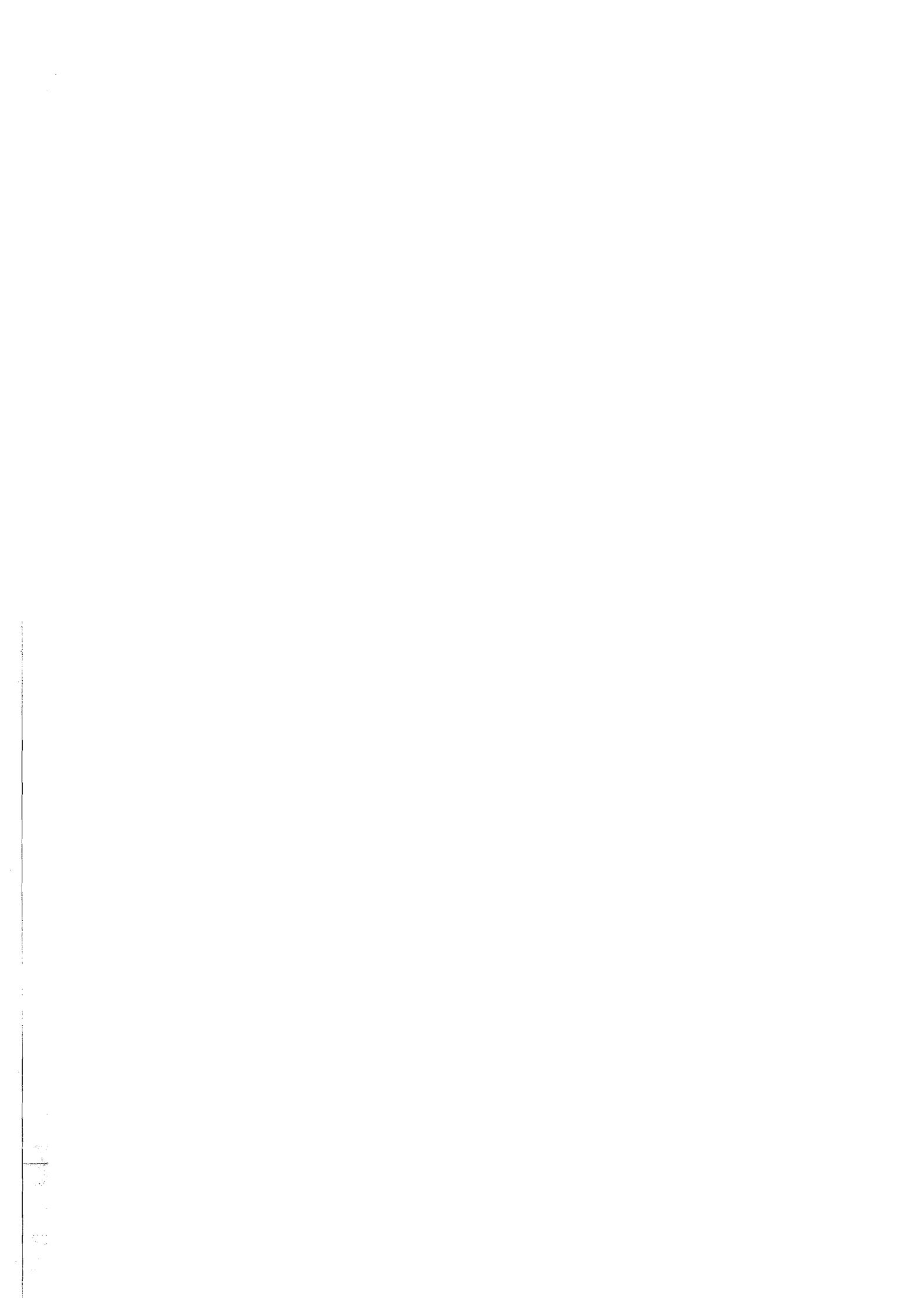


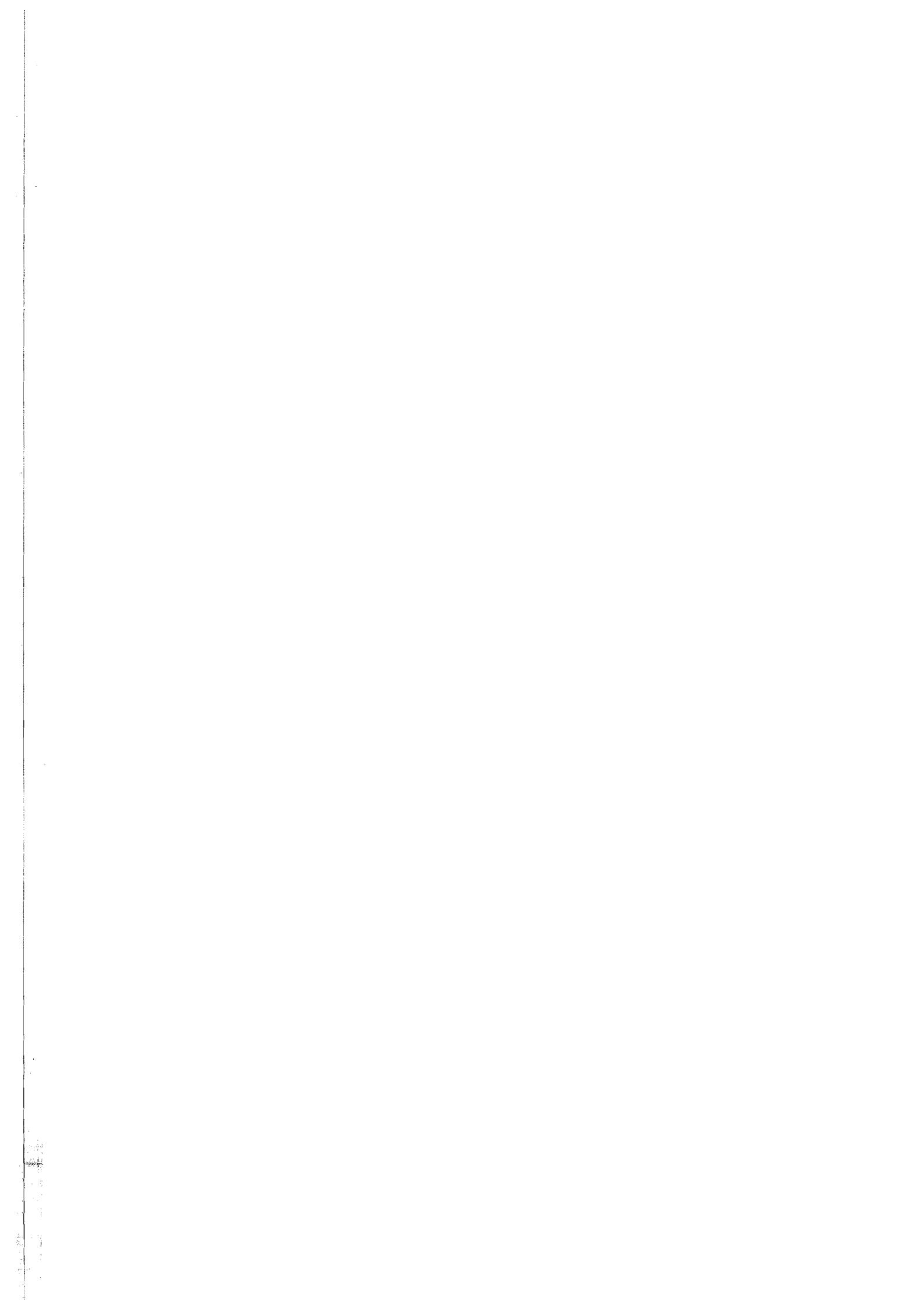


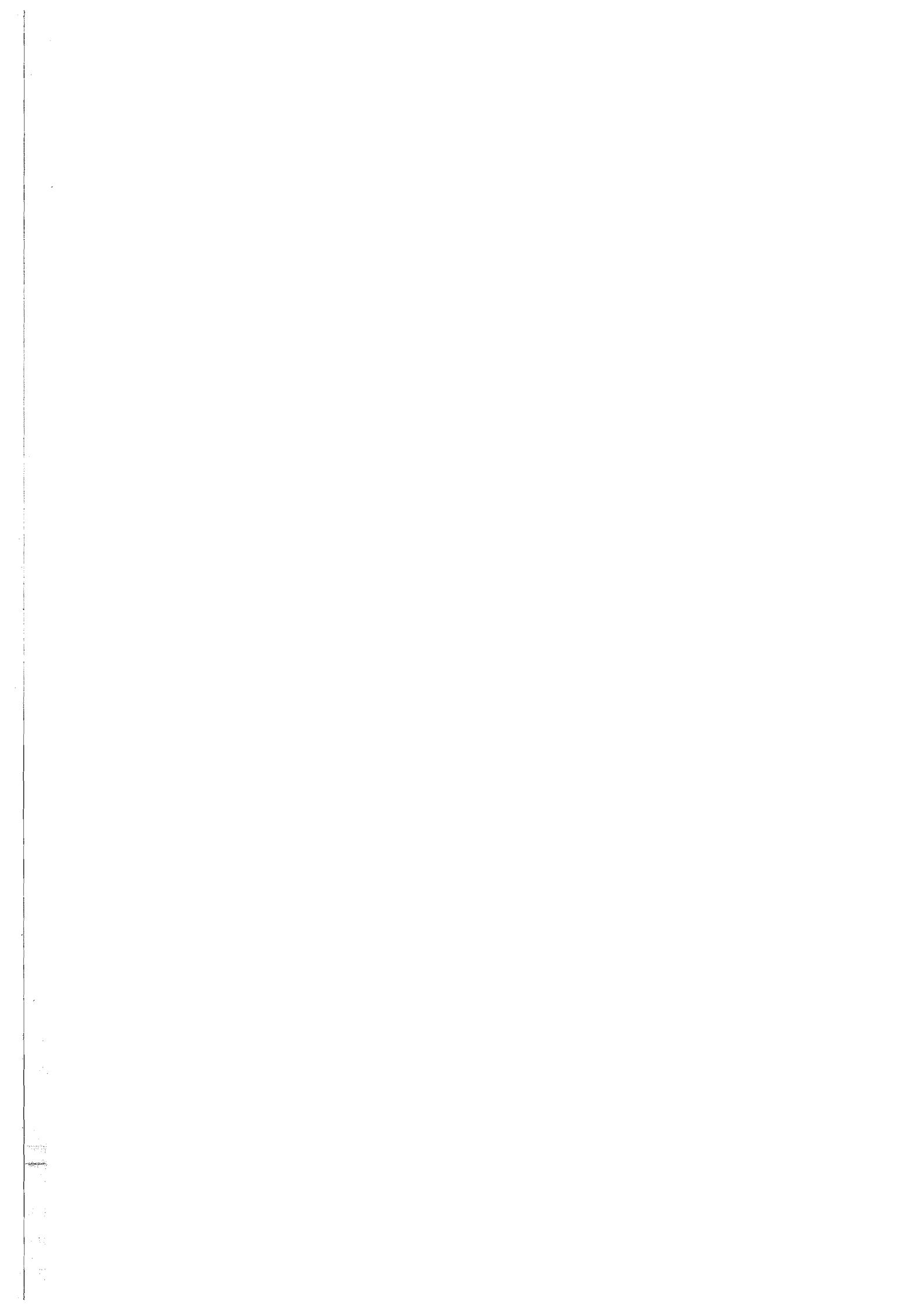














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4. Paradhi

5. Vaghri

(3) After Part VII, insert the following:—

"PART VII-A.—Maharashtra

1. Throughout the State except the districts of Buldana, Akola, Amravati, Yeotmal, Wardha, Nagpur, Bhandara, Chanda, Aurangabad, Parbhani, Nanded, Bhir, Osmanabad and Rajura:—

1. Barda

2. Bavacha or Bamcha

3. Bhil, including Bhil Garasia, Dholi Bhil, Dungri Bhil, Dungri Garasia, Mewasi Bhil, Rawal Bhil, Tadvi Bhil, Bhagalia, Bhilala, Pawra, Vasava and Vasave

4. Chodhara

5. Dhanka, including Tadvi, Tetaria and Valvi

6. Dhodia

7. Dubla, including Talavia or Halpati

8. Gamit or Gamta or Gavit, including Mavchi, Padvi, Vasava, Vasave and Valvi

9. Gond or Rajgond

10. Kathodi or Katkari, including Dhor Kathodi or Dhor Katkari and Son Kathodi or Son Katkari

11. Kokna, Kokni, Kukna

12. Koli Dhor, Tokre Koli, Kolcha or Kolgha

13. Naikda or Nayaka, including Cholivala Nayaka, Kapadia Nayaka, Mota Nayaka and Nana Nayaka

14. Pardhi, including Advichincher and Phanse Pardhi

15. Patelia

16. Pomla

17. Rathawa

18. Varli

19. Vitolia, Kotwalia or Barodia

2. In Thana district:—

Koli Malhar

3. (a) In Ahmednagar district:—

Akola, Rahuri and Sangamner talukas.

Kon Mahadav

(b) In Kolaba district:—

Karjat, Khalapur, Alibagh, Mahad and Sudhagad talukas.

or
Dongar Koli.

(c) In Nasik district:—

Nasik, Niphad, Sinnar, Chandor, Baglan, Igatpuri, Dindori and Kalvan talukas and Surgana and Peint Mahals.

(d) In Poona district:—

Ambegaon, Junnar, Khed, Mawal and Mulshi talukas and Velhe Mahal.

(e) In Thana district:—

Thana, Murbad, Bhivandi, Bassein, Wada, Shahapur, Dahanu, Palghar, Jawhar and Mokhada talukas.

4. (a) In Ahmednagar district:—

Akola, Rahuri and Sangamner talukas.

(b) In Kolaba district:—

Karjat, Khalapur, Pen, Panvel and Sudhagad talukas and Matheran.

(c) In Nasik district:—

Igatpuri, Nasik and Sinnar talukas.

(d) In Poona district:—

Ambegaon, Junnar, Khed and Mawal talukas.

(e) In Thana district:—

Thana, Kalyan, Murbad, Bhivandi, Bassein, Wada, Shahapur, Palghar, Jawhar and Mokhada talukas.

Koli Mahadev

or

Dongar Koli.

Thakur or
Thakar includ-
ing Ka Thakur,
Ka Thakar,
Ma Thakur and
Ma Thakar.

5. In (1) Melghat tahsil of Amravati district, (2) Gadchiroli and Sironcha tahsils of the Chanda district, (3) Kelapur, Wani and Yeotmal tahsils of the Yeotmal district:—

1. Andh

2. Baiga

3. Bhaina

4. Bharia-Bhumia or Bhuinhari-Bhumia including Pando

5. Bhattra
6. Bhil
7. Bhunjia
8. Binjhwar
9. Birhul or Birhor
10. Dhanwar
11. Gadaba or Gadba
12. Gond, including—
 - Arakh or Arrakh
 - Agaria
 - Asur
 - Badi Maria or Bada Maria
 - Bhatola
 - Bhimma
 - Bhuta, Koilabhuta or Koilabhuti
 - Bhar
 - Bisonhorn Maria
 - Chota Maria
 - Dandami Maria
 - Dhuru or Dhurwa
 - Dhoba
 - Dhulia
 - Dorla
 - Gaiki
 - Gatta or Gatti
 - Gaita
 - Gond Gowari
 - Hill Maria
 - Kandra
 - Kalanga
 - Khatola
 - Koitar
 - Koya
 - Khirwar or Khirwara
 - Kucha Maria
 - Kuchaki Maria
 - Madia (Maria)

- Mana
 Mannewer
 Moghya or Mogia or Monghya
 Mudia (Muria)
 Nagarchi
 Nagwanshi
 Ojha
 Raj
 Sonjhari Jhareka
 Thatia or Thotya
 Wade Maria or Vade Maria
13. Halba or Halbi
 14. Kamar
 15. Kawar, Kanwar, Kaur, Cherwa, Rathia Tanwar or Chattri
 16. Khairwar
 17. Kharia
 18. Kondh or Khond or Kandh
 19. Kol
 20. Kolam
 21. Korku, including Bopchi, Mouasi, Nihal or Nahul and Bondhi
 or Bondeya
 22. Korwa, including Kodaku
 23. Majhwar
 24. Munda
 25. Nagesia or Nagasia
 26. Nihal
 27. Oraon, including Dhanka and Dhangad
 28. Pardhan, Pathari and Saroti
 29. Pardhi, including Bahelia or Bahellia, Chita Pardhi, Langoli
 Pardhi, Phans Pardhi, Shikari, Takankar and Takia
 30. Parja
 31. Saonta or Saunta
 32. Sawar or Sawara
6. In the districts of Aurangabad, Parbhani, Nanded, Rajura, **Bhir**
 and Osmanabad:—
1. Andh
 2. **Bhil**

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3. Gond (including Naikpod and Rajgond)
4. Kolam (including Mannervarlu)
5. Koya (including Bhine Koya and Rajkoya)
6. Pardhan
7. Thoti.

THE NINTH SCHEDULE

[See section 45 (1)]

I—MODIFIED FORM OF SECTION 3 OF THE UNION DUTIES OF EXCISE (DISTRIBUTION) ACT, 1957

(1) Section 3 of the Union Duties of Excise (Distribution) Act, 1957, shall, as from the 1st day of May, 1960, have effect subject to the following modifications, namely:—

In the Table below section 3, for the entry relating to Bombay, the following entries shall be substituted, namely:—

“Maharashtra	8·07
Gujarat	4·10”.

(2) For the purposes of calculating the amount payable under section 3 to Bombay in the first month of the financial year commencing on the 1st day of April, 1960, and to Maharashtra and Gujarat during the remaining eleven months of that financial year, the distributable Union duties of excise shall be deemed to be one-twelfth and eleven-twelfths, respectively, of the distributable Union duties of excise for that financial year.

II—MODIFIED FORM OF SECTIONS 3 AND 5 OF THE ESTATE DUTY AND TAX ON RAILWAY PASSENGER FARES (DISTRIBUTION) ACT, 1957

A—*Distribution of estate duty*

(1) Section 3 of the Estate Duty and Tax on Railway Passenger Fares (Distribution) Act, 1957, shall, as from the 1st day of May, 1960, have effect subject to the following modifications, namely:—

In clause (b) of sub-section (2), for the entry relating to Bombay, the following entries shall be substituted, namely:—

“Maharashtra	8·97
Gujarat	4·55”.

(2) For the purposes of calculating the amount payable under sub-section (1) of section 3 to Bombay in the first month of the financial year commencing on the 1st day of April, 1960, and to

Maharashtra and Gujarat during the remaining eleven months of that financial year, the total amount falling to be distributed shall be deemed to be one-twelfth and eleven-twelfths, respectively, of the total amount falling to be distributed for that financial year.

B—Distribution of tax on railway passenger fares

(1) Section 5 of the Estate Duty and Tax on Railway Passenger Fares (Distribution) Act, 1957, shall, as from the 1st day of May, 1960, have effect subject to the following modifications, namely:—

For the entry relating to Bombay, the following entries shall be substituted, namely:—

“Maharashtra	10·80
Gujarat	5·48”.

(2) For the purposes of calculating the amount payable under section 5 to Bombay in the first month of the financial year commencing on the 1st day of April, 1960, and to Maharashtra and Gujarat during the remaining eleven months of that financial year, the net proceeds of the tax on railway passenger fares shall be deemed to be one-twelfth and eleven-twelfths, respectively, of the net proceeds of such tax for that financial year.

III—MODIFIED FORM OF THE SECOND SCHEDULE TO THE ADDITIONAL DUTIES OF EXCISE (GOODS OF SPECIAL IMPORTANCE) ACT, 1957

A—Distribution of additional duties on sugar

(1) In the Second Schedule, the Table at the end of Part I shall, as from the 1st day of May, 1960, have effect subject to the following modifications, namely:—

For the entry relating to Bombay, the following entries shall be substituted, namely:—

“Maharashtra	8·07	162	13·37
Gujarat	4·10	83	6 80”.

(2) For the purposes of calculating the amount payable under Part I of the Second Schedule to Bombay in the first month of the financial year commencing on the 1st day of April, 1960, and to Maharashtra and Gujarat during the remaining eleven months of that financial year, the net proceeds of the additional duties in respect of sugar shall be deemed to be one-twelfth and eleven-twelfths, respectively, of the net proceeds of such duties for that financial year; and in respect of that financial year, the sums specified in the third column of the Table shall be deemed to have been replaced by 20

for the first month in relation to Bombay and by 149 for the remaining eleven months in relation to Maharashtra and by 76 in relation to Gujarat.

B—Distribution of additional duties on tobacco

(1) In the Second Schedule, the Table below paragraph 4 shall, as from the 1st day of May, 1960, have effect subject to the following modifications, namely:—

For the entries relating to Bombay, the following entries shall be substituted, namely:—

"Maharashtra	8·07	76	11·54
Gujarat	4·10	39	5·87".

(2) For the purposes of calculating the amount payable under paragraph 4 to Bombay in the first month of the financial year commencing on the 1st day of April, 1960, and to Maharashtra and Gujarat during the remaining eleven months of that financial year, the net proceeds of the additional duties on tobacco shall be deemed to be one-twelfth and eleven-twelfths, respectively, of the net proceeds of such duties for that financial year; and in respect of that financial year, the sums specified in the third column of the Table shall be deemed to have been replaced by 10 for the first month in relation to Bombay and by 70 for the remaining eleven months in relation to Maharashtra, and by 35 in relation to Gujarat.

C—Distribution of additional duties on textiles

(1) In the Second Schedule, the Table at the end of Part III shall, as from the 1st day of May, 1960, have effect subject to the following modifications, namely:—

For the entry relating to Bombay, the following entries shall be substituted, namely:—

"Maharashtra	399	10·91
Gujarat	202	5·55".

(2) For the purposes of calculating the amount payable under Part III of the Second Schedule to Bombay in the first month of the financial year commencing on the 1st day of April, 1960, and to Maharashtra and Gujarat during the remaining eleven months of that financial year, the net proceeds of the additional duties in respect of cotton fabrics, rayon or artificial silk fabrics and woollen fabrics shall be deemed to be one-twelfth and eleven-twelfths, respectively, of the net proceeds of such duties for that financial year; and in respect of that financial year the sums specified in the second column of the

Table shall be deemed to have been replaced by 50 for the first month in relation to Bombay and by 365 for the remaining eleven months in relation to Maharashtra, and by 185 in relation to Gujarat.

IV—MODIFIED FORM OF PARAGRAPH 3 OF THE CONSTITUTION (DISTRIBUTION OF REVENUES) NO. 2 ORDER, 1957.

(1) Paragraph 3 of the Constitution (Distribution of Revenues) No. 2 Order, 1957, shall, as from the 1st day of May, 1960, have effect subject to the following modifications, namely:—

In the Table at the end of paragraph 3, for the entry relating to Bombay, the following entries shall be substituted, namely:—

“Maharashtra	10·59
Gujarat	5·38”.

(2) For the purposes of calculating the amount payable under paragraph 3 to Bombay in the first month of the financial year commencing on the 1st day of April, 1960, and to Maharashtra and Gujarat during the remaining eleven months of that financial year, the net proceeds of taxes on income shall be deemed to be one-twelfth and eleven-twelfths, respectively, of the net proceeds of taxes on income for that financial year.

THE TENTH SCHEDULE

[See section 47(2)]

1. Stores held for specific purposes such as for use or utilisation in particular institutions, workshops or undertakings or on particular works under construction shall pass to the State in which such institutions, workshops, undertakings or works are located on the appointed day.

2. Stores relating to Sachivalaya and offices of Heads of Departments having, immediately before the appointed day, jurisdiction over the whole of the State of Bombay shall remain the property of the State of Maharashtra:

Provided that typewriters, duplicators, clocks and vehicles shall be divided between the States of Maharashtra and Gujarat according to the population ratio.

3. All other unissued stores, pooled stores, and stores purchased on or after the 1st July, 1959, of any class shall be divided between the States of Maharashtra and Gujarat, in proportion to the total stores of that class purchased in the period of three years ending with the 31st March, 1960 for the territories included respectively in each of those States:

Provided that where such proportion cannot be ascertained in respect of any class of stores or where the value of any class of such stores does not exceed Rs. 10,000, that class of stores shall be divided between the two States according to the population ratio.

THE ELEVENTH SCHEDULE

(See section 59)

APPORTIONMENT OF LIABILITY IN RESPECT OF PENSIONS

1. Subject to the adjustments mentioned in paragraph 3, each of the States of Maharashtra and Gujarat shall, in respect of pensions granted by the State of Bombay before the appointed day, pay the pensions drawn in its treasuries.
2. Subject to the said adjustments, the liability in respect of pensions of officers serving in connection with the affairs of the State of Bombay who retire or proceed on leave preparatory to retirement before the appointed day, but whose claims for pensions are outstanding immediately before that day, shall be the liability of the State of Maharashtra.
3. There shall be computed in respect of the part of the financial year commencing on the appointed day and in respect of each subsequent financial year, the total payments made in each of the States of Maharashtra and Gujarat in respect of pensions referred to in paragraphs 1 and 2; that total, representing the liability of the State of Bombay in respect of pensions, shall be apportioned between the States of Maharashtra and Gujarat in the population ratio, and the State paying more than its due share shall be reimbursed the excess amount by the other State.
4. (1) The liability in respect of the pension of any officer serving immediately before the appointed day in connection with the affairs of the State of Bombay and retiring on or after that day, shall be that of the State which grants him the pension; but the portion of the pension attributable to the service of any such officer before the appointed day in connection with the affairs of the State of Bombay shall be allocated between the States of Maharashtra and Gujarat in the population ratio, and the Government which grants the pension shall be entitled to receive from the other Government its share of this liability.
(2) If any such officer was serving after the appointed day for some period in connection with the affairs of the State of Maharashtra and for some period in connection with the affairs of the

State of Gujarat, the Government other than the one granting the pension shall reimburse to the Government by which the pension is granted an amount which bears to the portion of the pension attributable to his service after the appointed day the same ratio as the period of his qualifying service after the appointed day under the reimbursing State bears to the total qualifying service after the appointed day reckoned for the purposes of pension.

5. Any reference in this Schedule to a pension shall be construed as including a reference to the commuted value of the pension.

THE TWELFTH SCHEDULE

(See section 73)

1. The Bombay State Cooperative Bank Limited.
 2. The Bombay State Cooperative and Mortgage Bank Limited.
 3. The Bombay State Cooperative Housing Finance Society.
 4. The Bombay State Industrial Cooperative Association.
 5. The Bombay State Cooperative Union.
 6. Mumbai Rajya Sahakari Karkhana Sangh.
-

THE THIRTEENTH SCHEDULE

(See section 79)

1. J. J. College of Architecture, Bombay.
2. J. J. Institute of Applied Art, Bombay.
3. School of Printing Technology, Bombay.
4. Government Tanning Institute, Bombay.
5. Government Leather Working School, Bombay.
6. Veterinary College, Bombay.
7. R. A. Podar Medical College (Ayurvedic), Bombay.
8. C. E. M. Dental College, Bombay.
9. Haffkine Institute, Bombay.
10. Forensic Science Laboratory and Chemical Analysers Department, Bombay.
11. State Fire School, Ghatkopar, Bombay..
12. Secretariat Record Office, Bombay.
13. Mathematical Instruments Depot and Workshop, Bombay.

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14. Drugs Testing Laboratory, Bombay.
15. Training Institute for Physical Education, Kandivli, Bombay.
16. J. J. School of Art, Bombay.
17. S. T. College, Bombay.
18. Jail Officers' Training School, Yeravda, Poona.
19. Alienation Office, Poona.
20. Government Photozinco Press, Poona.
21. Government Photo Registry, Poona.
22. Institute of Veterinary Biological Products, Poona.
23. Police Wireless Training Centre, Dapodi, Poona.
24. Public Health Institute, Nagpur.
25. Vaccine Institute, Nagpur.
26. Bombay State Hemp Drugs and Opium Packing and Supply Depot, Ahmedabad.
27. Police Training School, Nasik.

THE APPROPRIATION (No. 2) ACT, 1960

No. 12 of 1960

[26th April, 1960]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1960-61.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (No. 2) Act, 1960. Short title.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate [inclusive of the sums specified in column 3 of the Schedule to the Appropriation (Vote on Account) Act, 1960] to the sum of seven thousand seven hundred and fifty-eight crores, fifty-seven lakhs and fifty-six thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1960-61 in respect of the services specified in column 2 of the Schedule.

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

9th 1960.

THE SCHEDULE

(See sections 2 and 3)

No. of Vot	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Conso- lidated Fund	Total
		Rs.	Rs.	Rs.
I	Ministry of Commerce and Industry	76,72,000	..	76,72,000
2	Industries	26,12,54,000	..	26,12,54,000
3	Salt	52,41,000	83,090	53,24,000
4	Commercial Intelligence and Statistics	84,03,000	..	84,03,000
5	Miscellaneous Departments and Expenditure under the Ministry of Commerce and Industry	2,46,29,000	..	2,46,29,000
6	Ministry of Community Development and Co-operation	29,83,000	..	29,83,000
7	Community Development Projects, National Extension Service and Co-operation	23,74,34,000	..	23,74,34,000
8	Ministry of Defence	42,09,000	..	42,09,000
9	Defence Services—Effective Army	2,00,99,40,000	10,00,000	2,01,09,40,000
10	Defence Services—Effective Navy	19,55,29,000	50,000	19,55,79,000
II	Defence Services—Effective Air Force	62,69,44,000	50,000	62,69,94,000
12	Defence Services—Non-effective Charges	15,40,46,000	80,74,000	16,21,20,000
13	Ministry of Education	42,36,000	..	42,36,000
14	Education	35,64,94,000	..	35,64,94,000
15	Miscellaneous Departments and Other Expenditure under the Ministry of Education	3,82,34,000	..	3,82,34,000
16	Tribal Areas	10,27,74,000	..	10,27,74,000

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Conso- lidated Fund	Total
		Rs.	Rs.	Rs.
17	Naga Hills Tuensang Area	3,26,09,000	..	3,26,09,000
18	External Affairs	11,85,59,000	..	11,85,59,000
19	State of Pondicherry	3,43,04,000	5,000	3,43,09,000
26	Miscellaneous Expenditure under the Ministry of External Affairs	4,91,000	..	4, 1,000
21	Ministry of Finance	1,67,82,000	..	1,67,82,000
22	Customs	3,94,13,000	40,000	3,94,53,000
23	Union Excise Duties	8,84,04,000	74,52,67,000	83,36,71,000
24	Taxes on Income including Corporation Tax, etc.	5,95,95,000	1,30,000	5,97,25,000
25	Opium	4,98,30,000	..	4,98,30,000
26	Stamps	2,49,22,000	10,08,000	2,59,30,000
27	Audit	11,94,69,000	22,24,000	12,16,93,000
28	Currency	3,62,31,000	17,51,000	3,79,82,000
29	Mint	6,59,77,000	..	6,59,77,000
30	Territorial and Political Pensions	23,46,000	..	23,46,000
31	Superannuation Allowances and Pensions	4,25,00,000	35,47,000	4,60,47,000
32	Miscellaneous Departments and Other Expenditure under the Ministry of Finance	73,80,77,000	..	73,80,77,000
33	Planning Commission	2,53,98,000	..	2,53,98,000
34	Miscellaneous Adjustments between the Union and State Governments	16,14,000	..	16,14,000
35	Pre-partition Payments	38,42,000	13,48,000	51,90,000
CHARGED.—Interest on Debt and Other Obligations and Reduction or Avoidance of Debt		..	1,96,79,76,000	1,96,79,76,000

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Conso- lidated Fund	Total
		Rs.	Rs.	Rs.
	CHARGED.—Grants-in-aid to States	51,65,00,000	51,65,00,000
36	Ministry of Food and Agriculture . . .	75,48,000	..	75,48,000
37	Forest . . .	2,80,00,000	..	2,80,00,000
38	Agriculture . . .	10,54,02,000	..	10,54,02,000
39	Agricultural Research . . .	5,22,99,000	..	5,22,99,000
40	Animal Husbandry . . .	2,80,99,000	..	2,80,99,000
41	Miscellaneous Departments and Other Expenditure under the Ministry of Food and Agriculture . . .	12,73,89,000	7,17,000	12,81,06,000
42	Ministry of Health . . .	18,01,000	..	18,01,000
43	Medical and Public Health . . .	28,04,24,000	..	28,04,24,000
44	Miscellaneous Departments and Expenditure under the Ministry of Health . . .	93,83,000	..	93,83,000
45	Ministry of Home Affairs . . .	3,33,99,000	..	3,33,99,000
46	Cabinet . . .	37,81,000	..	37,81,000
47	Zonal Councils . . .	2,74,000	..	2,74,000
48	Administration of Justice . . .	2,45,000	17,83,000	20,28,000
49	Police . . .	7,21,05,000	..	7,21,05,000
50	Census . . .	1,52,32,000	..	1,52,32,000
51	Statistics . . .	1,89,90,000	..	1,89,90,000
52	Privy Purses and Allowances of Indian Rulers . . .	5,72,000	5,38,87,000	5,44,59,000
53	Delhi . . .	12,56,16,000	30,000	12,56,46,000
54	Himachal Pradesh . . .	6,93,84,000	2,77,000	6,96,61,000
55	Andaman and Nicobar Islands	2,96,80,000	..	2,96,80,000
56	Manipur . . .	3,27,46,000	1,34,000	3,28,80,000

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
57	Tripura	4,26,30,000	1,22,000	4,27,52,000
58	Laccadive, minicoy and Amin- divi Islands.	23,59,000	..	23,59,000
59	Miscellaneous Departments and Expenditure under the Ministry of Home Affairs	10,55,88,000	..	10,55,88,000
60	Ministry of Information and Broadcasting	13,83,000	..	13,83,000
61	Broadcasting	5,13,95,000	..	5,13,95,000
62	Miscellaneous Departments and Expenditure under the Minis- try of Information and Broad- casting	3,80,64,000	..	3,80,64,000
63	Ministry of Irrigation and Power	24,36,000	..	24,36,000
64	Multi-purpose River Schemes	2,23,72,000	..	2,23,72,000
65	Miscellaneous Departments and Other Expenditure under the Ministry of Irrigation and Power	1,84,93,000	..	1,84,93,000
66	Ministry of Labour and Em- ployment	20,61,000	..	22,61,000
67	Chief Inspector of Mines	25,02,000	..	25,02,000
68	Miscellaneous Departments and Other Expenditure under the Ministry of Labour and Employment	11,34,09,000	..	11,34,09,000
69	Ministry of Law	27,89,000	..	27,89,000
70	Elections	97,00,000	..	97,00,000
71	Ministry of Rehabilitation	33,71,000	..	33,71,000
72	Expenditure on Displaced Persons and Minorities	20,28,21,000	4,000	20,28,21,000
73	Ministry of Scientific Research and Cultural Affairs	33,75,000	..	33,75,000

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
74	Archaeology . . .	Rs. 1,22,05,000	Rs. ..	Rs. 1,22,05,000
75	Survey of India . . .	Rs. 1,99,17,000	Rs. ..	Rs. 1,99,17,000
76	Botanical Survey . . .	Rs. 17,27,000	Rs. ..	Rs. 17,27,000
77	Zoological Survey . . .	Rs. 12,59,000	Rs. ..	Rs. 12,59,000
78	Scientific Research and Cul- tural Affairs . . .	Rs. 17,06,04,000	Rs. ..	Rs. 17,06,04,000
79	Miscellaneous Departments and Expenditure under the Ministry of Scientific Re- search and Cultural Affairs . . .	Rs. 40,89,000	Rs. ..	Rs. 40,89,000
80	Ministry of Steel, Mines and Fuel . . .	Rs. 40,41,000	Rs. ..	Rs. 40,41,000
81	Geological Survey . . .	Rs. 1,99,33,000	Rs. ..	Rs. 1,99,33,000
82	Miscellaneous Departments and Other Expenditure under the Ministry of Steel, Mines and Fuel . . .	Rs. 44,05,57,000	Rs. ..	Rs. 44,05,57,000
83	Ministry of Transport and Communications . . .	Rs. 59,61,000	Rs. ..	Rs. 59,61,000
84	Indian Posts and Telegraphs Department (including Work- ing expenses) . . .	Rs. 71,62,93,000	Rs. 5,000	Rs. 71,62,98,000
85	Posts and Telegraphs Dividend to General Revenues and Appropriation to Reserve Funds . . .	Rs. 8,83,99,000	Rs. ..	Rs. 8,83,99,000
86	Mercantile Marine . . .	Rs. 68,90,000	Rs. ..	Rs. 68,90,000
87	Lighthouses and Lightships . . .	Rs. 1,50,07,000	Rs. ..	Rs. 1,50,07,000
88	Meteorology . . .	Rs. 1,85,29,000	Rs. ..	Rs. 1,85,29,000
89	Overseas Communications Service . . .	Rs. 1,28,84,000	Rs. 9,09,000	Rs. 1,37,93,000
90	Aviation . . .	Rs. 6,94,20,000	Rs. ..	Rs. 6,94,20,000
91	Central Road Fund . . .	Rs. 10,66,00,000	Rs. ..	Rs. 10,66,00,000

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Conso- lidated Fund	Total
		Rs.	Rs.	Rs.
92	Communications (including National Highways)	7,49,00,000	..	7,49,00,000
93	Miscellaneous Departments and Other Expenditure under the Ministry of Transport and Communications	2,76,33,000	..	2,76,33,000
94	Ministry of Works, Housing and Supply	64,58,000	..	64,58,000
95	Supplies	2,95,62,000	..	2,95,62,000
96	Other Civil Works	28,16,32,000	28,17,000	28,44,43,000
97	Stationery and Printing	7,90,54,000	..	7,90,54,000
98	Miscellaneous Departments and Expenditure under the Ministry of Works, Housing and Supply	1,58,34,000	..	1,58,34,000
99	Department of Atomic Energy	16,30,000	..	16,30,000
100	Atomic Energy Research	5,41,81,000	..	5,41,81,000
101	Department of Parliamentary Affairs	2,59,000	..	2,59,000
102	Lok Sabha	1,03,55,000	67,000	1,04,22,000
103	Miscellaneous Expenditure under Lok Sabha	41,000	..	41,000
104	Rajya Sabha	37,24,000	67,000	37,91,000
	CHARGED.— <i>Staff, House-hold and Allowances of the President</i>	..	24,91,000	24,91,000
105	Secretariat of the Vice-President	73,000	..	73,000
	CHARGED.— <i>Union Public Service Commission</i>	..	45,66,000	45,66,000
106	Capital Outlay of the Ministry of Commerce and Industry	25,61,36,000	..	25,61,36,000
107	Capital Outlay of the Ministry of Community Development and Co-operation	5,15,00,000	..	5,15,00,000

No. of Vote	Services and purposes	3		
		Sums not exceeding		
		Voted by Parliament	Charged on the Conso- lidated Fund	Total
		Rs.	Rs.	Rs.
108	Defence Capital Outlay . . .	39,60,00,000	4,00,000	39,64,00,000
109	Capital Outlay of the Ministry of Education . . .	22,81,000	..	22,81,000
110	Capital Outlay of the Ministry of External Affairs . . .	85,71,000	..	85,71,000
111	Capital Outlay on the India Security Press . . .	13,34,000	..	13,34,000
112	Capital Outlay on Currency and Coinage . . .	5,50,72,000	..	5,50,72,000
113	Capital Outlay on Mints . . .	10,15,000	..	10,15,000
114	Commuted Value of Pensions . . .	42,50,000	3,50,000	46,00,000
115	Payments to Retrenched Personnel . . .	4,000	..	4,000
116	Other Capital Outlay of the Ministry of Finance . . .	79,09,22,000	..	79,09,22,000
117	Loans and Advances by the Central Government . . .	1,83,74,30,000	3,47,57,19,000	5,31,31,49,000
	CHARGED.—Re-payment of Debt.	.	53,27,45,42,000	53,27,45,42,000
118	Capital Outlay on Forests . . .	5,62,000	..	5,62,000
119	Purchase of Foodgrains . . .	2,07,09,18,000	2,00,000	2,07,11,18,000
120	Other Capital Outlay of the Ministry of Food and Agriculture . . .	45,54,52,000	25,000	45,54,77,000
121	Capital Outlay of the Ministry of Health . . .	18,68,28,000	..	18,68,28,000
122	Capital Outlay of the Ministry of Home Affairs . . .	88,56,000	..	88,56,000
123	Capital Outlay of the Ministry of Information and Broadcasting . . .	1,79,25,000	..	1,79,25,000
124	Capital Outlay on Multi-purpose River Schemes . . .	2,70,21,000	..	2,70,21,000
125	Other Capital Outlay of the Ministry of Irrigation and Power . . .	3,24,08,000	..	3,24,08,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
126	Capital Outlay of the Ministry of Labour and Employment . . .	2,23,000	..	2,23,000
127	Capital Outlay of the Ministry of Rehabilitation . . .	22,17,25,000	..	22,17,25,000
128	Capital Outlay of the Ministry of Scientific Research and Cultural Affairs . . .	3,00,67,000	..	3,00,67,000
129	Capital Outlay of the Ministry of Steel, Mines and Fuel . . .	64,50,32,000	..	64,50,32,000
130	Capital Outlay on Indian Posts and Telegraphs (not met from Revenue) . . .	23,56,70,000	..	23,56,70,000
131	Capital Outlay on Civil Aviation . . .	4,59,60,000	1,10,000	4,60,60,000
132	Capital Outlay on Ports . . .	2,90,22,000	..	2,90,22,000
133	Capital Outlay on Roads . . .	20,00,00,000	..	20,00,00,000
134	Other Capital Outlay of the Ministry of Transport and Communications . . .	10,63,47,000	..	10,63,47,000
135	Delhi Capital Outlay . . .	6,85,88,000	9,53,000	6,95,41,000
136	Capital Outlay on Buildings . . .	9,83,84,000	4,75,000	9,88,59,000
137	Other Capital Outlay of the Ministry of Works, Housing and Supply . . .	7,04,16,000	13,000	7,04,29,000
138	Capital Outlay of the Department of Atomic Energy . . .	5,29,88,000	..	5,29,88,000
TOTAL . . .		17,51,60,56,000	60,06,97,00,000	77,58,57,56,000

THE FINANCE ACT, 1960

NO. 13 OF 1960

[28th April, 1960.]

An Act to give effect to the financial proposals of the Central Government for the financial year 1960-61

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Finance Act, 1960.

Short title
and com-
mencement.

(2) Save as otherwise provided in this Act, sections 3 to 17 inclusive shall be deemed to have come into force on the first day of April, 1960.

2. (1) Subject to the provisions of sub-sections (2), (3) and (4), Income-tax and super-tax, for the year beginning on the 1st day of April, 1960,—

(a) income-tax shall be charged at the rates specified in Part I of the First Schedule, and, in the cases to which Paragraphs A, B and C of that Part apply, shall be increased by a surcharge for purposes of the Union and a special surcharge, calculated in either case in the manner provided therein; and

(b) super-tax shall, for the purposes of section 55 of the Indian Income-tax Act, 1922 (hereinafter referred to as the Income-tax Act), be charged at the rates specified in Part II of the First Schedule, and, in the cases to which Paragraphs A, B and C of that Part apply, shall be increased by a surcharge for purposes of the Union and a special surcharge, calculated in either case in the manner provided therein.

(2) In making any assessment for the year ending on the 31st day of March, 1961,—

(a) where the total income of an assessee, not being a company, includes any income chargeable under the head

"Salaries" or any income chargeable under the head "Interest on Securities" or any income from dividends from which income-tax has been or might have been deducted under the provisions of section 18 of the Income-tax Act or in respect of which by virtue of section 49B of the Income-tax Act, as continued in force by sub-section (4) of section 19 of the Finance Act, 1959, he is ~~12 of 1959.~~ deemed himself to have paid the income-tax imposed under the Income-tax Act, the income-tax payable by the assessee on that part of his total income which consists of such inclusions shall be an amount bearing to the total amount of income-tax payable according to the rates applicable under the operation of the Finance Act, 1959, on his total income the same proportion as the ~~12 of 1959.~~ amount of such inclusions bears to his total income;

(b) where the total income of an assessee, not being a company, includes any income chargeable under the head "Salaries" on which super-tax has been or might have been deducted under the provisions of sub-section (2) of section 18 of the Income-tax Act, the super-tax payable by the assessee on that portion of his total income which consists of such inclusion shall be an amount bearing to the total amount of super-tax payable according to the rates applicable under the operation of the Finance Act, 1959, ~~12 of 1959.~~ on his total income the same proportion as the amount of such inclusion bears to his total income.

(3) In making any assessment for the year ending on the 31st day of March, 1959, or for the year ending on the 31st day of March, 1960, or for the year ending on the 31st day of March, 1961, where the total income of a company, other than the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956, includes any profits and gains from life insurance business, the ~~31 of 1956.~~ super-tax payable by it shall be the aggregate of the tax calculated—

(i) on the amount of profits and gains from life insurance business so included, at the rate applicable to the Life Insurance Corporation of India in accordance with the Finance Act of the relevant year; and

(ii) on the remaining part of its total income, at the rate applicable to the company on its total income.

(4) In cases to which section 17 of the Income-tax Act applies the tax chargeable shall be determined as provided in that section, and with reference to the rates imposed by sub-section (1).

(5) In cases in which tax has to be deducted under section 18 of the Income-tax Act at the prescribed rates, the deduction shall be made at the rates specified in Part III of the First Schedule.

(6) For the purposes of this section, and of the rates of tax imposed thereby, the expression "total income" means total income as determined for the purposes of income-tax or super-tax, as the case may be, in accordance with the provisions of the Income-tax Act, and the expression "earned income" has the meaning assigned to it in clause (6AA) of section 2 of that Act.

3. In section 19 of the Finance Act, 1959,—

Amendment
of section
19, Act 12 of
1959.

(i) after sub-section (3), the following sub-section shall be inserted, and shall be deemed always to have been inserted, namely:—

"(3A) The amendments to the Income-tax Act made by section 5, section 7, section 12, section 14 and section 15 shall, in relation to dividends declared or payable by a company in respect of the previous year relevant to the assessment for the year ending on the 31st day of March, 1961, have effect on and from the 1st day of April, 1959.";

(ii) in sub-section (4), after the words "declared or payable by a company", the words and figures "on or before the 30th day of June, 1960," shall be inserted, and shall be deemed always to have been inserted.

4. In section 9 of the Income-tax Act, in sub-section (2), for clause (a) of the third proviso, the following clause shall be substituted, namely:—

"(a) in the case of a property the construction of which was completed before the 1st day of April, 1950, the total amount of such taxes and in the case of any other property, one-half of the total amount of such taxes, shall, notwithstanding anything contained in such law, be deemed to be the tenant's liability for such taxes, and".

5. In section 10 of the Income-tax Act, in sub-section (2), for clause (xiii), the following clause shall be substituted, namely:—

Amendment
of section
10.

"(xiii) any sum paid to a scientific research association having as its object the undertaking of scientific research or to a university, college or other institution to be used for scientific research or to a university, college or other institution to be used

for research in social science or statistical research related to the class of business carried on;

Provided that such association, university, college or institution is for the time being approved for the purposes of this clause by the prescribed authority;".

Amendment
of section 14.

6. In section 14 of the Income-tax Act, for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The tax shall not be payable by a co-operative society—

(i) in respect of its profits and gains of business carried on by it, if it is—

(a) a society engaged in carrying on the business of banking or providing credit facilities to its members; or

(b) a society engaged in a cottage industry; or

(c) a society engaged in the marketing of the agricultural produce of its members; or

(d) a society engaged in the purchase of agricultural implements, seeds, livestock or other articles intended for agriculture for the purpose of supplying them to its members; or

(e) a society engaged in the processing without the aid of power of the agricultural produce of its members; or

(f) a primary society engaged in supplying milk raised by its members to a federal milk co-operative society:

Provided that, in the case of a co-operative society which is also engaged in activities other than those mentioned in this clause, nothing contained herein shall apply to that part of its profits and gains as is attributable to such activities and as exceeds fifteen thousand rupees;

(ii) in respect of so much of its profits and gains of business carried on by it as does not exceed fifteen thousand rupees, if it is a co-operative society other than a co-operative society referred to in clause (i);

(iii) in respect of interest and dividends derived from its investments with any other co-operative society;

(iv) in respect of any income derived from the letting of godowns or warehouses for storage, processing or facilitating the marketing of commodities;

(v) in respect of any interest on securities chargeable under section 8 or any income from property chargeable

under section 9, where the total income of the co-operative society does not exceed twenty thousand rupees and the society is not a housing society or an urban consumer's society or a society carrying on transport business or a society engaged in the performance of any manufacturing operations with the aid of power:

Provided that nothing contained in this sub-section shall apply to—

- (i) the Sanikatta Salt Owner's Society;
- (ii) a co-operative society carrying on insurance business in respect of the profits and gains of that business computed in accordance with rule 9 in the Schedule.

Explanation.—For the purposes of this sub-section, an 'urban consumer's co-operative society' means a society for the benefit of the consumers within the limits of a municipal corporation, municipality, municipal committee, notified area committee, town area or cantonment.”.

7. In section 15B of the Income-tax Act, in clause (b) of the second proviso to sub-section (1), for the words “one twentieth of the assessee's total income” and “one hundred thousand rupees”, the words “seven and a half per cent. of the assessee's total income” and “one hundred and fifty thousand rupees” shall respectively be substituted.

8. In section 15C of the Income-tax Act,—

- (a) in clause (ii) of sub-section (2), for the word “thirteen”, the word “eighteen” shall be substituted; and
- (b) to sub-section (6), the following proviso shall be added, namely:—

‘Provided that where the assessee is a co-operative society, this sub-section shall have effect as if for the words “four assessments” the words “six assessments” had been substituted.’

9. In section 18 of the Income-tax Act,—

- (i) in sub-section (3D), after the words “declaration and payment of dividends”, the brackets and words “(including dividends on preference shares)” shall be inserted;
- (ii) sub-section (3E) shall be omitted.

10. In section 18A of the Income-tax Act,—

- (i) in clause (a) of sub-section (1), for the words “In the case of income in respect of which provision is not made under section 18 for deduction of income-tax at the time of payment”, the words “In the case of income other than income chargeable

under the head 'Salaries'" shall be substituted, and after the words "the amount of such inclusions bears to his total world income", the following words shall be inserted, namely:—

"The income-tax and super-tax so calculated shall be reduced by the amount of income-tax and super-tax which would be deductible during the said financial year in accordance with the provisions of section 18 on any income (other than income chargeable under the head 'Salaries') included in the said total income:";

(ii) in sub-section (3), for the words "to which the provisions of section 18 do not apply", the words "which is not chargeable under the head 'Salaries'" shall be substituted;

(iii) in sub-section (6),—

(a) for the words "regular assessment, so far as such tax relates to income to which the provisions of section 18 do not apply", the following words shall be substituted, namely:—

"regular assessment (reduced by the amount of tax deductible in accordance with the provisions of section 18 on any income, other than income chargeable under the head 'Salaries', included in such assessment), so far as such tax relates to income other than income chargeable under the head 'Salaries'";

(b) in the second proviso, for the words "to which the provisions of section 18 do not apply", the words "other than income chargeable under the head 'Salaries'" shall be substituted.

Amendment
of section
23A.

11. In section 23A of the Income-tax Act,—

(i) in sub-section (2), in clause (i), for the words "ninety per cent.", the words "eighty per cent." shall be substituted;

(ii) in *Explanation 2*, for the figures "100%", where they occur, the figures "90%" shall be substituted.

Insertion of
new section
49BB.

12. After section 49B of the Income-tax Act, the following section shall be inserted, namely:—

Relief to
company in
respect of
dividend
Paid out of
past taxed
profits.

"49BB. (1) Where in respect of any previous year relevant to the assessment year commencing after the 31st day of March, 1960, an Indian company or a company which has made the prescribed arrangements for the declaration and payment of dividends within India, pays any dividend wholly or partly out of its profits and gains actually charged to income-tax for any

assessment year ending before the 1st day of April, 1960, and deducts tax therefrom in accordance with the provisions of section 18, credit shall be given to the company against the income-tax, if any, payable by it on the profits and gains of the previous year during which the dividend is paid, of a sum calculated in accordance with the provisions of sub-section (2), and where the amount of credit so calculated exceeds the income-tax payable by the company as aforesaid, the excess shall be refunded.

(2) The amount of income-tax to be given as credit under sub-section (1) shall be a sum equal to ten per cent. of so much of the dividends referred to in sub-section (1) as are paid out of the profits and gains actually charged to income-tax for any assessment year ending before the 1st day of April, 1960.

Explanation I.—For the purposes of this section, the aggregate of the dividends declared by a company in respect of any previous year shall be deemed first to have come out of the distributable income of that previous year and the balance, if any, out of the undistributed part of the distributable income of one or more previous years immediately preceding that previous year as would be just sufficient to cover the amount of such balance and as has not likewise been taken into account for covering such balance of any other previous year.

Explanation II.—The "distributable income" of any previous year shall mean the total income assessed for that year as reduced by—

(i) the amount of income-tax and super-tax payable by the company in respect of the said total income;

(ii) the amount of any other tax levied under any law for the time being in force on the company by the Government or by a local authority in excess of the amount, if any, which has been allowed in computing the total income;

(iii) the amount paid to any charitable institution or fund to the extent to which it is exempt from tax under section 15B; and

(iv) in the case of a banking company, the amount actually transferred to a reserve fund under section 17 of the Banking Companies Act, 1949,

and as increased by—

(a) any profits and gains or receipts of the company not included in its total income; and

(b) any amount attributable to any allowance made in computing the profits and gains of the company for purposes of assessment, which the company has not taken into account in its profit and loss account.”.

Wealth tax not to be levied on companies from 1960-61. 13. Notwithstanding anything contained in the Wealth-tax Act, 1957 (hereinafter referred to as the Wealth-tax Act), no tax shall be charged in respect of the net wealth of a company for any financial year commencing on or after the 1st day of April, 1960.

Amendment of section 5.

14. In section 5 of the Wealth-tax Act, in clause (xx) of sub-section (1), for the words “if on the relevant valuation date the provisions of this Act are not applicable to the company by reason of the provisions contained in that section”, the following words shall be substituted, namely:—

“for a period of five successive assessment years commencing with the assessment year next following the date on which the company is established, which period shall, in the case of a company established before the commencement of this Act, be computed in accordance with this Act from the date of its establishment as if this Act had been in force on and from the date of its establishment”.

Amendment of section 5.

15. In section 5 of the Expenditure-tax Act, 1957 (hereinafter referred to as the Expenditure-tax Act), in clause (d), for the word, brackets, figures and letter “clause (via)”, the words, brackets, figures and letters “sub-clause (a) of clause (via)” shall be substituted.

Amendment of section 6.

16. In section 6 of the Expenditure-tax Act,—

(i) in sub-section (1),—

(a) for clause (g), the following clause shall be substituted, namely:—

“(g) any expenditure incurred by the assessee in respect of the education of himself or any of his dependants, and where the assessee is a Hindu undivided family, of any member of the family—

* (i) if the expenditure is incurred in India, subject to a maximum of rupees three thousand per year; and

* (ii) if the expenditure is incurred in any country outside India, subject to a maximum of rupees eight thousand per year;”;

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

“(j) any expenditure incurred by the assessee for travel in India in connection with his proceeding on a holiday and any expenditure incurred on behalf of the assessee by his employer by way of travel concession or assistance in connection with his proceeding on leave in India, subject in the aggregate to a maximum of rupees one thousand five hundred per year.”;

(ii) for sub-section (4), the following sub-section shall be substituted, and shall be deemed always to have been substituted, namely:—

“(4) If the assessee proves in any year that, in respect of any sum out of which any expenditure incurred is chargeable to tax under this Act, he has paid in any foreign country any income-tax, wealth-tax, expenditure-tax, gift-tax or estate duty under any law for the time being in force in that country and that any such tax or duty has been included in the expenditure chargeable to tax under this Act, he shall be entitled to a deduction of the full amount of such tax and duty paid in the foreign country.”.

^{of 1958.} 17. For section 18 of the Gift-tax Act, 1958, the following section shall be substituted, namely:—

Substitution of new section for section 18.

“18. If a person making a taxable gift pays into the treasury within fifteen days of his making the gift the amount of tax due on the gift calculated at the rates specified in the Schedule, he shall, at the time of assessment under section 15, be given credit, in addition to the amount so paid, for an amount equal to ten per cent. of the amount so paid.

Rebate on advance payments.

Explanation.—If a person makes more than one taxable gift in the course of a previous year, the amount of tax due on any one of such gifts shall be the difference between the total amount of tax due on the aggregate value of all taxable gifts so far made, including the taxable gift in respect of which tax has to be paid, calculated at the rates specified in the Schedule and the total amount of tax on the aggregate value of all the gifts made during that year excluding the taxable gift in respect of which tax has to be paid.”.

18. The Indian Tariff Act, 1934 (hereinafter referred to as the Tariff Act), shall be amended in the manner specified in the Second Schedule.

Amendment of Act 32 of 1934.

Amendment
of Act I of
1949.

Amendment
of Act I of
1944.

19. In the Indian Tariff (Amendment) Act, 1949, in sections 4 and 5, for the figures "1960", the figures "1961" shall be substituted.

20. In the First Schedule to the Central Excises and Salt Act, 1944,—

(a) in Item No. 1, for the entry in the third column, the entry "Twenty-eight and three-fourths *naye paise* per imperial gallon" shall be substituted;

(b) in Item No. 4, for the entry in the third column, the entry "One rupee and forty-five *naye paise* per imperial gallon" shall be substituted;

(c) in Item No. 8, in the second column, for the words "'Sugar' means any form of sugar containing more than ninety per cent. of sucrose", the words "'Sugar' means any form of sugar in which the sucrose content, if expressed as a percentage of the material dried to constant weight at 105° Centigrade, would be more than ninety" shall be substituted;

(d) in Item No. 10, for sub-item (2), the following sub-items shall be substituted, namely:—

"(2) For cycles (other than motor cycles)—

(a) tyres Sixty *naye paise* per tyre, or fifteen per cent *ad valorem*, whichever is higher,

(b) tubes Thirty *naye paise* per tube or fifteen per cent *ad valorem*, whichever is higher.

(3) All other tyres Fifteen per cent. *ad valorem*.";

(e) in Item No. 12,—

(1) for sub-items (b) and (c), the following sub-items shall be substituted, namely:—

"(b) if it contains 40 per cent. or more by weight of silk;

(c) if it contains 60 per cent. or more by weight of rayon or artificial silk; or

(d) if manufactured on a handloom.";

(2) after sub-item (4), the following sub-item shall be inserted, namely:—

"(5) Cotton fabrics, not otherwise Thirty-seven *naye paise* per square yard specified.";

(3) *Explanation III* in the second column shall be omitted;

(f) in Item No. 12A,—

(1) for sub-items (ii), (iii) and (iv), the following sub-items shall be substituted, namely:—

"(ii) if it contains 40 per cent or more by weight of silk;

(iii) if it contains cotton and less than 60 per cent. by weight of rayon or artificial silk;

(iv) if it contains no cotton and less than 40 per cent. by weight of wool and less than 40 per cent. by weight of rayon or artificial silk; or

(v) if manufactured on a handloom;"

(2) the *Explanation* in the second column shall be omitted;

(g) after Item No. 12A, the following Item shall be inserted, namely:—

"12B. SILK FABRICS—

'Silk Fabrics' include all varieties of fabrics manufactured either wholly or partly from silk but do not include any such fabric—

(i) if it contains 40 per cent. or more by weight of wool;

(ii) if it contains cotton or artificial silk or both and less than 40 per cent. by weight of silk;

(iii) if it contains no cotton and no artificial silk and less than 40 per cent. by weight of wool and less than 40 per cent. by weight of silk; or

(iv) if manufactured on a handloom.";

(h) the existing Item No. 12B shall be re-numbered as Item No. 12C;

(i) in Item No. 14, in the entry in the third column, for the figures and words "19 naye paise per lb.", the figures and words "30 naye paise per lb." shall be substituted;

(j) for Item No. 17, the following Item shall be substituted, namely:—

"17. FOOTWEAR—

'Footwear' includes all varieties of footwear, whether known as boots, shoes, sandals, chappals or by any other name, and component parts thereof.

(1) Footwear produced in any factory including the precincts thereof whereon fifty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which the process of manufacturing footwear is being carried on with the aid of power or is ordinarily so carried on, the total equivalent of such power exceeding two horsepower,

(2) component parts of footwear in, or in relation to the manufacture of, which any process is ordinarily carried on with the aid of power.

(k) in Item No. 18, for the entries in the third column against sub-items (1), (2), (3) (a) (i), (3) (a) (ii), (3) (a) (iii), (3) (b) (i), (3) (b) (ii) and (3) (b) (iii), the entries "Seven rupees and fifty naye paise per fan", "Fifteen rupees per fan", "Five rupees and twenty-five naye paise per motor", "Two rupees and sixty-five naye paise per stator", "Two rupees and sixty-five naye paise per rotor", "Ten rupees and fifty naye paise per motor", "Five rupees and twenty-five naye paise per stator" and "Five Rupees and twenty-five naye paise per rotor" shall, respectively, be substituted;

(l) in Item No. 19,—

(i) for the entries in the third column against sub-items (1) (i), (1) (ii) and (1) (iii) and (2), the entries "Ten naye paise per bulb", "Forty naye paise per bulb", "Eighty naye paise per bulb" and "Forty naye paise per foot" shall respectively be substituted;

(ii) for sub-item (3), the following sub-items shall be substituted, namely:—

- | | |
|--|---|
| "(3) Sodium and mercury vapour discharge lamps . . . | Five per cent. <i>ad valorem.</i> |
| (4) All sorts, not otherwise specified | Fifteen per cent. <i>ad valorem.</i> "; |

(m) in Item No. 20, for the entries in the third column against sub-items (1), (2) and (3), the entries "Fifteen per cent. *ad valorem*", "Fifteen per cent. *ad valorem*" and "Seventeen and half per cent. *ad valorem*" shall respectively be substituted;

(n) in Item No. 21, for sub-items (5), (6), (7), (8), (9) and (10), the following sub-items shall be substituted, namely:—

- | | |
|---|------------------------------|
| "(5) straw board, other than corrugated board . . . | Five naye paise per lb. |
| (6) duplex and triplex board | Ten naye paise per lb. |
| (7) pulp board, not otherwise specified, including grey board and mill board. | Ten naye paise per lb. |
| (8) corrugated board | Ten naye paise per lb. |
| (9) coated board (including art, chrome and board for playing cards). | Fifteen naye paise per lb. |
| (10) paper and paper board, all sorts, not otherwise specified. | Fifteen naye paise per lb."; |

(o) in Item No. 24, in the third column for the words "plus eighty naye paise per imperial gallon", the words "plus one rupee and seventeen naye paise per imperial gallon" shall be substituted;

(p) in item No. 25, for the entries in the third column against sub-items (a) and (b), the entries "Sixteen per cent. *ad valorem plus sixty-five rupees per ton*" and "Sixteen per cent. *ad valorem plus thirty rupees per ton*" shall respectively be substituted;

(q) for Item No. 27, the following Item shall be substituted, namely:—

"27.—MOTOR VEHICLES—

'Motor Vehicles' means all mechanically propelled vehicles adapted for use upon roads, and includes a chassis and a trailer; but does not include a vehicle running upon fixed rails,—

- | | |
|---|---|
| (1) Autocycles, motor cycles, scooters, auto-rickshaws and any other three-wheeled motor vehicles | One hundred and seventy-five rupees each. |
| (2) Motor vehicles of not more than 16 H.P. by Royal Automobile Club (R.A.C.) rating. | One thousand rupees each. |
| (3) Motor Cars of more than 16 H.P. by Royal Automobile Club (R.A.C.) rating, constructed or adapted to carry not more than nine persons. | Three thousand rupee each or fifteen per cent. <i>ad valorem</i> whichever is higher. |
| (4) Motor vehicles, not otherwise specified | Two thousand five hundred rupees each or twelve and half per cent. <i>ad valorem</i> whichever is higher."; |

(r) after Item No. 28, the following Items shall be inserted, namely:—

"29. CYCLES, PARTS OF CYCLES OTHER THAN MOTOR CYCLES, NAMELY—

- | | |
|-----------------|-------------------|
| (i) free wheels | Two rupees each. |
| (ii) rims | Four rupees each. |

30. INTERNAL COMBUSTION ENGINES, ALL SORTS, NAMELY—

- | | |
|---|-----------------------------------|
| (i) those designed for use as a prime-mover for transport vehicles and have been given for that purpose some special shape, size or quality which would not be essential for their use for any other purpose. | Ten per cent. <i>ad valorem.</i> |
| (ii) Others | Five per cent. <i>ad valorem.</i> |

31. ELECTRIC MOTORS, ALL SORTS AND PARTS THEREOF, NAMELY—

- | | |
|---|--------------------------------------|
| (1) those designed for use in circuits of less than 10 amperes and at a pressure not exceeding 250 volts. | Fifteen per cent. <i>ad valorem.</i> |
| (2) those designed for use in circuits at a pressure exceeding 400 volts, and | |
| (i) with a rated capacity not exceeding 10 H.P. | Ten per cent. <i>ad valorem.</i> |
| (ii) exceeding 10 H.P. | Five per cent. <i>ad valorem.</i> |
| (3) all others | Fifteen per cent. <i>ad valorem.</i> |
| (4) parts of electric motors | Fifteen per cent. <i>ad valorem.</i> |

32. CINEMATOGRAPH FILMS, EXPOSED—

	Of a width of 30 mm. or higher	Below 30 mm. in width
(1) News reels and shorts not exceeding 500 metres.	Fifteen naye paise per metre.	Ten naye paise per metre.
(2) Feature films, advertisement shorts, and films not otherwise specified.	Fifty naye paise per metre.	Thirty-three naye paise per metre.

33. ALUMINIUM—

(a) In any crude form including ingots, bars, blocks, slabs, billets, shots and pellets.	Three hundred rupees per metric tonne.
(b) Manufactures, the following, namely, plates, sheets, circles, strips and foils in any form or size.	Five hundred rupees per metric tonne.
34. TIN PLATE AND TINNED SHEETS INCLUDING TIN TAGGERS, AND CUTTINGS OF SUCH PLATES, SHEETS OR TAGGERS.	Two hundred rupees per metric tonne.
35. PIG IRON	Ten rupees per metric tonne."

Amendment of Act 12 of 1953. 21. In section 2 of the Khadi and Other Handloom Industries Development (Additional Excise Duty on Cloth) Act, 1953, in clause (b), for the words "and rayon or artificial silk fabrics", the words "silk and rayon or artificial silk fabrics" shall be substituted.

Amendment of Act 58 of 1957. 22. In the Additional Duties of Excise (Goods of Special Importance) Act, 1957,—

(a) in clause (c) of section 2, for the figures and letter "12B", the figures and letter "12C" shall be substituted;

(b) in the First Schedule, in the entry relating to Item No. 12, after sub-item (4), the following sub-item shall be inserted, namely:—

"(5) Cotton fabrics, not otherwise specified Thirteen naye paise per square yard."

Discontinuance of salt duty. 23. For the year beginning on the 1st day of April, 1960, no duty under the Central Excises and Salt Act, 1944, or the Tariff Act shall be levied in respect of salt manufactured in, or imported into, India.

THE FIRST SCHEDULE

(See section 2)

PART I

Income-tax and surcharges on income-tax

Paragraph A

(i) In the case of every individual who is married and every Hindu undivided family whose total income does not exceed Rs. 20,000 in either case—

Rates of Income-tax

Where the individual has no child wholly or mainly dependent on him or where the Hindu undivided family has no minor coparcener.	Where the individual has one child wholly or mainly dependent on him or where the Hindu undivided family has one minor coparcener.	Where the individual has more than one child wholly or mainly dependent on him or where the Hindu undivided family has more than one minor coparcener.
--	--	--

	Rs.	Rs.	Rs.
(1) On the first	3,000 of total income.	3,300 of total income.	3,600 of total income. Nil
(2) On the next	2,000 ,,	1,700 ,,	1,400 ,, 3%
(3) On the next	2,500 ,,	2,500 ,,	2,500 ,, 6%
(4) On the next	2,500 ,,	2,500 ,,	2,500 ,, 9%
(5) On the next	2,500 ,,	2,500 ,,	2,500 ,, 11%
(6) On the next	2,500 ,,	2,500 ,,	2,500 ,, 14%
(7) On the next	5,000 ,,	5,000 ,,	5,000 ,, 18% ;

(ii) In the case of every individual who is not married and every individual or Hindu undivided family whose total income in either case exceeds Rs. 20,000 and in the case of every unregistered firm or other association of persons, not being a case to which any other Paragraph of this Part applies:—

	Rs.
(1) On the first	1,000 of total income Nil
(2) On the next	4,000 ,,, 3%
(3) On the next	2,500 ,,, 6%
(4) On the next	2,500 ,,, 9%
(5) On the next	2,500 ,,, 11%
(6) On the next	2,500 ,,, 14%
(7) On the next	5,000 ,,, 18%
(8) On the balance of total income	25%

Provided that for the purposes of this Paragraph—

(i) no income-tax shall be payable on a total income which does not exceed the limit specified below;

(ii) the income-tax payable shall in no case exceed half the amount by which the total income exceeds the said limit;

(iii) the income-tax payable by an individual who is married or a Hindu undivided family whose total income exceeds in either case Rs. 20,000 shall not exceed the aggregate of—

(a) the income-tax which would have been payable if the total income had been Rs. 20,000;

(b) half the amount by which the total income exceeds Rs. 20,000;

The limit aforesaid shall be—

(i) Rs. 6,000 in the case of every Hindu undivided family which as at the end of the previous year satisfies either of the following conditions, namely:—

(a) that it has at least two members entitled to claim partition who are not less than eighteen years of age; or

(b) that it has at least two members entitled to claim partition who are not lineally descended one from the other and who are not lineally descended from any other living member of the family;

(ii) Rs. 3,000 in every other case.

Surcharges on income-tax

The amount of income-tax computed at the rates hereinbefore specified shall be increased by the aggregate of the surcharges calculated as under:—

(a) A surcharge for purposes of the Union equal to the sum of—

(i) five per cent. of the amount of income-tax; and

(ii) where the earned income included in the total income exceeds Rs. 1,00,000, five per cent. of the difference between the amount of income-tax which would have been payable on the whole of the earned income included in the total income if such earned income had been the total income and the amount of income-tax payable on a total income of Rs. 1,00,000;

(b) A special surcharge at fifteen per cent. of the difference between the amount of income-tax on the total income and the amount of income-tax on the whole of the earned income, if any, included in the total income if such earned income had been the total income:

Provided that—

(i) no surcharge for purposes of the Union shall be payable where the total income does not exceed the limit specified below;

(ii) no special surcharge shall be payable in the case of an assessee whose total income does not include any income from dividend on ordinary shares if his total income does not exceed the limit specified below, and where the total income includes any dividends on ordinary shares, such limit shall be increased by Rs. 1,500 or the amount of the said dividends, whichever is less;

Provided further that—

(a) where the total income includes any dividends on ordinary shares, the surcharge for purposes of the Union and the special surcharge shall not in each case exceed half the amount by which the total income exceeds the respective limits applicable in either case;

(b) the surcharge for purposes of the Union and the special surcharge, both together, shall not exceed half the amount by which the total income exceeds the limit specified below;

The limit aforesaid shall be—

(i) Rs. 15,000 in the case of every Hindu undivided family which satisfies as at the end of the previous year either of the following conditions, namely:—

(a) that it has at least two members entitled to claim partition who are not less than eighteen years of age; or

(b) that it has at least two members entitled to claim partition who are not lineally descended one from the other and who are not lineally descended from any other living member of the family;

(ii) Rs. 7,500 in every other case.

Explanation.—For the purposes of this Paragraph, in the case of every Hindu undivided family governed by the *Mitakshara* law, a son shall be deemed to be entitled to claim partition of the coparcenary property against his father, or grand-father notwithstanding any custom to the contrary.

Paragraph B

In the case of every local authority,—

Rate of income-tax

On the whole of the total income	30%
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Surcharge on income-tax

The amount of income-tax computed at the rate hereinbefore specified shall be increased by a surcharge for purposes of the Union of 5 per cent. of the amount of income-tax.

Paragraph C

In every case in which under the provisions of the Income-tax Act, income-tax is to be charged at the maximum rate,—

Rate of income-tax

On the whole of the total income .. 25%

Surcharges on income-tax

The amount of income-tax computed at the rate hereinbefore specified shall be increased by the aggregate of the surcharges calculated as under:—

(a) a surcharge for purposes of the Union of five per cent. of the amount of income-tax; and

(b) a special surcharge of fifteen per cent. of the amount of income-tax.

Paragraph D

In the case of every company,—

Rate of income-tax

On the whole of the total income .. 20%

Paragraph E

In the case of every registered firm,—

Rates of income-tax

(1) On the first Rs. 40,000 of total income	.. Nil
(2) On the next Rs. 35,000 of total income	.. 5%
(3) On the next Rs. 75,000 of total income	.. 6%
(4) On the balance of total income	.. 9%

PART II**Super-tax and surcharges on super-tax****Paragraph A**

In the case of every individual, Hindu undivided family, unregistered firm and other association of persons, not being a case to which any other Paragraph of this Part applies,—

Rates of super-tax

(1) On the first Rs. 20,000 of total income	.. Nil
(2) On the next Rs. 5,000 of total income	.. 5%
(3) On the next Rs. 5,000 of total income	.. 15%
(4) On the next Rs. 10,000 of total income	.. 20%
(5) On the next Rs. 10,000 of total income	.. 30%
(6) On the next Rs. 10,000 of total income	.. 35%
(7) On the next Rs. 10,000 of total income	.. 40%
(8) On the balance of total income	.. 45%

Surcharges on super-tax

The amount of super-tax computed at the rates hereinbefore specified shall be increased by the aggregate of the surcharges calculated as under :—

(a) A surcharge for purposes of the Union equal to the sum of—

(i) five per cent. of the amount of super-tax; and

(ii) where the earned income included in the total income exceeds Rs. 1,00,000, five per cent. of the difference between the amount of super-tax which would have been payable on the whole of the earned income included in the total income, if such earned income had been the total income and the amount of super-tax payable on a total income of Rs. 1,00,000;

(b) A special surcharge at fifteen per cent. of the difference between the amount of super-tax on the total income and the amount of super-tax on the whole of the earned income, if any, included in the total income, if such earned income had been the total income.

Paragraph B

In the case of every local authority,—

Rate of super-tax

On the whole of the total income	16%
---	-----

Surcharge on super-tax

The amount of super-tax computed at the rate hereinbefore specified shall be increased by a surcharge for purposes of the Union of 12½ per cent. of the amount of super-tax.

Paragraph C

In the case of every association of persons being a co-operative society as defined in clause (5B) of section 2 of the Income-tax Act,—

Rates of super-tax

- | | |
|--|-----|
| (1) On the first Rs. 25,000 of total income | Nil |
| (2) On the balance of total income | 16% |

Surcharge on super-tax

The amount of super-tax computed at the rates hereinbefore specified shall be increased by a surcharge for purposes of the Union of 12½ per cent. of the amount of super-tax.

Paragraph D

In the case of every company, other than the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956,—

31 of 1956.

Rates of super-tax

On the whole of the total income 55%:

Provided that—

(i) a rebate at the rate of 45 per cent. on so much of the total income as consists of dividends from a subsidiary Indian company; at the rate of 40 per cent. on so much of the total income as consists of dividends from any other Indian company formed and registered on or after the 1st day of April, 1959; and at the rate of 35 per cent. on the balance of the total income shall be allowed in the case of any company which—

(a) in respect of its profits liable to tax under the Income-tax Act for the year ending on the 31st day of March, 1961, has made the prescribed arrangements for the declaration and payment within India of the dividends payable out of such profits in accordance with the provisions of sub-section (3D) of section 18 of that Act; and

(b) is such a company as is referred to in sub-section (9) of section 23A of the Income-tax Act with a total income not exceeding Rs. 25,000;

(ii) a rebate at the rate of 45 per cent. on so much of the total income as consists of dividends from a subsidiary Indian company; at the rate of 35 per cent. on so much of the total income as consists of dividends from any other Indian company formed and registered on or after the 1st day of April, 1959; and at the rate of 30 per cent. on the balance of the total income shall be allowed in the case of any company which satisfies condition (a) but not condition (b) of the preceding clause;

(iii) a rebate at the rate of 45 per cent. on so much of the total income as consists of dividends from a subsidiary Indian company; at the rate of 22 per cent. on so much of the total income as consists of dividends from any other Indian company formed and registered on or after the 1st day of April, 1959; and at the rate of 12 per cent. on the balance of the total income shall be allowed in the case of any company not entitled to a rebate under either of the preceding clauses:

Provided further that—

(i) the amount of the rebate under clause (i) or clause (ii) of the preceding proviso shall be reduced by the sum, if any, equal to the amount or the aggregate of the amounts, as the case may be, computed as hereunder:

(a) on the aggregate of the sums computed in the manner at the rate of 100% provided in clause (i) of the second proviso to Paragraph D of Part II of the First Schedule to the Finance Act, 1959, as reduced by the amount, if any, which is deemed to have been taken into account, in accordance with clause (ii) of the said proviso, for the purpose of reducing the rebate mentioned in clause (i) of the said proviso to nil; and

12 of 1959.

at the rate of 30%

(b) on the amount representing the face value of any bonus shares or the amount of any bonus issued to its shareholders during the previous year with a view to increasing the paid-up capital;

(ii) where the sum arrived at in accordance with clause (i) of this proviso exceeds the amount of the rebate arrived at in accordance with clause (i) or clause (ii), as the case may be, of the preceding proviso, only so much of the amounts of reduction mentioned in sub-clauses (a) and (b) of clause (i) of this proviso as is sufficient, in that order, to reduce the rebate to *nil* shall be deemed to have been taken into account for the purpose:

Provided further that the super-tax payable by a company, the total income of which exceeds rupees twenty-five thousand, shall not exceed the aggregate of—

(a) the super-tax which would have been payable by the company if its total income had been rupees twenty-five thousand; and

(b) half the amount by which its total income exceeds rupees twenty-five thousand.

Explanation.—For the purposes of this Paragraph, where any portion of the profits and gains of a company is not included in its total income by reason of such portion being agricultural income, the amount representing the face value of any bonus shares and the amount of any bonus issued to its shareholders shall each be deemed to be such proportion thereof as the average of the total income of the company in the five previous years in which the company has been in receipt of taxable income immediately preceding the relevant previous year bears to the average of its total profits and gains (excluding capital receipts) for the preceding five years aforesaid, reduced by such allowances as may be admissible under the Income-tax Act which have not been taken into account by the company in its profit and loss accounts for the preceding five years aforesaid.

Paragraph E

In the case of the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956,—

On the whole of its profits and gains from life insurance business. 22.5%

PART III

Rates for deduction of tax under section 18 of the Income-tax Act at the prescribed rates

In every case in which under the provisions of section 18 of the Income-tax Act, tax is to be deducted at the prescribed rates,

deduction shall be made from the income subject to deduction at the following rates:—

	Income-tax		Super-tax		
	Rate of income-tax	Rates of Surcharges		Rate of super-tax	Rates of surcharge
		Surcharge for purposes of the Union	Special surcharge		

1. In the case of a person other than a company—

- (a) in every case, on the whole income (excluding interest payable on any security of the Central Government issued or declared to be income-tax free), and 25% 1.25% 3.75%

- (b) in addition, where the person is one whom the person responsible for paying the income has no reason to believe to be resident in the taxable territories, on the whole income.

Super-tax and surcharges on super-tax in accordance with the provisions of clause (b) of subsection (1) of section 17 of the Income-tax Act.

	Rate of Income-tax	Rate of Super-tax
2. In the case of a company—		
(a) in every case—		
(i) on the whole income (excluding interest payable on any security of the Central Government issued or declared to be income-tax free); and	20%	
(ii) on the whole income (excluding dividends payable by an Indian company referred to in section 56A of the Income-tax Act); and		10%
(b) in addition, where the company is neither an Indian company nor a company which has made the prescribed arrangements for the declaration and payment of dividends within India,—		
(i) on the income from dividends (excluding dividends payable by its subsidiary Indian company, if any, or by an Indian company referred to in section 56A of the Income-tax Act)—		
(a) on dividends payable by an Indian company formed and registered on or after the 1st day of April, 1959;	23%	
(b) on any other dividend		33%
(ii) on any other income, not being income from dividends		33%

THE SECOND SCHEDULE

(See section 18)

PART I

In the First Schedule to the Tariff Act,—

(i) in Item No. 22(1), for the existing entries in the fourth column against sub-items (a), (b), (c), (d) and (e), the entries "Rs. 6 per Imperial gallon", "Re. 1 per bottle", "50 naye paise per bottle" "25 naye paise per bottle" and "Rs. 7·50 per Imperial gallon", respectively, shall be substituted;

(ii) in Item No. 22(2), for the existing entries in the fourth column against sub-items (a), (b), (c), (d) and (e), the entries "Rs. 12 per Imperial gallon", "Rs. 2 per bottle", "Re. 1 per bottle", "50 naye paise per bottle" and "Rs. 15 per Imperial gallon", respectively, shall be substituted;

(iii) in Item No. 22(3), for the existing entries in the fourth column against sub-items (a) and (b), the entries "Rs. 80 per Imperial gallon" and "Rs. 50 per Imperial gallon", respectively, shall be substituted;

(iv) in Item No. 22(4),—

(1) for the existing entries in the fourth column against each of the sub-items (a) and (b) (ii), the entry "Rs. 150 per Imperial gallon of the strength of London proof or 125 per cent. *ad valorem*, whichever is higher" shall be substituted;

(2) for the existing entry in the fourth column against sub-item (b) (i), the entry "Rs. 200 per Imperial gallon or 125 per cent. *ad valorem*, whichever is higher", shall be substituted;

(v) in Item No. 27(4) (a), for the existing entry in the fourth column, the entry "The rate at which excise duty is for the time being leviable on kerosene" shall be substituted;

(vi) in Items Nos. 29(1), 48, 63(4), 63(10), 66(a), 66(1) and 75(8), to each of the respective entries in the fourth column, the words "plus the excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty" shall be added.

PART II

Item No.	Name of article	Nature of duty	Standard rate of duty	Preferential rate of duty if the article is the pro- duce or manu- facture of		Dura- tion of protec- tive rates of duty
				The United Kingdom	A British Colony	
1	2	3	4	5	6	7

In the first Schedule to the Tariff Act,—

(i) after Item No. 73 (20), the following Items shall be inserted, namely:—

<p>"73(21) Electric motors, all Revenue sorts, and parts thereof.</p>	<p>The excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty; and the duty so leviable shall be in addition to the duty leviable on the article under any of the other Items in this Schedule.</p>	<p>..</p>
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73(22) Internal combustion engines, all sorts.	Revenue The excise duty for the time being leviable on like articles if produced or manufactured in India and where such duty is leviable at different rates, the highest duty; and the duty so leviable shall be in addition to the duty leviable on the article under any of the other items in this Schedule.
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1 2 3 4 5 6 7

(ii) After Item No. 75(18), the following Item shall be inserted, namely :—

- “75(19) Mechanically pro-
pelled vehicles Revenue The excise duty for
adapted for use the time being leviable
upon roads, in- on like articles
cluding chassis if produced or man-
and trailers, but ufactured in India
not including and where such
vehicles intend- duty is leviable
ed to run upon at different rates,
fixed rails. the highest duty ;
and the duty so
leviable shall be in
addition to the duty
leviable on the article
under any of the other Items in
this Schedule.

Rep. by Act 52 of 1964, s. 2 + Sch. I (w.e.f. 28.12.64).

THE RESERVE BANK OF INDIA (AMENDMENT) ACT,
1960

No. 14 of 1960

[30th April, 1960]

An Act further to amend the Reserve Bank of India Act, 1934.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Reserve Bank of India (Amendment) Act, 1960.

Amendment of section 17. 2. In section 17 of the Reserve Bank of India Act, 1934,—

2 of 1934.

(a) after clause (4), the following clause shall be inserted, namely:—

“(4A) the making to any State Financial Corporation established under the State Financial Corporations Act, 1951,⁶³ of 1951, of loans and advances repayable on the expiry of fixed periods not exceeding eighteen months from the date of such loan or advance, against securities of the Central Government or of any State Government, of any maturity, or against bonds and debentures issued by that Corporation and guaranteed by the State Government concerned and maturing within a period not exceeding eighteen months from the date of such loan or advance:

Provided that the amount of loans and advances granted to a State Financial Corporation under this clause shall not, at any time, exceed in the aggregate sixty per cent. of the paid-up share capital thereof;”;

(b) existing clause (4A) shall be renumbered and relettered as clause (4AA);

(c) for clause (4BB), the following clause shall be substituted, namely:—

“(4BB) the making to any financial institution notified by the Central Government in this behalf, of loans and advances,—

(a) repayable on demand or on the expiry of fixed periods not exceeding ninety days from the date of such loan or advance, against the securities of the Central Government or of any State Government, or

(b) repayable on the expiry of fixed periods not exceeding eighteen months from the date of such loan or advance, against securities of the Central Government or of any State Government, of any maturity, or against bonds and debentures issued by that financial institution and guaranteed by the Central Government or any State Government; and maturing within a period not exceeding eighteen months from the date of such loan or advance:

Provided that the amount of loans and advances granted to a financial institution under sub-clause (b) shall not at any time, exceed in the aggregate sixty per cent. of the paid-up share capital thereof;”;

(d) after clause (11), the following clause shall be inserted, namely:—

“(11A) the acting as agent for the Central Government in guaranteeing the due performance by any small-scale industrial concern approved by the Central Government, of its obligations to any bank or any other financial institution in respect of loans and advances made to it by such bank or other financial institution and the making as such agent of payments in connection with such guarantee;”.

THE APPROPRIATION (RAILWAYS) NO. 3 ACT, 1960

No. 15 OF 1960

[30th April, 1960.]

An Act to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31st day of March, 1958, in excess of the amounts granted for those services and for that year.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Appropriation (Railways) No. 3 Act, 1960.

Issue of Rs. 17,35,88,573 2. From and out of the Consolidated Fund of India, the sums specified in column 3 of the Schedule amounting in the aggregate to the sum of seventeen crores, thirty-five lakhs, eighty-eight thousand, five hundred and seventy-three rupees shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services relating to railways specified in column 2 of the Schedule during the financial year ended on the 31st day of March, 1958, in excess of the amounts granted for those services and for that year.

Appropriation. 3. The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of India under this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ended on the 31st day of March, 1958.

THE SCHEDULE
(See sections 2 and 3)

No. of Vote	Services and purposes	Sums aggregating to		
		Voted by Parliament	Charged on the Conso- lidated Fund	Total
		Rs.	Rs.	Rs.
4	Working Expenses—Administration . . .	44,66,228	..	44,66,228
5	Working Expenses—Repairs and Main- tenance . . .	3,67,54,149	..	3,67,54,149
6	Working Expenses—Operating Staff	54,962	54,962
7	Working Expenses—Operation Fuel . . .	56,04,858	..	56,04,858
8	Working Expenses—Operation other than Staff and Fuel . . .	1,43,29,288	..	1,43,29,288
9	Working Expenses—Miscellaneous Expenses . . .	15,88,214	..	15,88,214
12	Dividend payable to General Revenues . . .	15,74,370	..	15,74,370
15	Construction of New Lines . . .	15,55,279	45,002	16,00,281
16	Open Line Works—Additions . . .	5,09,15,374	5,801	5,09,21,175
17	Open Line Works—Replacements . . .	5,66,95,048	..	5,66,95,048
	TOTAL . . .	17,34,82,808	1,05,765	17,35,88,573

THE ESTATE DUTY (AMENDMENT) ACT, 1960

No. 16 OF 1960

[6th May, 1960.]

An Act further to amend the Estate Duty Act, 1953.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Estate Duty (Amendment) Act, 1960.

(2) It shall come into force on the date¹ on which the Estate Duty 33 of 1958 (Amendment) Act, 1958, comes into force.

3 x x x
Insertion
of new
section
5A.

2. In the Estate Duty Act, 1953, after section 5, the following section shall be inserted, namely:—

Application
in respect
of estate
duty on
agricul-
tural
lands of
Acts
amending
this Act

“5A. (1) The amendments made to this Act by—

(i) the Finance Act, 1954,

17 of 1954.

(ii) the Taxation Laws (Extension to Jammu and Kashmir) Act, 1954, and

41 of 1954.

(iii) the Repealing and Amending Act, 1957,

36 of 1957.

shall apply, and shall be deemed to have applied, to estate duty in respect of agricultural lands situate in the territories comprised in the States, except those in the States of West Bengal and Jammu and Kashmir, but including those in the transferred territories, on and from the dates on which the amendments made by each of the amending Acts aforesaid respectively took effect:

Provided that where in respect of any part of the territories comprised in any of the said States the resolution of the Legislature concerned under clause (i) of article 252 of the Constitution was passed subsequently to the date on which the said amendments would otherwise have taken effect by virtue of the fore-

¹ Act 33 of 1958 came into force on the 1st July, 1960, vide Notifn. No. GSR 656, dated the 1st May, 1960, see Gazette of India, 1960, Pt. II, sec. 3 (i), p. 885.

30.5.1960
2 Section

going provision, the said amendments shall, in respect of estate duty on agricultural lands in that part of the said territories, be deemed to have taken effect only on the date on which this Act became applicable to estate duty in respect of agricultural lands.

33 of 1958.

(2) The amendments made to this Act by the Estate Duty (Amendment) Act, 1958, shall also apply to the levy of estate duty in respect of agricultural lands situate in the territories comprised in the States except those in the States of Orissa, West Bengal and Jammu and Kashmir.

(3) This Act shall cease to apply to the levy of estate duty in respect of agricultural lands situate in the State of Orissa and in the transferred territories, and, notwithstanding anything contained in sub-section (1), shall be deemed to have so ceased on and from the 1st day of April, 1959.

Explanation.—"Transferred territories" means the territories which as from the 1st day of November, 1956, were added to the State of West Bengal by virtue of sub-section (1) of section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956."

40 of 1956.

33 of 1958. 3. Section 30 of the Estate Duty (Amendment) Act, 1958, shall be omitted.

Omission
of sec.
tion-30.

Rep. by Act 53 of 1964, S. 2 & Sch. I (w.e.f. 29.12.64).

THE SUPREME COURT (NUMBER OF JUDGES)
AMENDMENT ACT, 1960

No. 17 OF 1960

[6th May, 1960.]

An Act to amend the Supreme Court (Number of Judges) Act, 1956

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

Short title.

1. This Act may be called the Supreme Court (Number of Judges) Amendment Act, 1960.

Amendment
of Section 2.

2. In section 2 of the Supreme Court (Number of Judges) Act, 1956, for the word "ten", the word "thirteen" shall be substituted. ss of 1956.

THE INDIAN BOILERS (AMENDMENT) ACT, 1960

No. 18 OF 1960

[6th May, 1960.]

An Act further to amend the Indian Boilers Act, 1923

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. This Act may be called the Indian Boilers (Amendment) Act, ~~Short title.~~
1960.

2. In section 2 of the Indian Boilers Act, 1923 (hereinafter referred to as the principal Act),—
~~of 1923.~~ ~~Amendment of section 2~~

(a) in clause (b), for the words "five gallons", the figures and word "22·75 litres" shall be substituted;

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

'(c) "Chief Inspector", "Deputy Chief Inspector", and "Inspector" mean, respectively, a person appointed to be a Chief Inspector, a Deputy Chief Inspector and an Inspector under this Act,';

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

'(f) "steam-pipe" means any pipe through which steam passes from a boiler to a prime-mover or other user or both, if—

(i) the pressure at which steam passes through such pipe exceeds 3·5 kilograms per square centimetre above atmospheric pressure; or

(ii) such pipe exceeds 254 millimetres in internal diameter;

and includes in either case any connected fitting of a steam-pipe';

321

346 M of Law—41

*4 Sections 2 to 20 rep. by Act 52 of 1963, S. 2
4 Sch. I (w.e.f. 29.12.64)*

Amendment
of section
2B.

3. In section 2B of the principal Act, the words and figures "and section 34" shall be omitted.

Amendment
of section 3.

4. In clause (c) of sub-section (1) of section 3 of the principal Act, for the words "twenty gallons", the words "ninety-one litres" shall be substituted.

Substitution
of new sec-
tion for sec-
tion 5.

5. For section 5 of the principal Act, the following section shall be substituted, namely:—

Chief Inspec-
tor, Deputy
Chief Inspec-
tors and Ins-
pectors.

"5. (1) The State Government may appoint such persons as it thinks fit to be Inspectors for the State for the purposes of this Act, and may define the local limits within which each Inspector shall exercise the powers and perform the duties conferred and imposed on Inspectors by or under this Act.

(2) The State Government may appoint such persons as it thinks fit to be Deputy Chief Inspectors for the State and may define the local limits within which each Deputy Chief Inspector shall exercise his powers and perform his duties under this Act.

(3) Every Deputy Chief Inspector may exercise the powers and perform the duties conferred and imposed on Inspectors by or under this Act and, in addition thereto, may exercise such powers or perform such duties conferred or imposed on the Chief Inspector by or under this Act, as the State Government may assign to him.

(4) The State Government shall appoint a person to be Chief Inspector for the State who may, in addition to the powers and duties conferred and imposed on the Chief Inspector by or under this Act, exercise any power or perform any duty so conferred or imposed on Deputy Chief Inspectors or Inspectors.

(5) Subject to the provisions of this Act, the Deputy Chief Inspectors and Inspectors shall exercise the powers and perform the duties conferred and imposed on them by or under this Act are to be dealt with during the examination of the Chief Inspector.

(6) The Chief Inspector, Deputy Chief Inspectors and Inspectors may offer such advice as they think fit to owners regarding the proper maintenance and safe working of boilers.

below:—
 (7) The Chief Inspector and all Deputy Chief Inspectors and Inspectors shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.”.

45 of 1860.

6. In clause (e) of section 6 of the principal Act, for the words “certificates of competency”, the words “certificates of proficiency or competency” shall be substituted.

7. In the proviso to sub-section (5) of section 7 of the principal Act, after the words “of an economiser”, the words “or of an unfired boiler which forms an integral part of a processing plant in which steam is generated solely by the use of oil, asphalt or bitumen as a heating medium” shall be inserted.

8. In section 8 of the principal Act,—

(a) in clause (c) of sub-section (1), for the words “two hundred square feet”, the figures and words “18·58 square metres” shall be substituted;

(b) in the proviso to sub-section (3), after the words “an economiser”, the words “or an unfired boiler which forms an integral part of a processing plant in which steam is generated solely by the use of oil, asphalt or bitumen as a heating medium” shall be inserted;

(c) for the second proviso to sub-section (4), the following proviso shall be substituted, namely:—

“Provided further that in the case of an economiser or of an unfired boiler which forms an integral part of a processing plant in which steam is generated solely by the use of oil, asphalt or bitumen as a heating medium, the date fixed for its examination shall be within sixty days from the date of the receipt of the application and the owner shall be given not less than thirty days’ notice of the date so fixed.”;

(d) in the first proviso to sub-section (5) after the words “of an economiser”, the words “or of an unfired boiler which forms an integral part of a processing plant in which steam is generated solely by the use of oil, asphalt or bitumen as a heating medium” shall be inserted.

9. In clause (c) of section 11 of the principal Act, for the words “certificates of competency”, the words “certificates of proficiency or competency” shall be substituted.

Amendment
of section 8.

Insertion of
new section
20A.

10. After section 20 of the principal Act, the following section shall be inserted, namely:—

Power of
Central Gov-
ernment to
revise order
of appellate
authority.

"20A. (1) Any person considering himself aggrieved by an order of the appellate authority refusing under section 20 to interfere with an order not to register a boiler or not to grant or renew a certificate in respect thereof on the ground that the boiler does not conform to the regulations made under this Act may, within two months of the communication to him of such order, make an application to the Central Government for a revision of that order on the ground that such boilers are in use in other countries.

(2) Upon the receipt of such an application, the Central Government may, after calling for relevant records and other information from the appellate authority and considering the observations, if any, of that authority on the application and after obtaining such technical advice as the Central Government may consider necessary, pass such order in relation to the application, as the Central Government thinks fit; and, where the revision is allowed, the order shall specify the terms and conditions on which any variations from the regulations made under this Act are to be dealt with during the examination of the boiler.”.

Substitution
of new sec-
tion for sec-
tion 21.

11. For section 21 of the principal Act, the following section shall be substituted, namely:—

Finality
of orders.

"21. An order of the Central Government under section 20A and, save as otherwise provided in sections 19, 20 and 20A, an order of an appellate authority, or of the Chief Inspector, or of a Deputy Chief Inspector, or of an Inspector, shall be final and shall not be called in question in any court.”.

Amendment
of section 24.

12. In section 24 of the principal Act,—

(a) at the end of clause (e), the word “or” shall be inserted;

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

“(f) allows another person to go inside a boiler without effectively disconnecting the same in the prescribed manner from any steam or hot water connection with any other boiler or from fuel mains.”.

Amendment
of section 26.

13. In section 26 of the principal Act, for the words “six months”, the words “twenty-four months” shall be substituted.

14. In section 27A of the principal Act,—

Amendment
of section
27A.

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

(2) The Board shall consist of the following members, namely:—

(a) such number of members, including the Chairman, not exceeding fifteen, as the Central Government may nominate in the prescribed manner to represent that Government, the Union territories, the railways, the coal industry, the Indian Standards Institution, the boiler manufacturing industry, the users of boilers and, any other interests which, in the opinion of the Central Government, ought to be represented on the Board;

(b) a senior technical officer conversant with the inspection and examination of boilers, to be nominated by the Government of each State (other than a Union territory).";

(b) in sub-section (3), the words, brackets, letter and figure “, otherwise than by the expiry of the term of office of the member referred to in clause (c) of sub-section (2),” shall be omitted;

(c) for sub-section (4), the following sub-section shall be substituted, namely:—

(4) The Board shall have full power to regulate by means of bye-laws or otherwise its own procedure and the conduct of all business to be transacted by it, the constitution of committees and sub-committees of members and the delegation to them of any of the powers and duties of the Board.”.

15. In clause (c) of section 28 of the principal Act, after the words “prescribing the fees payable therefor”, the words “and for the inspection and examination of boilers or parts thereof” shall be inserted.

Amendment
of section
28.

16. After section 28 of the principal Act, the following section shall be inserted, namely:

Insertion of
new section
28A.

(28A.) (1) The Central Government may, by notification in the Official Gazette, make rules to provide for—

Power of
Central Gov-
ernment to
make rules.

(a) the procedure to be followed in making applications under section 20A and the fees payable in respect of such applications; and

(b) any matter relating to the nomination of members under clause (a) of sub-section (2) of section 27A,

(2) Every rule made under sub-section (1) 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 successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

Amendment
of section 29.

17. In section 29 of the principal Act,—

(a) in clause (a), after the words "Chief Inspector", the words "of Deputy Chief Inspectors" shall be inserted;

(b) in clause (d), for the words "certificates of competency", the words "certificates of proficiency or competency" shall be substituted;

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

"(f) for prescribing the fees payable for the issue of renewed certificates, for the inspection and examination of boilers or parts thereof or drawings for steam-pipes, for the testing of welders or for any other matter which, in the opinion of the State Government, would involve time and labour, and for prescribing the method of determining the amount of such fees in each case;"

Amendment
of section 30.

18. In section 30 of the principal Act, for the words "may provide that a contravention thereof shall be punishable with fine which may extend to one hundred rupees", the words "may direct that a person contravening such regulation or rule shall be punishable, in the case of a first offence, with fine which may extend to one hundred rupees, and in the case of any subsequent offence, with fine which may extend to one thousand rupees" shall be substituted.

Insertion of
new section
31A.

19. After section 31 of the principal Act, the following section shall be inserted, namely:

"31A. The Central Government may give such directions as it may deem necessary to a State Government regarding the carrying into execution of the provisions of this Act, and the State Government shall comply with such directions."

Power of
Central Gov-
ernment to
give direc-
tions.

20. In section 34 of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely:

"(2) In case of any emergency the State Government may, by general or special order in writing, exempt any boilers or

Amendment
of section 34.

steam-pipes or any class of boilers or steam-pipes or any boiler or steam-pipe from the operation of all or any of the provisions of this Act.

TO NOTIFICATION BOILER ACT 1923

(3) If the State Government is satisfied that, having regard to the material, design or construction of boilers and to the need for the rapid industrialisation of the country, it is necessary so to do, it may, by notification in the Official Gazette and subject to such conditions and restrictions as may be specified in the notification, exclude any specified class of boilers or steam-pipes in the whole or any part of the State, from the operation of all or any of the provisions of this Act."

21. The members of the Board holding office as such at the commencement of this Act shall continue to hold office until the Board is re-constituted under the principal Act as amended by this Act and on the re-constitution of the Board, shall cease to hold office as such. Temporary continuance in office of members of existing Board.

APPROVED BY THE GOVERNOR OF JAMMU AND KASHMIR ON THE 21ST DAY OF NOVEMBER 1960.

SHRI M. S. SINGH
Secretary to the Government of Jammu and Kashmir
Government of India
Ministry of Home Affairs
New Delhi
1960

APPROVED BY THE GOVERNOR OF JAMMU AND KASHMIR ON THE 21ST NOVEMBER 1960.

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Secretary to the Government of Jammu and Kashmir
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Ministry of Home Affairs
New Delhi
1960

Not Corrected: See India Code N 51 W.A. pt. IV

THE HINDU MARRIAGES (VALIDATION OF PROCEEDINGS) ACT, 1960

No. 19 OF 1960

[6th May, 1960]

An Act to validate certain proceedings under the Hindu Marriage Act, 1955.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

Short title and extent.

1. (1) This Act may be called the Hindu Marriages (Validation of Proceedings) Act, 1960.

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

Validation of proceedings of certain courts under Act 25 of 1955.

2. (1) All proceedings taken and decrees and orders passed before the commencement of this Act by any of the courts referred to in sub-section (2), exercising or purporting to exercise jurisdiction under the Hindu Marriage Act, 1955, shall, notwithstanding any judgment, decree or order of any court, be deemed to be as good and valid in law as if the court exercising or purporting to exercise such jurisdiction had been a district court within the meaning of the said Act.

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

The court of an additional judge, additional district judge, joint district judge, assistant district judge, assistant judge and any other court, by whatever name called, not being lower in rank than the court of a subordinate judge.

Rep. by Act 52 of 1964, S. 2 + Sch. I (w.e.f. 29.12.64).

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ACT, 1960

No. 20 OF 1960

[8th May, 1960]

An Act further to amend the Representation of the People Act, 1950.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. This Act may be called the Representation of the People Short title. (Amendment) Act, 1960.

2. Section 12 of the Representation of the People Act, 1950 Amendment of section 12. (hereinafter referred to as the principal Act) shall be re-numbered as sub-section (1) of that section and after that sub-section as so re-numbered, the following sub-section shall be inserted, namely:—

‘(2) An order under sub-section (1) may contain provisions for the allocation of any member representing any council constituency immediately before the making of the order to any constituency delimited anew or altered by the order and for such other incidental and consequential matters as the President may deem necessary.”.

3. In section 28 of the principal Act, in sub-section (2), clause (d) Amendment of section 28. shall be omitted.

4. For section 31 of the principal Act, the following section shall Substitution of new section for section 31. be substituted, namely:—

“31. If any person makes in connection with—

Making false declarations.

(a) the preparation, revision or correction of an electoral roll, or

Rep. by Act 52 of 1964.

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Representation of the People (Amendment)

[ACT 20 OF 1960]

(b) the inclusion or exclusion of any entry in or from an electoral roll,

a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.”.

Amendment
of Fourth
Schedule

5. In the Fourth Schedule to the principal Act,—

(a) under the heading “Andhra Pradesh”, for the entry “2. District Boards”, the entry “2. Zilla Parishads” shall be substituted;

(b) under the heading “Uttar Pradesh”, for the entry “2. District Boards”, the following entry shall be deemed to have been substituted with effect from the 1st day of February, 1960, namely:—

“2. Zilla Parishads including Antarim Zilla Parishads”.

Rep. by Act 52 of 1964, s. 24 Sch. I (w.e.f. 29.12.64).

THE RUBBER (AMENDMENT) ACT, 1960

NO. 21 OF 1960

[20th August, 1960]

An Act further to amend the Rubber Act, 1947.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Rubber (Amendment) Act, <sup>Short title
and commen-</sup> 1960.

(2) It shall come into force on such¹ date as the Central Government may, by notification in the Official Gazette, appoint.

^{24 of 1947.} 2. For section 12 of the Rubber Act, 1947 (hereinafter referred to as the principal Act), the following section shall be substituted, <sup>Substitution
of new sec-
tion for sec-
tion 12.</sup> namely:—

"12. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be levied as a cess for the purposes of this Act, a duty of excise on all rubber produced in India at such rate, not exceeding fifty naye paise per kilogram of rubber so produced, as the Central Government may fix. <sup>Imposition
of new rub-
ber cess.</sup>

(2) The duty of excise levied under sub-section (1) shall be collected by the Board in accordance with rules made in this behalf either from the owner of the estate on which the rubber is produced or from the manufacturer by whom such rubber is used.

(3) The owner or, as the case may be, the manufacturer shall pay to the Board the amount of the duty within one month from the date on which he receives a notice of demand therefrom the Board and, if he fails to do so, the duty may be recovered from the owner or the manufacturer, as the case may be, as an arrear of land revenue.

¹1st November, 1960, vide S.O. 2602, dt. 24-10-1960, Gazette of India, Pt. II, sec. 3(ii), p. 3163.

(4) For the purpose of enabling the Board to assess the amount of the duty of excise levied under this section—

(a) the Board shall, by notification in the Official Gazette, fix a period in respect of which assessments shall be made; and

(b) without prejudice to the provisions of section 20, every owner and every manufacturer shall furnish to the Board a return not later than fifteen days after the expiry of the period to which the return relates, stating,—

(i) in the case of an owner, the total quantity of rubber produced on the estate in each such period:

Provided that in respect of an estate situated only partly in India, the owner shall in the said return show separately the quantity of rubber produced within and outside India;

(ii) in the case of a manufacturer, the total quantity of rubber used by him in such period out of the rubber produced in India.

(5) If any owner or manufacturer fails to furnish, within the time prescribed, the return referred to in sub-section (4) or furnishes a return which the Board has reason to believe is incorrect or defective, the Board may assess the amount of the duty of excise in such manner as may be prescribed.

(6) Any person aggrieved by an assessment made under this section may, within three months of the service of the notice under sub-section (3), apply to the District Judge for the cancellation or modification of the assessment, and the District Judge shall, after giving the Board an opportunity of being heard, pass such order (which shall be final) as he thinks proper.

(7) The proceeds of the duty of excise collected under this section reduced by the cost of collection as determined by the Central Government shall first be credited to the Consolidated Fund of India, and then be paid by the Central Government to the Board for being utilised for the purposes of this Act, if Parliament by appropriation made by law in this behalf so provides.”

Rep. by Act 52 of 1964.

OF 1960]

Rubber (Amendment)

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Amendment
of section 25.

3. In section 25 of the principal Act,—

(i) in sub-section (2), after clause (xx), the following clause shall be inserted, namely:—

"(xxa) the cases and circumstances in which the duty of excise under section 12 shall be payable by the owner and the manufacturers respectively, the manner in which the duty may be assessed, paid or collected, the regulation of the production, manufacture, transport or sale of rubber in so far as such regulation is necessary for the proper levy, payment or collection of the duty;"

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

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

THE COTTON TRANSPORT (AMENDMENT) ACT, 1960

No. 22 OF 1960

[23rd August, 1960]

An Act further to amend the Cotton Transport Act, 1923.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

Short title 1. This Act may be called the Cotton Transport (Amendment) Act, 1960.

Amendment of section 1. 2. For sub-section (2) of section 1 of the Cotton Transport Act, 1923 (hereinafter referred to as the principal Act), the following sub-section shall be substituted, namely:

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

Amendment of section 7. 3. For clause (b) of sub-section (1) of section 7 of the principal Act, the following clause shall be substituted, namely:—

“(b) the terms and conditions to be contained in licences, the authorities by which they may be granted and the fees which may be levied in respect thereof; and”

Repeals and savings. 4. (1) The Hyderabad Cotton Cultivation and Transport Act, 1337 Fasli and any other law corresponding to the principal Act in force in the territories which immediately before the 1st November, 1956, were comprised in Part B States shall, on the commencement of this Act, stand repealed.

(2) Nothing in sub-section (1) shall affect—

(a) the previous operation of any law so repealed or anything duly-done or suffered thereunder,

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed,

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed, or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed;

Provided that anything done or any action taken under any such law shall be deemed to have been done or taken under the corresponding provision of the principal Act and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under the principal Act.

Rep. by Act 52 of 1964, s. 2 + Sch. I (w.e.f. 29.12.64)

THE BANKING COMPANIES (AMENDMENT) ACT, 1960

NO. 23 OF 1960

[26th August, 1960]

An Act further to amend the Banking Companies Act, 1949.

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

Short title.

1. This Act may be called the Banking Companies (Amendment) Act, 1960.

Insertion of new section 34A.

2. After section 34 of the Banking Companies Act, 1949, the ¹⁰ of 1949, following section shall be inserted, namely:—

Production of documents of confidential nature.

“34A. (1) Notwithstanding anything contained in section 11 of the Industrial Disputes Act, 1947, or any other law for ¹⁴ of 1947, the time being in force, no banking company shall, in any proceeding under the said Act or in any appeal or other proceeding arising therefrom or connected therewith, be compelled by any authority before which such proceeding is pending to produce, or give inspection of, any of its books of account or other document or furnish or disclose any statement or information, when the banking company claims that such document, statement or information is of a confidential nature and that the production or inspection of such document or the furnishing or disclosure of such statement or information would involve disclosure of information relating to—

(a) any reserves not shown as such in its published balance sheet; or

(b) any particulars not shown therein in respect of provisions made for bad and doubtful debts and other usual or necessary provisions.

(2) If, in any such proceeding in relation to any banking company other than the Reserve Bank of India, any question arises as to whether any amount out of the reserves or provisions referred to in sub-section (1) should be taken into account by

Rep. by Act 52 of 1964.

Act 23 of 1960] *Banking Companies (Amendment)*

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the authority before which such proceeding is pending, the authority may, if it so thinks fit, refer the question to the Reserve Bank and the Reserve Bank shall, after taking into account principles of sound banking and all relevant circumstances concerning the banking company, furnish to the authority a certificate stating that the authority shall not take into account any amount as such reserves and provisions of the banking company or may take them into account only to the extent of the amount specified by it in the certificate, and the certificate of the Reserve Bank on such question shall be final and shall not be called in question in any such proceeding.

(3) For the purposes of this section, "banking company" shall have the meaning assigned to it in the Industrial Disputes Act, 1947."

14 of 1947.

THE DELHI LAND HOLDINGS (CEILING) ACT, 1960

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY

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1. Short title, extent and commencement.
2. Definitions.

CHAPTER II

CEILING ON HOLDINGS AND VESTING AND ALLOTMENT OF EXCESS LAND

3. Ceiling on holdings.
4. Submission of returns.
5. Collection of information through other agency.
6. Procedure for determination of excess land.
7. Selection of excess land in cases of certain transfers.
7A. Abatement of certain suits.
8. Excess land to vest in Government.
9. Publication of the final list and consequences thereof.
10. Compensation.
11. Manner of payment of compensation.
12. Limit of future acquisition of land.
13. Excess land not to be surrendered in certain cases.
14. Power of Deputy Commissioner to take possession of excess land.
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CHAPTER III

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17. Act to over-ride contract and other laws.
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20. Revision.
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22. Entry upon land for purposes of survey, etc.
23. Offences and penalties.
24. Finality of orders and bar of jurisdiction.
25. Protection of action taken under the Act.
26. Power to exempt, etc. [omitted]
27. Power to make rules.
28. Amendment of the Delhi Land Reforms Act, 1954. [Repealed].

THE DELHI LAND HOLDINGS (CEILING) ACT, 1960

No. 24 OF 1960

[26th August, 1960]

An Act to provide for the imposition of a ceiling on land holdings in the Union territory of Delhi and for matters connected therewith.

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

CHAPTER I

PRELIMINARY

Short title, extent and commencement.
1. (1) This Act may be called the Delhi Land Holdings (Ceiling) Act, 1960.

(2) It extends to the whole of the Union territory of Delhi, but shall not apply to—

(a) the areas which, immediately before the 1st day of November, 1956, were included in a municipality or in a notified area under the provisions of the Punjab Municipal Act, 1911, or Punjab Act in a cantonment under the provisions of the Cantonments Act, 1924;

2 of 1924

(b) the areas owned by the Central Government or any local authority; and—(4, * * *

(c) the areas held and occupied for a public purpose or for a work of public utility and declared as such by the Chief Commissioner or the areas acquired under any enactment relating to the acquisition of land for a public purpose.

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1. Subs. Omitted & Ins. by Act 15 of 1976, s. 2 (w.e.f. 8-12-1975)

(3) It shall come into force on such date as the Chief Commissioner may, by notification in the Official Gazette, appoint.

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

Definition.

2. [(a)] (a) "ceiling limit", in relation to land, means the limit fixed under section 3;

(b) "Chief Commissioner" means the Chief Commissioner of Delhi;

(c) "competent authority" means any person or authority authorised by the Chief Commissioner by notification in the Official Gazette to perform the functions of the competent authority under this Act for such area as may be specified in the notification;

(d) "family", in relation to a person, means the person, the wife or husband, as the case may be, and the dependent children and grandchildren, of such person;

(e) "minor" means a person who is deemed not to have attained majority under the Indian Majority Act, 1875;

(f) "person under disability" means—

(i) a widow;

(ii) a minor;

(iii) a woman unmarried or, if married, divorced or judicially separated from her husband or whose husband is a person falling under sub-clause (iv) or sub-clause (v);

(iv) a member of the Armed Forces of the Union;

(v) a person incapable of cultivating land by reason of some physical or mental disability;

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

(h) the words and expressions "Asami", "Bhumidhar", "Deputy Commissioner", "Gaon Panchayat", "improvement", "land", "standard-aere" and "village" shall have the meanings respectively assigned to them in the Delhi Land Reforms Act, 1954.

CHAPTER II

CEILING ON HOLDINGS AND VESTING AND ALLOTMENT OF EXCESS LAND

3. No person either by himself or, if he has a family, together with any other member of his family (hereinafter referred to as the person holding,

4. 16-4-1962: Vide Notifn. No. S. 63/C.P.O/61262/11772

2. Re-numbered, ins. Subs. & Omitted by Act 15 of 1976, S. 3 (w.e.f. 8-12-1978)

3. Subs. by S. 4, ibid.

representing the family) shall, whether as a Bhumidhar or an Asami or partly in one capacity and partly in another, hold land in excess of thirty standard acres in the aggregate:

Provided that where the number of members of the family of such person exceeds five, he may hold five additional standard acres for each member in excess of five, so however, as not to exceed sixty standard acres in the aggregate.

Explanation.—In the case of a company, an association or any other body of individuals, the ceiling limit shall be thirty standard acres.

**Submission
of returns.**

4. Every person representing a family who at the commencement of this Act holds, or has at any time during the period between the 10th day of February, 1959, and such commencement held, land in excess of the ceiling limit shall submit to the competent authority, in such form and within such time as may be prescribed, a return giving the particulars of all land held by him and indicating therein the parcels of land, not exceeding the ceiling limit, which he desires to retain:

Provided that in the case of a joint holding, all co-sharers may submit the return jointly indicating the parcels of land, not exceeding the aggregate of their individual ceiling limits, which they desire to retain.

Explanation.—In the case of a person under disability, the return shall be furnished by his guardian or authorised agent, as the case may be.

**Collection of
information
through
other
agency.**

5. If any person, who under section 4 is required to submit a return, fails to do so in accordance with the provisions of that section, the competent authority shall collect the necessary information through such agency as may be prescribed.

**Procedure
for deter-
mination of
excess land**

6. (1) On receipt of any return under section 4 or information under section 5 or otherwise, the competent authority shall, after giving the persons affected an opportunity of being heard, hold an inquiry in such manner as may be prescribed, and having regard to the provisions of section 7 and section 8 or of any rules that may be made in this behalf, it shall determine—

- (a) the total area of land held by each person representing the family;
- (b) the specific parcels of land which he may retain;
- (c) the land held by him in excess of the ceiling limit;

4. Subs. by Act 15 of 1976, S.S (w.e.f. 8-12-1975)

- (d) whether such excess land is held by him as a Bhumi-dhar or as an Asami;
- (e) the excess land in respect of which Bhumidhari rights may be acquired by an Asami;
- (f) the excess land which may be restored to a Bhumidhar;
- (g) the excess land which shall vest in the Government; and
- (h) such other matters as may be prescribed.

(2) For the purpose of determining the excess land under this section, any land transferred at any time during the period between the 10th day of February, 1959 and the commencement of this Act shall, notwithstanding such transfer, be deemed to be held by the transferor.

(3) The competent authority shall prepare a list in the prescribed form containing the particulars determined by him under sub-section (1) and shall cause every such list to be published in the Official Gazette and also in such other manner as may be prescribed.

7. (1) Where any person holding land in excess of the ceiling limit at any time during the period between the 10th day of February, 1959 and the 25th day of November, 1959, has transferred during such period any part of his land to any other person under a registered deed for valuable consideration, the excess land to be determined under section 6 shall, to the extent possible, be selected out of the land held at the commencement of this Act by the transferor in excess of eight standard acres and no land shall be selected out of the land transferred.

(2) Where any person holding land in excess of the ceiling limit at any time—

(a) during the period between 10th day of February, 1959 and the 25th day of November, 1959, has transferred during such period any part of his land to any other person in any manner other than under a registered deed for valuable consideration, or

(b) during the period between the 25th day of November, 1959 and the commencement of this Act has transferred during such period any part of his land to any other person in any manner whatsoever,

the excess land to be determined under section 6 shall be selected out of the lands held at the commencement of this Act by the
4. Subs. by Act 15 of 1976, s. 6 (w.e.f. 5-12-1975)

3. Subs. by s. 7, ibid.

transferor and the transferee in the same proportion as the land held by the transferor bears to the land transferred and where no land is held by the transferor, out of the land transferred.

(3) Where excess land is to be selected out of the lands of more than one transferee, such land shall be selected out of the lands held by each of the transferees in the same proportion as the area of the land transferred to him bears to the total area of the lands transferred to all the transferees.

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

(5) Notwithstanding anything hereinbefore contained, the excess land to be selected shall in no case include the homestead land of a person.

Explanation.—For the purposes of this sub-section, "homestead land" means the land on which the homestead (whether used by the owner or let out on rent) stands together with any courtyard, compound and attached garden, not exceeding one acre in the aggregate.

Excess land to vest in Government. 8. (1) Where any excess land of a Bhumidhar is in his actual possession, the excess land shall vest in the Government.

(2) Where any excess land of a Bhumidhar is in the possession of a person holding the same as an Asami and the excess land together with any other land held by such person exceeds his ceiling limit, the land in excess of the ceiling limit shall vest in the Government.

(3) Where any excess land of a Bhumidhar is in the possession of a person holding the same as an Asami and such person is allowed to retain the excess land or a part thereof as being within his ceiling limit, that person shall acquire Bhumidhari rights in respect of such excess land or part thereof on payment of compensation as hereinafter provided, but if that person refuses to pay such compensation, the excess land or part thereof shall vest in the Government.

(4) Where there is any excess land of an Asami, the excess land shall vest in the Government:

Provided that in any case where the excess land or any part thereof held by a Bhumidhar together with any other land held by such person does not exceed the ceiling limit, the excess land or such part thereof as does not exceed the ceiling limit shall be restored to the Bhumidhar on an application made by him in this behalf to the competent authority within such time as may be prescribed.

9. (1) Any person aggrieved by an entry in the list published under sub-section (3) of section 6 may, within thirty days from the date of publication thereof in the Official Gazette, file objections thereto before the Deputy Commissioner:

Provided that the Deputy Commissioner may entertain the objection after the expiry of the said period of thirty days, if he is satisfied that the objector was prevented by sufficient cause from filing the objection in time.

(2) The Deputy Commissioner or any other officer authorised in this behalf by the Chief Commissioner may, after considering the objections and after giving the objector or his representatives an opportunity of being heard in the matter, approve or modify the list.

(3) The list as approved or modified under sub-section (2) shall then be published in the Official Gazette and also in such other manner as may be prescribed and, subject to the provisions of this Act, the list shall be final.

(4) With effect from the date of the publication of the list in the Official Gazette under sub-section (3), the excess land shall stand transferred to, and vest in, the Government free of all encumbrances or, as the case may be, the excess land shall stand restored to the Bhumidhar or the Bhumidhari rights in respect of the excess land shall stand transferred to the Asami free of all encumbrances.

10. (1) Where any excess land of a Bhumidhar vests in the Government, there shall be paid by the Government to the Bhumidhar compensation the amount of which shall be equal to twenty times the net income from such land:

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

Explanation.—For the purposes of sub-section (1), the net income from any land shall be deemed to be one-fifth of the value of the average yearly gross produce of the land, calculated in such manner as may be prescribed.

(2) In addition to the compensation payable in respect of any excess land under sub-section (1), there shall also be paid compensation in respect of any structure or building, including wells, tube-wells and embankments constructed on such excess land and any

trees planted thereon and such compensation shall be determined by the competent authority having regard to the market value of such structure or building or the value of such trees and shall be paid to the person who has constructed the structure or building or planted the trees.

(3) Where any excess land in respect of which compensation is payable is subject to any mortgage or other encumbrance, the amount due under the mortgage or other encumbrance in respect of such excess land, or where a transfer in respect of excess land is void by virtue of sub-section (4) of section 7, the consideration money paid by the transferee in respect of such excess land, shall be a charge on the compensation payable in respect of the excess land to the person who has created the mortgage or encumbrance or, as the case may be, to the transferor.

[Sub-See
2 of
section.]

(4) Where an Asami acquires Bhumidhari rights in respect of any excess land, the compensation payable by him in respect of that land shall be equal to the amount which the Bhumidhar would have been paid as compensation under the proviso to sub-section (1) or sub-section (2), if the land had vested in the Government; and the amount shall, in the first instance, be paid to the Bhumidhar by the Government and shall be recovered from the Asami in such manner as may be prescribed.

(5) Where any excess land of a religious or charitable institution vests in the Government, such institution shall, in lieu of compensation payable under sub-section (1) or sub-section (2) be paid an annuity equal to the net annual income of the excess land and such net annual income shall be determined by the competent authority in the prescribed manner.

(6) The competent authority shall, after holding an inquiry in the prescribed manner, make an order determining the amount of compensation payable to any person under this section.

Manner of payment of compensation.

11. (1) The compensation payable under section 10 shall be due on the date of the publication of the list in the Official Gazette under sub-section (3) of section 9 and may be paid in cash, in a lump sum or in instalments or in bonds.

(2) Where the compensation is payable in bonds, the bonds may be made not transferable or transferable by endorsement or in any other manner but all such bonds shall be redeemed within such period, not exceeding ten years from the date of issue, as may be prescribed.

(3) Where there is any delay in the payment of compensation or where the compensation is paid either in instalments or in bonds, it

1. Subs. and omitted by Act 15 of 1976, s. 8 (w.e.f. 8-12-1975)

2. Subs. by s. 9, ibid.

shall carry interest at the rate of two and a half per cent. per annum from the date on which it falls due.

12. No person representing a family shall acquire in any manner whatsoever whether by transfer, exchange, lease, agreement or succession any land where such acquisition has the effect of making the total area of the land held by him exceed the ceiling limit; and any such land in excess of the ceiling limit shall, subject to the provisions of the Delhi Land Reforms Act, 1954, be treated as excess land of the transferee and the provisions of sections 6 to 11 shall, as far as may be, apply to such excess land.

13. Where a person representing a family holds land not exceeding the ceiling limit, but subsequently the land held exceeds the ceiling limit, then, notwithstanding anything contained in this Chapter, such person shall not be required to surrender any part of the land on the ground that it is excess land, if such excess is due to any improvements effected in the land by the efforts of the family or to a decrease in the number of its members.

14. After the publication of the list of excess land under sub-section (3) of section 9, and after demarcation in the prescribed manner of such land where necessary, the Deputy Commissioner may take possession of any excess land and may use or cause to be used such force as may be necessary for the purpose.

15. The Chief Commissioner may reserve any excess land vesting in the Government under the provisions of this Act for the benefit of the village community or for any work of public utility or for such other purposes as may be prescribed:

Provided that where such land is not being used for the aforesaid purposes, it may be used by the Gaon Panchayat for such purposes as the Chief Commissioner may direct.

16. Subject to any rules that may be made in this behalf, the Chief Commissioner or any officer authorised by him may allot any excess land vesting in the Government (other than land reserved under section 15) to such persons and on such terms and conditions as he thinks fit.

CHAPTER III

MISCELLANEOUS

17. Save as otherwise expressly provided, the provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law, custom or usage or agreement or decree or order of a court.

Subs. by Act 15 of 1976, S.10 (W.e.f. 8-12-1975)

Mode of recovery of any amount due under the Act.

18. Any sum payable to the Government under the provisions of this Act may be recovered in the same manner as an arrear of land revenue.

Appeal.

19. Any person aggrieved by an order made by the competent authority under section 10, may, within a period of thirty days from the date of the order, prefer an appeal to the Deputy Commissioner:

Provided that the Deputy Commissioner may entertain the appeal after the expiry of the said period, if he is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

Revision.

20. (1) The Chief Commissioner may, on an application for revision made to him or otherwise, call for the record of any proceeding pending before, or disposed of by, the competent authority or the Deputy Commissioner or any officer authorised by the Chief Commissioner under sub-section (2) of section 9.

(2) No order varying the decision of the competent authority or the Deputy Commissioner or revising the list published under section 9 which prejudicially affects any person shall be made without giving him an opportunity of being heard.

Power of officers while holding inquiries, etc. under the Act.

21. Any officer or authority while holding an inquiry or hearing an appeal or exercising powers of revision under this Act shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908; when trying a suit, in respect of the ~~s~~^{of} 1908, following matters, namely:—

- (a) enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents and material objects;
- (c) receiving evidence on affidavit; and
- (d) such other matters as may be prescribed.

Entry upon land for purposes of survey, etc.

22. Subject to any conditions and restrictions that may be prescribed, any officer entrusted with the performance of any duty under this Act may, in the discharge of such duty, enter upon and survey and take measurement of any land and do all other acts necessary for carrying out his duties under this Act.

Offences and penalties.

23. (1) Whoever being bound to submit a return under section 4 fails without reasonable cause to do so, within the prescribed time, or submits a return which he knows or has reason to believe to be false, shall be punishable with fine which may extend to one thousand rupees.

↓. Subs. by Act 15 of 1976, S.11 (w.e.f. 8-12-1975)

(2) Whoever contravenes any lawful order made under this Act or otherwise obstructs any person from lawfully taking possession of any land shall be punishable with fine which may extend to one thousand rupees.

24. (1) Subject to the provisions of this Act, every order made under this Act shall be final. Finality of orders and bar of jurisdiction.

(2) No civil court shall have jurisdiction to entertain any suit or proceeding in so far as it relates to any matter which the competent authority or the Deputy Commissioner is empowered by or under this Act to decide.

25. No suit or other legal proceeding shall lie against the Government or any authority or officer in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rules or orders made thereunder. Protection of action taken under the Act.

~~26. (1) The Chief Commissioner may, on an application made to him in this behalf within three months from the commencement of this Act, exempt from the operation of section 3,—~~ Power to

~~(a) any person who holds a compact block of land exceeding the ceiling limit which—~~

~~(i) is being used as an orchard from before the 10th day of February, 1959; or~~

~~(ii) is being used as a farm in which heavy investment or permanent structural improvements have been made and which, in the opinion of the Chief Commissioner, is being so efficiently managed that its break up is likely to result in a fall in production:~~

~~Provided that, where such person holds the compact block of land together with any other land, he shall be permitted to elect to retain either the compact block of land, notwithstanding that it exceeds the ceiling limit or the other land not exceeding the ceiling limit;~~

~~(b) any specialised farm which is being used for cattle breeding, dairy or wool raising;~~

~~(c) any land which is being held by a co-operative society, provided that where a member of any such society holds a share in such land, his share shall be taken into account in determining his ceiling limit;~~

~~(d) any land held by a body notified by the Chief Commissioner under section 33 of the Delhi Land Reforms Act, 1954, as in force before such commencement:~~

~~Provided that the Chief Commissioner may entertain the application after the expiry of the said period of three months,~~

4. Omitted by Act 15 of 1976, s-12 (w.e.f. 8-12-1975)

If he is satisfied that the applicant was prevented by sufficient cause from making the application in time.

(2) Where any land in respect of which exemption has been granted to a person under clause (a) of sub-section (1) is transferred to another person, the Chief Commissioner may, on an application made to him within three months from the date of the transfer, exempt the transferee from the operation of section 3 and section 12 and the provisions of the said clause shall, as far as may be, apply to the grant of such exemption.

(3) Where the Chief Commissioner is of opinion that the use of land for any specified purpose is expedient or necessary in the public interest, he may, by notification in the Official Gazette, make a declaration to that effect and on the issue of such notification, any person may, notwithstanding anything contained in section 12, acquire land in excess of the ceiling limit for being used for such specified purpose and such person shall, within one month from the date of such acquisition, send intimation thereof to the competent authority.

(4) Where any land in respect of which exemption has been granted under sub-section (1) or sub-section (2) or sub-section (3) ceases to be used, or is not within the prescribed time used, for the purpose for which exemption had been granted, the Chief Commissioner may, after giving the persons affected an opportunity of being heard, withdraw such exemption.

Power to make rules.

27. (1) The Chief Commissioner 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 form in which and the period within which a return under section 4 may be submitted;

(b) the agency through which information under section 5 may be collected;

(c) the manner of holding inquiries under this Act;

(d) the matters which may be determined by the competent authority under sub-section (1) of section 6 and the manner of determination of excess land under the Act;

(e) the form in which a list under sub-section (3) of section 6 or sub-section (3) of section 9 may be prepared and the manner of publication of such list;

(f) the period within which an application for restoration of excess land of an Asami may be made by the Bhumidhar;

(g) the manner of apportionment of compensation between the Bhumidhar and the Asami in respect of any excess land in the possession of the Asami;

(h) the manner of determination of the net annual income of any excess land for the purposes of payment of compensation;

(i) the manner of assessment of market value of structures and buildings and the value of trees for the purpose of payment of compensation;

(j) the number of instalments in which compensation under this Act may be paid or recovered; and the period within which bonds may be redeemed;

(k) the manner of demarcation of excess land;

(l) the purposes for which land may be reserved under section 15;

(m) the categories of persons to whom excess land may be allotted and the terms and conditions on which such allotment may be made;

(n) the powers of a civil court which may be vested in any officer or authority holding an inquiry;

(o) the conditions and restrictions subject to which an officer may enter upon any land for the purpose of survey and taking measurement;

(p) the levy of fees in respect of any matter under this Act;

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

(3) Every rule made under this section shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or *S. 15. Subs. by Act 15 of 1976, S. 13 (w.e.f. 8-12-1975)*

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.

x x x
Amendment
of the
Delhi Land
Reforms
Act, 1954.

Restrictions
on transfers
by a
Bhumidhar.

28. In the Delhi Land Reforms Act, 1954, for section 33, the following section shall be substituted, namely:—

Delhi Act 8
of 1954.

"33. No Bhumidhar shall have the right to transfer by sale or gift or otherwise any land to any person, other than a religious or charitable institution or any person in charge of any such Bhoojan movement, as the Chief Commissioner may, by notification in the Official Gazette, specify, where as a result of the transfer, the transferor shall be left with less than eight standard acres in the Union Territory of Delhi :

Provided that the Chief Commissioner may exempt from the operation of this section, the transfer of any land made before the 1st day of December, 1958, if the land covered by such transfer does not exceed one acre in area and is used or intended to be used for purposes other than those mentioned in clause (13) of section 3."

↳ Rep. by Act 52 of 1964, s. 2 + Sch. I (w.e.f. 29.12.64).

Rep. by Act 52 of 1964, S. 2 + Sch. I (w.e.f. 29.12.64).

THE AGRICULTURAL PRODUCE (GRADING AND
MARKING) AMENDMENT ACT, 1960

NO. 25 OF 1960

[27th August, 1960]

An Act further to amend the Agricultural Produce (Grading and Marking) Act, 1937.

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

1. This Act may be called the Agricultural Produce (Grading and ~~Short title.~~
Marking) Amendment Act, 1960.

2. In sub-section (2) of section 1 of the Agricultural Produce ~~Amendment~~
~~of 1937.~~ (Grading and Marking) Act, 1937, the words "except the State of section 1.
Jammu and Kashmir" shall be omitted.

Rep. by Act 52 of 1964, S. 24 Sch. I (w.e.f. 28.12.64).

THE PRESS AND REGISTRATION OF BOOKS
(AMENDMENT) ACT, 1960

NO. 26 OF 1960

[29th August, 1960]

An Act further to amend the Press and Registration of Books Act, 1867.

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

Short title
and com-
mencement.

1. (1) This Act may be called the Press and Registration of Books (Amendment) Act, 1960.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of section 5

2. In section 5 of the Press and Registration of Books Act, 1867 ^{25 of 1867} (hereinafter referred to as the principal Act),—

(i) for rule (1), the following rule shall be substituted, namely:—

“(1) Without prejudice to the provisions of section 3, every copy of every such newspaper shall contain the names of the owner and editor thereof printed clearly on such copy and also the date of its publication.”;

(ii) in rule (2), the words “, or such printer or publisher resides,” shall be omitted;

(iii) after rule (2A), the following rules shall be inserted namely:—

“(2B) Where the printer or publisher of a newspaper making a declaration under rule (2) is not the owner thereof, the declaration shall specify the name of the owner and shall also be accompanied by an authority in writing from the owner authorising such person to make and subscribe such declaration.”

¹Ist October, 1960, *vide* G.S.R. 1088, dt. 8-9-1960, Gazette of India, Pt. II, S. 3(i), p. 1493.

Rep. by Act 52 of 1964.

(2C) A declaration in respect of a newspaper made under rule (2) and authenticated under section 6 shall be necessary before the newspaper can be published.

(2D) Where the title of any newspaper or its language or the periodicity of its publication is changed, the declaration shall cease to have effect and a new declaration shall be necessary before the publication of the newspaper can be continued.

(2E) As often as the ownership of a newspaper is changed, a new declaration shall be necessary.”;

(iv) for rule (4), the following rule shall be substituted, namely:—

“(4) As often as the printer or the publisher who shall have made such declaration as is aforesaid shall leave India for a period exceeding ninety days or where such printer or publisher is by infirmity or otherwise rendered incapable of carrying out his duties for a period exceeding ninety days in circumstances not involving the vacation of his appointment, a new declaration shall be necessary.”;

(v) in rule (5), in clauses (a) and (b), for the words “of the declaration”, the words “of the authentication of the declaration under section 6” shall be substituted;

(vi) in rule (8), in the proviso, after the words “no person”, the words “who does not ordinarily reside in India, or” shall be inserted.

3. In section 6 of the principal Act,—

Amendment
of section 6.

(i) in the proviso to the first paragraph, for the words “is satisfied from such inquiry as he thinks fit to make from the Press Registrar or otherwise”, the words “is, on inquiry from the Press Registrar, satisfied” shall be substituted;

(ii) for the fourth paragraph, the following paragraph shall be substituted, namely:—

“A copy of the declaration attested by the Official Seal of the Magistrate, or a copy of the order refusing to authenticate the declaration, shall be forwarded as soon as possible to the person making and subscribing the declaration and also to the Press Registerar.”.

**Insertion of
new sections
8B and 8C.**

4. After section 8A of the principal Act, the following sections shall be inserted, namely:—

**Cancellation
of declara-
tion.**

"8B. If, on an application made to him by the Press Registrar or any other person or otherwise, the Magistrate empowered to authenticate a declaration under this Act, is of opinion that any declaration made in respect of a newspaper should be cancelled, he may, after giving the person concerned an opportunity of showing cause against the action proposed to be taken, hold an inquiry into the matter and if, after considering the cause, if any, shown by such person and after giving him an opportunity of being heard, he is satisfied that—

- (i) the newspaper, in respect of which the declaration has been made is being published in contravention of the provisions of this Act or rules made thereunder; or
- (ii) the newspaper mentioned in the declaration bears a title which is the same as, or similar to, that of any other newspaper published either in the same language or in the same State; or
- (iii) the printer or publisher has ceased to be the printer or publisher of the newspaper mentioned in such declaration; or
- (iv) the declaration was made on false representation or on the concealment of any material fact or in respect of a periodical work which is not a newspaper;

the Magistrate may, by order, cancel the declaration and shall forward as soon as possible a copy of the order to the person making or subscribing the declaration and also to the Press Registrar.

Appeal.

8C. (1) Any person aggrieved by an order of a Magistrate refusing to authenticate a declaration under section 6 or cancelling a declaration under section 8B may, within sixty days from the date on which such order is communicated to him, prefer an appeal to the Appellate Board to be called the Press and Registration Appellate Board consisting of a Chairman and another member to be appointed by the Central Government:

Provided that the Appellate Board may entertain an appeal after the expiry of the said period, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

Reply Act 52 of 1964.

or 1960]

*Press and Registration of Books
(Amendment)*

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(2) On receipt of an appeal under this section, the Appellate Board may, after calling for the records from the Magistrate and after making such further inquiries as it thinks fit, confirm, modify or set aside the order appealed against.

(3) Subject to the provisions contained in sub-section (2), the Appellate Board may, by order, regulate its practice and procedure.

(4) The decision of the Appellate Board shall be final.”

5. Section 15 of the principal Act shall be re-numbered as sub-^{Amendment} section (1) thereof and after sub-section (1) as so re-numbered, the ^{of section 15.} following sub-section shall be inserted, namely:—

“(2) Where an offence is committed in relation to a newspaper under sub-section (1), the Magistrate may, in addition to the punishment imposed under the said sub-section, also cancel the declaration in respect of the newspaper.”

6. In section 19C of the principal Act, for the words “the Press ^{Amendment} Registrar shall cause relevant entries to be made in the Register in ^{of section} 19C. respect of the newspaper and shall”, the words “and on the publication of such newspaper, the Press Registrar shall” shall be substituted.

7. In section 19K of the principal Act, clause (b) shall be omitted. ^{Amendment} ^{of section} ^{19K.}

8. In section 20A of the principal Act,—

^{Amendment} ^{of section} ^{20A.}

(a) in sub-section (1).—

(i) in clause (a), the following words shall be inserted at the end, namely:—

“and the form and manner in which the names of the printer, publisher, owner and editor of a newspaper and the place of its printing and publication may be printed on every copy of such newspaper”;

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

“(b) prescribing the manner in which copies of any declaration attested by the Official Seal of a Magistrate or copies of any order refusing to authenticate any

Rep. by Act 52 of 1964.

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Press and Registration of Books [ACT 26 OF 1960
(Amendment)]

declaration may be forwarded to the person making and subscribing the declaration and to the Press Registrar;"

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

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

9. After section 20A of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 20B.
“20B. Any rule made under any provision of this Act may provide that any contravention thereof shall be punishable with fine which may extend to one hundred rupees.”

Rule made under this Act may provide that contravention thereof shall be punishable.
10. To section 21 of the principal Act, the following proviso shall be added, namely:—

Amendment of section 21.
“Provided that no such notification in respect of any class of newspapers shall be issued without consulting the Central Government.”

Rep. by Act 59 of 1964, s. 2 & sch. I (w.e.f. 29.12.64).

THE EVACUEE INTEREST (SEPARATION) AMENDMENT
ACT, 1960
No. 27 OF 1960

[3rd September, 1960]

An Act to amend the Evacuee Interest (Separation) Act, 1951.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Evacuee Interest (Separation) Amendment Act, 1960. Short title and commencement.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

2. After sub-section (2) of section 6 of the Evacuee Interest Amendment Act, 1951 (hereinafter referred to as the principal Act), of section 6, the following sub-section shall be inserted, namely:—

“(3) No application under this section shall be entertained if filed after the expiry of one year from the commencement of the Evacuee Interest (Separation) Amendment Act, 1960.”.

3. In sub-section (1) of section 7 of the principal Act, the proviso shall be omitted. Amendment of section 7.

¹15th October, 1960, vide G.S.R. 1156, dt. 29-9-1960, Gazette of India, Extraordinary, Pt. II, S. 3(i), p. 609.

THE TAXATION LAWS (AMENDMENT) ACT, 1960

No. 28 OF 1960

[6th September, 1960]

An Act further to amend the Indian Income-tax Act, 1922, the Wealth-tax Act, 1957, the Expenditure-tax Act, 1957 and the Gift-tax Act, 1958.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title
and com-
mencement

1. (1) This Act may be called the Taxation Laws (Amendment) Act, 1960.

(2) Subject to any provision made in this behalf in this Act, it shall be deemed to have come into force on the 1st day of April, 1960.

CHAPTER II

AMENDMENTS TO THE INDIAN INCOME-TAX ACT, 1922

Amendment
of section 4.

2. In section 4 of the Indian Income-tax Act, 1922 (hereinafter referred to as the Income-tax Act), in sub-section (3),—

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

"(xivb) Any income chargeable under the head "Salaries" received by or due to a person, not resident in the taxable territories and not being a citizen of India, as remuneration for services rendered in connection with his employment on a foreign ship where his total stay in the taxable territories does not exceed in the aggregate a period of ninety days in the previous year;"

(ii) for clauses (xvii) and (xviia), the following clauses shall be substituted, namely:—

"(xvii) Monthly payments on the 15 Year Annuity Certificates issued by or under the authority of the Central Government or such other annuity certificates issued by or under the authority of that Government as that Government may, by notification in the Official Gazette, specify in this behalf, to the extent to which the amounts of the certificates do not exceed in each case the maximum amount which is permitted to be invested therein;

(xviia) Interest on Treasury Savings Deposit Certificates, Post Office Cash Certificates, Post Office National Savings Certificates, National Plan Certificates, 12 year National Plan Savings Certificates and such other certificates issued by the Central Government as that Government may, by notification in the Official Gazette, specify in this behalf, and interest on deposits in Post Office Savings Banks, to the extent to which the amounts of such certificates or deposits do not exceed in each case the maximum amount which is permitted to be invested or deposited therein;".

3. In section 5 of the Income-tax Act,—

Amendment
of Section 5.

(i) the *Explanation* to sub-section (7A) shall be omitted; and

(ii) after sub-section (8), the following *Explanation* shall be inserted, and shall be deemed always to have been inserted, namely:—

"Explanation.—In sub-sections (2), (5) and (7A), the word "case" in relation to any person whose name is specified in any order or direction issued in pursuance of any of the aforesaid sub-sections means all proceedings under this Act in respect of any year which may be pending on the date of such order or direction or which may have been completed on or before such date, and includes also all proceedings under this Act which may be commenced after the date of such order or direction in respect of any year."

4. In section 10 of the Income-tax Act, in sub-section (2), after the proviso to clause (vib), the following further proviso shall be inserted, namely:—

Amendment
of section 10.

"Provided further that no allowance under this clause shall be made in respect of any machinery or plant which consist of office appliances or road transport vehicles"

**Amendment
of section
15B.**

5. In section 15B of the Income-tax Act, in sub-section (1), after the words "to which this section applies", the words "or in respect of any sums paid by him on or after the 1st day of April, 1960, as donations to the Government or to any local authority to be utilised for any charitable purpose as defined in sub-section (3) of section 4" shall be inserted.

**Amendment
of section 16.**

6. (1) In section 16 of the Income-tax Act, in clause (a) of sub-section (1), for the words, figures and letters "section 15B and section 15C", the words, figures and letters "section 15B, section 15C and section 58F" shall be substituted.

(2) The amendment made by sub-section (1) shall be deemed to have had effect on and from the 1st day of April, 1957, for the purposes of sub-sections (2) and (2B) of section 18 of the Income-tax Act, and on and from the 1st day of April, 1958, for other purposes.

**Amendment
of section
46.**

7. In section 46 of the Income-tax Act,—

(i) for the proviso to sub-section (2), the following proviso shall be, and shall be deemed always to have been, substituted, namely:—

"Provided that without prejudice to the powers conferred by this sub-section, the Collector shall, for the purpose of recovering the amount specified in the certificate, have also all the powers which—

(a) a Collector has under the Revenue Recovery Act, 1890;

(b) a civil court has under the Code of Civil Procedure, 1908, for the purpose of the recovery of an amount due under a decree.";

(ii) for sub-section (8), the following sub-sections shall be, and shall be deemed always to have been, substituted, namely:—

"(7A) For the purposes of this section, the expression "Collector" shall include—

(a) an additional collector or any other officer authorised to exercise the powers of a Collector under any law for the time being in force in a State relating to land revenue; and

(b) a Collector in Pakistan.

(8) The Income-tax Officer may forward a certificate under sub-section (2) to a Collector in Pakistan through the Central Board of Revenue of Pakistan if the assessee has property in the district of that Collector.”

8. In section 56A of the Income-tax Act, in clause (i) of sub-<sup>Amendment
of section
56A.</sup> section (1),—

(a) for item No. (2), the following item shall be substituted, namely:—

“(2) Iron and steel (metal), ferro-alloys, and special steels;”;

(b) for item No. (4), the following items shall be substituted, namely:—

“(4) Chemicals (other than fertilisers) of the following types:—

- (i) Inorganic heavy chemicals;
- (ii) Organic heavy chemicals;
- (iii) Fine chemicals including photographic chemicals;
- (iv) Synthetic rubber;
- (v) Man-made fibres other than viscose rayon;
- (vi) Coke oven by-products;
- (vii) Coal tar distillation products like napthalene, anthracene and the like;
- (viii) Explosives including gun powder and safety fuses;

(4A) Inorganic, organic and mixed fertilisers;”;

(c) for item No. (5), the following item shall be substituted, namely:—

“(5) Industrial machinery of the following types (including gear wheels and parts thereof, boilers and steam generating plants):—

A. Major items of specialised equipment used in specific industries:

- (i) Textile machinery (such as frames, carding machines, powerlooms and the like) including textile accessories;
- (ii) Jute machinery;
- (iii) Rayon machinery;

- (iv) Sugar machinery;
- (v) Tea machinery;
- (vi) Mining machinery;
- (vii) Metallurgical machinery;
- (viii) Cement machinery;
- (ix) Chemical machinery;
- (x) Pharmaceuticals machinery;
- (xi) Paper machinery;

B. General items of machinery used in several industries, such as the equipment required for various 'unit processes':

- (i) Size reduction equipment—crushers, ball mills and the like;
- (ii) Conveying equipment—bucket elevators, skip hoists, cranes, derricks and the like;
- (iii) Size separation units—screens, classifiers and the like;
- (iv) Mixers and reactors—kneading mills, turbo mixers and the like;
- (v) Filtration equipment—filter presses, rotary filters and the like;
- (vi) Centrifugal machines;
- (vii) Evaporators;
- (viii) Distillation equipment;
- (ix) Crystallisers;
- (x) Driers;
- (xi) Power driven pumps—reciprocating, centrifugal and the like;
- (xii) Air and gas compressors and vacuum pipes (excluding electrical furnaces);
- (xiii) Refrigeration plants for industrial use;
- (xiv) Fire fighting equipment and appliances including fire engines;

C. Other items of Industrial Machinery:

- (i) Ball, roller and tapered bearings;
- (ii) Speed reduction units;
- (iii) Grinding wheels and abrasives;".

9. After section 59 of the Income-tax Act, the following sections shall be inserted, namely:—

insertion of
new sections
59A and
59B.

"59A. (1) The Central Government shall cause to be published, by notification in the Official Gazette, the names and such other particulars as may be relevant of—

Publication
of informa-
tion respect-
ing penal-
ties in cer-
tain cases.

(a) persons on each of whom a penalty amounting to not less than five thousand rupees or such lower amount as may be fixed by the Central Government, by notification in the Official Gazette, has been imposed at any time on or after the 1st day of April, 1960, under clause (c) of sub-section (1) of section 28; and

(b) persons who have been convicted as a result of any proceedings initiated on or after the 1st day of April, 1960, under section 52 or under any provision of the Indian Penal Code for any offence connected with any proceedings under this Act.

(2) If in the interests of revenue the Central Government considers it necessary so to do, it may also cause to be published, by notification in the Official Gazette, the names and such other particulars as may be relevant of—

(a) persons on each of whom a penalty has been imposed at any time on or after the 1st day of April, 1960, under clause (a) or clause (b) of sub-section (1) of section 28; or

(b) persons on each of whom a penalty of an amount not exceeding the amount referred to in clause (a) of sub-section (1) has been imposed at any time on or after the 1st day of April, 1960, under clause (c) of sub-section (1) of section 28; or

(c) persons who have been convicted as a result of any proceedings initiated on or after the 1st day of April, 1960, under any provision of this Act other than section 52.

(3) No publication under this section shall be made—

(i) in the case of an assessee mentioned in clause (a) of sub-section (1) or in clause (a) or clause (b) of sub-section (2) who has presented an appeal under section 30 against the order of penalty, until the appeal is disposed of by the Appellate Assistant Commissioner;

(ii) in the case of an assessee mentioned in clause (b) of sub-section (1) or clause (c) of sub-section (2), until the time for appealing has expired without an appeal having been presented, or an appeal if presented has been disposed of.

(4) Notwithstanding anything contained in this section, the Central Government may refrain from publishing the name of any person if it is satisfied that in the interests of revenue it is necessary so to do, and where the Central Government refrains from publishing the name of any person, the reason for not publishing the name shall be recorded in writing.

(5) Every notification issued under this section shall be laid before Parliament as soon as may be after it is made.

(6) The provisions of this section shall have effect notwithstanding anything to the contrary contained in section 54.

*Explanation.—*In the case of a firm, company or other association of persons, the names of the partners of the firm, directors, managing agents, secretaries and treasurers, or managers of the company, or the members of the association, as the case may be, may also be published if, in the opinion of the Central Government, the circumstances of the case justify it.

Disclosure of information respecting tax payable

59B. Where a person makes an application to the Commissioner in the prescribed form and after payment of the prescribed fee for information as to the amount of tax determined as payable by any assessee in respect of any assessment made on or after the 1st day of April, 1960, the Commissioner may, notwithstanding anything contained in section 54, if he is satisfied that there are no circumstances justifying its refusal, furnish or cause to be furnished the information asked for.”

Insertion of new section 60B.

10. After section 60A of the Income-tax Act, the following section shall be inserted, and shall be deemed always to have been inserted, namely:—

Tax may be levied for period other than previous year or deducted at source or paid in advance, wherever so provided.

“60B. (1) Where by virtue of any provision of this Act income-tax or super-tax is to be charged in respect of the income of a period other than the previous year, income-tax or super-tax, as the case may be, shall be charged accordingly.

(2) In respect of income chargeable under this Act, income-tax or super-tax shall be deducted at the source or paid in advance, where it is so deductible or payable under any provision of this Act.”.

CHAPTER III

AMENDMENTS TO THE WEALTH-TAX ACT, 1957

11. In the Wealth-tax Act, 1957, after section 42, the following sections shall be inserted, namely:—

Insertion of
new sections
42A and 42B
in Act 27 of
1957.

“42A. (1) The Central Government shall cause to be published, by notification in the Official Gazette, the names and such other particulars as may be relevant of—

(a) persons on each of whom a penalty amounting to not less than five thousand rupees or such lower amount as may be fixed by the Central Government, by notification in the Official Gazette, has been imposed at any time on or after the 1st day of April, 1960, under clause (c) of sub-section (1) of section 18; and

Publication
of informa-
tion respect-
ing penalties
in certain
cases.

(b) persons who have been convicted as a result of any proceedings initiated on or after the 1st day of April, 1960, under sub-section (2) of section 36 or under any provision of the Indian Penal Code for any offence connected with any proceedings under this Act.

(2) If in the interests of revenue the Central Government considers it necessary so to do, it may also cause to be published, by notification in the Official Gazette, the names and such other particulars as may be relevant of—

(a) persons on each of whom a penalty has been imposed at any time on or after the 1st day of April, 1960, under clause (a) or clause (b) of sub-section (1) of section 18; or

(b) persons on each of whom a penalty of an amount not exceeding the amount referred to in clause (a) of sub-section (1) has been imposed at any time on or after the 1st day of April, 1960, under clause (c) of sub-section (1) of section 18; or,

(c) persons who have been convicted as a result of any proceedings initiated on or after the 1st day of April, 1960, under any provision of this Act other than sub-section (2) of section 36.

(3) No publication under this section shall be made—

(i) in the case of an assessee mentioned in clause (a) of sub-section (1) or in clause (a) or clause (b) of sub-section (2) who has presented an appeal under section 23 against the order of penalty, until the appeal is disposed of by the Appellate Assistant Commissioner;

(ii) in the case of an assessee mentioned in clause (b) of sub-section (1) or clause (c) of sub-section (2), until the time for appealing has expired without an appeal having been presented, or an appeal if presented has been disposed of.

(4) Notwithstanding anything contained in this section, the Central Government may refrain from publishing the name of any person if it is satisfied that in the interests of revenue it is necessary so to do, and where the Central Government refrains from publishing the name of any person, the reason for not publishing the name shall be recorded in writing.

(5) Every notification issued under this section shall be laid before Parliament as soon as may be after it is made.

(6) The provisions of this section shall have effect notwithstanding anything to the contrary contained in section 42.

Disclosure
of informa-
tion respect-
ing tax
payable.

42B. Where a person makes an application to the Commissioner in the prescribed form and after payment of the prescribed fee for information as to the amount of wealth-tax determined as payable by any assessee in respect of any assessment made on or after the 1st day of April, 1960, the Commissioner may, notwithstanding anything contained in section 42, if he is satisfied that there are no circumstances justifying its refusal, furnish or cause to be furnished the information asked for.”.

CHAPTER IV

AMENDMENTS TO THE EXPENDITURE-TAX ACT, 1957

Insertion of new sections 38A and 38B in Act 29 of 1957.

12. In the Expenditure-tax Act, 1957, after section 38, the following sections shall be inserted, namely:—

Publication of information respecting penalties in certain cases.

“38A. (1) The Central Government shall cause to be published, by notification in the Official Gazette, the names and such other particulars as may be relevant of—

(a) persons on each of whom a penalty amounting to not less than five thousand rupees or such lower amount as

may be fixed by the Central Government, by notification in the Official Gazette, has been imposed at any time on or after the 1st day of April, 1960, under clause (c) of sub-section (1) of section 17; and

(b) persons who have been convicted as a result of any proceedings initiated on or after the 1st day of April, 1960, under sub-section (2) of section 32 or under any provision of the Indian Penal Code for any offence connected with any proceedings under this Act.

(2) If in the interests of revenue the Central Government considers it necessary so to do, it may also cause to be published, by notification in the Official Gazette, the names and such other particulars as may be relevant of—

(a) persons on each of whom a penalty has been imposed at any time on or after the 1st day of April, 1960, under clause (a) or clause (b) of sub-section (1) of section 17; or

(b) persons on each of whom a penalty of an amount not exceeding the amount referred to in clause (a) of sub-section (1) has been imposed at any time on or after the 1st day of April, 1960, under clause (c) of sub-section (1) of section 17; or

(c) persons who have been convicted as a result of any proceedings initiated on or after the 1st day of April, 1960, under any provision of this Act other than sub-section (2) of section 32.

(3) No publication under this section shall be made—

(i) in the case of an assessee mentioned in clause (a) of sub-section (1) or in clause (a) or clause (b) of sub-section (2) who has presented an appeal under section 21 against the order of penalty, until the appeal is disposed of by the Appellate Assistant Commissioner;

(ii) in the case of an assessee mentioned in clause (b) of sub-section (1) or clause (c) of sub-section (2), until the time for appealing has expired without an appeal having been presented, or an appeal if presented has been disposed of.

(4) Notwithstanding anything contained in this section, the Central Government may refrain from publishing the name of

any person if it is satisfied that in the interests of revenue it is necessary so to do, and where the Central Government refrains from publishing the name of any person, the reason for not publishing the name shall be recorded in writing.

(5) Every notification issued under this section shall be laid before Parliament as soon as may be after it is made.

(6) The provisions of this section shall have effect notwithstanding anything to the contrary contained in section 38.

**Disclosure
of informa-
tion respect-
ing tax
payable.**

38B. Where a person makes an application to the Commissioner in the prescribed form and after payment of the prescribed fee for information as to the amount of expenditure-tax determined as payable by any assessee in respect of any assessment made on or after the 1st day of April, 1960, the Commissioner may, notwithstanding anything contained in section 38, if he is satisfied that there are no circumstances justifying its refusal, furnish or cause to be furnished the information asked for.”.

CHAPTER V

AMENDMENTS TO THE GIFT-TAX ACT, 1958

**Insertion of
new sections
41A and 41B
in Act 18
of 1958.**

**Publication
of informa-
tion respect-
ing penalties
in certain
cases.**

13. In the Gift-tax Act, 1958, after section 41, the following sections shall be inserted, namely:—

“41A. (1) The Central Government shall cause to be published, by notification in the Official Gazette, the names and such other particulars as may be relevant of—

(a) persons on each of whom a penalty amounting to not less than five thousand rupees or such lower amount as may be fixed by the Central Government, by notification in the Official Gazette, has been imposed at any time on or after the 1st day of April, 1960, under clause (c) of sub-section (1) of section 17; and

(b) persons who have been convicted as a result of any proceedings initiated on or after the 1st day of April, 1960, under sub-section (2) of section 35 or under any provision of the Indian Penal Code for any offence connected with any 45 of 1860. proceedings under this Act.

(2) If in the interests of revenue the Central Government considers it necessary so to do, it may also cause to be published,

by notification in the Official Gazette, the names and such other particulars as may be relevant of—

(a) persons on each of whom a penalty has been imposed at any time on or after the 1st day of April, 1960, under clause (a) or clause (b) of sub-section (1) of section 17; or

(b) persons on each of whom a penalty of an amount not exceeding the amount referred to in clause (a) of sub-section (1) has been imposed at any time on or after the 1st day of April, 1960, under clause (c) of sub-section (1) of section 17; or

(c) persons who have been convicted as a result of any proceedings initiated on or after the 1st day of April, 1960, under any provision of this Act other than sub-section (2) of section 35.

(3) No publication under this section shall be made—

(i) in the case of an assessee mentioned in clause (a) of sub-section (1) or in clause (a) or clause (b) of sub-section (2) who has presented an appeal under section 22 against the order of penalty, until the appeal is disposed of by the Appellate Assistant Commissioner;

(ii) in the case of an assessee mentioned in clause (b) of sub-section (1) or clause (c) of sub-section (2), until the time for appealing has expired without an appeal having been presented, or an appeal if presented has been disposed of.

(4) Notwithstanding anything contained in this section, the Central Government may refrain from publishing the name of any person if it is satisfied that in the interests of revenue it is necessary so to do, and where the Central Government refrains from publishing the name of any person, the reason for not publishing the name shall be recorded in writing.

(5) Every notification issued under this section shall be laid before Parliament as soon as may be after it is made.

(6) The provisions of this section shall have effect notwithstanding anything to the contrary contained in section 41.

Explanation.—In the case of a firm, company or an association or a body of individuals or persons, the names of the partners of the firm, directors, managing agents, secretaries and treasurers or managers of the company, or the members of the

association or body, as the case may be, may also be published if in the opinion of the Central Government the circumstances of the case justify it.

Disclosure
of infor-
mation re-
pecting tax
payable.

41B. Where a person makes an application to the Commissioner in the prescribed form and after payment of the prescribed fee for information as to the amount of gift-tax determined as payable by any assessee in respect of any assessment made on or after the 1st day of April, 1960, the Commissioner may, notwithstanding anything contained in section 41, if he is satisfied that there are no circumstances justifying its refusal, furnish or cause to be furnished the information asked for.”.

THE APPROPRIATION (RAILWAYS) NO. 4 ACT, 1960

No. 29 OF 1960

[6th September, 1960]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1960-61 for the purposes of Railways.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (Railways) No. 4 Short title. Act, 1960.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of thirty lakh rupees towards defraying the several charges which will come in course of payment during the financial year 1960-61, in respect of the services relating to railways specified in column 2 of the Schedule.

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

THE SCHEDULE

(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
15	Construction of New Lines	30,00,000	..	30,00,000
	TOTAL	30,00,000	..	30,00,000

THE APPROPRIATION (No. 3) ACT, 1960

No. 30 OF 1960

[6th September, 1960]

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, 1958, in excess of the amounts granted for those services and for that year.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (No. 3) Act, 1960. Short title.
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 four crores, eleven lakhs, fifty-six thousand, four hundred and ninety-one rupees shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services specified in column 2 of the Schedule during the financial year ended on the 31st day of March, 1958, in excess of the amounts granted for those services and for that year.
Issue of Rs. 4,11,56,491 out of the Consolidated Fund of India to meet certain excess expenditure for the year ended on the 1st March 1958.
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, 1958. Appropriation.

THE SCHEDULE

(See sections 2 and 3)

No. of Vote	Services and purposes	Excess		
		Voted portion	Charged portion	Total
		Rs.	Rs.	Rs.
I	Ministry of Commerce and Industry	64,572	..	64,572
9	Defence Services—Effective—Army.	..	59,147	59,147
II	Defence Services—Effective—Air Force	..	7	7
15	Survey of India . . .	2,96,550	..	2,96,550
28	Customs	1,027	1,027
30	Taxes on Income including Corporation-tax and Estate Duty	5,255	5,255
CHARGED.—Interest on Debt and Other Obligations including Reduction or Avoidance of Debt	1,21,43,472	1,21,43,472
49	Public Health . . .	55,123	..	55,123
55	Census . . .	80	..	80
60	Manipur . . .	8,63,045	..	8,63,045
61	Tripura . . .	31,36,333	..	31,36,333
67	Ministry of Irrigation and Power .	4,327	..	4,327
87	Overseas Communications Service .	18,057	..	18,057
90	Communications (including National Highways) . . .	19,28,774	..	19,28,774
94	Other Civil Works . . .	1,91,01,750	1,34,262	1,92,36,012
106	Defence Capital Outlay	2,51,100	2,51,100
123	Other Capital Outlay of the Ministry of Irrigation and Power	30,93,610	..	30,93,610
TOTAL		2,85,62,221	1,25,94,270	4,11,56,491

THE TRIPURA MUNICIPAL LAW (REPEAL)
ACT, 1960

NO. 31 OF 1960

[9th September, 1960]

An Act to provide for the repeal of the municipal law in force
in the Union territory of Tripura.

Be it enacted by Parliament in the Eleventh Year of the Republic
of India as follows:—

1. This Act may be called the Tripura Municipal Law (Repeal) Short title.
Act, 1960.

Bengal Act XV of 1932. 2. On and from the date on which the Bengal Municipal Act, Repeal of
30 of 1950. Tripura State Municipal Act,
^{2 of 1349} Territories (Laws) Act, 1950, to the Union territory of Tripura, shall stand repealed.
T.E.

^{2 of 1349} T.E. 3. (1) The repeal of the Tripura State Municipal Act, 1349 T.E., Savings
by section 2 shall not affect—

(a) the previous operation of that Act or anything duly
done or suffered thereunder,

(b) any right, privilege, obligation or liability acquired,
accrued or incurred under that Act,

(c) any penalty, forfeiture or punishment incurred in respect
of any offence committed against that Act, or

(d) any investigation, legal proceeding or remedy in respect
of any such right, privilege, obligation, liability, penalty,
forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be
instituted, continued or enforced and any such penalty, forfeiture or
punishment may be imposed as if that Act had not been repealed.

(2) Subject to the provisions contained in sub-section (1), anything done or any action taken (including any municipality constituted, appointment or delegation made, notification, instruction or direction issued, form, bye-law or scheme framed, certificate obtained, permit or licence granted or registration effected, or order of supersession issued) under the Act repealed by section 2 shall be deemed to have been done or taken under the corresponding provision of the Bengal Municipal Act, 1932 extended by notification as provided in that section to the Union territory of Tripura, and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the Act so extended.

(3) Notwithstanding the repeal by section 2 of the Tripura State Municipal Act, 1349 T.E., the Chief Commissioner may, with the approval of the Central Government, direct, by notification in the Tripura Gazette, whether prospectively or retrospectively, that any of the taxes leviable under the repealed Act shall continue to be levied for such time and under such conditions as may be specified in the notification, and on the issue of any such notification, the provisions of the repealed Act, in so far as they relate to the assessment, levy, collection and recovery of such tax and to matters incidental thereto, shall apply in relation to the tax so continued as if the said provisions had not been repealed.

Not Corrected: See India Code Vol. V^B, Pt. VI, p. 195.

**THE INTERNATIONAL DEVELOPMENT
ASSOCIATION (STATUS, IMMUNITIES
AND PRIVILEGES) ACT, 1960**

NO. 32 OF 1960

[9th September, 1960]

An Act to implement the international agreement for the establishment and operation of the International Development Association in so far as it relates to the status, immunities and privileges of that Association, and for matters connected therewith.

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

1. (1) This Act may be called the International Development Association (Status, Immunities and Privileges) Act, 1960. Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date ¹as the Central Government may, by notification in the Official Gazette, appoint.

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

Definitions

(a) “Agreement” means the Agreement for the establishment and operation of the international body known as the International Development Association;

(b) “Association” means the International Development Association established under the Agreement.

¹ 15th October, 1960; *vide* Notification No. S. O. 2474A, dt. 11-10-1960, Gazette of India Extraordinary, Pt. II, Sec. 3(ii), p. 580A.

Conferment of status and certain immunities and privileges on the Association and conferment of certain immunities and privileges on its officers and employees.

3. (1) Notwithstanding anything to the contrary contained in any other law, the provisions of Article VIII of the Agreement set out in the Schedule shall have the force of law in India:

Provided that nothing in section 9 thereof shall be construed as—

(a) entitling the Association to import into India goods free of any duty of customs without any restriction on their subsequent sale therein; or

(b) conferring on the Association any exemption from duties or taxes which form part of the price of goods sold; or

(c) conferring on the Association any exemption from duties or taxes which are in fact no more than charges for services rendered.

(2) The Central Government may, from time to time, by notification in the Official Gazette, amend the Schedule in conformity with any amendments, duly made and adopted, of the provisions of the Agreement set out therein.

Power to make rules.

4. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Notifications under section 3 and rules under section 4 to be placed before Parliament.

5. Every notification issued under sub-section (2) of section 3 and every rule made under section 4 shall be laid as soon as may be after it is issued or made before each House of Parliament while it is in session for a period of thirty days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following both Houses agree for making any modification in the notification, or as the case may be, in the rule, or both Houses agree that the notification or rule should not be issued or made, the notification 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 notification or rule.

THE SCHEDULE

(See section 3)

Provisions of the agreement which shall have force of law

ARTICLE VIII

STATUS, IMMUNITIES AND PRIVILEGES

Section 1.—*Purposes of Article.*

To enable the Association to fulfil the functions with which it is entrusted, the status, immunities and privileges provided in this Article shall be accorded to the Association in the territories of each member.

Section 2.—*Status of the Association.*

The Association shall possess full juridical personality and, in particular, the capacity:

- (i) to contract;
- (ii) to acquire and dispose of immovable and movable property;
- (iii) to institute legal proceedings.

Section 3.—*Position of the Association with regard to Judicial Process.*

Actions may be brought against the Association only in a court of competent jurisdiction in the territories of a member in which the Association has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Association shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Association.

Section 4.—*Immunity of Assets from Seizure.*

Property and assets of the Association, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

Section 5.—Immunity of Archives.

The archives of the Association shall be inviolable.

Section 6.—Freedom of Assets from Restrictions.

To the extent necessary to carry out the operations provided for in this Agreement and subject to the provisions of this Agreement, all property and assets of the Association shall be free from restrictions, regulations, controls and moratoria of any nature.

Section 7.—Privilege for Communications.

The official communications of the Association shall be accorded by each member the same treatment that it accords to the official communications of other members.

Section 8.—Immunities and Privileges of Officers and Employees.

All Governors, Executive Directors, Alternates, Officers and employees of the Association,

(i) shall be immune from legal process with respect to acts performed by them in their official capacity except when the Association waives this immunity;

(ii) not being local nationals, shall be accorded the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same facilities as regards exchange restrictions as are accorded by members to the representatives, officials, and employees of comparable rank of other members;

(iii) shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

Section 9.—Immunities from Taxation.

(a) The Association, its assets, property, income and transactions authorized by this Agreement, shall be immune from all taxation and from all customs duties. The Association shall also be immune from liability for the collection or payment of any tax or duty.

(b) No tax shall be levied on or in respect of salaries and emoluments paid by the Association to Executive Directors, Alternates, officials or employees of the Association who are not local citizens, local subjects, or other local nationals.

(c) No taxation of any kind shall be levied on any obligation or security issued by the Association (including any dividend or interest thereon) by whomsoever held,

(i) which discriminates against such obligation or security solely because it is issued by the Association; or

(ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Association.

(d) No taxation of any kind shall be levied on any obligation or security guaranteed by the Association (including any dividend or interest thereon) by whomsoever held,

(i) which discriminates against such obligation or security solely because it is guaranteed by the Association; or

(ii) if the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Association.

THE MANIPUR LAND REVENUE AND LAND REFORMS ACT, 1960

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THE SCHEDULE.

THE MANIPUR LAND REVENUE AND LAND
REFORMS ACT, 1960

No. 33 OF 1960

[13th September, 1960]

An Act to consolidate and amend the law relating to land revenue in the Union territory of Manipur and to provide for certain measures of land reform.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

PART I

CHAPTER I.—PRELIMINARY

1. (1) This Act may be called the Manipur Land Revenue and Land Reforms Act, 1960. Short title,
extent and
commencement.

(2) It extends to the whole of the Union territory of Manipur except the hill areas thereof.

(3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint; and different dates may be appointed for different areas and for different provisions of this Act.

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

Definitions.

(a) "Administrator" means the Administrator of the Union territory of Manipur;

(b) "agriculture" includes horticulture, the raising of annual or periodical crops or garden produce, dairy farming, poultry farming, stock breeding and grazing and pisciculture;

(c) "basic holding" means land used for agricultural purposes which is equal to 2·5 acres in area;

(d) "commencement of this Act", in relation to any provision, means the date specified in respect of that provision in a notification under sub-section (3) of section 1;

(e) "competent authority", in relation to any provision, means any officer appointed by the Administrator to be the competent authority for the purposes of that provision;

(f) "deputy commissioner" means the deputy commissioner of the district and includes any officer appointed by the Administrator to exercise and perform all or any of the powers and functions of a deputy commissioner under this Act;

(g) "family", except in Chapter XI, means, in relation to a person, the wife or husband of such person, his children, grandchildren, parents and brothers, and in the case of a joint Hindu family, any member of such family;

(h) "family holding" means land used for agricultural purposes which is equal to 7·5 acres in area;

(i) "Government" means the Central Government;

(j) "hill areas" mean such areas in the hill tracts of the Union territory of Manipur as the Administrator may, by notification in the Official Gazette, declare to be hill areas;

(k) "holding" means a parcel of land separately assessed to land revenue;

(l) "improvement", in relation to any land, means any work which materially adds to the value of the land and which is suitable to the land and consistent with the character thereof, and includes—

(i) the construction of tanks, wells, water channels and other works for the storage, supply and distribution of water for agricultural purposes or for the use of man and cattle employed in agriculture;

(ii) the construction of works for the drainage of land or for the protection of land from floods or from erosion or from other damage by water;

(iii) the preparation of land for irrigation;

(iv) the conversion of one-crop into two-crop land;

(v) the reclaiming, clearing, enclosing, levelling or terracing of land used for agricultural purposes;

(vi) the erection on land or in the immediate vicinity thereof otherwise than on the village site, of a building or

house for the occupation of the tenant, his family and servants or of a cattle shed, a storehouse or other construction for agricultural purposes or of any building required for the convenient or profitable use or occupation of the land; and

(vii) the renewal or reconstruction of any of the foregoing works or such alterations therein or additions thereto as are not of the nature of ordinary repairs;

(m) "land owner", in relation to any land, means a person who acquires rights of ownership in respect of such land under sub-section (1) of section 99 and includes the successors-in-interest of such person;

(n) "minor" means a person who is deemed not to have attained majority under the Indian Majority Act, 1875;

(o) "Official Gazette" means the Manipur Gazette;

(p) "pay", "payable", and "payment", used with reference to rent, include "deliver", "deliverable" and "delivery";

(q) "person under disability" means—

(i) a widow;

(ii) a minor;

(iii) a woman who is unmarried or who, if married, is divorced or judicially separated from her husband or whose husband is a person falling under (iv) or (v);

(iv) a member of the Armed Forces of the Union;

(v) a person incapable of cultivation by reason of physical or mental disability;

(r) "personal cultivation" with its grammatical variations and cognate expressions means cultivation by a person on his own account—

(i) by his own labour, or

(ii) by the labour of any member of his family, or

(iii) by servants or by hired labour on wages payable in cash or in kind but not as a share of produce under his personal supervision or the personal supervision of any member of his family;

Explanation I.—Land shall not be deemed to be cultivated under the personal supervision of a person unless such person or member resides in the village in which the land is situated or in

a nearby village, within a distance to be prescribed, during the major part of the agricultural season;

Explanation II.—In the case of a person under disability; supervision by a paid employee on behalf of such person shall be deemed to be personal supervision;

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

(t) "public purpose" includes a purpose connected with settlement of land with cultivators, tenants ejected as a result of resumption, landless agricultural workers or co-operative farming societies;

(u) "rent" means whatever is lawfully payable, in cash or in kind or partly in cash and partly in kind, whether as a fixed quantity of produce or as a share of the produce, on account of the use or occupation of land or on account of any right in land but shall not include land revenue;

(v) "tenant" means a person who cultivates or holds the land of another person under an agreement, express or implied, on condition of paying therefor rent in cash or in kind or delivering a share of the produce and includes a person who cultivates or holds land of another person on payment of 'lousal' or under the system generally known as 'bhag', 'adhi' or 'barga';

(w) "village" means any tract of land which before the commencement of this Act was recognised as or was declared to be a village under any law for the time being in force or which may after such commencement be recognised as a village at any settlement or which the Administrator may, by notification in the Official Gazette, declare to be a village;

(x) "year" means the agricultural year commencing on such date as the Administrator may, in the case of any specified area, by notification in the Official Gazette, appoint.

PART II

CHAPTER II.—REVENUE DIVISIONS, REVENUE OFFICERS AND THEIR APPOINTMENT

Power to create, alter or abolish districts, sub-divisions, etc.

3. (1) The Administrator may, with the previous concurrence of the Government, by notification in the Official Gazette, divide the territories to which this Act extends into one or more districts, and may similarly divide any district into sub-divisions and tehsils, and may alter the limits of, or abolish, any district, sub-division or tehsil;

(2) The districts, sub-divisions and tehsils existing at the commencement of this Act shall continue respectively to be the districts,

4. The Government or such officer as may be authorised by the Appointment Government in this behalf, may appoint the following classes of officers of revenue, namely:—

- (a) deputy commissioner;
- (b) additional deputy commissioner;
- (c) director of settlement and land records;
- (d) sub-divisional officers;
- (e) extra-assistant commissioners;
- (f) survey and settlement officers;
- (g) assistant survey and settlement officers;
- (h) sub-deputy collectors;
- (i) revenue inspectors;
- (j) amins;
- (k) such other village officers and servants as may be specified by rules made under this Act.

5. (1) Each district shall be placed under the charge of a deputy ~~Deputy Commissioner and certain other revenue officers.~~ ^{Commissioner and certain other revenue officers.} commissioner who shall be in charge of the revenue administration of the district and exercise the powers and discharge the duties of the deputy commissioner under this Act or any other law for the time being in force and shall exercise so far as is consistent therewith such other powers of superintendence and control within the district and over the officers subordinate to him as may from time to time be prescribed.

(2) The additional deputy commissioner shall exercise all such powers and perform all such duties of the deputy commissioner or other revenue officer as the Administrator may specify by notification in the Official Gazette.

(3) Each sub-division shall be placed under the charge of a sub-divisional officer.

(4) The extra-assistant commissioners shall exercise all such powers and perform all such duties of the deputy commissioner or other revenue officer as the Administrator may specify by notification in the Official Gazette.

(5) Each tehsil shall be placed under the charge of a sub-deputy collector.

(6) The duties and powers of the sub-divisional officers, the sub-deputy collectors and other revenue officers shall be such as may be imposed or conferred on them by or under this Act or any other law in force for the time being or any general or special order of the Administrator published in the Official Gazette.

Settlement officers.

6. The officers specified in items (c), (f) and (g) of section 4 shall have power to take cognizance of all matters connected with the survey of land and the settlement of revenue rates and the preparation and maintenance of land records and other registers and shall exercise all such powers and perform all such duties as may be prescribed by any general or special order of the Administrator published in the Official Gazette.

Subordination of revenue officers.

7. All revenue officers shall be subordinate to the Administrator and all revenue officers in the district or a sub-division shall be subordinate to the deputy commissioner or the sub-divisional officer, as the case may be.

Combination of offices.

8. It shall be lawful for the Administrator to appoint one and the same person to any two or more of the offices provided for in this Chapter, to make any appointment by virtue of office and also to confer on any officer of the Government all or any of the powers and duties of any of the revenue officers including the deputy commissioner.

Notification of appointments.

9. All appointments made under this Chapter except appointments of revenue inspectors and village accountants and other village officers and servants shall be notified in the Official Gazette.

Seals.

10. The Administrator shall, from time to time, by notification in the Official Gazette, specify the revenue officers who shall use a seal and also the size and description of the seal which each such officer shall use.

CHAPTER III.—LAND AND LAND REVENUE

Title of Government to lands, etc.

11. (1) All lands, public roads, lanes and paths and bridges, ditches, dikes and fences on or beside the same, the beds of rivers, streams, *nallahs*, lakes and tanks, and all canals and water courses, and all standing and flowing water, and all rights in or over the same or appertaining thereto, which are not the property of any person, are and are hereby declared to be the property of the Government.

(2) Unless it is otherwise expressly provided in the terms of a grant made by the Government, the right to mines, minerals and mineral products shall vest in the Government, and it shall have all the powers necessary for the proper enjoyment of such rights.

(3) Where any property or any right in or over any property is claimed by or on behalf of the Government or by any person as against the Government and the claim is disputed, such dispute shall be decided by the deputy commissioner whose order shall subject to the provisions of this Act, be final.

(4) Any person aggrieved by an order made under sub-section (3) or in appeal or revision therefrom may institute a civil suit to contest the order within a period of six months from the date of such order, and the decision of the civil court shall be binding on the parties.

12. (1) The right to all trees, jungles or other natural products growing on land set apart for forest reserves and to all trees, brush wood, jungle or other natural product, wherever growing, except in so far as the same may be the property of any person, vests in the Government, and such trees, brush wood, jungle or other natural product shall be preserved or disposed of in such manner as may be prescribed, keeping in view the interests of the people in the area with regard to the user of the natural products.

(2) All road-side trees which have been planted and reared by or under the orders or at the expense of the Government and all trees which have been planted and reared at the expense of local authorities by the side of any road belonging to the Government vest in the Government.

13. Subject to rules made in this behalf under this Act, the deputy commissioner may set apart land belonging to the Government for pasturage for the village cattle, for forest reserves or for any other purpose.

14. (1) The deputy commissioner may allot land belonging to the Government for agricultural purposes or for construction of dwelling houses, in accordance with such rules as may be made in this behalf under this Act; and such rules may provide for allotment of land to persons evicted under section 15.

(2) The Administrator shall have power—

(a) to allot any such land for the purpose of an industry or for any purpose of public utility on such conditions as may be prescribed, or

(b) to entrust the management of any such land or any rights therein to the Gram Panchayat of the village established under any law for the time being in force.

15. (1) Any person who occupies or continues to occupy any land belonging to Government without lawful authority shall be regarded as a trespasser and may be summarily evicted therefrom by the competent authority and any building or other construction erected or anything deposited on such land, if not removed within such reasonable time as such authority may from time to time fix for the

purpose, shall be liable to be forfeited to the Government and to be disposed of in such manner as the competent authority may direct:

Provided that the competent authority may, in lieu of ordering the forfeiture of any such building or other construction, order the demolition of the whole or any part thereof.

(2) Such trespasser shall also be liable by way of penalty to pay a sum which may extend to six times the annual assessment on such land as may be specified by the competent authority and such sum shall be recoverable in the same manner as an arrear of land revenue.

(3) Upon payment of the penalty referred to in sub-section (2), the trespasser shall have the right of tending, gathering and removing any ungathered crops.

Liability of land to land revenue.

16. (1) All lands, to whatever purpose applied, are liable to payment of land revenue to the Government.

(2) The Administrator may exempt any land from the liability to such payment by means of a special grant or contract or in accordance with any law for the time being in force or the rules made under this Act.

Alluvial lands.

17. All alluvial lands, newly formed islands, or abandoned river beds, which vest under any law for the time being in force in any holder of land shall be subject in respect of liability to land revenue to the same privileges, conditions and restrictions as are applicable to the original holding by virtue of which such lands, islands or river beds vest in the said holder, but no revenue shall be leviable in respect of any such lands, islands or river beds unless the area of the same exceeds one acre.

Land revenue in case of diluvion.

18. Every holder of land paying land revenue in respect thereof shall be entitled, subject to such rules as may be made in this behalf, to a decrease of assessment if any portion thereof, not being less than one acre in extent, is lost by diluvion.

Assessment of land to land revenue.

19. (1) The assessment of land revenue on any land shall be made or deemed to have been made with respect to the use of the land—

- (a) for purposes of agriculture,
- (b) for industrial or commercial purposes,
- (c) as sites for dwelling houses, and
- (d) for any other purpose.

(2) Where land assessed for use for any one purpose is diverted to any other purpose, the land revenue payable upon such land shall, notwithstanding that the term for which the assessment may have been fixed has not expired, be liable to be altered and assessed at a different rate in accordance with the rules made under this Act.

20. (1) If any person holding land for any purpose wishes to divert such land or any part thereof to any other purpose except agriculture, he shall apply for permission to the competent authority which may, subject to the provisions of this section and to the rules made under this Act, refuse permission or grant it on such conditions as it may think fit.

(2) Permission to divert may be refused by the competent authority only on the ground that the diversion is likely to cause a public nuisance or that it is not in the interest of the general public or that the holder is unable or unwilling to comply with the conditions that may be imposed under sub-section (3).

(3) Conditions may be imposed on diversion for the following objects and no others, namely, in order to secure the public health, safety and convenience, and in the case of land which is to be used as building sites, in order to secure, in addition, that the dimensions, arrangement and accessibility of the sites are adequate for the health and convenience of occupiers or are suitable to the locality.

(4) If any land has been diverted without permission by the holder or by any other person with or without the consent of the holder, the competent authority, on receiving information thereof, may impose on the person responsible for the diversion a penalty not exceeding one hundred rupees, and may proceed in accordance with the provisions of sub-section (1) as if an application for permission to divert had been made.

(5) If any land has been diverted in contravention of an order passed or of a condition imposed under any of the foregoing sub-sections, the competent authority may serve a notice on the person responsible for such contravention, directing him, within a reasonable period to be stated in the notice, to use the land for its original purpose or to observe the condition; and such notice may require such person to remove any structure, to fill up any excavation, or to take such other steps as may be required in order that the land may be used for its original purpose, or that the condition may be satisfied. The competent authority may also impose on such person a penalty not exceeding one hundred rupees for such contravention, and a further penalty not exceeding four rupees for each day during which such contravention continues.

Explanation.—“Diversion” in this section means using land assessed to one purpose for any other purpose, but using land for the purpose of agriculture where it is assessed with reference to any other purpose shall not be deemed to be diversion.

Remission or suspension of revenue on failure of crops. 21. The Administrator may, in accordance with the rules made in this behalf under this Act, grant a remission or suspension of land revenue in years in which crops have failed in any area.

Responsibility for payment of land revenue. 22. (1) The following persons shall be primarily liable for the payment of land revenue assessed on land, namely:—

(a) the person to whom the land belongs; and

(b) the tenant or any other person in possession of the land, provided that such tenant or other person shall be entitled to credit from the owner of the land, for the amount paid by him.

(2) Where there are two or more persons liable to pay land revenue under sub-section (1), all of them shall be jointly and severally liable for its payment.

Receipt for land revenue. 23. Every revenue officer receiving payment of land revenue shall, at the time when such payment is received by him, give a written receipt for the same.

CHAPTER IV.—SURVEY AND SETTLEMENT OF LAND REVENUE

Definitions of "revenue survey", "settlement" and "term of settlement". 24. The operations carried out in accordance with the provisions of this Chapter in order to determine or revise the land revenue payable on lands in any local area are called a "revenue survey", the results of the operations are called a "settlement" and the period during which such results are to be in force is called the "term of settlement".

Inquiry into profits of agriculture. 25. (1) As soon as may be after the commencement of this Act, the Administrator shall take steps to institute and shall cause to be constantly maintained, in accordance with the rules made under this Act, an inquiry into the profits of agriculture and into the value of land used for agricultural and non-agricultural purposes.

(2) For the purpose of determining the profits of agriculture, the following matters shall be taken into account in estimating the cost of cultivation, namely:—

(a) the depreciation of stock and buildings;

(b) the money equivalent of the labour and supervision by the cultivator and his family;

(c) all other expenses usually incurred in the cultivation of the land which is under inquiry; and

(d) interest on the cost of buildings and stock, on all expenditure for seed and manure and on the cost of agricultural operations paid for in cash.

26. Whenever the Administrator thinks it expedient so to do, he may, with the approval of the Government, by notification in the Official Gazette, direct the revenue survey of any local area with a view to the settlement of the land revenue and to the preparation of a record of rights connected therewith or the revision of any existing settlement or record of rights.

27. A survey officer deputed to conduct or take part in any revenue survey may, by special order or by general notice to be published in the prescribed manner, require the attendance of holders of lands to assist in the measurement or classification of the lands to which the revenue survey extends and, when hired labour is employed for purposes incidental to the revenue survey, may assess and apportion the cost thereof on the lands surveyed, for collection as land revenue due on such lands.

28. Subject to the rules made in this behalf under this Act, the survey officer may—

(a) divide the lands to which the revenue survey extends into survey numbers and group the survey numbers into villages; and

(b) recognise the existing survey numbers, reconstitute them or form new survey numbers.

29. The survey officer may sub-divide survey numbers into as many sub-divisions as may be required in the manner prescribed.

Division of
survey num-
bers into
sub-
divisions.

30. The Administrator may at any time direct the determination or the revision of the revenue-rates for all lands in any area of which a revenue survey has been made.

Determi-
nation of rev-
enue-rates.

31. It shall be the duty of the survey officer or the settlement officer on the occasion of making or revising a settlement of land revenue to prepare a register to be called the "settlement register", showing the area and assessment of each survey number, with any

Preparation
of statistical
and fiscal
records.

other particulars that may be prescribed, and other records in accordance with such orders as may from time to time be made in this behalf by the Administrator.

Revenue
rates how
determined.

32. For the purpose of determining the revenue-rates, the settlement officer may divide any area into units and in forming such units, he shall have regard to the physical features, agricultural and economic conditions and trade facilities and communications; and shall then determine the revenue-rates for different classes of lands in each such unit in the manner and according to the principles prescribed and in particular, in the case of agricultural land, to the profits of agriculture, to the consideration paid for leases, to the sale prices of land and to the principal monies on mortgages and in the case of non-agricultural land, to the value of the land for the purpose for which it is held.

Publication
of table of
revenue-
rates.

33. (1) The settlement officer shall prepare a table of revenue-rates in the prescribed form and publish it in the prescribed manner for the prescribed period.

(2) Any person objecting to any entry in the table of revenue-rates may present a petition in writing to the settlement officer within the prescribed period and the settlement officer shall consider such objections after giving a hearing to the objector.

(3) The settlement officer shall submit the table of revenue-rates to the Administrator together with a summary of objections, if any, his decisions on such objections and a statement of the grounds in support of his proposals.

Confirmation
of the table
submitted to him
by the settlement
officer with such
modifications, if
any, as he may consider necessary.

34. (1) The Administrator may confirm the table of revenue-rates submitted to him by the settlement officer with such modifications, if any, as he may consider necessary.

(2) The table of revenue-rates confirmed under sub-section (1) shall be finally published in the Official Gazette.

Rates of
revenue to
form part of
settlement
register.

35. The table of revenue-rates published under section 34 shall be incorporated in and form part of the settlement register of the village.

Introduction
of revenue-
rates.

36. When the revenue-rates are determined under this Chapter in respect of any area, such rates shall take effect from the beginning of the year next after the date of final publication of the table of revenue-rates under section 34.

37. (1) When the table of revenue-rates for any area has been Duration of finally published, the rates specified therein shall remain in force for revenue-
a period of thirty years.

(2) Notwithstanding anything contained in sub-section (1),—

(a) revenue-rates may be altered or revised in any year after the expiry of every ten years from the date on which the table of revenue-rates was introduced, in such manner and to such extent as may be prescribed;

(b) when the circumstances of a local area are such that a fresh determination of the revenue-rates is in the opinion of the Administrator inexpedient, he may extend the term of settlement by such further period as he may think necessary.

38. (1) The settlement officer shall calculate the assessment on Assessment each holding in accordance with the revenue-rates confirmed and on holdings, finally published under section 34 and such assessment shall be the fair assessment.

(2) The settlement officer shall have the power to make fair assessment on all lands whatsoever to which the revenue survey extends, whether such lands are held with liability to pay full land revenue or land revenue at concessional rates or are held revenue-free.

(3) The fair assessment of all lands shall be calculated in accordance with rules made in this behalf and having regard to the following principles, namely:—

(a) no regard shall be had to any claim to hold land on privileged terms;

(b) regard shall be had in the case of agricultural land to the profits of agriculture, to the consideration paid for leases to the sale prices of land and to the principal monies on mortgages, and in the case of non-agricultural land, to the value of the land for the purpose for which it is held;

(c) where any improvement has been effected at any time in any holding held for the purpose of agriculture by or at the expense of the holder thereof, the fair assessment of such holding shall be fixed as if the improvement had not been made.

Additional assessment for water advantages.

39. Notwithstanding anything contained in this Chapter, the Administrator may direct that any land in respect of which the rate of revenue has been determined shall be liable to be assessed to additional land revenue during the term of the settlement for additional advantages accruing to it from water received on account of irrigation works or improvements in existing irrigation works completed after the table of revenue-rates came into force and not effected by or at the expense of the holder of the land.

Continuance of survey operations and rates in force at commencement of Act.

40. Notwithstanding anything contained in this Chapter, all survey operations commenced under any law for the time being in force and continuing at the commencement of this Act shall be deemed to have been commenced and to be continuing under the provisions of this Chapter, and all revenue-rates in force at such commencement shall be deemed to have been determined and introduced in accordance with the provisions of this Chapter and shall remain in force until the introduction of revised revenue-rates; and such revised revenue-rates may be introduced at any time, notwithstanding anything contained in section 37.

Power of deputy commissioner to correct errors, etc.

41. (1) The powers and duties exercisable by the officers referred to in section 6 may also be exercised, during the term of settlement, by the deputy commissioner or such other revenue officer as may be specified by the Administrator for the purpose by notification in the Official Gazette.

(2) The deputy commissioner may at any time during the term of settlement correct any error in the area or the assessment of any survey number or sub-division due to a mistake of survey or arithmetical miscalculation:

Provided that no arrear of land revenue shall become payable by reason of such correction.

CHAPTER V.—LAND RECORDS

Preparation of record of rights.

42. It shall be the duty of the survey officer to prepare a record of rights for each village showing the area of each survey number and other particulars and any other record or register, in accordance with the rules made under this Act.

Publication of the record of rights.

43. (1) When a record of rights has been prepared, the survey officer shall publish a draft of the record in such manner and for such period as may be prescribed and shall receive and consider any

objections which may be made to any entry therein or to any omission therefrom during the period of such publication.

(2) When all objections have been considered and disposed of in accordance with the rules made in this behalf, the survey officer shall cause the record to be finally published in the prescribed manner.

(3) Every entry in the record of rights as finally published shall, until the contrary is proved, be presumed to be correct.

44. The civil courts shall have jurisdiction to decide any dispute to which the Government is not a party relating to any right or entry which is recorded in the record of rights. Jurisdiction of civil courts.

45. The survey officer may, on application made to him in this behalf or on his own motion, within one year from the date of final publication of the record of rights, correct any entry in such record register which he is satisfied has been made owing to a *bona fide* mistake in Correction of mistake in

46. (1) There shall be maintained for every village a register of mutations in such form and in such manner as may be prescribed. Register of mutations.

(2) Any person acquiring by succession, survivorship, inheritance, partition, purchase, mortgage, gift or otherwise any right in land or, where such person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property, shall report his acquisition of such right to the competent authority within three months from the date of such acquisition and such authority shall give at once a written acknowledgement in the prescribed form for such report to the person making it.

(3) The competent authority shall enter the substance of every report made to it under sub-section (2) in the register of mutations and also make an entry therein respecting the acquisition of any right of the kind mentioned in sub-section (2) which it has reason to believe to have taken place and of which a report has not been made under the said sub-section and, at the same time, shall post up a complete copy of the entry in a conspicuous place in the village and shall give written intimation to all persons appearing from the record of rights or the register of mutations to be interested in the mutations and to any other person whom it has reason to believe to be interested therein.

(4) Should any objection to any entry made under sub-section (3) in the register of mutations be made either orally or in writing to

the competent authority, the particulars shall be entered in the register of disputed cases and the competent authority shall at once give a written acknowledgement in the prescribed form for the objection to the person making it.

(5) The objections made under sub-section (4) shall be decided on the basis of possession by the competent authority and orders disposing of objections entered in the register of disputed cases shall be recorded in the register of mutations by the competent authority.

(6) After the entries in the register of mutations have been tested and found correct, the entries shall be transferred to the record of rights and shall be certified by such officer as may be prescribed in this behalf.

Penalty for
neglect to
furnish
information.

47. The deputy commissioner may, if he is of opinion that any person has wilfully neglected to make the report required by section 46 within the prescribed period, impose on such person a penalty not exceeding twenty-five rupees.

Assistance
in prepara-
tion of maps.

48. Subject to the rules made under this Act,—

(a) any revenue officer may, for the purpose of preparing or revising any map or plan required for or in connection with any record or register under this Chapter, exercise any of the powers of the survey officer under section 27 except the power of assessing the cost of hired labour; and

(b) any revenue officer not below the rank of sub-divisional officer may assess the cost of the preparation or revision of such maps or plans and all expenses incidental thereto and such costs and expenses shall be recoverable in the same manner as an arrear of land revenue.

Certified
copies.

49. Certified copies of entries in the record of rights may be granted by such officers and on payment of such fee as may be prescribed.

Maps and
other records
open to in-
spection.

50. Subject to such rules and on payment of such fees, if any, as may be prescribed, all maps and land records shall be open to inspection by the public during office hours, and certified extracts therefrom or certified copies thereof may be given to all persons applying for the same.

Power to
transfer duty
of main-
taining maps and
records to
settlement
officer.

51. When a local area is under settlement, the duty of maintaining the maps and records may, under the orders of the Administrator, be transferred from the deputy commissioner to the settlement officer.

44

CHAPTER VI.—BOUNDARIES AND BOUNDARY MARKS

52. The boundaries of villages, survey numbers, sub-divisions and fields shall be fixed and all disputes relating thereto shall be determined by survey officers or by such other officers as may be appointed by the Administrator for the purpose, in accordance with the rules made in this behalf.

53. (1) The settlement of a boundary under this Chapter shall be determinative—
Effect of settlement of boundary.

(a) of the proper position of the boundary line or boundary marks, and

(b) of the rights of the landholders on either side of the boundary fixed in respect of the land adjudged to appertain, or not to appertain, to their respective holdings.

(2) Where a boundary has been so fixed, the deputy commissioner may at any time summarily evict any landholder who is wrongfully in possession of any land which has been adjudged in the settlement of a boundary not to appertain to his holding or to the holding of any person through or under whom he claims.

54. It shall be lawful for any survey officer authorised in this behalf to specify or cause to be constructed, laid out, maintained or repaired, boundary marks of villages or survey numbers or sub-divisions and to assess all charges incurred thereby on the holders or others having an interest therein.

55. The boundary marks shall be of such description and shall be constructed, laid out, maintained or repaired in such manner and shall be of such dimensions and materials as may, subject to rules made under this Act, be determined by the deputy commissioner or other officer appointed for the purpose.

56. Every landholder shall be responsible for the maintenance and good repair of the boundary marks of his holding and for any charge reasonably incurred on account of the same by the revenue officers in case of alteration, removal or disrepair. It shall be the duty of the village officers and servants to prevent the destruction or unauthorised alteration of the village boundary marks.

57. After the introduction of survey and settlement in a district, the charge of the boundary marks shall devolve on the deputy commissioner, and it shall be his duty to take measures for their construction, laying out, maintenance and repair.

Deputy commissioner to have charge of boundary marks.

**Penalty for
injuring
boundary
marks.**

58. Any person wilfully erasing, removing or injuring a boundary mark shall be liable to such penalty not exceeding fifty rupees as the competent authority may impose.

CHAPTER VII.—REALISATION OF LAND REVENUE AND OTHER PUBLIC DEMANDS

**Land re-
venue to be
first charge.**

59. Land revenue assessed on any land shall be the first charge on that land and on the crops, rents and profits thereof.

**Payment of
land re-
venue.**

60. Land revenue shall be payable at such times, in such instalments, to such persons, and at such places, as may be prescribed.

**Arrear of
land
revenue.**

61. (1) Any instalment of land revenue or part thereof which is not paid on the due date shall become an arrear of land revenue and the persons responsible for the payment become defaulters.

(2) A statement of account certified by the sub-deputy collector shall, for the purpose of this Chapter, be conclusive evidence of the existence of the arrear, of its amount and of the person who is the defaulter:

Provided that nothing in this sub-section shall prejudice the right of such person to make payment under protest and to question the correctness of the account in separate proceedings before the competent authority.

**Recovery of
arrears.**

62. An arrear of land revenue may be recovered by any one or more of the following processes, namely:—

- (a) by serving a written notice of demand on the defaulter;
- (b) by distress and sale of the defaulter's movable property, including the produce of the land;
- (c) by the attachment and sale of the defaulter's immovable property.

**Notice of
demand.**

63. The form and contents of the notice of demand and the officers by whom such notices shall be issued shall be such as may be prescribed.

**Distress
and sale of
movable
property.**

64. (1) The distress and sale of the movable property of a defaulter shall be made by such officers or class of officers, in such manner and in accordance with such procedure, as may be prescribed.

(2) Nothing in sub-section (1) shall be deemed to authorise the distress or sale of any property which, under the Code of Civil Procedure, 1908, is exempt from attachment or sale in execution of a decree or of any article set aside exclusively for religious use.

5 of 1908.

65. (1) When the deputy commissioner is of opinion that the processes referred to in clauses (a) and (b) of section 62 are not sufficient for the recovery of an arrear, he may, in addition to or instead of any of those processes, cause the land in respect of which such arrear is due to be attached and sold in the prescribed manner.

(2) The deputy commissioner may also cause the right, title and interest of the defaulter in any other immovable property to be similarly attached and sold.

66. (1) Before effecting the sale of any land or other immovable property under the provisions of this Chapter, the deputy commissioner or other officer empowered in this behalf shall issue such notices and proclamations, in such form, in such manner and containing such particulars, as may be prescribed; the notices and proclamations shall also be published in such manner as may be prescribed.

(2) A copy of every notice or proclamation issued under sub-section (1) shall be served on the defaulter.

67. All sales of property, movable or immovable, under this Chapter shall be by public auction held in accordance with such rules as may be prescribed.

68. No officer having any duty to perform in connection with any such sale and no person employed by or subordinate to such officer shall, either directly or indirectly, bid for or acquire any property except on behalf of the Government.

69. Perishable articles shall be sold by auction with the least possible delay and such sale shall be finally concluded by the officer conducting the sale.

70. Every sale of property, movable or immovable, under the provisions of this Chapter shall, as far as may be practicable, be proportionate to the amount of the arrear of land revenue to be recovered together with the interest thereon and the expenses of attachment and sale.

71. In all cases of immovable property, the party who is declared to be the purchaser shall be required to deposit immediately 25 per cent. of the amount of his bid, and the balance within fifteen days of the date of sale.

72. (1) In default of the payment of deposit referred to in section 71, the property shall be put up for re-sale and the expenses incurred in connection with the first sale shall be borne by the defaulting bidder.

(2) In default of payment of the balance of the bid amount within the period prescribed in section 71, the deposit after defraying therefrom the expenses of the sale shall be forfeited to the Government and the property shall be re-sold.

(3) Where the proceeds of the re-sale are less than the price bid by such defaulting purchaser, the difference shall also be recoverable from him in the same manner as an arrear of land revenue.

Setting aside sale

73. Where immovable property has been sold under this Chapter, the defaulter, or any person owning such property or holding an interest therein, may, at any time, within thirty days of the date of sale or within such further period not exceeding thirty days as the deputy commissioner may for sufficient cause allow, apply in the prescribed manner to the deputy commissioner to have the sale set aside—

(a) on the ground of some material irregularity or mistake or fraud resulting in substantial loss or injury to him, or

(b) on his depositing in the deputy commissioner's office the amount of the arrear specified in the proclamation of sale, the cost of the sale and for payment to the purchaser a sum equal to five per cent. of the purchase money.

Confirmation of sale

74. If, on the expiration of 30 days from the date of sale of any immovable property or of the further period, if any, allowed under section 73, no application has been made for setting aside the sale, or if any such application has been made and rejected, the deputy commissioner shall make an order confirming the sale unless, for reasons to be recorded, the deputy commissioner sets aside the sale notwithstanding that no application therefor has been made.

Refunds.

75. (1) The deputy commissioner shall order the refund and payment to the purchaser, of—

(a) the amounts deposited by him under section 71; and

(b) the sum equal to 5 per cent. of the purchase money deposited under clause (b) of section 73;

If the sale is not confirmed or is set aside.

(2) The deputy commissioner shall order the refund and payment of all the monies deposited under clause (b) of section 73 to the person who made the deposit, if the sale is confirmed:

Provided that the deputy commissioner may set off the whole or any part of any such monies against any arrear of land revenue or any other amount recoverable as an arrear of land revenue, which may be outstanding against the person who made the deposit.

Certificate of purchase.

76. When a sale held under this Chapter is confirmed, the deputy commissioner shall put the person declared to be the purchaser in

possession of the property and shall grant him a certificate in the prescribed form to the effect that he has purchased the property specified therein, and such certificate shall be deemed to be a valid transfer of such property.

77. The proceeds of the sale of any property under this Chapter Application of proceeds shall be applied in defraying the expenses of the sale which shall be of sale determined in the prescribed manner and the balance shall be applied to the payment of the arrears on account of which the sale was held and the surplus, if any, shall be paid to the person whose property has been sold.

78. The person who has purchased any land and to whom a certificate of purchase has been granted shall not be liable for the land revenue in respect of the land for any period prior to the date of the sale. Liability of certified purchaser

79. When the crop of any land or any portion of the same is sold, Precautionary measures in certain cases. mortgaged or otherwise disposed of, the deputy commissioner may, if he thinks it necessary, prevent its being removed from the land until the demand for the current year in respect of the said land is paid, whether the date fixed for the payment of the same has arrived or not.

80. The following monies may be recovered under this Act in the same manner as an arrear of land revenue, namely:— Recovery of other public demands

- (a) rent, fees and royalties due to the Government for use or occupation of land or water or any product of land;
- (b) all monies falling due to the Government under any grant, lease or contract which provides that they shall be recoverable as an arrear of land revenue;
- (c) all sums declared by this Act or any other law for the time being in force to be recoverable as an arrear of land revenue.

CHAPTER VIII.—PROCEDURE OF REVENUE OFFICERS: APPEALS AND REVISIONS

81. (1) A revenue officer, while exercising power under this Act or any other law for the time being in force to inquire into or to decide any question arising for determination between the Government and any person or between parties to any proceedings, shall be a revenue court. Revenue officers to be counts

(2) Nothing in this Act shall be deemed to limit or otherwise affect the inherent power of the revenue court to make such orders as may be necessary for the ends of justice or to prevent the abuse of the process of the revenue court.

Place of
hearing.

82. Except for reasons to be recorded in writing, no revenue officer shall inquire into or hear any case at any place outside the local limits of his jurisdiction:

Provided that a sub-divisional officer may inquire into or hear any case at the headquarters of the district to which he is appointed.

Power to
enter upon
and survey
land.

83. All revenue officers and persons acting under their orders may, enter upon and survey any land and demarcate boundaries and do all other acts necessary for the purpose of discharging their duties under this Act or any other law for the time being in force and in so doing, shall cause no more damage than the circumstances of the case may require.

Power to
transfer
cases.

84. (1) The Administrator may transfer any case or class of cases arising under this Act or any other law for the time being in force from any revenue officer to any other revenue officer competent to deal with it:

(2) The deputy commissioner or a sub-divisional officer may transfer any case or class of cases arising under this Act or any other law for the time being in force for inquiry or decision from his own file or from the file of any revenue officer subordinate to him to the file of any other revenue officer subordinate to him competent to deal with such case or class of cases.

Power to
take
evidence,
summon
witnesses,
etc.

85. (1) Every revenue officer not lower in rank than a sub-deputy collector acting as a revenue court shall have power to take evidence and to summon any person whose attendance he considers necessary, either as a party or as a witness or to produce any document, for the purpose of any inquiry which such officer is legally empowered to make; and all persons so summoned shall be bound to attend either in person or by an authorised agent as such officer may direct, and to produce such documents as may be required.

(2) Every summons shall be in writing, signed and sealed by the officer issuing it and shall be in such form and be served in such manner as may be prescribed.

Compelling
attendance
of witnesses.

86. If any person on whom a summons to attend as witness or to produce any document has been served fails to comply with the summons, the officer by whom the summons has been issued under section 85 may—

- (a) issue a bailable warrant of arrest;
- (b) order him to furnish security for appearance; or
- (c) impose upon him a fine not exceeding rupees twenty

87. (1) If, on the date fixed for hearing a case or proceeding, a revenue officer finds that a summons or notice was not served on any party due to the failure of the opposite party to pay the requisite process fees for such service, the case or proceeding may be dismissed for default of payment of such process fees.

(2) If any party to a case or proceeding before a revenue officer does not appear on the date fixed for hearing, the case or proceeding may be heard and determined in his absence or may be dismissed for default.

(3) The party against whom any order is passed under sub-section (1) or (2) may apply, within thirty days from the date of such order, to have it set aside on the ground that he was prevented by sufficient cause from paying the requisite process fees or from appearing at the hearing; and the revenue officer may, after notice to the opposite party and after making such inquiry as he considers necessary, set aside the order passed.

88. (1) A revenue officer may, from time to time, for reasons to be recorded, adjourn the hearing of a case or proceeding before him.

(2) The date and place of an adjourned hearing shall be intimated at the time of the adjournment to such of the parties and witnesses as are present.

89. A revenue officer may direct the parties to pay the cost incurred in any case before him and also apportion the cost among the parties in such manner and to such extent as he may think fit.

Power to order payment of costs.

90. Where any order is passed under the provisions of this Act directing any person to deliver possession of land or directing the eviction of any person from land, such order shall be executed by the competent authority in such manner as may be prescribed and it shall be lawful for such authority, in accordance with rules to be prescribed, to take such steps and use or cause to be used such force as may be reasonably necessary for securing compliance with the order.

Use of force.

91. All appearances before, applications to and acts to be done before, any revenue officer under this Act or any other law for the time being in force may be made or done by the parties themselves or by their authorised agents or by any legal practitioner:

Appearances before and applications to revenue officers.

Provided that any such appearance shall, if the revenue officer so directs, be made by the party in person.

Correction
of error or
omission.

92. Any revenue officer by whom an order was passed in a case or proceeding may, either on his own motion or on the application of a party, correct any error or omission not affecting a material part of the case or proceeding, after such notice to the parties as he may consider necessary.

Appeals.

93. (1) Save as otherwise expressly provided, an appeal shall lie from every original order passed under this Act,—

- (a) if such an order is passed by an officer subordinate to the sub-divisional officer, to the sub-divisional officer;
- (b) if such an order is passed by the sub-divisional officer, to the deputy commissioner;
- (c) if such an order is passed by the deputy commissioner, to the Administrator;
- (d) if such an order is passed by an assistant survey and settlement officer, to the survey and settlement officer or to a revenue officer notified by the Administrator in the Official Gazette to be the appellate authority; and
- (e) if such an order is passed by a survey and settlement officer, to the director of settlement and land records or to a revenue officer notified by the Administrator in the Official Gazette to be the appellate authority.

(2) A second appeal shall lie against any order passed in first appeal,—

- (a) if such an order is passed under clause (a) of sub-section (1), to the deputy commissioner;
- (b) if such an order is passed under clause (b) of sub-section (1), to the Administrator;
- (c) if such an order is passed under clause (d) of sub-section (1), to the director of settlement and land records or to a revenue officer notified by the Administrator in the Official Gazette to be the second appellate authority; and
- (d) if such an order is passed under clause (e) of sub-section (1), to the Administrator.

Limitation
of appeals.

94. (1) No appeal shall lie,—

- (a) in the case of a first appeal, after the expiry of thirty days from the date of the order appealed against; and
- (b) in the case of a second appeal, after the expiry of sixty days from the date of the order appealed against.

(2) In computing the above periods, the time required to obtain copies of the order appealed against shall be excluded.

95. The Administrator or the deputy commissioner may, at any Revision time, either on his own motion or on the application of any party, call for the records of any proceedings before any revenue officer subordinate to him for the purpose of satisfying himself as to the legality or the propriety of any order passed by such revenue officer, and may pass such order in reference thereto as he thinks fit:

Provided that he shall not vary or reverse any order affecting any right between private persons without having given to the parties interested notice to appear and be heard.

96. (1) A revenue officer may, either on his own motion or on the application of any party interested, review any order passed by him-^{Review of orders.} self or by any of his predecessors-in-office and pass such order in reference thereto as he thinks fit:

Provided that a revenue officer subordinate to the deputy commissioner shall, before reviewing any order under this section, obtain the permission of the deputy commissioner and the deputy commissioner shall, before reviewing an order passed by any of his predecessors-in-office, obtain the permission of the Administrator.

(2) No order affecting any question of right between private persons shall be reviewed except on the application of a party to the proceedings or except after notice to the other party, and no application for the review of such order shall be entertained unless it is made within ninety days from the date of the order.

(3) No order shall be reviewed except on the following grounds, namely:—

- (i) discovery of new and important matter of evidence; or
- (ii) some mistake or error apparent on the face of the record; or
- (iii) any other sufficient reason.

(4) For the purposes of this section, the deputy commissioner shall be deemed to be the successor-in-office of any revenue officer who has left the district or who has ceased to exercise powers as a revenue officer and to whom there is no successor in the district.

(5) An order which has been dealt with in appeal or on revision shall not be reviewed by any officer subordinate to the appellate or revisional authority.

Stay of
execution
of orders.

97. (1) A revenue officer who has passed any order or his successor-in-office may, at any time before the expiry of the period prescribed for appeal, direct the stay of execution of such order for such period as he thinks fit provided that no appeal has been filed.

(2) Any authority before whom a case is pending in appeal or revision may direct the stay of execution of the order appealed from or under revision for such period as it may think fit.

(3) The revenue officer or other authority directing such stay of execution of any order may impose such condition, or order such security to be furnished, as he or it may think fit.

Power to
make rules.

98. (1) The Administrator may, by notification in the Official Gazette, make rules for carrying out the purposes of this Part.

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

(a) the manner of appointment of revenue officers, survey officers and settlement officers, and other village officers and servants, their powers and duties, the official seals, if any, to be used by them and the size and description of the seals;

(b) the deputy commissioner's powers of superintendence and control over other officers;

(c) the officers who should hear and decide disputes regarding rights in or over any property claimed by or against the Government and the procedure to be followed by them;

(d) the disposal of Government lands by assignment or grant to individuals or to public purposes and the terms and conditions subject to which such assignments or grants may be made;

(e) the preservation and disposal of trees, brush wood jungle and other natural products on Government land and the recovery of the value of trees or other natural product unauthorisedly appropriated by persons;

(f) the procedure for summary eviction of trespassers on Government land;

(g) the alteration and revision of the land revenue in cases of alluvion or diluvion or of diversion of land for purposes other than agriculture;

(h) the grant of permission to use agricultural land for non-agricultural purposes;

(i) the determination of additional rates for use of water;

- (j) the circumstances in which remission or suspension of revenue may be made and the rate of such remission or suspension;
- (k) the form of receipt for payment of land revenue;
- (l) the conduct of surveys and settlements of land revenue;
- (m) the manner of estimating the cost of cultivation and other expenses in relation to the inquiry into profits of agriculture;
- (n) the division of survey numbers into sub-divisions and the assessment of sub-divisions;
- (o) the statistical, fiscal and other records and registers to be prepared and maintained under this Part;
- (p) the manner in which the costs and expenses incidental to revenue survey or the construction, repair and maintenance of boundary marks shall be determined and apportioned between persons who are liable to bear the same;
- (q) the fixing, construction, laying out, maintenance and repair of boundary marks, and the settlement of disputes relating thereto;
- (r) the division of areas into units for determining the revenue-rates and the preparation of the table of revenue-rates;
- (s) the preparation and the preliminary and final publication of the record of rights and the table of revenue-rates;
- (t) the hearing and disposal of objections to any entry or omission in the table of revenue-rates, the record of rights, and the register of mutations;
- (u) the manner and extent of alteration or revision of revenue-rates during the term of settlement;
- (v) the correction of bona fide errors and mistakes in the revenue records, registers and maps prepared under this Part;
- (w) the manner in which the average yield of crops of land shall be ascertained;
- (x) the manner of holding inquiries by revenue officers under this Part;
- (y) the application of the provisions of the Code of Civil Procedure, 1908, to cases and proceedings before a revenue court;

- (z) the form of summons and other processes, notices, orders and proclamations to be issued or made by revenue officers and the manner of their service;
- (aa) the procedure for the attachment and sale of property and the confirmation and the setting aside of sales of immovable property under Chapter VII;
- (bb) the manner of publication of notices and proclamations of attachment and sale of property;
- (cc) the manner in which the cost and expenses incidental to the attachment and sale of property shall be determined;
- (dd) the manner of payment of deposit and of the purchase money of property sold for arrears of land revenue;
- (ee) the circumstances in which precautionary measures for securing the land revenue under section 79 may be taken;
- (ff) the procedure for the transfer of cases from one revenue officer to another;
- (gg) the manner of preferring appeals or applications for revision or review, the documents to accompany the memorandum of appeal or such application and the fee, if any, leviable therefor;
- (hh) the grant of certified copies and the payment of fees for inspection and grant of certified copies of revenue records and registers;
- (ii) the mode of execution of any orders directing any person to deliver possession of land or to be evicted from land, including the use of force for securing compliance with such order;
- (jj) any other matter that is to be or may be prescribed.

PART III

CHAPTER IX.—RIGHTS OF LANDOWNERS

Accrual of rights of landowners.

99. (1) Every person who, at the commencement of this Act, holds any land from the Government for agricultural purposes, whether as a settlement-holder or as a *pattadar* and his successors-in-interest shall, subject to the provisions of sub-section (2), become the owner thereof as and from such commencement.

(2) No rights shall accrue under sub-section (1) in respect of lands which—

(i) are a part of the bed of a river, a *nallah*, a stream or a public tank, or

(ii) have been acquired by the Government for any purpose according to the provisions of any law in force for the time being relating to acquisition of land, or

(iii) have been used at any time during the five years immediately preceding the commencement of this Act for any public, community or village purpose, or

(iv) are declared by the Administrator by notification in the Official Gazette as reserved or required for any public, community or village purpose.

(3) Objections to the accrual of rights under sub-section (1) may be filed before the competent authority within such time and in such form and manner as may be prescribed by any person who has interest or claims to have an interest in the land either in his individual capacity or as a member of the village or community.

(4) Should any objection be made under sub-section (3), the competent authority shall inquire into the objection in such manner as may be prescribed and decide the same.

(5) Subject to the provisions of this Act, the decision of the competent authority shall be final.

(6) Every person who, at the commencement of this Act, holds land from the Government for a purpose other than agriculture shall, subject to sub-section (2), be entitled to the settlement of that land on such terms and conditions as may be prescribed.

(7) Nothing in this section shall entitle any person to the sub-soil rights in respect of the land, of which he has become the land-owner under sub-section (1), or which has been settled with him under sub-section (6).

100. (1) Every person who has become a landowner under sub-section (1) of section 99 shall—

Rights of
landowners

(a) have permanent, heritable and transferable rights in the land;

(b) be entitled by himself, his servants, tenants, agents or other representatives to erect farm buildings, construct wells or tanks or make any other improvements thereon for the better cultivation of the land or its convenient use;

(c) be entitled to plant trees on the land, to enjoy the products thereof and to fell, utilise or dispose of the timber of any trees on the land.

(2) Nothing in sub-section (1) shall entitle a landowner to use his land to the detriment of any adjoining land which is not his or in contravention of the provisions of any other law for the time being in force applicable to such land.

**Reservation
of land for
personal
cultivation.**

101. (1) Every landowner who, at the commencement of this Act, owns land in excess of a basic holding shall be entitled to apply to the competent authority for the reservation for his personal cultivation of any parcel or parcels of his land leased to tenants.

(2) Every application under sub-section (1) shall be in the prescribed form and shall be made in the prescribed manner within a period of one year from such commencement.

Explanation.—In the case of a person under disability, the application shall be made by his guardian or his authorised agent, as the case may be.

**Procedure
for reserva-
tion of land.**

102. (1) On receipt of an application made under section 101, the competent authority shall issue notice together with a copy of the application to each of the tenants holding land from the applicant requiring the tenant to submit his objections, if any, within a period of ninety days from the date of service of such notice or within such further period as the competent authority may allow.

(2) A tenant on whom a notice has been served under sub-section (1) shall furnish to the competent authority within the period specified details of lands owned by him or held as tenant of any other landowner and of lands which he selects for retention by him.

(3) The competent authority shall, after considering the objections and the details, if any, furnished by the tenants and after making such inquiry as it may consider necessary, determine the land or lands not exceeding the permissible limit, which in its opinion having regard to all the circumstances of the case may be reserved for personal cultivation of the landowner and the lands which each of his tenants may be allowed to retain.

**“Permissible
limit”
defined.**

103. (1) In section 102, “permissible limit” means an area of land which a landowner may resume from tenants for personal cultivation, that is to say,—

(a) in the case of a person under disability, 25 acres;

(b) in the case of any other person who—

(i) owns a basic holding or less, the entire area owned by him;

(ii) owns more than a basic holding but not exceeding a family holding, one-half of the area leased to tenants or the area by which the land under his personal cultivation falls short of a basic holding, whichever is greater;

(iii) owns more than a family holding—

(1) if he has no land, or any land which is less than a family holding under his personal cultivation, one-half of the area leased to the tenant but not exceeding the area by which land under his personal cultivation falls short of a family holding, provided that the tenant is left with not less than a basic holding and provided further that a landowner shall in any case be entitled to resume an area by which land under his personal cultivation falls short of a basic holding; and

(2) if he has a family holding or more under his personal cultivation, the area leased to any tenant in excess of a family holding but not exceeding the area by which land in his personal cultivation falls short of 25 acres.

Explanation.—For the purpose of determining the permissible limit of a landowner under this sub-section, any non-resumable land which he may hold as a tenant shall also be taken into account.

(2) Any transfer of land made on or after the 6th day of March, 1956, shall be disregarded in computing the permissible limit.

104. In the case of a person who, at the commencement of this Act, does not own land in excess of a basic holding, all lands owned by him and held by tenants shall be deemed to have been reserved for his personal cultivation. Land deemed to be reserved for personal cultivation in certain cases.

Explanation.—Any transfer of land made on or after the 6th day of March, 1956, shall be disregarded in determining the extent of land owned by a person at the commencement of this Act.

105. The competent authority shall declare every land which, under sub-section (3) of section 102, a tenant is allowed to retain to able land, be the non-resumable land of the tenant. Non-resumable land.

Right to
lease.

106. (1) Subject to the provisions of this Act, a landowner may lease out his land to another person on such rent not exceeding the maximum rent referred to in section 112 as may be agreed upon between him and such person.

(2) Every lease of land made after the commencement of this Act shall be for a period of five years and at the end of the said period, and thereafter at the end of each period of five years, the tenancy shall, subject to the provisions of sub-section (3) be deemed to be renewed for a further period of five years on the same terms and conditions, except to the extent that a modification thereof consistent with this Act is agreed to by both parties.

(3) In respect of any lease made after the commencement of this Act, a landowner who is a member of the Armed Forces of the Union, on his discharge from service or posting to the reserve, may by giving the tenant three months' notice in writing before the expiry of any year, and any other landowner may by giving the tenant one year's notice in writing before the expiry of any term of five years, terminate the tenancy if the landowner requires the land bona fide for personal cultivation by him.

Land left un-
cultivated.

107. (1) Where the deputy commissioner is satisfied that any land has remained uncultivated for a period not less than two consecutive years otherwise than in accordance with rules made in this behalf under this Act, and that it is necessary for the purpose of ensuring the full and efficient use of the land for agriculture to do so, he may after making such inquiry as may be prescribed lease out the land in accordance with the rules made under this Act.

(2) Any lease made under sub-section (1) shall be deemed to be a lease made by the landowner under sub-section (1) of section 106.

Relinquish-
ment.

108. (1) Subject to any rules that may be made under this Act, a landowner may relinquish his rights in respect of any land in his possession in favour of Government by giving a notice in writing to the competent authority in such form and manner as may be prescribed, not less than three months before the close of any year and thereupon, he shall cease to be a landowner in respect of that land from the year next following the date of notice:

Provided that relinquishment of only a part of a holding or of a holding which, or part of which, is subject to an encumbrance or a charge, shall not be valid.

(2) If any person relinquishes his rights to a land under subsection (1), the way to which lies through other land retained by him, any future holder of the land relinquished shall be entitled to a right of way through the land retained.

CHAPTER X.—RIGHTS OF TENANTS

109. (1) The interest of a tenant in any land held by him as such ^{Interest of} tenants shall be heritable but, save as otherwise provided in this Act, shall not be transferable.

(2) No tenant shall be evicted from his land except as provided in this Act.

110. It shall be lawful for a tenant to create a simple mortgage or ^{Right to} create a charge on his interest in the land leased to him in favour of the Government or a co-operative society in consideration of any ^{mortgage or charge.} loan advanced to him by the Government or such society; and in the event of his making default in the repayment of such loan in accordance with its terms, it shall be lawful for the Government or the society, as the case may be, to cause his interest in the land to be attached and sold and the proceeds applied in payment of such loan.

111. A tenant may, with the permission in writing of the land-owner, or if permission is refused without sufficient reason or not given within two months, after obtaining the order of the competent authority in the prescribed manner, make at his own expense any improvement to the land held by him, but shall not become liable to pay a higher rate of rent on account of any increase of production or of any change in the nature of the crop raised, as a consequence of such improvement.

112. The rent payable by a tenant in respect of any land held by ^{Maximum} him shall not exceed,— ^{rent.}

(a) where the rent is payable in kind as a share of the produce, one-fourth of the produce of such land or its value estimated in the prescribed manner if plough cattle for the cultivation of such land is supplied by the landowner and one-fifth of such produce or its value as so estimated if plough cattle is not supplied by the landowner;

(b) in any other case, four times the land revenue payable in respect of the land.

Payment of rent.

113. (1) The rent payable by a tenant shall, subject to the provisions of section 112, be the rent agreed upon between him and the landowner or where there is no such agreement, the reasonable rent.

(2) The rent shall be paid at such times and in such manner as may have been agreed upon or in the absence of such agreement, as may be prescribed.

Reasonable rent.

114. (1) The competent authority may, on application made to it in this behalf by the landowner or the tenant, determine the reasonable rent for any land.

(2) The form of application under sub-section (1) and the procedure to be followed by the competent authority shall be such as may be prescribed.

(3) In determining the reasonable rent, the competent authority shall have regard to—

- (a) the rental value of lands used for similar purposes in the locality;
- (b) the profits of agriculture of similar lands in the locality;
- (c) the price of crops and commodities in the locality;
- (d) the improvements, if any, made to the land by the landowner or the tenant;
- (e) the land revenue payable in respect of the land; and
- (f) any other factor which may be prescribed.

(4) Where the reasonable rent for any land has been determined under this section, it shall not be altered for a period of five years except on any of the following grounds, namely:—

- (a) that the quality of the land has deteriorated by flood or other natural causes;
- (b) that there has been an increase in the produce of the land on account of improvements made to it at the expense of the landowner;
- (c) that the land has been partially or wholly rendered unfit for cultivation.

(5) Nothing in sub-sections (1) to (4) shall affect the right of the Government to make an order directing the determination of the reasonable rent of lands in any specified area.

115. (1) In any case in which rent is payable in kind, the land-owner or the tenant may apply in writing to the competent authority in the prescribed form and manner, for commuting the rent into money rent.

(2) On receipt of such application, the competent authority shall, after giving notice to the other party, determine the money rent payable for the land in accordance with the following provisions but not exceeding the maximum rent specified in section 112.

(3) In determining the money rent, regard shall be had to—

(a) the average money rent payable by tenants for land of similar description and with similar advantages in the vicinity;

(b) the average value of the rent actually received by the landowner during the three years preceding the date of application;

(c) the average prices of crops and commodities in the locality during the three years preceding the date of application;

(d) the improvements, if any, made to the land by the land-owner or the tenant; and

(e) any other factor which may be prescribed.

116. Every landowner shall give or cause to be given a receipt for the rent received by him or on his behalf in such form as may be prescribed duly signed by him or his authorised agent.

117. If any landowner recovers from a tenant rent in excess of the amount due under this Act, he shall forthwith refund the excess amount so recovered and shall also be liable to punishment as provided in this Act.

118. (1) Where a landowner has obtained from or been granted by the Government any relief by way of suspension or remission, whether in whole or in part, of the land revenue payable in respect of his land, he shall be bound to give and the tenant concerned shall be entitled to receive from the landowner a corresponding or proportionate relief by way of suspension or remission of rent payable in respect of such land.

(2) The nature and extent of the relief which a landowner is bound to give and which the tenant is entitled to receive under subsection (1) shall be determined in accordance with the rules made under this Act.

(3) No suit shall lie and no decree of a civil court shall be executed for the recovery by a landowner of any rent the payment of which has been remitted, or during the period for which the payment of such rent has been suspended, under this section.

(4) The period during which the payment of rent is suspended under this section shall be excluded in computing the period of limitation prescribed for any suit or proceeding for the recovery of such rent.

(5) If any landowner fails to suspend or remit the payment of rent as provided in sub-section (1), he shall be liable to refund to the tenant the amount recovered by him in contravention of the provisions of this section and shall also be liable to punishment as provided in this Act.

Eviction of tenant.

119. (1) No person shall be evicted from any land held by him as tenant except under the order of the competent authority made on any of the following grounds, namely:—

(a) that the land has been reserved for personal cultivation of the landowner under section 102, or is deemed to have been reserved for personal cultivation of the landowner under section 104;

(b) that a notice has been given to the tenant under sub-section (3) of section 106;

(c) that the tenant has intentionally and wilfully committed such acts of waste as are calculated to impair materially or permanently the value or utility of the land for agricultural purposes;

(d) that the tenant has failed to pay rent within a period of three months after it falls due:

Provided that the competent authority may, if it thinks fit, grant further time not exceeding six months for payment of the rent;

(e) that the tenant, not being a person under disability, has after the commencement of this Act, sub-let the land without the consent in writing of the landowner.

(2) No order for eviction of a tenant shall be executed till the standing crops, if any, on the land are harvested.

(3) Where any order for eviction has been made against a tenant on the ground specified in clause (a) of sub-section (1), then, notwithstanding such order, the tenant shall, until he is provided with alternative land in accordance with the rules made in this behalf, be entitled to retain possession of—

(i) the entire land held by him as a tenant, in any case where the area of tenancy together with any other land held by him does not exceed 1:25 acres in area; and

(ii) so much of the land held by him as a tenant as together with any other land held by him does not exceed the limit of 1:25 acres in area, in any case where the area of the tenancy together with the other land held by him exceeds the said limit:

Provided that nothing in this sub-section shall apply to a tenant who holds land under any person who is a member of the Armed Forces of the Union.

(4) Where any land has been reserved for the personal cultivation of a landowner by an order made under sub-section (3) of section 102, no suit or application for the eviction of the tenant in respect of such land under clause (a) of sub-section (1) shall lie after the expiry of five years from the commencement of this Act or one year from the date of the said order, whichever is later:

Provided that where any such landowner is a person under disability, such suit or application may be instituted or made within a period of five years from the date when the disability ceases.

Explanation.—For the purposes of this sub-section, the disability of a person shall cease—

(a) in the case of a widow, if she remarries, on the date of her remarriage or if any person succeeds to the widow on her death, on the date of her death;

(b) in the case of a minor, on the date of his attaining majority;

(c) in the case of a woman who is unmarried or who is divorced or judicially separated from her husband, on the date of her marriage or remarriage, as the case may be, or in the case of a woman whose husband is a person falling under clause (d) or (e), on the date on which the disability of the husband ceases;

(d) in the case of a person who is a member of the Armed Forces of the Union, on the date of his discharge from service or of his posting to the reserve;

(e) in the case of a person suffering from a physical or mental disability, on the date on which the disability ceases to exist.

**Restoration
of possession
of land to
tenant.**

120. Where a person who has taken possession of any land by evicting a tenant therefrom on the ground that the land had been reserved for personal cultivation by him fails to cultivate such land personally within one year from the date on which he took possession thereof or ceases to cultivate such land personally in any year during a period of four years next following, the tenant shall be entitled to be restored to possession of the land from which he was evicted.

Explanation.—For the purpose of this section, land shall not be deemed to be under the personal cultivation of a person (not being a person under disability) unless such person or a member of his family engages himself in the principal agricultural operations.

**Certain lands
to be non-
resumable
land of
tenant.**

121. If a landowner fails to—

- (a) apply for reservation of any land within the period prescribed in section 101, and the land is not deemed to have been reserved under section 104, or
- (b) file a suit or application for the eviction of the tenant from any land reserved under section 102 within the period prescribed in sub-section (4) of section 119, or
- (c) cultivate or ceases to cultivate the land and the tenant is restored to possession of the land under section 120,

the competent authority may *suo motu* and shall, on application, after making such inquiry as may be prescribed, declare the land to be the non-resumable land of the tenant.

**Compensa-
tion for im-
provements.**

122. (1) A tenant who has made any improvement at his own expense on the land leased to him shall, if he is to be evicted under the provisions of this Chapter, be entitled to receive compensation before he is so evicted for such improvement as in the opinion of the competent authority, is reasonable.

(2) The compensation payable to a tenant under sub-section (1) shall be determined in accordance with the value of such improvements on the date of eviction, and in determining such compensation, regard shall be had to the following matters, namely:—

- (a) the amount by which the value of the land has increased by reason of the improvement;

- (b) the condition of the improvement at the date of the determination of the value thereof and the probable duration of its effect;
- (c) the labour and capital involved in the making of the improvement; and
- (d) the advantages secured by the tenant in consideration of the improvement made by him.

(3) In any case in which compensation is payable to a tenant under this section, the competent authority may direct that—

(a) the whole or any part of any loan which the tenant has taken on the security of his interest in the land under section 110 and which is outstanding shall be deducted from such compensation and paid to the Government or the co-operative society, as the case may be;

(b) any arrear of rent due by the tenant to the landowner and the costs, if any, awarded to the landowner shall be adjusted against the compensation.

123. A tenant against whom an order of eviction has been passed, shall be entitled to remove within such time as is deemed reasonable by the competent authority any work of improvement which can be severed from the land and which the tenant desires to remove, or any building or construction or work (which is not an improvement) in respect of which the landowner is not willing to pay the compensation.

Tenant may remove buildings, works etc., not deemed improvements.

124. (1) Where a tenant of any land has, on or after the 6th day of March, 1956, surrendered, or been evicted from, such land, and the surrender or eviction could not have taken place if this Act had been in force on the date of such surrender or eviction, the competent authority may, *suo motu* or on application made by the tenant, restore him to possession of the land which he surrendered or from which he was evicted unless some other tenant not being a member of the landowner's family, had *bona fide* been admitted to possession of such land.

Restoration of possession of land in certain other cases.

(2) The competent authority shall, before making an order under sub-section (1), make such inquiry as may be prescribed.

125. Where a tenancy is sought to be terminated on the ground that the tenant has materially impaired the value or utility of the land for agricultural purposes, if the damage to the land admits of being repaired or if pecuniary compensation would afford adequate relief, no proceeding for eviction shall lie against the tenant.

Relief against termination of tenancy for act of waste.

unless and until the landowner has served on the tenant a notice in writing specifying the damage complained of and the tenant has failed within a period of one year from the service of such notice to repair the damage or to pay compensation therefor.

Surrender of
land by
tenant.

126. (1) After the commencement of this Act, no tenant shall surrender any land held by him as such, and no landowner shall enter upon the land surrendered by the tenant, without the previous permission in writing of the competent authority.

(2) Such permission shall be granted if, after making such inquiry as may be prescribed, the competent authority is satisfied that the proposed surrender is *bona fide* and in case the surrender is by a person who was holding the land as tenant immediately before the commencement of this Act, the permissible limit of the landowner concerned is not exceeded by such surrender; in other cases, the permission shall be refused.

(3) Where permission is refused in any case, and the tenant gives a declaration in writing relinquishing his rights in the land, the competent authority shall, in accordance with the rules made in this behalf, lease out the land to any other person who shall acquire all the rights of the tenant who relinquished his rights.

Transfer of
ownership of
land to
tenant.

127. Subject to the other provisions of this Act, the ownership of any land which is declared to be the non-resumable land of a tenant under section 105 or section 121 shall stand transferred from the landowner thereof to the tenant with effect from the date of such declaration, and the tenant shall become the owner of such land and be liable to pay land revenue therefor:

Provided that where, on an application made in this behalf by any person at any time before the declaration is made under section 105 or under section 121, the competent authority is satisfied that such person holds land not exceeding a family holding, whether as a landowner or otherwise, and that his income is derived mainly from such land, the competent authority may, by order, provide that the transfer of ownership of the land shall take effect on the expiry of a period of five years from the date of such declaration.

Compensa-
tion to land
transferred to
the tenant under
section 127.

128. (1) In respect of every land the ownership of which stands transferred to the tenant under section 127, the landowner shall be entitled to compensation which shall consist of the aggregate of the following amounts, that is to say,—

(a) an amount equal to thirty times the full land revenue payable for the land or, if the land is held revenue-free or at a

concessional rate, thirty times the amount of land revenue payable for similar lands in the locality;

- (b) the value of trees, if any, planted by the landowner.

*Explanation.—*Where any improvement has been made on the land at the expense of the landowner at any time subsequent to the last settlement, the land revenue for the purpose of this section shall be the land revenue payable for similar lands in the locality.

(2) The land revenue payable for similar lands in the locality and the value of trees referred to in sub-section (1) shall be determined in the prescribed manner.

(3) Every landowner entitled to compensation under this section shall, within a period of six months from the date of the declaration referred to in section 127, apply to the competent authority in the prescribed manner for determining the compensation.

129. (1) The compensation to which a landowner is entitled under section 128 shall be paid to him by the Government in the first instance, and it may be paid in cash, in lump sum or in annual instalments not exceeding ten or in the form of bonds which may be negotiable or non-negotiable but transferable.

(2) From the date of the declaration referred to in section 127, the landowner shall be entitled to interest at the rate of $2\frac{1}{2}$ per cent. per annum on the compensation or such portion thereof as remains unpaid.

(3) Any mortgage of, or encumbrance on, the land of which the ownership is transferred to the tenant under section 127 shall be a valid charge on the amount of compensation payable to the landowner.

(4) Notwithstanding anything contained in sub-sections (1) to (3), where the person entitled to compensation under section 128 is a charitable or religious institution, the compensation shall, instead of being assessed under that section, be assessed as a perpetual annuity equal to the reasonable rent for the land, less the land revenue payable on such land. The amount so assessed shall be paid to such institution in the prescribed manner.

130. (1) Every tenant to whom ownership of any land has been transferred under section 127 shall be liable to pay to the Government in respect of that land compensation as determined under section 128.

(2) The compensation shall be payable in cash, in lump sum or in such number of annual instalments not exceeding twenty as may be prescribed. Interest at the rate of $2\frac{1}{2}$ per cent. per annum shall be payable on the compensation or such portion thereof as remains unpaid.

(3) The compensation payable under this section shall be a charge on the land.

(4) The compensation or any instalment thereof shall be recoverable in the same manner as an arrear of land revenue.

Issue of certificate to tenants.

131. When the compensation or the first instalment of the compensation, as the case may be, has been paid by the tenant, the competent authority may *suo motu* and shall, on application made to it in this behalf, issue to the tenant a certificate in the prescribed form declaring him to be the owner of the land specified therein.

First option to purchase.

132. (1) If a landowner at any time intends to sell his land held by a tenant, he shall give notice in writing of his intention to such tenant and offer to sell the land to him. In case the latter intends to purchase the land, he shall intimate in writing his readiness to do so within two months from the date of receipt of such notice.

(2) If there is any dispute about the reasonable price payable for the land, either the landowner or the tenant may apply in writing to the competent authority for determining the reasonable price; and the competent authority, after giving notice to the other party and to all other persons interested in the land and after making such inquiry as it thinks fit, shall fix the reasonable price of the land which shall be the average of the prices obtaining for similar lands in the locality during the ten years immediately preceding the date on which the application is made.

(3) The tenant shall deposit with the competent authority the amount of the price determined under sub-section (2) within such period as may be prescribed.

(4) On deposit of the entire amount of the reasonable price, the prescribed authority shall issue a certificate in the prescribed form to the tenant declaring him to be the purchaser of the land; the competent authority shall also direct that the reasonable price deposited shall be paid to the landowner.

(5) If the tenant does not exercise the right of purchase in response to the notice given to him by the landowner under sub-section

(1) or fails to deposit the amount of the price as required by sub-section (3), such tenant shall forfeit his right of purchase, and the landowner shall be entitled to sell such land to any other person.

(6) The forfeiture of the right to purchase any land under this section shall not affect the other rights of the tenant in such land.

133. (1) The Administrator may, by notification in the Official Gazette, make rules for carrying out the purposes of this Part. Power to make rules

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

(a) the form of notices to be issued under this Part and the manner of their service;

(b) the manner of holding inquiries under this Part;

(c) the circumstances in which and the period for which land used for agricultural purposes may be left uncultivated;

(d) the conditions subject to which lands may be leased by the deputy commissioner under section 107;

(e) the form of applications to be made under this Part, the authorities to whom they may be made and the procedure to be followed by such authorities in disposing of the applications;

(f) the determination of the value of the produce of land, the profits of agriculture, and the rental values of land, for the purposes of this Part;

(g) the time and manner of payment of rent by the tenant;

(h) the form of receipt for rent to be given by the land-owner;

(i) the factors to be taken into account in determining reasonable rent for land and in commuting rent in kind into money rent;

(j) the nature and the extent of relief to the tenant in cases of suspension or remission of land revenue by the Government;

(k) the determination of compensation for improvements to tenants who are evicted from land;

(l) the grant of permission to surrender land;

(m) the determination of the amount of compensation payable to the landowner in respect of the non-resumable lands of tenants;

(n) the form of certificates to be granted to tenants;

- (o) the determination of the price to be paid by tenant for land in respect of which the first option to purchase is exercised;
- (p) any other matter which is to be or may be prescribed.

PART IV

CHAPTER XI.—CEILING ON LAND HOLDINGS

Bxemption.

134. The provisions of this Chapter shall not apply to land owned by the Government or a local authority.

Definitions.

135. For the purposes of this Chapter,—

- (a) "ceiling limit", in relation to land, means the limit fixed under section 136;
- (b) "family", in relation to a person, means the person, the wife or husband, as the case may be, and the dependent children and grandchildren, of such person;
- (c) "land" does not include land used for non-agricultural purposes.

Ceiling on holdings.

136. No person either by himself, or, if he has a family, together with any other member of his family (hereinafter referred to as the person representing the family) shall, whether as a landowner or as a tenant or as a mortgagee with possession or otherwise, or partly in one capacity and partly in another, hold land in excess of twenty-five acres in the aggregate:

Provided that, where the number of members of the family of such person exceeds five, he may hold five additional acres for each member in excess of five, so however as not to exceed fifty acres in the aggregate.

Explanation.—In the case of a company, an association or any other body of individuals, the ceiling limit shall be twenty-five acres.

Submission of returns.

137. Every person representing a family who at the commencement of this Act holds, or has at any time during the period between the 15th day of January, 1959 and such commencement held, land in excess of the ceiling limit shall submit to the competent authority, in such form and within such time as may be prescribed, a return giving the particulars of all land held by him and indicating therein the parcels of land, not exceeding the ceiling limit, which he desires to retain:

Provided that in the case of joint-holding, all co-sharers may submit the return jointly indicating the parcels of land, not exceeding the aggregate of their individual ceiling limits which they desire to retain.

Explanation.—In the case of a person under disability, the return shall be furnished by his guardian or authorised agent, as the case may be.

138. If any person who under section 137 is required to submit a return, fails to do so, the competent authority may collect the necessary information through such agency as may be prescribed. Collection of information through other agency.

139. (1) On receipt of any return under section 137 or information under section 138 or otherwise, the competent authority shall, after giving the persons affected an opportunity of being heard, hold an inquiry in such manner as may be prescribed, and having regard to the provisions of section 140 and section 141 and of any rules that may be made in this behalf, it shall determine— Procedure for determination of excess land.

- (a) the total area of land held by each person representing the family;
- (b) the specific parcels of land which he may retain;
- (c) the land held by him in excess of the ceiling limit;
- (d) whether such excess land is held by him as a landowner or as a tenant or as a mortgagee with possession;
- (e) the excess land in respect of which the tenant or the mortgagee with possession may acquire the rights of the landowner or the mortgagor, as the case may be;
- (f) the excess land which may be restored to a landowner or a mortgagor;
- (g) the excess land which shall vest in the Government; and
- (h) such other matters as may be prescribed.

(2) For the purposes of determining the excess land under this section, any land transferred at any time during the period between the 15th day of January, 1959 and the commencement of this Act shall, notwithstanding such transfer, be deemed to be held by the transferor.

(3) The competent authority shall prepare a list in the prescribed form containing the particulars determined by it under sub-section (1) and shall cause every such list to be published in the Official Gazette and also in such other manner as may be prescribed. of excess land in cases of certain transfers.

140. (1) Where any person holding land in excess of the ceiling limit at any time during the period between the 15th day of January, 1959, and the 9th day of December, 1959, has transferred during such period any part of his land to any other person under Selection of excess land in cases of certain transfers.

a registered deed for valuable consideration, the excess land to be determined under section 139 shall, to the extent possible, be selected out of the land held at the commencement of this Act by the transferor in excess of a family holding and no land shall be selected out of the land transferred.

(2) Where any person holding land in excess of the ceiling limit at any time—

(a) during the period between the 15th day of January, 1959 and the 9th day of December, 1959, has transferred during such period any part of his land to any other person in any manner other than under a registered deed for valuable consideration, or

(b) during the period between the 9th day of December, 1959 and the commencement of this Act has transferred during such period any part of his land to any other person in any manner whatsoever,

the excess land to be determined under section 139 shall be selected out of the lands held at the commencement of this Act by the transferor and the transferee in the same proportion as the land held by the transferor bears to the land transferred and where no land is held by the transferor, out of the land transferred.

(3) Where excess land is to be selected out of the lands of more than one transferee, such land shall be selected out of the lands held by each of the transferees in the same proportion as the area of the land transferred to him bears to the total area of the lands transferred to all the transferees.

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

(5) Notwithstanding anything hereinbefore contained, the excess land to be selected shall in no case include the homestead land of a person.

Explanation.—For the purpose of this sub-section, “homestead land” means the land on which the homestead (whether used by the owner or let out on rent) stands together with any courtyard, compound and attached garden, not exceeding one acre in the aggregate.

**Excess land
to vest in
Government**

141. (1) Where any excess land of a landowner is in his actual possession, the excess land shall vest in the Government.

(2) Where any excess land of a landowner is in the possession of a person holding the same as a tenant or as a mortgagee and the excess land together with any other land held by such person exceeds his ceiling limit, the land in excess of the ceiling limit shall vest in the Government.

(3) Where any excess land of a landowner is in the possession of a person holding the same as a tenant or as a mortgagee and such person is allowed to retain the excess land or a part thereof as being within his ceiling limit, that person shall acquire the rights of the landowner or of the mortgagor, as the case may be, in respect of such excess land or part thereof on payment of compensation, if any, as hereinafter provided, but if that person refuses to pay such compensation, the excess land or part thereof shall vest in the Government.

(4) Where there is any excess land of a tenant or of a mortgagee with possession, the excess land shall vest in the Government:

Provided that, in any case where the excess land or any part thereof held by a person as landowner or mortgagor together with any other land held by such person does not exceed the ceiling limit, the excess land or such part thereof as does not exceed the ceiling limit shall be restored to the possession of that person on an application made by him in this behalf to the competent authority within such time as may be prescribed and in the case where the possession of such land is restored to the mortgagor, the mortgage in respect of such land shall be deemed to be a simple mortgage.

142. (1) Any person aggrieved by an entry in the list published Publication under sub-section (3) of section 139 may, within thirty days from the date of publication thereof in the Official Gazette, file objections thereto before the deputy commissioner.

(2) The deputy commissioner or any other officer authorised in this behalf by the Administrator may, after considering the objections and after giving the objector or his representatives an opportunity of being heard in the matter, approve or modify the list.

(3) The list as approved or modified under sub-section (2) shall then be published in the Official Gazette and also in such other manner as may be prescribed and subject to the provisions of this Act, the list shall be final.

(4) With effect from the date of publication of the list in the Official Gazette under sub-section (3),—

(a) the excess land shall stand transferred to and vest in the Government free of all encumbrances; or

(b) the possession of the excess land shall stand restored to the landowner or the mortgagor, as the case may be; or

(c) the rights of the landowner or the mortgagor in respect of the excess land shall stand transferred to the tenant or the mortgagee, as the case may be.

Compensa-
tion.

143. (1) Where any excess land of a landowner vests in the Government, there shall be paid by the Government to the landowner compensation, subject to the provisions of sub-section (2), of an amount equal to twenty times the net annual income from such land.

Explanation.—For the purposes of sub-section (1), the net annual income from any land shall be deemed to be one-fifth of the value of the average yearly gross produce of the land, calculated in such manner as may be prescribed.

(2) Where such excess land or any part thereof is in the possession of a tenant, the compensation payable under sub-section (1) in respect of the land shall be apportioned between the landowner and the tenant in such proportion as may be determined by the competent authority in the prescribed manner, having regard to their respective shares in the net income from such land.

(3) In addition to the compensation payable in respect of any excess land under sub-section (1), there shall also be paid compensation in respect of any structure or building constructed on such land and any trees planted thereon, and such compensation shall be determined by the competent authority in the prescribed manner, having regard to the market value of any structure or building or the value of such trees, and such compensation shall be paid to the person who has constructed the structure or building or planted the trees.

(4) Where any excess land in respect of which compensation is payable is subject to any mortgage or other encumbrance, the amount due under the mortgage or other encumbrance in respect of such excess land, or where a transfer of any excess land is void by virtue of sub-section (4) of section 140, the consideration money paid by the transferee in respect of such excess land, shall be a charge on the compensation payable in respect of the excess land to the person who has created the mortgage or encumbrance or, as the case may be, to the transferor.

(5) Where a tenant acquires the rights of a landowner in respect of any excess land, the compensation payable by him in respect of that land shall be equal to the amount which the landowner would have been paid as compensation under sub-section (2) or sub-section (3) if the land had vested in the Government; and the amount shall, in the first instance, be paid to the landowner by the Government and shall be recovered from the tenant in such manner as may be prescribed.

(6) Where a mortgagee in possession acquires the rights of the mortgagor in respect of any excess land under sub-section (3) of section 141, the compensation payable by the mortgagee in respect of that land shall be such sum of money, if any, as may be due to the mortgagor after setting off the mortgage debt against the market value of such excess land.

(7) Where any excess land of a religious or charitable institution vests in the Government, such institution shall, in lieu of compensation payable under sub-section (1) or sub-section (2) or sub-section (3), be paid an annuity equal to the net annual income of the excess land and such net annual income shall be determined by the competent authority in the prescribed manner.

(8) The competent authority shall, after holding an inquiry in the prescribed manner, make an order determining the amount of compensation payable to any person under this section.

144. (1) The compensation payable under section 143 shall be due Manner or from the date of publication of the list under sub-section (3) of payment of compensation payable under section 142 and may be paid in cash, in a lump sum or in instalments, or in bonds.

(2) Where the compensation is payable in bonds, the bonds may be made not transferable or transferable by endorsement or in any other manner but all such bonds shall be redeemed within such period, not exceeding twenty years from the date of issue, as may be prescribed.

(3) Where there is any delay in the payment of compensation or where the compensation is paid either in instalments or in bonds, it shall carry interest at the rate of two and a half per cent. per annum from the date on which it falls due.

145. No person representing a family shall acquire in any manner whatsoever, whether by transfer, exchange, lease, agreement or succession, any land where such acquisition has the effect of making the total area of the land held by him exceed the ceiling limit; and any such land in excess of the ceiling limit shall be treated as excess land Limit of future acquisition of land.

of the transferee and the provisions of sections 139 to 144 shall, as far as may be, apply to such excess land.

Excess land
not to be
surrendered
in certain
cases.

146. Where a person representing a family holds land not exceeding the ceiling limit, but subsequently the land held exceeds the ceiling limit, then, notwithstanding anything contained in this Chapter, such person shall not be required to surrender any part of the land on the ground that it is excess land, if such excess is due to a decrease in the number of members of the family.

Power of
deputy com-
missioner
to take pos-
session of
excess land.

147. After the publication of the list of excess lands under sub-section (3) of section 142, and after demarcation in the prescribed manner of such lands where necessary, the deputy commissioner may take possession of any excess land and may use or cause to be used such force as may be necessary for the purpose.

Offences
and penal-
ties.

148. (1) Whoever being bound to submit a return under section 137 fails to do so, without reasonable cause, within the prescribed time, or submits a return which he knows or has reason to believe to be false, shall be punishable with fine which may extend to one thousand rupees.

(2) Whoever contravenes any lawful order made under this Chapter or otherwise obstructs any person from lawfully taking possession of any land shall be punishable with fine which may extend to one thousand rupees.

Finality of
orders.

149. Subject to the provisions of this Act, every order made under this Chapter shall be final.

Power to
exempt, etc.

150. (1) The Administrator may, on an application made to him in this behalf within three months from the commencement of this Act, exempt from the operation of section 136—

(a) any land which is being used for growing tea, coffee or rubber including lands used or required for use for purposes ancillary to, or for the extension of, the cultivation of tea, coffee or rubber to be determined in the prescribed manner;

(b) any sugarcane farm operated by a sugar factory;

(c) any specialised farm which is being used for cattle breeding, dairy or wool raising;

(d) any person who holds a compact block land exceeding the ceiling limit which—

(i) is being used as an orchard from before the 1st day of January, 1958, or

(ii) is being used as a farm in which heavy investment or permanent structural improvements have been made and which, in the opinion of the Administrator, is being so efficiently managed that its break up is likely to bring a fall in production:

Provided that where such person holds the compact block of land together with any other land, he shall be permitted to elect to retain either the compact block of land, notwithstanding that it exceeds the ceiling limit, or the other land not exceeding the ceiling limit;

(e) any land which is being held by a co-operative society, provided that where a member of any such society holds a share in such land, his share shall be taken into account in determining his ceiling limit:

Provided that the Administrator may entertain the application after the expiry of the said period of three months, if he is satisfied that the applicant was prevented by sufficient cause from making the application in time.

(2) Where any land in respect of which exemption has been granted to a person under clause (a) of sub-section (1) is transferred to another person, the Administrator may, on an application made to him within three months from the date of the transfer, exempt the transferee from the operation of section 136 and section 145 and the provisions of the said clause shall, as far as may be, apply to the grant of such exemption.

(3) Where the Administrator is of opinion that the use of land for any specified purpose is expedient or necessary in the public interest, he may, by notification in the Official Gazette, make a declaration to that effect and on the issue of such notification, any person may, notwithstanding anything contained in section 145 acquire land in excess of the ceiling limit for being used for such specified purpose and such person shall, within one month from the date of such acquisition, send intimation thereof to the competent authority.

(4) Where any land in respect of which exemption has been granted under sub-section (1) or sub-section (2) or sub-section (3) ceases to be used, or is not, within the prescribed time, used, for the

purpose for which exemption had been granted, the Administrator may, after giving the persons affected an opportunity of being heard, withdraw such exemption.

CHAPTER XII.—PREVENTION OF FRAGMENTATION

Definitions.

151. For the purposes of this Chapter,—

- (a) “holding” means the aggregate area of land held by a person as a landowner;
- (b) “fragment” means a holding of less than two and a half acres in area;
- (c) “land” has the same meaning as in Chapter XI.

Restrictions on transfer. etc.

152. (1) No portion of a holding shall be transferred by way of sale, exchange, gift, bequest or mortgage with possession, so as to create a fragment:

Provided that the provisions of this sub-section shall not apply to a gift made in favour of the Bhoojan movement initiated by Acharya Vinoba Bhave.

(2) No portion of a holding shall be transferred by way of lease, where as a result of such lease,—

- (i) the lessor shall be left with less than two and a half acres, or
- (ii) the total area held by the lessee exceeds the limit of a family holding.

(3) No fragment shall be transferred to a person who does not have some land under personal cultivation, or to a person who holds, or by reason of such transfer shall hold, land in excess of the limit of a family holding.

Partition of holding.

153. (1) No holding shall be partitioned in such manner as to create a fragment.

(2) A fragment shall not be partitioned unless as a result of such partition its portions get merged in holdings of two and a half acres or more or in fragments so as to create holdings of two and a half acres or more.

(3) Whenever, in a suit for partition, the court finds that the partition of a holding will result in the creation of a fragment, the court shall, instead of proceeding to divide the holding, direct the

sale of the same and distribute the proceeds thereof among the co-sharers.

(4) Wherever a holding is put up for sale under sub-section (3), a co-sharer shall have the first option to purchase the holding at the highest bid; if there are two or more co-sharers claiming the first option, that co-sharer who offers the highest consideration shall be preferred.

154. (1) Any transfer, partition or lease of land made in contravention of the provisions of this Chapter shall be void. Transfers in contravention of this Chapter.

16 of 1908. (2) No document of transfer, partition or lease shall be registered unless declarations in writing are made, in such form and manner as may be prescribed, by the parties thereto before the competent registering authority under the Indian Registration Act, 1908, regarding lands held by each prior to the transaction and the land which each shall come to hold thereafter.

16 o 1908. (3) No registering authority shall register under the Indian Registration Act, 1908, any document of transfer, partition or lease of land if, from the declarations made under sub-section (2), it appears that the transaction has been effected in contravention of the provisions of this Chapter.

155. The parties to any transfer, partition or lease made or entered into in contravention of any of the provisions of this Chapter shall be punishable with fine which extend to one hundred rupees.

156. (1) The Administrator may, by notification in the Official Gazette, make rules to carry out the purposes of this Part. Official Power to make rules.

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

- (a) the form in which and the period within which a return under section 137 may be submitted;
- (b) the agency through which information may be collected under section 138;
- (c) the manner of holding enquiries under this Part;
- (d) the matters which may be determined under sub-section (1) of section 139 and the manner of determination of excess lands under this Part;
- (e) the form in which a list under sub-section (3) of section 139 or sub-section (3) of section 142 may be prepared and the manner of publication of such list;

- (f) the period within which an application for restoration of excess land may be made under the proviso to sub-section (4) of section 141;
- (g) the manner of apportionment of compensation between the landowner and the tenant under sub-section (2) of section 143;
- (h) the manner of assessment of the market value of any structure or building or trees under sub-section (3) of section 143;
- (i) the manner of recovery of the compensation payable by the tenant under sub-section (5) of section 143;
- (j) the manner of determining under sub-section (6) of section 143 the market value of any excess land over which a mortgagee in possession acquires the rights of the mortgagor;
- (k) the manner of determination of the net annual income of any excess land for the purpose of payment of compensation under section 143;
- (l) the manner of payment of compensation including the number of instalments in which the compensation may be paid or recovered and the period within which bonds may be redeemed;
- (m) the manner of demarcation of any excess land under section 147;
- (n) the matters which may be determined by the Administrator in granting an exemption under section 150 including the form in which applications and intimations may be made or given, under section 150;
- (o) the form of declarations under section 154;
- (p) any other matter which is to be or may be prescribed.

PART V

CHAPTER XIII.—GENERAL AND MISCELLANEOUS

Recovery of amounts due as an arrear of and revenue. 157. Without prejudice to any other provision of this Act, any amount due to the Government, whether by way of costs, penalty or otherwise, and any other amount which is ordered to be paid to or recovered by the Government, under this Act shall be recoverable in the same manner as an arrear of land revenue.

Special provision regarding Scheduled Tribes. 158. No transfer of land by a person who is a member of the Scheduled Tribes shall be valid unless—

- (a) the transfer is to another member of the Scheduled Tribes; or

(b) where the transfer is to a person who is not a member of any such tribe, it is made with the previous permission in writing of the deputy commissioner; or

(c) the transfer is by way of mortgage to a co-operative society.

159. No suit or other proceedings shall, unless otherwise expressly provided for in this Act or in any other law for the time being in force, lie or be instituted in any civil court with respect to any matter arising under and provided for by this Act:

Provided that if in a dispute between parties a question of title is involved, a civil suit may be brought for the adjudication of such question.

160. Save as otherwise provided, the provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law, custom or usage or agreement or decree or order of court.

161. Notwithstanding anything contained in the Court-fees Act,

every application, appeal or other proceeding under this Act shall bear a court-fee stamp of such value as may be prescribed.

162. Every *amin* and every other village officer appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

163. With the previous approval of the Government, the Administrator may, by notification in the Official Gazette exempt any class of lands from all or any of the provisions of this Act.

164. Whoever contravenes any provision of this Act for which no penalty has been otherwise provided for therein shall be punishable with fine which may extend to five hundred rupees.

165. No suit, prosecution or other proceedings shall lie—

(a) against any officer of the Government for anything in good faith done or intended to be done under this Act;

(b) against the Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by anything, in good faith, done or intended to be done under this Act.

166. The Administrator may, by notification in the Official Gazette, delegate to any officer or authority subordinate to him any of the powers conferred on him or on any officer subordinate to him by

this Act, other than the power to make rules, to be exercised subject to such restrictions and conditions as may be specified in the said notification.

Power to remove difficulties.

167. If any difficulty arises in giving effect to any provision of this Act, the Government may, as occasion requires, take any action not inconsistent with the provisions of this Act which may appear to it necessary for the purpose of removing the difficulty.

General power to make rules.

168. Without prejudice to any power to make rules contained elsewhere in this Act, the Administrator may, by notification in the Official Gazette, make rules generally to carry out the purposes of this Act.

Laying of rules before Parliament.

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

Repeal and savings.

170. (1) On and from the date on which any of the provisions of this Act are brought into force in any area in the Union territory of Manipur, the enactments specified in the Schedule or so much thereof as relate to the matters covered by the provisions so brought into force shall stand repealed in such area.

(2) The repeal of any enactment or part thereof by sub-section (1) shall not affect,—

(a) the previous operation of such enactment or anything duly done or suffered thereunder;

(b) any right, privilege, obligation or liability acquired, accrued or incurred under such enactment;

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against such enactment;

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted or enforced and any such penalty, forfeiture or punishment may be imposed as if such enactment or part thereof had not been repealed.

(3) Subject to the provisions contained in sub-section (2), any appointment, rule, order, notification or proclamation made or issued, any lease, rent, right or liability granted, fixed, acquired or incurred and any other thing done or action taken under any of the enactments or parts thereof repealed under sub-section (1) shall, in so far as it is not inconsistent with the provisions of this Act brought into force, be deemed to have been made, issued, granted, fixed, acquired, incurred, done or taken under this Act and shall continue to be in force until superseded by anything done or any action taken under this Act.

(4) Any custom or usage prevailing at the time any of the provisions of this Act are brought into force in any area in the Union territory of Manipur and having the force of law therein shall, if such custom or usage is repugnant to or inconsistent with such provision, cease to be operative to the extent of such repugnancy or inconsistency.

THE SCHEDULE

[See Section 170 (1)]

1. The Assam Land and Revenue Regulation, 1886 (Assam Act I of 1886), as extended to the Union Territory of Manipur by notification under section 2 of the Union Territories (Laws) Act, 1950 (30 of 1950).
2. The Bombay Vidarbha Region Agricultural Tenants (Protection from Eviction and Amendment of Tenancy Laws) Act, 1957 (Bom. Act IX of 1958), as extended to the Union territory of Manipur by notification under section 2 of the Union Territories (Laws) Act, 1950 (30 of 1950).

Reply Act 52 of 1964, s. 2 + Sch I (w.e.f. 29.12.64).

THE PLANTATIONS LABOUR (AMENDMENT)
ACT, 1960

NO. 34 OF 1960

[13th September, 1960]

An Act further to amend the Plantations Labour Act, 1951.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Plantations Labour (Amendment) Act, 1960. 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.

^{69 of 1951.} 2. In section 1 of the Plantations Labour Act, 1951 (hereinafter referred to as the principal Act), for sub-section (4), the following sub-sections shall be substituted, namely:— Amendment of section 1.

"(4) It applies to the following plantations, that is to say,—

(a) to any land used or intended to be used for growing tea, coffee, rubber or cinchona which admeasures 10.117 hectares or more and in which thirty or more persons are employed or were employed on any day of the preceding twelve months;

(b) to any land used or intended to be used for growing any other plant, which admeasures 10.117 hectares or more and in which thirty or more persons are employed or were employed on any day of the preceding twelve months, if, after obtaining the approval of the Central Government, the State Government, by notification in the Official Gazette, so directs.

(5) The State Government may, by notification in the Official Gazette, declare that all or any of the provisions of this Act shall apply also to any land used or intended to be used for

12th November, 1960, vide Notification No. S. O. 2788, dt. 15-II-1960, Gazette of India, Pt. II, Sec. 3 (ii), p. 3352.

growing any plant referred to in clause (a) or clause (b) of sub-section (4), notwithstanding that—

(a) it admeasures less than 10.117 hectares, or

(b) the number of persons employed therein is less than thirty:

Provided that no such declaration shall be made in respect of such land which admeasured less than 10.117 hectares or in which less than thirty persons were employed, immediately before the commencement of this Act.”.

Amendment
of section 2.

3. In section 2 of the principal Act,—

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

‘(ee) “family”, when used in relation to a worker, means—

(i) his or her spouse, and

(ii) the legitimate and adopted children of the worker dependent upon him or her, who have not completed their eighteenth year,

and includes, where the worker is a male, his parents dependent upon him;’;

(ii) for clause (f), the following clause shall be substituted, namely:—

‘(f) “plantation” means any plantation to which this Act, whether wholly or in part, applies and includes offices, hospitals, dispensaries, schools, and any other premises used for any purpose connected with such plantation, but does not include any factory on the premises to which the provisions of the Factories Act, 1948, apply;’;

63 of 1948.

(iii) for clause (h), the following clause shall be substituted, namely:—

‘(h) “qualified medical practitioner” means a person holding a qualification granted by an authority specified or notified under section 3 of the Indian Medical Degrees Act, 1916, or specified in the Schedules to the Indian Medical Act, 1916.

Act of 1956, Council Act, 1956, and includes any person having a certificate granted under any Provincial or State Medical Council Act;'

(iv) for clause (k), the following clause shall be substituted, namely:—

(k) "worker" means a person employed in a plantation for hire or reward, whether directly or through any agency, to do any work, skilled, unskilled, manual or clerical, but does not include—

(i) a medical officer employed in the plantation;

(ii) any person employed in the plantation (including any member of the medical staff) whose monthly wages exceed rupees three hundred;

(iii) any person employed in the plantation primarily in a managerial capacity, notwithstanding that his monthly wages do not exceed rupees three hundred; or

(iv) any person temporarily employed in the plantation in any work relating to the construction, development or maintenance of buildings, roads, bridges, drains or canals;’.

4. In section 10 of the principal Act, in sub-section (1), after the word "workers", the words "and their families" shall be inserted. Amendment of section 10.

5. In section 16 of the principal Act, in clause (e) the words "the definition of what constitutes the family of a worker for the purposes of section 15" shall be omitted. Amendment of section 16.

6. In section 30 of the principal Act.—

Amendment of section 30.

(i) in sub-section (1), after the proviso, the following *Explanation* shall be inserted, namely:—

"Explanation.—For the purposes of calculating leave under this sub-section,—

(a) any day on which no work or less than half a day's work is performed shall not be counted; and

(b) any day on which half or more than half a day's work is performed shall be counted as one day.";

Replies Act 52 of 1964.

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Plantations Labour (Amendment)

[ACT 34 OF 1960]

(ii) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) If the employment of a worker who is entitled to leave under this section is terminated by the employer before he has taken the entire leave to which he is entitled, the employer shall pay him the amount payable under section 31 in respect of the leave not taken, and such payment shall be made before the expiry of the second working day after such termination.”.

Amendment
of section
31.

7. In section 31 of the principal Act, for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) For the leave allowed to a worker under section 30, he shall be paid,—

(a) if employed wholly on a time-rate basis, at a rate equal to the daily wage payable to him immediately before the commencement of such leave under any law or under the terms of any award, agreement or contract of service, and

(b) in other cases, including cases where he is, during the preceding twelve calendar months, paid partly on a time-rate basis and partly on a piece-rate basis, at the rate of the average daily wage calculated over the preceding twelve calendar months.

Explanation.—For the purposes of clause (b) of sub-section (1), the average daily wage shall be computed on the basis of his total full-time earnings during the preceding twelve calendar months, exclusive of any over-time earnings or bonus, if any, but inclusive of dearness allowance.

(1A). In addition to the wages for the leave period at the rates specified in sub-section (1), a worker shall also be paid the cash value of food and other concessions, if any, allowed to him by the employer in addition to his daily wages unless these concessions are continued during the leave period.”.

Amendment
of section
42.

8. In section 42 of the principal Act, after the words “such exemption”, the words and figures “other than an exemption from section 19” shall be inserted.

Rep. by Act 53 of 1964, s. 2 + sch. I (w.e.f. 28.12.64).

THE DRUGS (AMENDMENT) ACT, 1960

No. 35 OF 1960

[15th September, 1960]

An Act further to amend the Drugs Act, 1940.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Drugs (Amendment) Act, 1960. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 3 of the Drugs Act, 1940 (hereinafter referred to as the principal Act),— Amendment of section 3.

(i) in clause (b), in sub-clause (i), for the words "in the treatment", the words "in the diagnosis, treatment" shall be substituted;

(ii) after clause (b), the following clause shall be inserted, namely:—

"(c) 'Government Analyst' means a Government Analyst appointed by the Central Government or a State Government under section 20;";

(iii) the existing clause (bb) shall be re-lettered as clause (d) and after clause (d) as so re-lettered, the following clause shall be inserted, namely:—

"(e) 'Inspector' means an Inspector appointed by the Central Government or a State Government under section 21;" and

(iv) the existing clauses (bbb), (c), (d) and (e) shall be re-lettered respectively as (f), (g), (h) and (i).

3. In section 19 of the principal Act, in sub-section (2), in clause (aa), for the words, brackets and letter "in clause (d)", the words, brackets and letter "in clause (h)" shall be substituted. Amendment of section 19.

16th March, 1961, vide Notification No. S. O. 593, dt. 16-3-1961, Gazette of India, Extraordinary, Pt. II, Sec. 3(ii), p. 233.

Substitution
of new sec-
tions for sec-
tions 20 and
21.

4. For sections 20 and 21 of the principal Act, the following sections shall be substituted, namely:—

Government
Analysts.

"20. (1) The State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit, having the prescribed qualifications, to be Government Analysts for such areas in the State and in respect of such drugs or class of drugs as may be specified in the notification.

(2) The Central Government may also, by notification in the Official Gazette, appoint such persons as it thinks fit, having the prescribed qualifications, to be Government Analysts in respect of such drugs or class of drugs as may be specified in the notification.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), neither the Central Government nor a State Government shall appoint as a Government Analyst any official not serving under it without the previous consent of the Government under which he is serving.

Inspectors.

21. (1) The Central Government or a State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit, having the prescribed qualifications, to be Inspectors for such areas as may be assigned to them by the Central Government or the State Government, as the case may be.

(2) The powers which may be exercised by an Inspector and the duties which may be performed by him, the drugs or class of drugs in relation to which and the conditions, limitations or restrictions subject to which, such powers and duties may be exercised or performed shall be such as may be prescribed.

(3) No person who has any financial interest in the manufacture, import or sale of drugs shall be appointed to be an Inspector under this section.

(4) Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, and 45 of 1860. shall be officially subordinate to such authority as the Government appointing him may specify in this behalf."

Amendment
of section
22.

5. In section 22 of the principal Act, in sub-section (1), after clause (c), the following clause shall be inserted, namely:—

"(cc) examine any record, register, document or any other material object found in any place mentioned in clause (c), and

seize the same if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder;".

6. In section 23 of the principal Act, after sub-section (5), the following sub-section shall be inserted, namely:—

Amendment
of section
23.

"(6) Where an Inspector seizes any record, register, document or any other material object under clause (cc) of sub-section (1) of section 22, he shall, as soon as may be, inform a magistrate and take his orders as to the custody thereof."

7. For section 27 of the principal Act, the following section shall be substituted, namely:

Substitution
of new sec-
tion for sec-
tion 27.

"27. Whoever himself or by any other person on his behalf manufactures for sale, sells, stocks or exhibits for sale or distributes any drug,—

Penalty for
manufacture,
sale, etc., or
drugs in con-
travention of
this Chapter.

(a) deemed to be misbranded under clause (a), clause (b), clause (c), clause (d), clause (f) or clause (g) of section 17 shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and shall also be liable to fine:

Provided that the Court may, for any special reasons to be recorded in writing, impose a sentence of imprisonment of less than one year;

(b) other than a drug referred to in clause (a) in contravention of any of the provisions of this Chapter or any rule made thereunder shall be punishable with imprisonment which may extend to three years, or with fine, or with both."

8. In section 30 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:

Amendment
of section
30.

"(1) Whoever, having been convicted of an offence—

(a) under clause (a) of section 27 is again convicted of an offence under that clause, shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to five years and shall also be liable to fine:

Provided that the Court may, for any special reasons to be recorded in writing, impose a sentence of less than two years;

(b) under clause (b) of section 27, is again convicted of an offence under that clause shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.”.

**Amendment
of section
31.**

9. Section 31 of the principal Act shall be re-numbered as sub-section (1) of that section, and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) Without prejudice to the provisions contained in sub-section (1), any drug in respect of which the Court is satisfied, on the application of an Inspector or otherwise and after such inquiry as may be necessary, that the drug is not of standard quality or is a misbranded drug, shall be liable to confiscation.”.

**Amendment
of section
33.**

10. In section 33 of the principal Act,—

(i) in sub-section (2), for clause (n), the following clause shall be substituted, namely:—

“(n) prescribe the powers and duties of Inspectors and the drugs or class of drugs in relation to which and the conditions, limitations or restrictions subject to which, such powers and duties may be exercised or performed;”;

(ii) after sub-section (2), the following sub-section shall be inserted, namely :—

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

Reply Act 52 of 1964

oF 1960]

Drugs (Amendment)

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11. In Chapter V of the principal Act, before section 34, the Insertion of new section following section shall be inserted, namely:—
33A.

"33A. The Central Government may give such directions Power to to any State Government as may appear to the Central Government to be necessary for carrying into execution in the State any of the provisions of this Act or of any rule or order made thereunder.".

THE APPROPRIATION (No. 4) ACT, 1960

No. 36 OF 1960

[15th September, 1960]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1960-61.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Appropriation (No. 4) Act, 1960.

Issue of Rs. 18,11,20,000 out of the Consolidated Fund of India for the year 1960-61. 2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of eighteen crores, eleven lakhs and twenty thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1960-61, in respect of the services specified in column 2 of the Schedule.

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

THE SCHEDULE

(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Par- liament	Charged on the Consolida- ted Fund	Total
		Rs.	Rs.	Rs.
10	Defence Services—Effective—Navy	7,000	7,000
65	Miscellaneous Departments and Other Expenditure under the Ministry of Irrigation and Power	1,000	..	1,000
70A	Miscellaneous Expenditure under the Ministry of Law	7,27,000	..	7,27,000
83	Ministry of Transport and Communications	7,50,000	..	7,50,000
112	Capital Outlay on Currency and Coinage	4,41,93,000	..	4,41,93,000
120	Other Capital Outlay of the Ministry of Food and Agriculture	12,000	12,000
127	Capital Outlay of the Ministry of Rehabilitation	4,29,000	4,29,000
129	Capital Outlay of the Ministry of Steel, Mines and Fuel	1,000	..	,000
133	Capital Outlay on Roads	13,50,00,000	..	13,50,00,000
	TOTAL . . .	18,06,72,000	4,48,000	18,11,20,000

THE BANKING COMPANIES (SECOND AMENDMENT)
ACT, 1960

No. 37 OF 1960

[19th September, 1960]

An Act further to amend the Banking Companies Act, 1949.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Banking Companies (Second Amendment) Act, 1960.

Amendment of section 39. 2. In section 39 of the Banking Companies Act, 1949 (hereinafter referred to as the principal Act), for the words "notified by the Central Government in this behalf, as stated in such application shall be appointed as the official liquidator of the banking company in such proceeding", the words "notified by the Central Government in this behalf or any individual, as stated in such application shall be appointed as the official liquidator of the banking company in such proceeding and the liquidator, if any, functioning in such proceeding shall vacate office upon such appointment" shall be substituted.

Substitution of new sections for section 41.

Preliminary report by official liquidator.

3. For section 41 of the principal Act, the following sections shall be substituted, namely:—

"41. Notwithstanding anything to the contrary contained in section 455 of the Companies Act, 1956, where a winding-up order has been made in respect of a banking company whether before or after the commencement of the Banking Companies (Second Amendment) Act, 1960, the official liquidator shall submit a preliminary report to the High Court within two months from the date of the winding-up order or where the winding-up order has been made before such commencement, within two months from such commencement, giving the information required by that

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Sections 2 to 9 rep. by Act 52 of 1964, s. 2 + Sch. I
(w.e.f. 29.12.64).

section so far as it is available to him and also stating the amount of assets of the banking company in cash which are in his custody or under his control on the date of the report and the amount of its assets which are likely to be collected in cash before the expiry of that period of two months in order that such assets may be applied speedily towards the making of preferential payments under section 530 of the Companies Act, 1956, and in the discharge, as far as possible, of the liabilities and obligations of the banking company to its depositors and other creditors in accordance with the provisions hereinafter contained; and the official liquidator shall make for the purposes aforesaid every endeavour to collect in cash as much of the assets of the banking company as practicable.

41A. (1) Within fifteen days from the date of the winding-up order of a banking company or where the winding-up order has been made before the commencement of the Banking Companies (Second Amendment) Act, 1960, within one month from such commencement, the official liquidator shall, for the purpose of making an estimate of the debts and liabilities of the banking company (other than its liabilities and obligations to its depositors), by notice served in such manner as the Reserve Bank may direct, call upon—

Notice to
preferential
claimants
and secured
and unsecu-
ed creditors.

(a) every claimant entitled to preferential payment under section 530 of the Companies Act, 1956, and

(b) every secured and every unsecured creditor,

to send to the official liquidator within one month from the date of the service of the notice a statement of the amount claimed by him.

(2) Every notice under sub-section (1) sent to a claimant having a claim under section 530 of the Companies Act, 1956, shall state that if a statement of the claim is not sent to the official liquidator before the expiry of the period of one month from the date of the service, the claim shall not be treated as a claim entitled to be paid under section 530 of the Companies Act, 1956, in priority to all other debts but shall be treated as an ordinary debt due by the banking company.

(3) Every notice under sub-section (1) sent to a secured creditor shall require him to value his security before the expiry of the period of one month from the date of the service of the notice and shall state that if a statement of the claim together with the valuation of the security is not sent to the official

liquidator before the expiry of the said period, then, the official liquidator shall himself value the security and such valuation shall be binding on the creditor.

(4) If a claimant fails to comply with the notice sent to him under sub-section (1), his claim will not be entitled to be paid under section 530 of the Companies Act, 1956, in priority ^{to all other debts but shall be treated as an ordinary debt due by the banking company; and if a secured creditor fails to comply with the notice sent to him under sub-section (1), the official liquidator shall himself value the security and such valuation shall be binding on the creditor."} of 1956.

Substitution of new section for section 43A. 4. For section 43A of the principal Act, the following section shall be substituted, namely:—

Preferential payments to depositors.

"43A. (1) In every proceeding for the winding-up of a banking company where a winding-up order has been made, whether before or after the commencement of the Banking Companies (Second Amendment) Act, 1960, within three months from the date of the winding-up order or where the winding-up order has been made before such commencement, within three months therefrom, the preferential payments referred to in section 530 of the Companies Act, 1956, in respect of which statements of claims have been sent within one month from the date of the service of the notice referred to in section 41A, shall be made by the official liquidator or adequate provision for such payments shall be made by him.

(2) After the preferential payments as aforesaid have been made or adequate provision has been made in respect thereof, there shall be paid within the aforesaid period of three months—

(a) in the first place, to every depositor in the savings bank account of the banking company a sum of two hundred and fifty rupees or the balance at his credit, whichever is less; and thereafter,

(b) in the next place, to every other depositor of the banking company a sum of two hundred and fifty rupees or the balance at his credit, whichever is less,

in priority to all other debts from out of the remaining assets of the banking company available for payment to general creditors:

Provided that the sum total of the amounts paid under clause (a) and clause (b) to any one person who in his own name (and not jointly with any other person) is a depositor in the savings bank account of the banking company and also a depositor in any other account, shall not exceed the sum of two hundred and fifty rupees.

(3) Where within the aforesaid period of three months full payment cannot be made of the amounts required to be paid under clause (a) or clause (b) of sub-section (2) with the assets in cash, the official liquidator shall pay within that period to every depositor under clause (a) or, as the case may be, clause (b) of that sub-section on a *pro rata* basis so much of the amount due to the depositor under that clause as the official liquidator is able to pay with those assets; and shall pay the rest of that amount to every such depositor as and when sufficient assets are collected by the official liquidator in cash.

(4) After payments have been made first to depositors in the savings bank account and then to the other depositors in accordance with the foregoing provisions, the remaining assets of the banking company available for payment to general creditors shall be utilised for payment on a *pro rata* basis of the debts of the general creditors and of the further sums, if any, due to the depositors; and after making adequate provision for payment on a *pro rata* basis as aforesaid of the debts of the general creditors, the official liquidator shall, as and when the assets of the company are collected in cash, make payment on a *pro rata* basis as aforesaid, of the further sums, if any, which may remain due to the depositors referred to in clause (a) and clause (b) of sub-section (2).

(5) In order to enable the official liquidator to have in his custody or under his control in cash as much of the assets of the banking company as possible, the securities given to every secured creditor may be redeemed by the official liquidator—

(a) where the amount due to the creditor is more than the value of the securities as assessed by him or, as the case may be, as assessed by the official liquidator, on payment of such value; and

(b) where the amount due to the creditor is equal to or less than the value of the securities as so assessed, on payment of the amount due:

Provided that where the official liquidator is not satisfied with the valuation made by the creditor, he may apply to the High Court for making a valuation.

(6) When any claimant, creditor or depositor to whom any payment is to be made in accordance with the foregoing provisions, cannot be found or is not readily traceable, adequate provision shall be made by the official liquidator for such payment.

(7) For the purposes of this section, the payments specified in each of the following clauses shall be treated as payments of a different class, namely:—

(a) payments to preferential claimants under section 530 of the Companies Act, 1956;

^{1 of 1956.}

(b) payments under clause (a) of sub-section (2) to the depositors in the savings bank account;

(c) payments under clause (b) of sub-section (2) to the other depositors;

(d) payments to the general creditors and payments to the depositors in addition to those specified in clause (a) and clause (b) of sub-section (2).

(8) The payments of each different class specified in sub-section (7) shall rank equally among themselves and be paid in full unless the assets are insufficient to meet them, in which case they shall abate in equal proportion.”.

Amendment 5. In section 44A of the principal Act, after sub-section (6), the
of section following sub-section shall be inserted, namely:—
44A.

“(7) Nothing in the foregoing provisions of this section shall affect the power of the Central Government to provide for the amalgamation of two or more banking companies in national interest under section 396 of the Companies Act, 1956:

^{1 of 1956}

Provided that no such power shall be exercised by the Central Government except after consultation with the Reserve Bank.”.

Insertion of 6. Section 45 of the principal Act shall be re-numbered and
new section lettered as section 44B of that Act and after that section as so
45.

re-numbered and lettered, the following section shall be inserted in Part III of the principal Act, namely:—

"45. (1) Notwithstanding anything contained in the foregoing provisions of this Part or in any other law or any agreement, for the time being in force, where it appears to the Reserve Bank that there is good reason so to do, the Reserve Bank may apply to the Central Government for an order of moratorium in respect of the banking company!

Power of Reserve Bank to apply to Central Government for suspension of business by a banking company and to prepare scheme of reconstitution or amalgamation.

(2) The Central Government, after considering the application made by the Reserve Bank under sub-section (1), may make an order of moratorium staying the commencement or continuance of all actions and proceedings against the company for a fixed period of time on such terms and conditions as it thinks fit and proper and may from time to time extend the period so however that the total period of moratorium shall not exceed six months.

(3) Except as otherwise provided by any directions given by the Central Government in the order made by it under sub-section (2) or at any time thereafter, the banking company shall not during the period of moratorium make any payment to any depositors or discharge any liabilities or obligations to any other creditors.

(4) During the period of moratorium, if the Reserve Bank is satisfied that—

- (a) in the national interest; or
- (b) in the interests of the depositors; or
- (c) in order to secure the proper management of the banking company; or
- (d) in the interests of the banking system of the country as a whole,

it is necessary so to do, then, notwithstanding anything contained in this Act or in any other law or any agreement or instrument for the time being in force, the Reserve Bank may prepare a scheme—

- (i) for the reconstruction of the banking company, or
- (ii) for its amalgamation with another banking company.

with such constitution, with such capital, assets, powers, rights, interests, authorities and privileges, with such liabilities, duties and obligations and on such terms and conditions as may be specified in the scheme.

(5) The scheme may provide for the appointment of a new Board of directors—

(a) of the banking company on its reconstruction, or

(b) of the other banking company with which it is amalgamated in accordance with the scheme,

and the authority by whom, the manner in which, the period for which, and the other terms and conditions on which, such appointment shall be made, shall be as provided in the scheme.

(6) The scheme aforesaid may contain such consequential, incidental and supplemental provisions as may, in the opinion of the Reserve Bank, be necessary to give effect to the reconstruction, or, as the case may be, the amalgamation, and may also provide for the reduction of the interest or rights which the members or creditors have in or against the banking company before its reconstruction or its amalgamation with the other banking company, to such extent as the Reserve Bank considers necessary in the public interest or in the interests of the members and creditors or for the maintenance of the business of the banking company.

(7) (a) A copy of the scheme prepared by the Reserve Bank shall be sent in draft to the banking company and in the case of amalgamation, also to the other banking company with which it is proposed to be amalgamated for suggestions and objections, if any, within such period as the Reserve Bank may specify for this purpose; and

(b) the Reserve Bank may make such modifications, if any, in the draft scheme as it may consider necessary in the light of the suggestions and objections received from the banking company or in the case of amalgamation, from both the banking companies or from any members or creditors thereof.

(8) The scheme shall thereafter be placed before the Central Government for its sanction and the Central Government may sanction the scheme without any modifications or with such modifications as it may think necessary; and the scheme as sanctioned by the Central Government shall come into force on such date

as the Central Government may specify in this behalf and shall, as from that date, be binding on the banking company or companies concerned and also on all the members and creditors thereof.

(9) Copies of every scheme made under this section shall be laid before both Houses of Parliament as soon as may be after the scheme has come into force.”.

7. In section 45L of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely:—

Amendment.
of section
45L.

“(3) Where a scheme of reconstruction of a banking company or its amalgamation with another banking company has been sanctioned by the Central Government under section 45 and the Central Government is of opinion that any person who has taken part in the promotion or formation of the banking company or has been a director or auditor of the banking company should be publicly examined, that Government may apply to the High Court for the examination of such person and if on such examination the High Court finds (whether a fraud has been committed or not) that that person is not fit to be a director of a company or to act as an auditor of a company or to be a partner of a firm acting as such auditors, the Central Government shall make an order that that person shall not, without the leave of the Central Government, be a director of, or in any way, whether directly or indirectly, be concerned or take part in the management of any company or, as the case may be, act as an auditor of, or be a partner of a firm acting as auditors of, any company for such period not exceeding five years as may be specified in the order.

“(4) Where a scheme of reconstruction of a banking company or its amalgamation with another banking company has been sanctioned by the Central Government under section 45, the provisions of section 543 of the Companies Act, 1956, and of section 45II of this Act shall, as far as may be, apply to the banking company as they apply to a banking company which is being wound up as if the order sanctioning the scheme of reconstruction or amalgamation, as the case may be, were an order for the winding-up of the banking company; and any reference in the said section 543 to the application of the official liquidator shall be construed as a reference to the application of the Central Government.”.

Amendment of section 50. 8. In section 50 of the principal Act, for the word and figures "and 36", the figures, letter and word "36, 43A and 45" shall be substituted.

Amendment of section 51. 9. In section 51 of the principal Act, for the figures "45", the figures and letter "44B" shall be substituted.

Certain winding-up proceedings to be governed by original provisions.

10. The amendments made in the principal Act by section 3 and section 4 shall not apply to, and in relation to, the winding-up of a banking company where any preliminary dividend has been paid in the course of such winding-up before the commencement of this Act, but the provisions of the principal Act as they stood immediately before such commencement shall apply to, and in relation to, such winding-up.

Not Corrected: See India Code vol. VIII B, Pt. X, p. 15.

THE CENTRAL EXCISES (CONVERSION TO METRIC UNITS) ACT, 1960

No. 38 OF 1960

[20th September, 1960]

An Act further to amend certain laws relating to duties of excise for the purpose of introducing metric units in such laws.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Central Excises (Conversion to Metric Units) Act, 1960. Short title and commencement.

(2) It shall come into force on such *date as the Central Government may, by notification in the Official Gazette, appoint.

2. For the First Schedule to the Central Excises and Salt Act, Amendment of Act I of 1944. 1944, the First Schedule to this Act shall be substituted.

3. In the Additional Duties of Excise (Goods of Special Importance) Act, 1957, Amendment of Act 58 of 1957.

(a) in section 2, for clause (c), the following clause shall be substituted, namely:—

“(c) the words and expressions “sugar”, “tobacco”, “cotton fabrics”, “woollen fabrics” and “rayon or artificial silk fabrics” shall have the meanings respectively assigned to them in items Nos. 1, 4, 19, 21 and 22 of the First Schedule to the Central Excises and Salt Act, 1944.”;

(b) for the First Schedule, the Second Schedule to this Act shall be substituted.

*1st October, 1960 vide G.S.R. 1098, dated 24-9-1960, Gazette of India, Pt. II, Sec. 3 (i), p. 1498.

Amendment of Act 27 of 1958. 4. In the Mineral Oils (Additional Duties of Excise and Customs) 27 of 1958. Act, 1958,—

(a) for section 2, the following section shall be substituted, namely:—

Definitions.

'2. In this Act, "motor spirit", "kerosene", "refined diesel oils and vaporizing oil", "diesel oil, not otherwise specified" and "furnace oil" shall have the meanings respectively assigned to them in items Nos. 6, 7, 8, 9 and 10 of the First Schedule to the Central Excises and Salt Act, 1944.' x of 1944.

(b) for the Table below sub-section (1) of section 3, the following Table shall be substituted, namely:—

"TABLE

Description of goods	Rate of additional duty
1. Motor spirit	Fifty-six rupees and five naye paise per kilolitre at fifteen degrees of Centigrade thermometer.
2. Kerosene	Twenty-six rupees and eighty naye paise per kilolitre at fifteen degrees of Centigrade thermometer.
3. Refined diesel oils and vaporizing oil.	Thirty-three rupees and fifty-five naye paise per kilolitre at fifteen degrees of Centigrade thermometer.
4. Diesel oil, not otherwise specified.	Nineteen rupees and seventy naye paise per metric tonne.
5. Furnace oil	Nineteen rupees and seventy naye paise per metric tonne."

Amendment of Act 12 of 1953. 5. In sub-section (1) of section 3 of the Khadi and Other Handloom Industries Development (Additional Excise Duty on Cloth) Act, 1953, 12 of 1953, for the words "three pies per square yard", the figures and words "1.9 naye paise per square metre" shall be substituted.

Amendment of Act 39 of 1953. 6. In the Dhoties (Additional Excise Duty) Act, 1953,— 39 of 1953.

(a) in section 2, for sub-clause (iii) of clause (a), the following sub-clause shall be substituted, namely:—

"(iii) has a width ranging between 71 centimetres and 137 centimetres; and";

(b) in the Schedule, for the entries in the second column, against items (1), (2), (3) and (4), the entries "fourteen naye

or 1960] Central Excises (Conversion to Metric Units) 71

paise per metre", "twenty-one naye paise per metre", "twenty-seven naye paise per metre" and "fifty-five naye paise per metre" shall respectively be substituted.

7. In the Schedule to the Cotton Fabrics (Additional Excise Duty) Act, 1957, for the entries in the second column against items (a), (b)(i), (b)(ii), (c)(i), (c)(ii), and (c)(iii), the entries "senven naye paise per square metre", "seven naye paise per square metre", "eleven naye paise per square metre", "seven naye paise per square metre", "eleven naye paise per square metre" and "fourteen naye paise per square metre" shall respectively be substituted.

8. In sub-section (1) of section 7 of the Sugar Export Promotion Act, 1958, for the words "seventeen rupees per maund", the words "forty-five rupees and fifty-five naye paise per quintal" shall be substituted.

9. Nothing contained in this Act shall be deemed to affect the validity of any notification, rule or order issued under any of the enactments amended thereby and in force immediately before the commencement of this Act merely by reason of the fact that the rate of any duty of excise specified therein has been expressed in terms of annas, pice or pies or with reference to any weight or measure other than a standard mass or measure under the Standards of Weights and Measures Act, 1956; and every such notification, rule or order shall, until altered, repealed or amended by the Central Government or other competent authority, continue to have effect as if this Act had not been passed.

THE FIRST SCHEDULE

(See section 2)

SCHEDULE TO BE INSERTED IN THE CENTRAL EXCISES AND SALT ACT, 1944

THE FIRST SCHEDULE

(See section 3)

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)
Food		
I	SUGAR, PRODUCED IN A FACTORY ORDINARILY USING POWER IN THE COURSE OF PRODUCTION OF SUGAR—	
	"Sugar" means any form of sugar in which the sucrose content, if expressed as a percentage of the material dried to	

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)
constant weight at 105° Centigrade, would be more than ninety.		
(1) Sugar other than Khandsari or Palmyra.		Twenty-two rupees and fifteen naye paise per quintal.
(2) Khandsari sugar—	that is to say, sugar in the manufacture of which neither a vacuum pan nor a vacuum evaporator is employed.	Eleven rupees per quintal.
(3) Palmyra sugar—	that is to say, sugar manufactured from jaggery obtained by boiling the juice of the palmyra palm.	Nil.
2 COFFEE, cured—		
	“ Coffee ” means the seed of the coffee tree (<i>coffea</i>), whether with or without husk, whether cured or uncured, but does not include the seed while still attached to the tree.	Forty-one rupees and thirty-five naye paise per quintal.
3 TEA—		
	“ Tea ” includes all varieties of the product known commercially as tea, and also includes green tea.	
	(1) Tea, all varieties except package tea falling within sub-item (2) of this item.	Not exceeding sixty-six naye paise per kilogram as the Central Government may, by notification in the Official Gazette, fix.
	(2) Package tea, that is to say, tea packed in any kind of container containing not more than 27 kilograms net of tea.	Forty-six naye paise per kilogram, <i>plus</i> the duty for the time being leviable under sub-item (1) of this item, if not already paid.

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)

Beverages and Tobacco**4 TOBACCO—**

“Tobacco” means any form of tobacco, whether cured or uncured and whether manufactured or not, and includes the leaf, stalks and stems of the tobacco plant, but does not include any part of a tobacco plant while still attached to the earth.

I. Unmanufactured tobacco—

Per kilogram

- | | |
|--|--------------------------------------|
| (1) if flue cured and used in the manufacture of cigarettes containing— | |
| (i) more than 60 per cent. weight of imported tobacco. | Sixteen rupees and fifty naye paise. |
| (ii) more than 40 per cent. but not more than 60 per cent. weight of imported tobacco. | Eleven rupees. |
| (iii) more than 20 per cent. but not more than 40 per cent. weight of imported tobacco. | Seven rupees and seventy naye paise. |
| (iv) 20 per cent. or less than 20 per cent. weight of imported tobacco. | Five rupees and fifty naye paise. |
| (v) no imported tobacco. | Two rupees and twenty naye paise. |
| (2) if flue cured and used for the manufacture of smoking mixtures for pipes and cigarettes. | Sixteen rupees and fifty naye paise. |
| (3) if flue cured and not otherwise specified. | Two rupees and twenty naye paise. |
| (4) if other than flue cured and used for the manufacture of— | One rupee and sixty-five naye paise. |
| (a) cigarettes or (b) smoking mixtures for pipes and cigarettes. | |

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)
Per kilogram		
(5)	if other than flue cured and not actually used for the manufacture of (a) cigarettes or (b) smoking mixtures for pipes and cigarettes or (c) biris— (i) stems of tobacco larger than 6.35 millimetres in size, (ii) dust of tobacco, (iii) granule ('rawa') of tobacco capable of passing through a sieve made of wire not finer than 24 S.W.G. (0.5588 millimetre diameter) and containing not less than 18 uniform circular or square apertures per linear distance of 25.4 millimetres, (iv) tobacco cured in whole leaf form and packed or tied in bundles, hanks or bunches or in the form of twists or coils.	One rupee and ten naye paise.
Explanation.—	Such varieties of unmanufactured tobacco used in the manufacture of biris as the Central Government, by notification in the Official Gazette, specifies in this behalf shall not be deemed to fall within this sub-item but shall be deemed to be unmanufactured tobacco, not otherwise specified, within the meaning of sub-item (6).	
(6)	if other than flue cured and not otherwise specified.	Two rupees and twenty naye paise.
(7)	if used for agricultural purposes.	Nil.
(8)	stalks.	Fifteen naye paise.
Per hundred		
(1)	Cigars and cheroots of which the value— (i) exceeds Rs. 30 a hundred. (ii) exceeds Rs. 25 a hundred, but does not exceed Rs. 30 a hundred.	Twelve rupees. Ten rupees.

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)
Per hundred		
(iii)	exceeds Rs. 20 a hundred, but does not exceed Rs. 25 a hundred.	Eight rupees.
(iv)	exceeds Rs. 15 a hundred, but does not exceed Rs. 20 a hundred.	Six rupees.
(v)	exceeds Rs. 10 a hundred, but does not exceed Rs. 15 a hundred.	Four rupees.
(vi)	exceeds Rs. 5 a hundred, but does not exceed Rs. 10 a hundred.	Two rupees.
(vii)	exceeds Rs. 2.50 a hundred, but does not exceed Rs. 5 a hundred.	One rupee.
(viii)	exceeds Rs. 1.25 a hundred, but does not exceed Rs. 2.50 a hundred.	Fifty naye paise.
(ix)	exceeds 87 naye paise a hundred, but does not exceed Rs. 1.25 a hundred.	Twenty-five naye paise.
Per thousand		
(2) Cigarettes of which the value—		
(i)	exceeds Rs. 50 a thousand	Twenty-one rupees and fifty naye paise.
(ii)	exceeds Rs. 35 a thousand, but does not exceed Rs. 50 a thousand.	Nineteen rupees.
(iii)	exceeds Rs. 30 a thousand, but does not exceed Rs. 35 a thousand.	Ten rupees and fifty naye paise.
(iv)	exceeds Rs. 25 a thousand, but does not exceed Rs. 30 a thousand.	Nine rupees and fifty naye paise.
(v)	exceeds Rs. 20 a thousand, but does not exceed Rs. 25 a thousand.	Six rupees and fifty naye paise.
(vi)	exceeds Rs. 15 a thousand, but does not exceed Rs. 20 a thousand.	Five rupees and fifty naye paise.
(vii)	exceeds Rs. 10 a thousand, but does not exceed Rs. 15 a thousand.	Three rupees and fifteen naye paise.
(viii)	exceeds Rs. 7.50 a thousand, but does not exceed Rs. 10 a thousand.	Two rupees.
(ix)	does not exceed Rs. 7.50 a thousand.	One rupee and twenty naye paise.
(3) Biris in the manufacture of which any process has been conducted with the aid of machines operated with or without the aid of power.		Three rupees per thousand.

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)

Crude materials, except fuels**5 SALT—**

“Salt” includes swamp salt, spontaneous salt, and salt or saline solutions made or produced from any saline substance or from salt earth.

Mineral fuels, lubricants and related materials**6 MOTOR SPIRIT—**

Motor Spirit, that is to say,—

- (i) any mineral oil (excluding crude mineral oil) which has its flashing point below seventy-six degrees of Fahrenheit's thermometer, and which, either by itself or in admixture with any other substance, is suitable for use as fuel for internal combustion engines ; and
- (ii) power alcohol, that is to say, ethyl alcohol of any grade (including such alcohol when denatured or otherwise treated), which, either by itself or in admixture with any other substance, is suitable for being used as aforesaid.

The rate fixed annually by a Central Act.

Three hundred and twenty-five rupees and ten naye paise per kilolitre at fifteen degrees of Centigrade thermometer.

Explanation I.—“Mineral oil” means an oil consisting of a single liquid hydrocarbon or a liquid mixture of hydrocarbons (except for associated impurities) derived from petroleum, coal, shale, peat or any other bituminous substance, and includes any similar oil produced by synthesis or otherwise.

Explanation II.—“Flashing point” shall be determined in accordance with the tests specified in this behalf in the rules made under the Petroleum Act, 1934 (30 of 1934).

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)

7 KEROSENE—

Kerosene, that is to say, any mineral oil (excluding mineral colza oil and turpentine substitute) which has a flame height of eighteen millimetres or more and is ordinarily used as an illuminant in oil burning lamps.

Explanation I.—The expression “mineral oil” has the meaning assigned to it in *Explanation I* to item No. 6.

Explanation II.—“Flame height” shall be determined in the apparatus known as the smoke point lamp in the manner prescribed in this behalf by the Central Government by notification in the Official Gazette.

8 REFINED DIESEL OILS AND VAPO-RIZING OIL—

that is to say, any mineral oil (excluding mineral colza oil and turpentine substitute), which has its flashing point at or above seventy-six degrees of Fahrenheit's thermometer, and satisfies either of the following requirements:—

- (i) the oil has a flame height of ten millimetres or more but less than eighteen millimetres ; or
- (ii) the oil has a flame height of less than ten millimetres but has a viscosity of less than one hundred seconds by Redwood I Viscometer at one hundred degrees of Fahrenheit's thermometer, and contains less than one quarter of one per cent. by weight of any bituminous substance.

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)
	(a) Refined diesel oils.	Forty-four rupees and fifty-five naye paise per kilolitre at fifteen degrees of Centigrade thermometer or sixteen per cent. <i>ad valorem</i> , whichever is higher <i>plus</i> two hundred and sixty rupees and seventy naye paise per kilolitre at fifteen degrees of Centigrade thermometer.
	(b) Vaporizing oil.	Forty-four rupees and seventy naye paise per kilolitre at fifteen degrees of Centigrade thermometer or sixteen per cent. <i>ad valorem</i> , whichever is higher, <i>plus</i> two hundred and thirty-nine rupees and twenty-five naye paise per kilolitre at fifteen degrees of Centigrade thermometer.
9	DIESEL OIL, NOT OTHERWISE SPECIFIED, that is to say, any mineral oil which— (i) has a flame height of less than ten millimetres ;	Sixteen per cent. <i>ad valorem</i> plus sixty-three rupees and ninety-five naye paise per metric tonne.

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)
	<ul style="list-style-type: none"> (ii) contains one quarter of one per cent. or more by weight of any bituminous substance; and (iii) possesses a viscosity of less than one hundred seconds by Redwood I Viscometer at one hundred degrees of Fahrenheit's thermometer. 	
	<p><i>Explanation.</i>—The expressions “mineral oil” and “flame height” have the meanings respectively assigned to them in <i>Explanation I</i> to item No. 6 and in <i>Explanation II</i> to item No. 7.</p>	
10	FURNACE OIL, that is to say, any mineral oil which—	Sixteen per cent. <i>ad valorem</i> plus twenty-nine rupees and fifty-five naye paise per metric tonne.
	<ul style="list-style-type: none"> (i) has a flame height of less than ten millimetres; (ii) contains one quarter of one per cent. or more by weight of any bituminous substance; and (iii) possesses a viscosity of one hundred seconds or more by Redwood I Viscometer at one hundred degrees of Fahrenheit's thermometer. 	
	<p><i>Explanation.</i>—The expressions “mineral oil” and “flame height” have the meanings respectively assigned to them in <i>Explanation I</i> to item No. 6 and in <i>Explanation II</i> to item No. 7.</p>	
11	ASPHALT AND BITUMEN (including cutback Bitumen and Asphalt) natural or produced from petroleum or shale.	Twenty-seven per cent. <i>ad valorem</i> .
12	<p>Vegetable oils and fats</p> <p>VEGETABLE NON-ESSENTIAL OILS, all sorts, in or in relation to the manufacture of which any process is ordinarily carried on with the aid of power.</p>	One hundred and ten rupees and twenty-five naye paise per metric tonne.

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)
13 VEGETABLE PRODUCT—		
	“Vegetable product” means any vegetable oil or fat which, whether by itself or in admixture with any other substance, has been hardened for human consumption.	Seventeen rupees and twenty naye paise per quintal.
Chemicals		
14 PIGMENTS, COLOURS, PAINTS, ENAMELS, VARNISHES, BLACKS AND CELLULOSE LACQUERS—		
1. (1) Pigments, colours, paints and enamels—		
(i) Zinc oxide, red lead, white lead and titanium dioxide white.		Fifteen rupees and seventy-five naye paise per quintal.
(ii) Aluminium paste.		Fifty-five naye paise per kilogram.
(2) Dry colours, namely, the following : lead chromes and Brunswick green.		Thirteen rupees and eighty naye paise per quintal.
(3) Water paints—		
(i) Dry distemper including cement-based water paints.		Thirteen rupees and eighty naye paise per quintal.
(ii) Oil-bound distemper.		Twenty-three rupees and sixty naye paise per quintal.
(iii) Water pigment finishes for leather.		Thirty-three naye paise per litre.
(iv) Plastic emulsion paint.		Seventy-seven naye paise per litre.
(4) Oil paints and enamels—		
(i) Tinting paste (Blue).		Fifty-five naye paise per kilogram.
(ii) Stiff paints and ready-mixed paints, sold by weight.		Thirteen rupees and eighty naye paise per quintal.
(iii) Ready-mixed paints and enamels, sold by volume.		Forty-four naye paise per litre.

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)
	(5) Pigments, colours, paints and enamels, not otherwise specified.	Thirteen rupees and eighty naye paise per quintal.
	II. Varnishes and blacks—	
	(i) Varnishes.	Twenty-two naye paise per litre.
	(ii) Bituminous and coal-tar blacks.	Fourteen naye paise per litre.
	III. Cellulose lacquers—	
	(i) Nitrocellulose lacquers, clear and pigmented.	One rupee and ten naye paise per litre.
	(ii) Nitrocellulose ancillaries.	Forty-one naye paise per kilogram, if sold by weight ;
		Sixty-nine naye paise per litre, if sold by volume.
15	“SOAP” means all varieties of the product known commercially as soap—	
	I. Soap, in or in relation to the manufacture of which any process is ordinarily carried on with the aid of power or of steam for heating—	
	(1) Soap, household and laundry—	
	(i) plain bars of not less than 454 grams in weight.	Ten rupees and thirty-five naye paise per quintal.
	(ii) other sorts.	Twelve rupees and five naye paise per quintal.
	(2) Soap, toilet.	Twenty-seven rupees and fifty-five naye paise per quintal.
	(3) Soap, other than household and laundry or toilet.	Twenty-seven rupees and fifty-five naye paise per quintal.

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)
II. Soap, in or in relation to the manufacture of which no process has been carried on with the aid of power or of steam for heating—		
	(i) plain bars of not less than 454 grams in weight.	Eight rupees and eighty-five naye paise per quintal.
	(ii) other sorts.	Ten rupees and thirty-five naye paise per quintal.
Manufactured goods classified chiefly by material		
16	TYRES— “Tyre” means a pneumatic tyre in the manufacture of which rubber is used, and includes the inner tube and the outer cover of such a tyre.	
	(1) Tyres for motor vehicles.	Forty per cent. <i>ad valorem</i> .
	(2) For cycles (other than motor cycles)—	
	(a) tyres.	Sixty naye paise per tyre or fifteen per cent. <i>ad valorem</i> , whichever is higher.
	(b) tubes.	Thirty naye paise per tube or fifteen per cent. <i>ad valorem</i> , whichever is higher.
	(3) All other tyres.	Fifteen per cent. <i>ad valorem</i>
17	PAPER , all sorts (including pasteboard, millboard, strawboard and cardboard), in or in relation to the manufacture of which any process is ordinarily carried on with the aid of power—	
	(1) blotting, toilet, target, tissue other than cigarette tissue, teleprinter, type-writing, manifold, bank, bond, art paper, chrome paper, tubsized paper, cheque paper, stamp paper, cartridge paper and parchment.	Thirty-three naye paise per kilogram.

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)
	(2) cigarette tissue.	Sixty-six naye paise per kilogram.
	(3) printing and writing paper, other sorts.	Twenty-two naye paise per kilogram.
	(4) packing and wrapping paper, other sorts.	Twenty-two naye paise per kilogram.
	(5) strawboard, other than corrugated board.	Eleven naye paise per kilogram.
	(6) duplex and triplex board.	Twenty-two naye paise per kilogram.
	(7) pulp board, not otherwise specified, including grey board and millboard.	Twenty-two naye paise per kilogram.
	(8) corrugated board.	Twenty-two naye paise per kilogram.
	(9) coated board (including art, chrome and board for playing cards).	Thirty-three naye paise per kilogram.
	(10) paper and paperboard, all sorts, not otherwise specified.	Thirty-three naye paise per kilogram.
18	RAYON AND SYNTHETIC FIBRES AND YARN.	Three rupees and thirty-five naye paise per kilogram.

19 COTTON FABRICS—

“Cotton fabrics” mean all varieties of fabrics manufactured either wholly or partly from cotton, and include dhoties, sarees, chadars, bed-sheets, bed-spreads, counter-panes and table-cloths, but do not include any such fabric—

- (a) if it contains 40 per cent. or more by weight of wool;
- (b) if it contains 40 per cent. or more by weight of silk;

Item No	Description of goods	Rate of duty
(1)	(2)	(3)
	(c) if it contains 60 per cent. or more by weight of rayon or artificial silk ; or	
	(d) if manufactured on a handloom.	
(1)	Cotton fabrics, superfine—that is to say, fabrics in which the average count of yarn is 48s or more.	Forty-five naye paise per square metre.
(2)	Cotton fabrics, fine—that is to say, fabrics in which the average count of yarn is 35s or more but is less than 48s.	Forty-five naye paise per square metre.
(3)	Cotton fabrics, medium—that is to say, fabrics in which the average count of yarn is 17s or more but is less than 35s.	Thirty naye paise per square metre.
(4)	Cotton fabrics, coarse—that is to say, fabrics in which the average count of yarn is less than 17s.	Thirty naye paise per square metre.
(5)	Cotton fabrics, not otherwise specified.	Forty-four and half naye paise per square metre.

Explanation I.—“Count” means count of grey yarn.

Explanation II.—For the purpose of determining the average count of yarn, the following rules shall apply, namely :—

- (a) Yarn used in the borders or selvedges shall be ignored.
- (b) For multiple-fold yarn, the count of the basic single yarn shall be taken and the number of ends per 25·4 millimetres in the reed or the number of picks per 25·4 millimetres, as the case may be, shall be multiplied by the number of plies in the yarn.

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)
	(c) In the case of fabrics manufactured from cotton and other yarns, the other yarns shall, for the aforesaid purpose, be deemed to be cotton yarn.	
	(d) The average count shall be obtained by applying the following formula, namely :—	

"(Count of warp × number of ends per 25.4 millimetres in the reed)+(Count of weft × number of picks per 25.4 millimetres)"

(Number of ends per 25.4 millimetres in the reed)+(Number of picks per 25.4 millimetres),

the result being rounded off, wherever necessary, by treating any fraction which is one-half or more as one, and disregarding any fraction which is less than one-half".

20 SILK FABRICS—

"Silk fabrics" include all varieties of fabrics Thirty-six naye paise manufactured either wholly or partly per square metre from silk but do not include any such fabric—

- (i) if it contains 40 per cent. or more by weight of wool ;
- (ii) if it contains cotton or artificial silk or both and less than 40 per cent. by weight of silk ;
- (iii) if it contains no cotton and no artificial silk and less than 40 per cent. by weight of wool and less than 40 per cent. by weight of silk ; or
- (iv) if manufactured on a handloom.

21 WOOLLEN FABRICS—

"Woollen fabrics" mean all varieties of fabrics manufactured wholly of wool or which contain 40 per cent. or more by weight of wool, and include blankets, lohis, rugs and shawals, but do not include any such fabric if manufactured on a handloom.

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)
22	RAYON OR ARTIFICIAL SILK FABRICS—	
	"Rayon or artificial silk fabrics" include all varieties of fabrics manufactured either wholly or partly from rayon or artificial silk, but do not include any such fabric—	Seven naye paise per square metre.
	(i) if it contains 40 per cent. or more by weight of wool ;	
	(ii) if it contains 40 per cent. or more by weight of silk ;	
	(iii) if it contains cotton and less than 60 per cent. by weight of rayon or artificial silk ;	
	(iv) if it contains no cotton and less than 40 per cent. by weight of wool and less than 40 per cent. by weight of rayon or artificial silk ; or	
	(v) if manufactured on a handloom.	
23	CEMENT, all varieties	Twenty-three rupees and sixty naye paise per metric tonne.
24	SILVER	Seven naye paise per every ten grams.
25	PIG IRON	Ten rupees per metric tonne.
26	STEEL INGOTS	Thirty-nine rupees and thirty-five naye paise per metric tonne.
27	ALUMINIUM—	
	(a) In any crude form including ingots, bars, blocks, slabs, billets, shots and pellets.	Three hundred rupees per metric tonne.
	(b) Manufactures, the following, namely, plates, sheets, circles, strips and foils in any form or size.	Five hundred rupees per metric tonne.

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)
28	TIN PLATE AND TINNED SHEETS INCLUDING TIN TAGGERS, AND CUTTINGS OF SUCH PLATES, SHEETS OR TAGGERS.	Two hundred rupees per metric tonne.
Machinery and transport equipment		
29	INTERNAL COMBUSTION ENGINES, ALL SORTS, NAMELY—	
	(i) those designed for use as a prime-mover for transport vehicles and have been given for that purpose some special shape, size or quality which would not be essential for their use for any other purpose.	Ten per cent. <i>ad valorem.</i>
	(ii) others	Five per cent. <i>ad valorem.</i>
30	ELECTRIC MOTORS, ALL SORTS AND PARTS THEREOF, NAMELY—	
	(1) those designed for use in circuits of less than 10 amperes and at a pressure not exceeding 250 volts.	Fifteen per cent. <i>ad valorem.</i>
	(2) those designed for use in circuits at a pressure exceeding 400 volts, and	
	(i) with a rated capacity not exceeding 10 H.P.	Ten per cent. <i>ad valorem.</i>
	(ii) exceeding 10 H.P.	Five per cent. <i>ad valorem.</i>
	(3) all others	Fifteen per cent. <i>ad valorem.</i>
	(4) parts of electric motors	Fifteen per cent. <i>ad valorem.</i>
31	ELECTRIC BATTERIES, AND PARTS THEREOF—	
	(1) Dry	Fifteen per cent. <i>ad valorem.</i>
	(2) Storage	Fifteen per cent. <i>ad valorem.</i>
	(3) Parts of storage batteries, the following, namely, containers, covers and plates.	Seventeen and half per cent. <i>ad valorem.</i>

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)
32 ELECTRIC LIGHTING BULBS AND FLUORESCENT LIGHTING TUBES—		
(1) Vacuum and gas-filled bulbs—		
	(i) not exceeding 100 watts, and train	Ten naye paise per lighting bulb.
	(ii) exceeding 100 watts but not exceeding 300 watts, and engine headlight bulbs.	Forty naye paise per bulb.
	(iii) exceeding 300 watts.	Eighty naye paise per bulb.
	(2) Fluorescent tubes	One rupee and thirty-one naye paise per metre.
	(3) Sodium and mercury vapour discharge lamps.	Five per cent. <i>ad valorem</i> .
	(4) All sorts, not otherwise specified	Fifteen per cent. <i>ad valorem</i> .
33 ELECTRIC FANS, including air circulators but excluding those which are designed for use in an industrial system as parts indispensable for its operation and have been given for that purpose some special shape or quality which would not be essential for their use for any other purpose, and parts of such electric fans—		
	(1) Table, cabin, carriage, pedestal and air circulator fans, not exceeding 40·6 centimetres.	Seven rupees and fifty naye paise per fan.
	(2) All other fans	Fifteen rupees per fan.
	(3) Parts of fans above, the following, namely, complete motors, stators and rotors—	
	(a) if designed for use in respect of any fan falling within sub-item (1)—	
	(i) complete motors	Five rupees and twenty-five naye paise per motor.

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)
	(ii) stators	Two rupees and sixty-five naye paise per stator.
	(iii) rotors	Two rupees and sixty-five naye paise per rotor.
(b) if designed for use in respect of any fan falling within sub-item (2)—		
	(i) complete motors	Ten rupees and fifty naye paise per motor.
	(ii) stators	Five rupees and twenty-five naye paise per stator.
	(iii) rotors	Five rupees and twenty-five naye paise per rotor.
34	MOTOR VEHICLES—	
	“Motor vehicles” means all mechanically propelled vehicles adapted for use upon roads, and includes a chassis and a trailer ; but does not include a vehicle running upon fixed rails—	
(1)	Auto-cycles, motor cycles, scooters, auto-rickshaws and any other three-wheeled motor vehicles.	One hundred and seventy-five rupees each.
(2)	Motor vehicles of not more than 16 H.P. by Royal Automobile Club (R.A.C.) rating.	One thousand rupees each.
(3)	Motor cars of more than 16 H.P. by Royal Automobile Club (R.A.C.) rating, constructed or adapted to carry not more than nine persons.	Three thousand rupees each or fifteen per cent. <i>ad valorem</i> , whichever is higher.
(4)	Motor vehicles, not otherwise specified.	Two thousand five hundred rupees each or twelve and half per cent. <i>ad valorem</i> , whichever is higher.
35	CYCLES, PARTS OF CYCLES OTHER THAN MOTOR CYCLES, NAMELY—	
	(i) free wheels	Two rupees each
	(ii) rims	Four rupees each

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)

Miscellaneous manufactured articles**36 FOOTWEAR—**

“Footwear” includes all varieties of footwear whether known as boots, shoes, sandals, chappals or by any other name, and component parts thereof—

(1) Footwear produced in any factory including the precincts thereof where on fifty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which the process of manufacturing footwear is being carried on with the aid of power or is ordinarily so carried on, the total equivalent of such power exceeding two horsepower.

Ten per cent.
ad valorem.

(2) Component parts of footwear in, or in relation to the manufacture of, which any process is ordinarily carried on with the aid of power.

Fifteen per cent. *ad valorem.*

**37 CINEMATOGRAPH FILMS,
EXPOSED—**

Of a width of 30 mm. or higher	Below 30 mm. in width
--------------------------------------	--------------------------

(1) News-reels and shorts not exceeding 500 metres. Fifteen naye paise per metre. Ten naye paise per metre.

(2) Feature films, advertisement shorts, and films not otherwise specified. Fifty naye paise per metre. Thirty-three naye paise per metre.

38 MATCHES—

“Match” includes a firework in the form of a match; and, where a matchstick has more heads than one capable of being ignited by striking, each such head shall be deemed to be a match.

Fifty-seven naye paise for every 1,000 matches or fraction thereof.

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)
39 MECHANICAL LIGHTERS—		
	“Mechanical lighter” means any mechanical or chemical contrivance for causing ignition which is portable and which operates by producing a spark or flame whether by itself or when brought into contact with gas, and includes a mechanical lighter issued from a factory in an incomplete state or requiring for its completion the addition of a flint.	Three rupees per lighter.’

THE SECOND SCHEDULE

(See section 3)

**SCHEDULE TO BE INSERTED IN THE ADDITIONAL DUTIES OF EXCISE
(GOODS OF SPECIAL IMPORTANCE) ACT, 1957**

THE FIRST SCHEDULE

[See section 3 (1)]

Item No. in the First Schedule to the Central Excises and Salt Act, 1944	Description of goods	Rate of additional duty
(1)	(2)	(3)
1	SUGAR	Six rupees and fifty nine paise per quintal.
4	TOBACCO	Per kilogram
	I. Unmanufactured tobacco	
	(1) if flue cured and used in the manufacture of cigarettes containing—	

Item No. in the
First Schedule
to the Central
Excises and Salt
Act, 1944

Description of goods

Rate of additional
duty

(1)

(2)

(3)

Per kilogram.

Nil.(i) more than 60 per cent.
weight of imported
tobacco.*Nil.*(ii) more than 40 per cent.
but not more than 60 per
cent. weight of imported
tobacco.*Nil.*(iii) more than 20 per cent.
but not more than 40
per cent. weight of im-
ported tobacco.*Nil.*(iv) 20 per cent. or less than
20 per cent. weight of
imported tobacco.*Nil.*

(v) no imported tobacco .

Nil.(2) if flue cured and used for the
manufacture of smoking
mixtures for pipes and
cigarettes.One rupee and ten
naye paise.(3) if flue cured and not other-
wise specified

Forty-four naye paise

(4) if other than flue cured and
used for the manufacture
of—*Nil.*(a) cigarettes or (b) smoking
mixtures for pipes and
cigarettes.

(5) if other than flue cured and

Six naye paise.

not actually used for the
manufacture of (a) cigarettes
or (b) smoking mixtures for
pipes and cigarettes or (c)
biris—(i) stems of tobacco larger
than 6.35 millimetres
in size,

(ii) dust of tobacco,

Item No. in the First Schedule to the Central Excises and Salt Act, 1944	Description of goods	Rate of additional duty
(1)	(2)	(3)
Per kilogram.		
	(iii) granule ("rawa") of tobacco capable of passing through a sieve made of wire not finer than 24 S.W.G. (0.5588 millimetre diameter) and containing not less than 18 uniform circular or square apertures per linear distance of 25.4 millimetres,	
	(iv) tobacco cured in whole leaf form and packed or tied in bundles, hanks or bunches or in the form of twists or coils.	
<i>Explanation.</i> —Such varieties of unmanufactured tobacco used in the manufacture of biris as the Central Government, by notification in the Official Gazette, specifies in this behalf shall not be deemed to fall within this sub-item but shall be deemed to be unmanufactured tobacco, not otherwise specified, within the meaning of sub-item (6).		
(6)	if other than flue cured and not otherwise specified.	Forty-four naye paisa
(7)	if used for agricultural purposes.	<i>Nil.</i>
(8)	stalks.	Two naye paise.

Item No. in the First Schedule to the Central Excises and Salt Act, 1944	Description of goods	Rate of additional duty
(1)	(2)	(3)
Per hundred		
II. Manufactured tobacco—		
(1) Cigars and cheroots of which the value—		
(i) exceeds Rs. 30 a hundred.	Three rupees.	
(ii) exceeds Rs. 25 a hundred but does not exceed Rs. 30 a hundred.	Two rupees and fifty naye paise.	
(iii) exceeds Rs. 20 a hundred but does not exceed Rs. 25 a hundred.	Two rupees.	
(iv) exceeds Rs. 15 a hundred but does not exceed Rs. 20 a hundred.	One rupee and fifty naye paise.	
(v) exceeds Rs. 10 a hundred but does not exceed Rs. 15 a hundred.	One rupee.	
(vi) exceeds Rs. 5 a hundred but does not exceed Rs. 10 a hundred.	Fifty naye paise.	
(vii) exceeds Rs. 2.50 a hundred but does not exceed Rs. 5 a hundred.	Twenty-five naye paise.	
(viii) exceeds Rs. 1.25 a hundred but does not exceed Rs. 2.50 a hundred.	Ten naye paise.	
(ix) exceeds 87 naye paise a hundred but does not exceed Rs. 1.25 a hundred.	Five naye paise.	
Per thousand		
(2) Cigarettes of which the value—		
(i) exceeds Rs. 50 a thousand.	Eight rupees and sixty naye paise.	
(ii) exceeds Rs. 35 a thousand but does not exceed Rs. 50 a thousand.	Seven rupees and sixty naye paise.	

Item No. in the
First Schedule
to the Central
Excises and Salt
Act, 1944

Item No. in the First Schedule to the Central Excises and Salt Act, 1944	Description of goods	Rate of additional duty	
		(1) (2) (3)	
Per thousand			
	(iii) exceeds Rs. 30 a thousand but does not exceed Rs. 35 a thousand.	Four rupees and twenty naye paise.	
	(iv) exceeds Rs. 25 a thousand but does not exceed Rs. 30 a thousand.	Three rupees and eighty naye paise.	
	(v) exceeds Rs. 20 a thousand but does not exceed Rs. 25 a thousand.	Two rupees and sixty naye paise.	
	(vi) exceeds Rs. 15 a thousand but does not exceed Rs. 20 a thousand.	Two rupees and twenty naye paise.	
	(vii) exceeds Rs. 10 a thousand but does not exceed Rs. 15 a thousand.	One rupee and ten naye paise.	
	(viii) exceeds Rs. 7·50 a thousand but does not exceed Rs. 10 a thousand.	Sixty naye paise.	
	(ix) does not exceed Rs. 7·50 a thousand.	Forty naye paise.	
	(3) Biris in the manufacture of which any process has been conducted with the aid of machines operated with or without the aid of power.	Sixty naye paise per thousand.	
19	COTTON FABRICS—	Per square metre	
	(1) Cotton fabrics, superfine	15·5 naye paise.	
	(2) Cotton fabrics, fine	9·6 naye paise.	
	(3) Cotton fabrics, medium	4·8 naye paise.	
	(4) Cotton fabrics, coarse	3·6 naye paise.	
	(5) Cotton fabrics, not otherwise specified.	15·5 naye paise.	
21	WOOLLEN FABRICS . . .	Five per cent. <i>ad valorem</i> .	
22	RAYON OR ARTIFICIAL SILK FABRICS	3·6 naye paise per square metre.	

THE DELHI PRIMARY EDUCATION ACT, 1966

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title, extent and commencement.
2. Definitions.
3. Schemes for primary education.
4. Primary education to be compulsory in areas covered by schemes.
5. Grants-in-aid.
6. Duty of local authority to prepare lists of children.
7. Attendance authorities.
8. Attendance authority to notify parent of his obligation towards his child.
9. Responsibility of parent to cause his child to attend school.
10. Reasonable excuse for non-attendance.
11. Special schools for physically or mentally deficient children.
12. Special provision for part-time education in certain cases.
13. Attendance orders.
14. Children not to be employed so as to prevent them from attending school.
15. Primary education to be free.
16. Age of child how to be computed.
17. Failure of local authority to prepare or implement scheme.
18. Penalty for contravention of section 13.
19. Penalty for contravention of section 14.
20. Courts competent to try offences.
21. Cognizance of offences.
22. Certain persons to be public servants.
23. Protection of action taken in good faith.
24. Delegation of powers.
25. Power to make rules.
26. Repeal of Punjab Primary Education Act.

THE DELHI PRIMARY EDUCATION ACT, 1960

No. 39 OF 1960

[20th September, 1960]

An Act to provide for free and compulsory Primary education for children in the Union territory of Delhi.

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

1. (1) This Act may be called the Delhi Primary Education Act, 1960.
Short title, extent and commencement.

(2) It extends to the Union territory of Delhi.

(3) It shall come into force on such date¹ as the State Government may, by notification in the Official Gazette, appoint.

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

Definitions.

(a) "academic year" means the year beginning on such date as a local authority may specify with respect to any specified area or with respect to approved schools generally or any approved school or class of approved schools in particular within its jurisdiction;

(b) "approved school" means any school in any specified area within the jurisdiction of a local authority imparting primary education which—

(i) is under the management of the State Government or the local authority, or

(ii) being under any other management, is recognised by the local authority as an approved school for the purposes of this Act;

(c) "attendance authority" means any person appointed to be an attendance authority under section 7;

¹2nd October, 1960, *vide* Notification No. S. O. 2391, dt. 27-9-1960, Gazette of India, Extraordinary, Pt. II, s. 3(ii), p. 553.

(d) "to attend an approved school" means to be present for instruction at an approved school on so many days in a year and at such time or times on each one of those days as may be fixed by the local authority concerned;

(e) "child" means a boy or girl within such age group, not being less than six or more than fourteen, as may be specified in a declaration made under section 4;

(f) "local authority" means the Municipal Corporation of Delhi, the New Delhi Municipal Committee and the Delhi Cantonment Board;

(g) "parent", in relation to any child, includes a guardian and every person who has the actual custody of the child;

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

(i) "primary education" means education up to such class or standard, not beyond the eighth class or standard, as may be prescribed;

(j) "rural areas" shall have the meaning assigned to it in section 2 of the Delhi Municipal Corporation Act, 1957;

66 of 1957.

(k) "special school" means any institution which imparts such primary education as is in the opinion of the State Government suitable for children suffering from any physical or mental defect;

(l) "specified area" means any area within the jurisdiction of a local authority in which primary education is declared by that authority to be compulsory under section 4.

Schemes for
primary
education.

3. (1) It shall be the duty of every local authority to provide for compulsory primary education for children ordinarily resident within its jurisdiction, and for this purpose it shall, from time to time, submit to the State Government such proposals in the form of a scheme as it may think fit providing for such compulsory primary education in the whole or any part of the area within its jurisdiction for children of such ages and up to such class or standard as it may decide.

(2) Notwithstanding anything contained in sub-section (1), the State Government may, at any time, call upon a local authority to submit to it within such time as may be specified a scheme for compulsory primary education in such area within the jurisdiction of

the local authority for children ordinarily resident therein, and of such ages and up to such class or standard, as the State Government may specify.

(3) The scheme submitted under sub-section (1) or sub-section (2) shall be in such form as the State Government may specify and shall contain the following particulars,—

- (a) the area in which primary education shall be compulsory;
- (b) the approximate number of children to whom the scheme will apply, classified according to age and mother-tongue;
- (c) a list of existing approved schools and the schools, if any, proposed to be opened for the purpose, classified by languages in which instruction is given or is proposed to be given;
- (d) the number of teachers already employed and the additional staff proposed to be recruited;
- (e) the recurring and non-recurring cost of the scheme; and
- (f) such other particulars as may be prescribed.

(4) The State Government may, after making such inquiry as it may consider necessary, sanction with or without modifications the scheme submitted by the local authority under sub-section (1) or sub-section (2).

4. (1) On receipt of sanction under sub-section (4) of section 3, Primary education to be compulsory in areas covered by schemes.
the local authority shall give effect to the scheme so sanctioned by means of a declaration that with effect from the first day of the next academic year primary education shall be compulsory in any area specified in the declaration for children ordinarily resident in that area and within such age group and up to such class or standard as may be specified in the declaration.

- (2) Every declaration under sub-section (1) shall—
 - (a) be published in the Official Gazette and in such other manner as the local authority may decide;
 - (b) be so made as to ensure that there is an interval of not less than one hundred and twenty days between the date of the publication of the declaration and the first day of the next academic year.

Grants-in-aid.

5. The State Government shall, in respect of every scheme sanctioned under sub-section (4) of section 3 or prepared under sub-section (1) of section 17, bear such part of the recurring and non-recurring cost of the scheme as it may from time to time determine.

Duty of local authority to prepare lists of children.

6. It shall be the duty of the local authority to cause to be prepared as early as possible after the publication of a declaration under section 4, and in such manner as may be prescribed, a list of children in any specified area; and the local authority shall cause the list to be revised at such intervals as may be prescribed.

Attendance authorities.

7. (1) The local authority may appoint as many persons as it thinks fit to be attendance authorities for the purposes of this Act, and may also appoint as many persons as it considers necessary to assist the attendance authorities in the discharge of their duties.

(2) In the exercise of any of the powers conferred by or under this Act, the attendance authority or any person appointed to assist the attendance authority may put such questions to any parent or require any parent to furnish such information, about his child as it or he considers necessary, and every such parent shall be bound to answer such questions or to furnish such information, as the case may be, to the best of his knowledge or belief.

Attendance authority to notify parent of his obligation towards his child.

8. It shall be the duty of the attendance authority to notify the parent of every child to whom the declaration under section 4 applies that he is under an obligation to cause the child to attend an approved school with effect from the beginning of the next academic year.

Responsibility of parent to cause his child to attend school.

9. It shall be the duty of the parent of every child to cause the child to attend an approved school unless there be a reasonable excuse for his non-attendance within the meaning of section 10.

Reasonable excuse for non-attendance.

10. For the purposes of this Act, any of the following circumstances shall be deemed to be a reasonable excuse for the non-attendance of a child at an approved school,—

(a) that there is no approved school within the prescribed distance from his residence;

(b) that the child is receiving instruction in some other manner which is declared to be satisfactory by the State Government or by an officer authorised by it in this behalf;

(c) that the child has already completed primary education up to the class or standard specified in the declaration under section 4;

(d) that the child suffers from a physical or mental defect which prevents him from attendance;

(e) that there is any other compelling circumstance which prevents the child from attending school, provided the same is certified as such by the attendance authority;

(f) such other circumstance as may be prescribed.

11. If there is in existence a special school within the prescribed distance from the residence of a child who is suffering from a physical or mental defect, the attendance authority may, if it is satisfied that the child is not receiving any instruction in some other manner considered by it to be satisfactory, by order require the child to attend the special school; and it shall be the duty of the parent of such child to cause the child to attend the special school unless there be a reasonable excuse for the non-attendance of the child within the meaning of clause (e) of section 10.

12. (1) If the attendance authority is satisfied that a child, due to economic or other circumstances connected with the family to which the child belongs, is unable to attend an approved school in the manner required by or under this Act, it may, by order and subject to such conditions, if any, as it may think fit to impose, permit the child to attend any approved school established as a part-time institution or in which primary education is imparted on a part-time basis.

(2) Any parent who causes a child in respect of whom an order under sub-section (1) has been made to attend an approved school in the manner specified in the order shall be deemed to have complied with the provisions of this Act.

13. (1) Whenever the attendance authority has reason to believe that the parent of a child has failed to cause the child to attend an approved school and that there is no reasonable excuse for the non-attendance of the child within the meaning of section 10, it shall hold an inquiry in the prescribed manner.

(2) If as a result of the inquiry the attendance authority is satisfied that the child is liable to attend an approved school under this Act and that there is no reasonable excuse for his non-attendance within the meaning of section 10, it shall pass an attendance order in the prescribed form directing the parent to cause the child to attend the approved school with effect from the date specified in the order.

(3) An attendance order passed against a parent in respect of his child under this section shall, subject to the provisions of sub-section (6), remain in force for so long as this Act continues to apply to the child.

(4) If any parent against whom an attendance order has been passed in respect of his child under sub-section (2) transfers the custody of the child to another person during the period in which the attendance order is in force, such parent shall be bound to immediately inform the attendance authority in writing of such transfer.

(5) Where an attendance order has been passed against a parent in respect of his child under this section, such order shall have effect in relation to every other person to whom the custody of the child may be transferred during the period in which the attendance order is in force as it has effect in relation to the person against whom it is passed.

(6) A parent may at any time apply to the attendance authority for cancellation of an attendance order on the ground—

- (i) that he is no longer the parent in respect of the child; or
- (ii) that circumstances have arisen which provide a reasonable excuse for non-attendance;

and thereupon the attendance authority may, after holding an inquiry in the prescribed manner, cancel or modify the attendance order.

Children not to be employed so as to prevent them from attending school.

14. No person shall employ a child in a manner which shall prevent the child from attending an approved school.

Primary education to be free.

15. (1) No fee shall be levied in respect of any child for attending an approved school which is under the management of the State Government or a local authority.

(2) Where, in respect of any child an attendance order has been passed under section 13 and the only school which he can attend is an approved school under private management falling within sub-clause (ii) of clause (b) of section 2, the local authority shall take such steps as it may think fit for the purpose of ensuring that the primary education which the child is to receive is free.

16. The age of a child for the purposes of this Act shall be computed in terms of years completed by the child on or before the first day of the academic year:

Provided that where the birthday of a child falls on a day not later than sixty days from the first day of the academic year, the birthday shall be deemed to fall on the first day of the academic year for the purpose of computing the age of the child.

17. (1) If any local authority when called upon to submit a scheme under sub-section (2) of section 3 fails so to do, or, after a scheme has been sanctioned under sub-section (4) of section 3 fails to give effect to a scheme as so sanctioned, whether wholly or in part, the State Government may, after making such inquiry as it may consider necessary and after giving an opportunity to the local authority to be heard in the matter, appoint any person to prepare the scheme or to give effect to it, as the case may be, and may direct that such part of the expenses as that Government may determine shall be defrayed out of the funds belonging to the local authority.

(2) Where any such direction as is referred to in sub-section (1) is issued, any person who has for the time being the custody of any moneys on behalf of the local authority, either as a banker or in any other capacity, shall, notwithstanding anything contained in any law for the time being in force, be bound to comply with such direction.

18. (1) If any parent fails to comply with an attendance order passed under section 13, he shall be punishable with fine not exceeding two rupees, and, in the case of a continuing contravention, with an additional fine not exceeding fifty naye paise for every day during which such contravention continues after conviction for the first of such contraventions:

Provided that the amount of fine payable by any one person in respect of any child in any one year shall not exceed fifty rupees.

(2) If any person fails to furnish any information as required by sub-section (4) of section 13, he shall be punishable with fine which may extend to twenty-five rupees.

19. If any person contravenes the provisions of section 14, he shall be punishable with fine which may extend to twenty-five rupees and, in the case of a continuing contravention, with an additional fine not exceeding one rupee for every day during which such contravention continues after conviction for the first of such contraventions.

Courts
competent
to try
offences.

20. (1) The courts competent to try offences under this Act shall be the following,—

(a) in rural areas to which the Delhi Panchayat Raj Act, Delhi Act 1954 extends, the Panchayati Adalat, constituted under section III of 1955. 50 of that Act, within whose jurisdiction the person committing the offence resides;

(b) in other areas, the court of a magistrate having jurisdiction.

(2) Any offence triable by the Panchayati Adalat shall be tried in the manner provided for the trial of criminal cases by the Delhi Panchayat Raj Act, 1954, and any offence triable by a magistrate Delhi Act III of 1955. shall be tried in a summary way.

Cognizance
of offences.

21. No court shall take cognizance of an offence under this Act except on the complaint of an attendance authority or any other person authorised in this behalf by the local authority by general or special order.

Certain
persons to
be public
servants.

22. The attendance authority, every person appointed to assist the attendance authority under sub-section (1) of section 7 and every person authorised to make complaints under section 21 shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860

Protection
of action
taken in
good faith.

23. No suit, prosecution or other legal proceeding shall lie against the Government or any authority or person in respect of anything which is in good faith done or intended to be done under this Act.

Delegation
of powers.

24. (1) The State Government may, by notification in the Official Gazette and subject to such conditions, if any, as may be specified in the notification, authorise any officer or authority subordinate to it to exercise all or any of the powers conferred on the State Government by or under this Act.

(2) A local authority may, by general or special order and with the previous approval of the State Government, authorise any officer or authority subordinate to it to exercise all or any of the powers conferred on a local authority by or under this Act.

Power to
make rules.

25. (1) The State Government may, by notification in the Official Gazette and subject to the condition of previous publication, make rules to carry 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 class or standard education up to which shall be considered as primary education;
- (b) the particulars to be contained in any scheme submitted under this Act, including particulars relating to the provision made or to be made in any area for the establishment of special schools or of schools imparting primary education on a part-time basis or for the supply of food or refreshments, books, writing materials, uniforms or other necessary amenities, to children while attending school;
- (c) the manner in which lists of children may be prepared in any specified area under section 6, the intervals at which the lists shall be kept revised and persons with whose assistance such lists shall be prepared;
- (d) the functions to be performed, and the manner in which such functions may be performed, by attendance authorities;
- (e) the distance beyond which a child may not be compelled to attend an approved school;
- (f) the circumstances which may be regarded as reasonable excuses for the non-attendance of a child within the meaning of section 10;
- (g) the manner in which any inquiry under this Act may be held;
- (h) the form in which an attendance order under this Act may be passed;
- (i) the registers, statements and other information to be maintained or furnished by approved schools for the purposes of this Act;
- (j) any other matter which has to be, or may be, prescribed under this Act.

(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry

of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Repeal of
Punjab
Primary
Education
Act.

26. On the date on which primary education becomes compulsory in any specified area, the Punjab Primary Education Act, 1940 as in Punjab Act XVIII of force in the Union territory of Delhi shall stand repealed in such 1940 area.

Not Corrected or Seen before Circulation

Ref. VIII B, Pr. X, p. 17

THE CUSTOMS DUTIES AND CESSES (CONVERSION
TO METRIC UNITS) ACT, 1960

No. 40 OF 1960

[21st September, 1960]

An Act further to amend certain laws relating to customs duties and cesses for the purpose of adopting metric units in those laws.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Customs Duties and Cesses Short title (Conversion to Metric Units) Act, 1960. and commencement.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

of 1923. 2. In the Indian Cotton Cess Act, 1923, in sub-section (1) of Amendment of Act 14 of section 3, for the words "at the rate of four annas per standard bale 1923. of four hundred pounds avoirdupois, or, in the case of unbaled cotton, of one anna per hundred pounds avoirdupois", the following words and figures shall be substituted, namely:—

"at the rate of twenty-five naye paise per bale of 181.4 kilograms or, in the case of unbaled cotton, of seven naye paise per fifty kilograms".

of 1930. 3. In the Indian Lac Cess Act, 1930, in section 3, for the words Amendment of Act 24 of "a cess at the rate of fourteen annas per maund in the case of lac, 1930. and ten annas per maund in the case of refuse lac", the following words shall be substituted, namely:—

"a cess at the rate of two rupees and thirty naye paise per quintal in the case of lac, and one rupee and seventy naye paise per quintal in the case of refuse lac".

¹1st October, 1960, *vide* Notification No. S.O. 2348, dt. 23-9-1960, Gazette of India, Extraordinary, Pt. II, S. 3 (ii), p. 545.

Amendment
of Act 32 of
1934.

4. The Indian Tariff Act, 1934 shall be amended in the manner ³² of 1934.
specified in the Schedule.

Amendment
of Act 7 of
1942.

5. In the Coffee Act, 1942,—

⁷ of 1942.

(i) in section 11, for the words "at such rate not exceeding six rupees per hundredweight", the words "at such rate not exceeding eleven rupees and eighty naye paise per quintal" shall be substituted;

(ii) in section 12, for the words "at such rate not exceeding six rupees per hundredweight", the words "at such rate not exceeding eleven rupees and eighty naye paise per quintal" shall be substituted;

(iii) in section 13, in sub-section (5), for the word "hundredweights", the word "quintals" shall be substituted;

(iv) in section 14, for the words "ten acres", wherever they occur, the words "four hectares" shall be substituted;

(v) in the proviso to section 20,—

(a) in clause (ii), for the words "two pounds avoirdupois", the words "one kilogram" shall be substituted;

(b) in clause (iii), for the words "ten pounds avoirdupois", the words "five kilograms" shall be substituted;

(c) in clause (iv), for the words "one pound avoirdupois", the words "five hundred grams" shall be substituted.

Amendment
of Act 10 of
1944.

6. In the Indian Coconut Committee Act, 1944, in sub-section (1) ¹⁰ of 1944.
of section 3, for the words and letters "not exceeding four annas per
cwt.", the words "not exceeding forty-nine naye paise per quintal"
shall be substituted.

Amendment
of Act 9 of
1946.

7. In the Indian Oilseeds Committee Act, 1946, in sub-section (1) ⁹ of 1946.
of section 3,—

(i) in clause (a), for the words "at the rate of one anna per maund", the words "at the rate of seventeen naye paise per quintal" shall be substituted; and

(ii) in clause (b), for the words "at the rate of two annas per maund", the words "at the rate of thirty-three naye paise per quintal" shall be substituted.

Not Corrected: See India Code

OF 1960] **Customs Duties and Cesses (Conversion to Metric Units)**

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29 of 1953.

8. In the Tea Act, 1953,—

Amendment
of Act 29 of
1953.

(i) in section 24, in clause (c), for the words "not exceeding ten pounds avoirdupois", the words "not exceeding five kilograms" shall be substituted; and

(ii) in section 25, in sub-section (1), for the words "at the rate of four rupees per one hundred pounds", the words "at the rate of eight rupees and eighty naye paise per quintal" shall be substituted.

45 of 1953.

9. In the Coir Industry Act, 1953, in sub-section (1) of section 13, Amendment of Act 45 of 1953.
for the words "at such rate not exceeding one rupee per hundred-weight", the words "at such rate not exceeding two rupees per quintal" shall be substituted.

89 of 1956.

10. Nothing contained in this Act shall be deemed to affect the Savings.
validity of any notification, rule or order issued under any of the enactments amended thereby and in force immediately before the commencement of this Act merely by reason of the fact that the rate of any customs duty or cess specified therein has been expressed in terms of annas, pice or pies or with reference to any weight or measure other than a standard mass or measure under the Standards of Weights and Measures Act, 1956 and every such notification, rule or order shall, until altered, repealed or amended by the Central Government or other competent authority, continue to have effect as if this Act had not been passed.

Customs Duties and Cesses (Conversion to Metric Units) [ACT 40]

THE SCHEDULE

(See section 4)

PART I

(f) The First Schedule to the Indian Tariff Act, 1934, shall be amended in the manner and to the extent specified in the Table below, and the existing entries in any column thereof which have not been so amended shall continue unaltered.

TABLE

Item No.	Name of article	Nature of duty	Standard rate of duty	Preferential rate of duty if the article is the produce or manufacture of		Duration of protective rates of duty
				The United Kingdom	A British Colony	
3(1)	Rs. 2.70 per quintal plus 10 per cent. <i>ad valorem.</i>
8(1)	Rs. 1.97 per quintal
9	40 per cent. <i>ad valorem</i> plus 13 naye paise per kilogram.
9(2)	Rs. 1.32 per kilogram	..	Rs. 1.06 per kilogram.	..

9(5)	Rs. 2.27 per kilogram	Rs. 2.20 per kilogram.
13(6)	Rs. 42.90 per kilogram or 25 per cent. <i>ad valorem</i> , whichever is higher.	..
15(5)	Rs. 19.68 per quintal	..
17	The rate at which excise duty is for the time being leviable on sugar, other than <i>Khandasari</i> or palmyra sugar, produced in India plus Rs. 19.70 per quintal.	..
27(3)	The rate at which excise duty is for the time being leviable on sugar, other than <i>Khandasari</i> or palmyra sugar, produced in India plus Rs. 19.70 per quintal.	..
18(b)	50 per cent. <i>ad valorem</i> or Rs. 2.20 per kilogram, whichever is higher.	..
22(1)(a)	Rs. 1.30 per litre	..
22(1)(b)	for "27 oz.", substitute "767 millilitres".	..
22(1)(c)	for "27 oz." and "20 oz.", substitute "767 millilitres" and "568 millilitres" respectively.	..
22(1)(d)	for "13-1/2 oz." and "10 oz.", substitute "384 millilitres" and "284 millilitres" respectively.	..
22(1)(e)	for "6-3/4 oz." and "5 oz.", substitute "192 millilitres" and "142 millilitres" respectively.	Rs. 1.60 per litre
22(2)(a)	for "27 oz.", substitute "767 millilitres".	Rs. 2.60 per litre

Not Corrected: See India 1960

Item No.	Name of article	Nature of duty	Standard rate of duty	For the existing entries, substitute—	
				The United Kingdom	A British Colony
22(2)(b)	for "27 oz." and "20 oz.", substitute "767 millilitres" and "568 millilitres" respectively.	"	"	"	"
22(2)(c)	for "13½ oz." and "10 oz.", substitute "384 millilitres" and "284 millilitres" respectively.	"	"	"	"
22(2)(d)	for "6¾ oz." and "5 oz.", substitute "192 millilitres" and "142 millilitres" respectively.	"	"	"	"
22(2)(e)		"	Rs. 3·30 per litre	"	"
22(3)(a)		"	Rs. 17·60 per litre	"	"
22(3)(b)		"	Rs. 11·00 per litre	"	"
22(4)(a)		"	Rs. 33·00 per litre of the strength of London proof or 125 per cent. <i>ad valorem</i> , whichever is higher.	"	"
22(4)(b)(t)		"	Rs. 44·00 per litre or 125 per cent. <i>ad valorem</i> , whichever is higher.	"	"

22(1)(b)(ii)	Rs. 33.00 per litre of the strength of London proof or 125 per cent. <i>ad valorem</i> , whichever is higher.	Rs. 14.96 per litre or 35 per cent. <i>ad valorem</i> , whichever is higher.
22(5)(a)(i)	Rs. 16.06 per litre or 45 per cent. <i>ad valorem</i> , whichever is higher.	Rs. 11.33 per litre of the strength of London proof or 35 per cent. <i>ad valorem</i> , whichever is higher.
36.5)(a)(ii)	Rs. 12.15 per litre of the strength of London proof or 45 per cent. <i>ad valorem</i> , whichever is higher.	Rs. 9.68 per litre or 35 per cent. <i>ad valorem</i> , whichever is higher.
22(5)(b)(i)	Rs. 10.56 per litre or 45 per cent. <i>ad valorem</i> , whichever is higher.	Rs. 9.68 per litre or 35 per cent. <i>ad valorem</i> , whichever is higher.
36.5)(b)(ii)	Rs. 7.70 per litre of the strength of London proof or 45 per cent. <i>ad valorem</i> , whichever is higher.	Rs. 7.04 per litre of the strength of London proof or 35 per cent. <i>ad valorem</i> , whichever is higher.

Customs Duties and Cesses (Conversion to Metric Units)

[ACT 40]

Item No.	Name of article	Nature of duty	Standard rate of duty	Preferential rate of duty if the article is the produce or manufacture of		Duration of protective rates of duty
				The United Kingdom	A British Colony	
22(5)(c)	"	"	Rs. 13·20 per litre or 25 per cent. <i>ad valorem</i> , whichever is higher, plus one-fourth of the total duty.	"	"	Rs. 11°33 per litre of the strength of London proof or 35 per cent. <i>ad valorem</i> , whichever is higher.
22(5)(d)	"	"	Rs. 12·15 per litre of the strength of London proof or 45 per cent. <i>ad valorem</i> , whichever is higher.	"	"	Rs. 11°33 per litre of the strength of London proof or 35 per cent. <i>ad valorem</i> , whichever is higher.
24	"	"	Rs. 37·50 per kilogram	"	"	"
24(1)	"	"	40 per cent. <i>ad valorem</i> plus Rs. 36·40 per kilogram.	"	"	"
24(2)	"	"	40 per cent. <i>ad valorem</i> plus Rs. 41 per thousand or Rs. 36·40 per kilogram, whichever is higher.	"	"	"
24(3)	"	"	Rs. 22·05 per kilogram	"	"	Rs. 22·05 per kilogram.
25(5)	"	"	Rs. 29·50 per tonne	"	"	"

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27	80 naye paisa per tonne	Rs. 45 per kilolitre at 15 degrees of centigrade thermometer.
27(4)(b)	..	Rs. 19·70 per tonne or 16 per cent. <i>ad valorem</i> , whichever is higher.
27(7)(a)	..	Rs. 44·50 per kilolitre at 15 degrees of centigrade thermometer, or 16 per cent. <i>ad valorem</i> , whichever is higher.
27(8)	..	Rs. 8·37 per quintal
28(4)(a)	..	Rs. 11·32 per quintal
28(4)(b)	..	Rs. 17·60 per kilogram
28(9)	..	25 per cent. <i>ad valorem</i> or Rs. 17·60 per kilogram of saccharine content, whichever is higher.
28(10)	..	Rs. 6·89 per quintal
28(15)(a)	..	Rs. 9·84 per quintal
28(15)(b)	..	35 per cent. <i>ad valorem</i> or Rs. 1·10 per kilogram, whichever is higher.
28(20)(a)	..	35 per cent. <i>ad valorem</i> or Rs. 1·10 per kilogram, whichever is higher.
28(20)(b)	..	35 per cent. <i>ad valorem</i> or Rs. 1·10 per kilogram, whichever is higher.
28(20)(c)	..	35 per cent. <i>ad valorem</i> or Rs. 1·10 per kilogram, whichever is higher.
28(20)(d)	..	35 per cent. <i>ad valorem</i> or Rs. 1·10 per kilogram, whichever is higher.
28(20)(e)	..	35 per cent. <i>ad valorem</i> or Rs. 1·10 per kilogram, whichever is higher.

Item No.	Name of article	Nature of duty	Standard rate of duty	Preferential rate of duty if the article is the produce or manufacture of		Duration of protective rates of duty
				The United Kingdom	A British Colony	
<i>For the existing entries; substitute—</i>						
28(22)	for "14 lbs," substitute "6.36 kilograms".	"	"	Rs. 6.60 per 100 linear metres	"	"
29	"	"	"	Rs. 1.60 per linear metre <i>plus</i> the excise duty for the time being leviable on like articles if produced or manufactured in India and where such duty is leviable at different rates, the highest duty.	"	"
29(1)	"	"	"	30 per cent. <i>ad valorem</i> or Rs. 16.70 per quintal, whichever is higher, <i>plus</i> the excise duty for the time being leviable on like articles if produced or manufactured in India and where such duty is leviable at different rates, the highest duty.	"	"
30(2) (c)(i)	for "1 lb.", substitute "453 grams".	"	"	30 per cent. <i>ad valorem</i> or Rs. 22.10 per quintal, whichever is higher, <i>plus</i> the excise duty for the time being leviable on like articles if produced or manufactured in India and where such duty is leviable at different rates, the highest duty.	"	"
30 (2) (c) (ii)	for "1/2 lb." and "1 lb.", substitute "226 grams" and "453 grams" respectively.	"	"	30 per cent. <i>ad valorem</i> or Rs. 22.10 per quintal, whichever is higher, <i>plus</i> the excise duty for the time being leviable on like articles if produced or manufactured in India and where such duty is leviable at different rates, the highest duty.	"	"

30(2)(cc)(iv)	for "1/4 lb.", and "1/2 lb.", substitute "113 grams" and "226 grams" respectively.	30(7)	..	30 per cent. <i>ad valorem</i> or Rs. 33.46 per quintal, whichever is higher, plus the excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty.
34(4)(b)	for "1/4 lb.", substitute "113 grams".	34(4)(c)	..	30 per cent. <i>ad valorem</i> or Rs. 47.20 per quintal, whichever is higher, plus the excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty.
44(7)	..	44(7)	..	15 naye paise for every length of 190.5 millimetres or part thereof, or 75 per cent. <i>ad valorem</i> , whichever is higher.
45(4)	..	45(4)	..	15 naye paise for every length of 190.5 millimetres or part thereof, or 75 per cent. <i>ad valorem</i> , whichever is higher.
46	..	46	..	Rs. 1.10 per kilogram
46(3)	..	46(3)	..	Rs. 1.33 per kilogram
47(a)	..	47(a)	..	75 per cent. <i>ad valorem</i> or Rs. 31.50 per quintal, whichever is higher.
47(b)	..	47(b)	..	15 naye paise for every length of 190.5 millimetres or part thereof, or 75 per cent. <i>ad valorem</i> , whichever is higher.
				35 per cent. <i>ad valorem</i> plus Rs. 8.80 per kilogram.
				26 naye paise per kilogram
				35 per cent. <i>ad valorem</i> plus Rs. 8.80 per kilogram.
				35 per cent. <i>ad valorem</i> plus Rs. 11.60 per kilogram.

Item No.	Name of article	Nature of duty	Standard rate of duty	Preferential rate of duty if the article is the produce or manufacture of		Duration of protective rates of duty
				The United Kingdom	A British Colony	
For the existing entries, substitute—						
47(2)	Rs. 6·60 per kilogram or 50 per cent. <i>ad valorem</i> , whichever is higher, <i>plus</i> the excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty.
47(6)(v)†	6 1/4 per cent. <i>ad valorem</i> or 22 naye paise per kilogram, whichever is higher.
47(6)(v)‡	7 1/2 per cent. <i>ad valorem</i> or 33 naye paise per kilogram, whichever is higher.
48(a)	120 per cent. <i>ad valorem</i> plus Rs. 18·70 per kilogram <i>plus</i> the excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty.
48(b)	120 per cent. <i>ad valorem</i> plus Rs. 18·70 per kilogram <i>plus</i> the excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty.

120 per cent. *ad valorem* plus Rs.13.80 per Kilogram *plus* the excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty.

80 per cent. *ad valorem* or 54 naye paise per square metre, whichever is higher.

100 per cent. *ad valorem* or Rs.1.08 per square metre, whichever is higher.

100 per cent. *ad valorem* plus Rs. 6.60 per kilogram *plus* the excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty.

100 per cent. *ad valorem* or Rs. 6.60 per kilogram, whichever is higher, *plus* the excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty.

80 per cent. *ad valorem* or 42 naye paise per square metre, whichever is higher, *plus* the excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty.

100 per cent. *ad valorem* or 84 naye paise per square metre, whichever is higher, *plus* the excise duty for the time being leviable on like articles if produced or manufactured in India, and where such

48(c)

48(1)(a)

48(1)(b)

48(4)(a)

48(4)(b)(f)

48(5)(a)(i)

48(5)(a)(ii)

Customs Duties and Cesses (Conversion to Metric Units)

[ACT 40]

Item No.	Name of article	Nature of duty	Standard rate of duty	Preferential rate of duty if the article is the produce or manufacture of	Duration of protective rates of duty
				The United Kingdom	
<i>For the existing entries, substitute—</i>					
48(5)(b)(i)		duty is leviable at different rates, the highest duty.			
		80 per cent. <i>ad valorem</i> or 54 naye paisa per square metre, whichever is higher, <i>plus</i> the excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty.			
48(5)(b)(ii)		100 per cent. <i>ad valorem</i> or Rs. 1.08 per square metre, whichever is higher, <i>plus</i> the excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty.			
49(1)(a)	for "4 yards", substitute "3.66 metres".	..			
49(1)(b)	for "2 1/2 yards", substitute "2.29 metres".	..			
49(1)(c)	for "4 yards", substitute "3.66 metres".	..			
49(5)		Rs. 1.10 per kilogram			

51(1)	..	100 per cent. <i>ad valorem</i> or Rs. 11.00 per kilogram, whichever is higher.
51(2)(a)	for "4 lbs.", substitute "1.815 kilograms".	100 per cent. <i>ad valorem</i> or Rs. 11.00 per kilogram, whichever is higher.
51(2)(b)	for "4 lbs.", substitute "1.815 kilograms".	100 per cent. <i>ad valorem</i> or Rs. 8.80 per kilogram, whichever is higher.
51(3)	..	100 per cent. <i>ad valorem</i> or Rs. 11.00 per kilogram, whichever is higher.
59(4)	..	75 per cent. <i>ad valorem</i> or Rs. 8.60 per square metre, whichever is higher.
60(1)(b)	for "one inch", substitute "25.4 millimetres".	..
61(2)	..	Rs. 1.80 per 100 grams
61(3)	..	Rs. 25.70 per 10 grams
62(1)	..	Rs. 1.80 per 100 grams
62(2)	..	Rs. 25.70 per 10 grams
63(2)(a)(i)	..	Rs. 21.65 per tonne or 10 per cent. <i>ad valorem</i> , whichever is higher.
63(2)(a)(ii)	..	Rs. 63.97 per tonne
63(2)(b)	..	Rs. 59.10 per tonne
63(3)(i)	..	Rs. 30.51 per tonne or 10 per cent. <i>ad valorem</i> , whichever is higher.
63(3)(ii)	..	Rs. 59.05 per tonne or 20 per cent. <i>ad valorem</i> , whichever is higher.
63(6)(i)	..	Rs. 73.80 per tonne

Item No.	Name of article	Nature of duty	Standard rate of duty	Preferential rate of duty if the article is the produce or manufacture of		Duration of protective rates of duty
				The United Kingdom	A British Colony	
<i>For the existing entries, substitute—</i>						
63(8)	for “ $1\frac{1}{2}$ inches”, substitute “38·1 millimetres”.	..	Rs. 4·90 per tonne or 20 per cent. <i>ad valorem</i> , whichever is higher.
63(9)	Rs. 59·10 per tonne
63(10)(i)	Rs. 59·10 per tonne <i>plus</i> the excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty.
63(10)(ii)	Rs. 79·70 per tonne <i>plus</i> the excise duty for the time being leviable on like articles if produced or manufactured in India, and where such duty is leviable at different rates, the highest duty.
63(17)(i)	Rs. 31·50 per tonne or 10 per cent. <i>ad valorem</i> , whichever is higher.
63(17)(ii)	Rs. 54·10 per tonne
63(19)(a)(i)	Rs. 14·80 per tonne or 10 per cent. <i>ad valorem</i> , whichever is higher.
63(19)(a)(ii)	Rs. 39·40 per tonne

Not Corrected: See India C. 1.

or 1960] **Customs Duties and Cesses (Conversion to Metric Units)**

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63(19)(b)	Rs. 59.10 per tonne
63(20)(a)(1)(i)	Rs. 28.54 per tonne or 10 per cent. <i>ad valorem</i> , whichever is higher.
63(20)(a)(1)(ii)	Rs. 49.21 per tonne
63(20)(a)(2)(i)	Rs. 29.53 per tonne or 10 per cent. <i>ad valorem</i> , whichever is higher.
63(20)(a)(2)(ii)	Rs. 59.05 per tonne
63(20)(b)(1)(i)	Rs. 31.50 per tonne or 10 per cent. <i>ad valorem</i> , whichever is higher.
63(20)(b)(1)(ii)	Rs. 54.10 per tonne
63(20)(b)(2)(i)	Rs. 31.49 per tonne or 10 per cent. <i>ad valorem</i> , whichever is higher.
63(20)(b)(2)(ii)	Rs. 63.97 per tonne
63(20)(b)(2)(iii)	Rs. 9.80 per tonne or 10 per cent. <i>ad valorem</i> , whichever is higher.
63(21)C(i)	Rs. 9.80 per tonne or 20 per cent. <i>ad valorem</i> , whichever is higher.
63(21)C(ii)	Rs. 30.51 per tonne or 10 per cent. <i>ad valorem</i> , whichever is higher.
63(21)D(i)	Rs. 59.05 per tonne
63(21)D(ii)	Rs. 29.50 per tonne or 10 per cent. <i>ad valorem</i> , whichever is higher.
63(21)E(i)	Rs. 29.50 per tonne or 10 per cent. <i>ad valorem</i> , whichever is higher.

Customs Duties and Cesses (Conversion to Metric Units)

[ACT 40]

Item No.	Name of article	Nature of duty	Standard rate of duty	Preferential rate of duty if the article is the product or manufacture of		Duration of protective rates of duty
				The United Kingdom	A British Colony	
For the existing entries, substitute—						
63(21)E(ii)	Rs. 78·7C per tonne	
63(21)F(i)	Rs. 29·50 per tonne or 10 per cent. ad valorem, whichever is higher.	
63(21)F(ii)	Rs. 78·70 per tonne	
63(23)K(ii)	25 per cent. ad valorem, plus Rs. 34·45 per tonne.	
63(27)(i)	Rs. 14·80 per tonne or 15 per cent. ad valorem, whichever is higher.	
63(27)(ii)	Rs. 41·80 per tonne or 25 per cent. ad valorem, whichever is higher.	
63(31)(e)	Rs. 28·54 per tonne or 10 per cent. ad valorem, whichever is higher.	
63(31)(f)	Rs. 49·21 per tonne	
63(32)(i)	Rs. 49·21 per tonne	
63(32)(ii)	Rs. 83·66 per tonne	
70(3)	45 per cent. ad valorem, or Rs. 88·60 per quintal, whichever is higher.	

71(4)	22. naye paisa per kilogram
71(8)	for "24 inches", "9 inches" and "7/32 inch", substitute "610 millimetres", "228.6 millimetres" and "0.79375 millimetre" respectively.
71(13)(1)(a)	100 per cent. <i>ad valorem</i> , or Rs. 3.30 per metre, whichever is higher.
71(13)(1)(b)	100 per cent. <i>ad valorem</i> , or Rs. 3.30 per metre, whichever is higher.
71(13)(1)(c)	100 per cent. <i>ad valorem</i> , or Rs. 3.30 per metre, whichever is higher.
71(13)(2)(a)	100 per cent. <i>ad valorem</i> , or Rs. 1.60 per metre, whichever is higher.
71(14)	for "3 7/8 inches", substitute "98 millimetres"; for "5 1/2 inches", wherever they occur, substitute "140 millimetres"; for "7 inches", wherever they occur, substitute "178 millimetres"; for "8 inches", wherever they occur, substitute "204 millimetres"; for "10 inches", wherever they occur, substitute "254 millimetres"; for "12 inches", wherever they occur, substitute "305 millimetres"; for "14 inches", wherever they occur, substitute "356 millimetres"; and for "18 inches", substitute "458 millimetres".
72(35)	for "2", substitute "51 millimetres".

Item No.	Name of article	Nature of duty	Standard rate of duty	Preferential rate of duty if the article is the produce or manufacture of	Duration of protective rates of duty
					The United Kingdom A British Colony
72(36)	for "2", substitute "51 millimetres".	"	"	"	"
72(37)	for "2", substitute "51 millimetres".	"	"	"	"
72(38)	for "2", substitute "51 millimetres".	"	"	"	"
73 (1)	for "One-eighthieth part of a square inch", substitute "0.0645 square millimetres".	"	"	"	"
73(6)	for "One-eighthieth part of a square inch", substitute "0.0645 square millimetres".	"	"	"	"
73(8)	for "24", substitute "61 centimetres".	"	"	Rs. 19.68 per tonne or 15 per cent. ad valorem, whichever is higher.	"
74(a)	"	"	"	"	"
74(b)	"	"	"	Rs. 59.05 per tonne or 25 per cent. ad valorem, whichever is higher.	"

75(7A)	for "1½" X 1⅝" and "1½" X 3½", substitute "12·7 mm. X 3·75 mm." and "12·7 mm. X 4·7625 mm." respectively.
75(12A)	for "6 inches", wherever they occur, substitute "153 millimetres".
75(18)(b)	for "one inch", substitute "25·4 millimetres".

- (ii) In the First Schedule to the Indian Tariff Act, 1934, in the second column, in clause (b) of the proviso to each of the Items Nos.—22(4) and 22(5), for the words "Imperial gallon", the word "litre" shall be substituted.
- (iii) In the First Schedule to the Indian Tariff Act, 1934, for Item No. 27(5), the following Item shall be substituted, namely :—

Item No.	Name of article	Nature of duty	Standard rate of duty	Preferential rate of duty if the article is the produce or manufacture of		Duration of protective rates of duty
				The United Kingdom	A British Colony	
1	2	3	4	5	6	7
"27(5)	High Speed Diesel Oil and Vapourizing Oil, that is to say, mineral oil (excluding mineral colza oil and turpentine substitute) which has its flashing point at or above seventy-six degrees of Fahrenheit's thermometer, and satisfies either of the following requirements, namely:—			

Item No.	Name of article	Nature of duty	Standard rate of duty	Preferential rate of duty if the article is the produce or manufacture of		
				The United Kingdom	A British Colony	Duration of protective rates of duty
1			3	4	5	6
		(i) the oil has a flame height of ten millimetres or more but less than eighteen millimetres, or				7
		(ii) the oil has a flame height of less than ten millimetres, but has a viscosity of less than fifty seconds by Redwood I Viscometer at one hundred degrees of Fahrenheit's thermometer, and contains less than one quarter of one per cent, by weight of any bituminous substance—				
	(a) High Speed Diesel Oil	Revenue		Rs. 44.60 per kilolitre at 15 degrees of centigrade thermometer or 16 per cent. ad valorem, whichever is higher, plus the excise duty for the time being leviable on like articles if produced or manufactured in India.		

(b) Vaporizing Oil	Revenue	Rs. 44·70 per Kilolit. ^r at 15 degrees of centigrade thermometer or 16 per cent. ad valorem, whichever is higher, plus the excise duty for the time being leviable on like articles if produced or manufactured in India.
<i>Explanation.—</i> The expressions "mineral oil", "flame height" and "flashing point" have the meanings respectively assigned to them in <i>Explanations I, II and III</i> to Item No. 27(4).		

*Explanation.—*The expressions "mineral oil", "flame height" and "flashing point" have the meanings respectively assigned to them in *Explanations I, II and III* to Item No. 27(4).

- (iv) In the First Schedule to the Indian Tariff Act, 1934, in Item No. 63(21)A,—
- (a) in the second column, for the figures, letters and words "30 lbs. per yard", wherever they occur, the figures and words "14·881 kilograms per metre" shall be substituted; and
- (b) in the fourth column, for the letters, figures and words "Rs. 10 per ton", "Rs. 31 per ton" and "Rs. 60 per ton", wherever they occur, the letters, figures and words "Rs. 9·80 per tonne", "Rs. 30·51 per tonne" and "Rs. 59·05 per tonne" shall respectively be substituted.
- (v) in the First Schedule to the Indian Tariff Act, 1934, in Item No. 63(21)B,—
- (a) in the second column, for the figures, letters and words "30 lbs. per yard", wherever they occur, the figures and words "14·881 kilograms per metre" shall be substituted; and
- (b) in the fourth column, for the letters, figures and words "Rs. 10 per ton", "Rs. 33 per ton" and "Rs. 65 per ton", wherever they occur, the letters, figures and words "Rs. 9·80 per tonne", "Rs. 32·48 per tonne" and "Rs. 63·97 per tonne" shall respectively be substituted.

PART II
The Second Schedule to the Indian Tariff Act, 1934, shall be amended in the manner and to the extent specified in the Table below, and the existing entries in any column thereof which have not been so amended shall continue unaltered.

TABLE

Item No.	Name of article	Rate of duty
<i>For the existing entries, substitute—</i>		
1(1)	..	Rs. 4·50 per bale of 181·43696 kilograms.
1(2)	..	Rs. 15 per bale of 181·43696 kilograms.
2(f)	..	Rs. 344·50 per tonne.
2(ii)	..	Rs. 1476·30 per to m.e.
2(iii)	..	Rs. 78·70 per tonne.
3	..	Rs. 400 per bale of 181·43696 kilograms.
5	..	Not exceeding 66 paisa per kilogram as the Central Government may, by notification in the Official Gazette, fix.
6	for "inch"; wherever it occurs, substitute "25·4 millimetres".	
9	..	Rs. 1.10 per kilogram.
9 (1)	..	Rs. 344·50 per tonne.

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Not Corrected: See India 1960

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13	Rs. 295.30 per tonne.
14	Rs. 147.60 per tonne.
15	Rs. 295.30 per tonne.
16	Rs. 295.30 per tonne.
17	Rs. 300 per flask of 34.01943 kilograms.
18	Rs. 123.00 per quintal.
19	Rs. 226.40 per tonne.
20	Rs. 172.20 per tonne.
21	Rs. 98.40 per tonne.
	Rs. 49.20 per tonne.

Rep. by Act 52 of 1964, s. 2 + Sch. I (w.e.f. 28.12.64).

THE STANDARDS OF WEIGHTS AND MEASURES
(AMENDMENT) ACT, 1960

NO. 41 OF 1960

[21st September, 1960]

An Act to amend the Standards of Weights and Measures Act, 1956.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

Short title and commencement. 1. (1) This Act may be called the Standards of Weights and Measures (Amendment) Act, 1960.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 1. 2. In section 1 of the Standards of Weights and Measures Act, 1956 (hereinafter referred to as the principal Act),—

89 of 1956.

(i) in sub-section (2), the words "except the State of Jammu and Kashmir" shall be omitted; and

(ii) to sub-section (3), the following proviso shall be added, namely:—

"Provided that, in relation to the State of Jammu and Kashmir, the said period of ten years shall be computed from the date on which the Standards of Weights and Measures (Amendment) Act, 1960 comes into force.

Amendment of section 17. 3. In section 17 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

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

¹1st October, 1960, *vide* Notification No. S.O. 2349, dated the 23rd September, 1960, see Gazette of India, Extraordinary, 1960, Pt. II, sec. 3 (ii), p. 547.

Rep by Act 52 of 1964, s. 2 & sch I (w.e.f. 29.12.64).

THE INDIAN TRADE UNIONS (AMENDMENT)
ACT, 1960

No. 42 OF 1960

[21st September, 1960]

An Act further to amend the Indian Trade Unions Act, 1926.

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

1. This Act may be called the Indian Trade Unions (Amendment) Short title. Act, 1960.

2. In the long title of, and the preamble to, the Indian Trade Unions Act, 1926 (hereinafter referred to as the principal Act), the words "in the Provinces of India" shall be omitted. Amendment of long title and preamble.

3. For clause (f) of section 2 of the principal Act, the following Amendment of section 2. clause shall be substituted, namely:—

(f) "Registrar" means—

(i) a Registrar of Trade Unions appointed by the appropriate Government under section 3, and includes any Additional or Deputy Registrar of Trade Unions; and

(ii) in relation to any Trade Union, the Registrar appointed for the State in which the head or registered office, as the case may be, of the Trade Union is situated;'

4. Section 3 of the principal Act shall be re-numbered as sub-section (1) of section 3 and after sub-section (1) as so re-numbered, the following sub-sections shall be inserted, namely:—

"(2) The appropriate Government may appoint as many Additional and Deputy Registrars of Trade Unions as it thinks fit for the purpose of exercising and discharging, under the superintendence and direction of the Registrar, such powers and functions of the Registrar under this Act as it may, by order, specify and define the local limits within which any such Additional or Deputy Registrar shall exercise and discharge the powers and functions so specified.

Rep. by Act 52 of 1964.

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Indian Trade Unions (Amendment)

[ACT 42]

(3) Subject to the provisions of any order under sub-section (2), where an Additional or Deputy Registrar exercises and discharges the powers and functions of a Registrar in an area within which the registered office of a Trade Union is situated, the Additional or Deputy Registrar shall be deemed to be the Registrar in relation to the Trade Union for the purposes of this Act.”.

Amendment
of section 4.

5. Section 4 of the principal Act shall be re-numbered as sub-section (1) of section 4 and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) Where an application has been made under sub-section (1) for the registration of a Trade Union, such application shall not be deemed to have become invalid merely by reason of the fact that, at any time after the date of the application, but before the registration of the Trade Union, some of the applicants, but not exceeding half of the total number of persons who made the application, have ceased to be members of the Trade Union or have given notice in writing to the Registrar dissociating themselves from the application.”.

Amendment
of section 6.

6. After clause (e) of section 6 of the principal Act, the following clause shall be inserted, namely:—

“(ee) the payment of a subscription by members of the Trade Union which shall be not less than twenty-five *naye paise* per month per member;”.

Amendment
of section 14.

7. For clause (e) of section 14 of the principal Act, the following clause shall be substituted, namely:—

“(c) The Companies Act, 1956.”.

1 of 1956.

Amendment
of section 16.

8. In clauses (a), (c) and (d) of sub-section (2) of section 16 of the principal Act, the words and figures “the Government of India Act, or the Government of India Act, 1935, or” shall be omitted.

Amendment
of section 28.

9. After sub-section (3) of section 28 of the principal Act, the following sub-section shall be inserted, namely:—

“(4) For the purpose of examining the documents referred to in sub-sections (1), (2) and (3), the Registrar, or any officer authorised by him, by general or special order, may at all reasonable times inspect the certificate of registration, account books, registers, and other documents, relating to a Trade Union, at its registered office or may require their production at such place as he may specify in this behalf, but no such place shall be at a distance of more than ten miles from the registered office of a Trade Union.”.

THE TRIPURA LAND REVENUE AND LAND REFORMS ACT, 1960

ARRANGEMENT OF SECTIONS

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THE SCHEDULE.

**THE TRIPURA LAND REVENUE AND LAND REFORMS
ACT, 1960**

No. 43 OF 1960

[21st September, 1960]

An Act to consolidate and amend the law relating to land revenue in the Union territory of Tripura and to provide for the acquisition of estates and for certain other measures of land reform.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows :—

PART I

CHAPTER I.—PRELIMINARY

1. (1) This Act may be called the Tripura Land Revenue and Land Reforms Act, 1960. Short title,
extent and
commencement.

(2) It extends to the whole of the Union territory of Tripura.

(3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint; and different dates may be appointed for different areas and for different provisions of this Act.

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

(a) “Administrator” means the Administrator of the Union territory of Tripura;

(b) “agriculture” includes horticulture, the raising of annual or periodical crops or garden produce, dairy farming, poultry farming, stock breeding, grazing and pisciculture;

(c) “basic holding” means land used for agricultural purposes which is equal to two standard acres in area;

(d) "Collector" means the Collector of the district and includes any officer appointed by the Administrator to exercise and perform all or any of the powers and functions of a Collector under this Act;

(e) "commencement of this Act", in relation to any provision, means the date specified in respect of that provision in a notification under sub-section (3) of section 1;

(f) "competent authority", in relation to any provision, means any officer appointed by the Administrator to be the competent authority for the purpose of that provision;

(g) "family" except in Chapter XIII means, in relation to a person, the wife or husband of such person, his children, grandchildren, parents and brothers, and in the case of a Joint Hindu family, any member of such family;

(h) "family holding" means land used for agricultural purposes which is equal to 6·4 standard acres in area;

(i) "Government" means the Central Government;

(j) "holding" means a parcel of land separately assessed to land revenue;

(k) "improvement", in relation to any land, means any work which materially adds to the value of the land and which is suitable to the land and consistent with the character thereof and includes—

(i) the construction of tanks, wells, water channels and other works for the storage, supply and distribution of water for agricultural purposes or for the use of man and cattle employed in agriculture;

(ii) the construction of works for the drainage of land or for the protection of land from floods or from erosion or from other damage by water;

(iii) the preparation of land for irrigation;

(iv) the conversion of one-crop into two-crop land;

(v) the reclaiming, clearing, enclosing, levelling or terracing of land used for agricultural purposes;

(vi) the erection on land or in the immediate vicinity thereof otherwise than on the village site, of a building or house for the occupation of the under-raiayat, his family and

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servants or of a cattle shed, a store-house or other construction for agricultural purposes or of any building required for the convenient or profitable use or occupation of the land; and

(vii) the renewal or reconstruction of any of the foregoing works or such alterations therein or additions thereto as are not of the nature of ordinary repairs;

(l) "minor" means a person who is deemed not to have attained majority under the Indian Majority Act, 1875;

(m) "Official Gazette" means the Tripura Gazette;

(n) "pay", "payable" and "payment", used with reference to rent, include "deliver", "deliverable" and "delivery";

(o) "person under disability" means—

(i) a widow;

(ii) a minor;

(iii) a woman who is unmarried or who, if married, is divorced or judicially separated from her husband or whose husband is a person falling under item (iv) or (v);

(iv) a member of the Armed Forces of the Union;

(v) a person incapable of cultivating land by reason of some physical or mental disability;

(p) "personal cultivation", with its grammatical variations and cognate expressions, means cultivation by a person on his own account—

(i) by his own labour, or

(ii) by the labour of any member of his family, or

(iii) by servants or by hired labour on wages, payable in cash or in kind but not as a share of produce, under his personal supervision or the personal supervision of any member of his family;

Explanation I.—Land shall not be deemed to be cultivated under the personal supervision of a person or a member of his family unless such person or member resides in the village in which the land is situated or in a nearby village situated within a distance to be prescribed, during the major part of the agricultural season;

Explanation II.—In the case of a person under disability, supervision by a paid employee on behalf of such person shall be deemed to be personal supervision;

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

(r) "public purpose" includes a purpose connected with allotment of land to cultivators, under-raiyats ejected as a result of resumption, land-less agricultural workers or co-operative farming societies;

(s) "raiyat" means a person who owns land for purposes of agriculture paying land revenue to the Government and includes the successors-in-interest of such person;

(t) "rent" means whatever is lawfully payable, in money or in kind, or partly in money and partly in kind, whether as a fixed quantity of produce or as a share of the produce, on account of the use or occupation of land or on account of any right in land but shall not include land revenue;

(u) "standard acre" means one acre of 'lunga' or 'nal' or three acres of 'tilla' land;

(v) "under-raiyat" means a person who cultivates or holds the land of a raiyat under an agreement, express or implied, on condition of paying therefor rent in cash or in kind or delivering a share of the produce and includes a person who cultivates or holds land of a raiyat under the system generally known as 'bhag', 'adhi' or 'barga';

(w) "village" means any tract of land which, before the commencement of this Act, was recognised as or was declared to be a village under any law for the time being in force or which may after such commencement be recognised as a village at any settlement or which the Administrator may, by notification in the Official Gazette, declare to be a village;

(x) "year" means the agricultural year commencing on such date as the Administrator may, in the case of any specified area, by notification in the Official Gazette, appoint.

PART II

CHAPTER II.—REVENUE DIVISIONS, REVENUE OFFICERS AND THEIR APPOINTMENT

Power to
create, alter
or abolish
districts,
sub-divi-
sions, etc.

3. (1) The Administrator may, with the previous concurrence of the Government, by notification in the Official Gazette, divide the Union territory of Tripura into one or more districts, and may similarly divide any district into sub-divisions, circles and tehsils, and may alter the limits of, or abolish, any district, sub-division, circle or tehsil.

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(2) The districts, sub-divisions, circles and tehsils existing at the commencement of this Act shall continue respectively to be the districts, sub-divisions, circles and tehsils under this Act unless otherwise provided under sub-section (1).

4. The Government or such other officer as may be authorised ~~Appointment~~ by the Government in this behalf may appoint the following classes of revenue officers, namely:—

- (a) Collector,
- (b) director of settlement and land records,
- (c) sub-divisional officers,
- (d) survey and settlement officers,
- (e) assistant survey and settlement officers,
- (f) circle officers,
- (g) revenue inspectors,
- (h) tehsildars,

(i) village accountants and such other village officers and servants as may be specified by rules made under this Act.

5. (1) Each district shall be placed under the charge of a Collector who shall be in charge of the revenue administration of the district and exercise the powers and discharge the duties of the Collector under this Act or any other law for the time being in force, and shall exercise so far as is consistent therewith such other powers of superintendence and control within the district and over the officers subordinate to him as may from time to time be prescribed.

(2) Each sub-division shall be placed under the charge of a sub-divisional officer.

(3) Each circle or tehsil shall be placed under the charge of a circle officer or a tehsildar, as the case may be.

(4) The duties and powers of the sub-divisional officers, the circle officers and other revenue officers shall be such as may be imposed or conferred on them by or under this Act or any other law in force for the time being or any general or special order of the Administrator published in the Official Gazette.

6. The officers specified in items (b), (d) and (e) of section 4 shall have power to take cognizance of all matters connected with the survey of land and the settlement of the revenue-rates and the preparation and maintenance of land records and other registers and shall exercise all such powers and perform all such duties as

may be prescribed by or under this Act or by any general or special order of the Administrator published in the Official Gazette.

**Subordination
of revenue
officers.**

7. All revenue officers shall be subordinate to the Administrator and all revenue officers in the district or a sub-division shall be subordinate to the Collector or the sub-divisional officer, as the case may be.

**Combination
of offices.**

8. It shall be lawful for the Administrator to appoint one and the same person to any two or more of the offices provided for in this Chapter, to make any appointment by virtue of office and also to confer on any officer of the Government all or any of the powers and duties of any of the revenue officers including the Collector.

**Notification
of appoint-
ments.**

9. All appointments made under this Chapter except appointments of revenue inspectors, tehsildars and village accountants and other village officers and servants shall be notified in the Official Gazette.

Seals.

10. The Administrator shall, from time to time, by notification in the Official Gazette, specify the revenue officers who shall use a seal and also the size and description of the seal which each such officer shall use.

CHAPTER III.—LAND AND LAND REVENUE

**Title of
Government
to lands, etc.**

11. (1) All lands, public roads, lanes and paths and bridges, ditches, dikes, and fences on or beside the same, the beds of rivers, streams, nallas, lakes and tanks, and all canals and water courses, and all standing and flowing water, and all rights in or over the same or appertaining thereto, which are not the property of any person, are and are hereby declared to be the property of the Government.

(2) Unless it is otherwise expressly provided in the terms of a grant made by the Government, the right to mines, quarries, minerals and mineral products including mineral oil, natural gas and petroleum shall vest in the Government, and it shall have all the powers necessary for the proper enjoyment of such rights.

(3) Where any property or any right in or over any property is claimed by or on behalf of the Government, or by any person as against the Government and the claim is disputed, such dispute shall be decided by the Collector whose order shall, subject to the provisions of this Act, be final.

(4) Any person aggrieved by an order made under subsection (3) or in appeal or revision therefrom may institute a civil suit to contest the order within a period of six months from the date of such order and the decision of the civil court shall be binding on the parties.

12. (1) The growing on land, jungle or so far as the said Government, a product shall be prescribed, kept with regard to

(2) All road under the order which have been set by the side Government.

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12. (1) The right to all trees, jungles or other natural products growing on land set apart for forest reserves and to all trees, brush wood, jungle or other natural product, wherever growing, except in so far as the same may be the property of any person, vests in the Government, and such trees, brush wood, jungle or other natural product shall be preserved or disposed of in such manner as may be prescribed, keeping in view the interests of the people in the area with regard to the user of the natural products.

(2) All road side trees which have been planted and reared by or under the orders or at the expense of the Government and all trees which have been planted and reared at the expense of local authorities by the side of any road belonging to the Government vest in the Government.

13. Subject to rules made in this behalf under this Act, the Collector may set apart land belonging to the Government for pasture for the village cattle, for forest reserves or for any other purpose.

Assignment
of land for
special pur-
poses.

14. (1) The Collector may allot land belonging to the Government for agricultural purposes or for construction of dwelling houses, in accordance with such rules as may be made in this behalf under this Act; and such rules may provide for allotment of land to persons evicted under section 15.

Allotment of
land.

(2) The Administrator shall have power—

(a) to allot any such land for the purpose of an industry or for any purpose of public utility on such conditions as may be prescribed, or

(b) to entrust the management of any such land or any rights therein to the gram panchayat of the village established under any law for the time being in force.

15. (1) Any person who occupies or continues to occupy any land belonging to Government without lawful authority shall be regarded as a trespasser and may be summarily evicted therefrom by the competent authority and any building or other construction erected or anything deposited on such land, if not removed within such reasonable time as such authority may from time to time fix for the purpose, shall be liable to be forfeited to the Government and to be disposed of in such manner as the competent authority may direct:

Unauthorised
occupation
of land.

Provided that the competent authority may, in lieu of ordering the forfeiture of any such building or other construction, order the demolition of the whole or any part thereof.

(2) Such trespasser shall also be liable by way of penalty to pay a sum which may extend to six times the annual assessment on such

land as may be specified by the competent authority and such sum shall be recoverable in the same manner as an arrear of land revenue.

(3) Upon payment of the penalty referred to in sub-section (2) the trespasser shall have the right of tending, gathering and removing any ungathered crops.

Liability of land to payment of land revenue. 16. (1) All lands, to whatever purpose applied, are liable to payment of land revenue to the Government.

(2) The Administrator may exempt any land from the liability to such payment by means of a special grant or contract or in accordance with any law for the time being in force or the rules made under this Act.

Alluvial lands. 17. All alluvial lands, newly formed islands, or abandoned river beds, which vest under any law for the time being in force in any holder of land shall be subject in respect of liability to land revenue to the same privileges, conditions and restrictions as are applicable to the original holding by virtue of which such lands, islands or river beds vest in the said holder, but no revenue shall be leviable in respect of any such lands, islands or river beds unless the area of the same exceeds one acre.

Land revenue in case of diluvion. 18. Every holder of land paying land revenue in respect thereof shall be entitled, subject to such rules as may be made in this behalf, to a decrease of assessment if any portion thereof, not being less than one acre in extent, is lost by diluvion.

Assessment of land revenue. 19. (1) The assessment of land revenue on any land shall be made, or shall be deemed to have been made, with respect to the use of the land—

- (a) for purposes of agriculture;
- (b) for industrial or commercial purposes;
- (c) as sites for dwelling houses;
- (d) for any other purpose.

(2) Where land assessed for use for any one purpose is diverted to any other purpose, the land revenue payable upon such land shall notwithstanding that the term for which the assessment may have been fixed has not expired, be liable to be altered and assessed at a different rate in accordance with the rules made under this Act.

Diversion of land. 20. (1) If any person holding land for any purpose wishes to divert such land or any part thereof to any other purpose except agriculture, he shall apply for permission to the competent authority who may, subject to the provisions of this section and to the rules made under this Act, refuse permission or grant it on such conditions as it may think fit.

(2) Permission to divert may be refused by the competent authority only on the ground that the diversion is likely to cause a public nuisance or that it is not in the interest of the general public or that the holder is unable or unwilling to comply with the conditions that may be imposed under sub-section (3).

(3) Conditions may be imposed on diversion for the following objects and no others, namely, in order to secure the public health, safety and convenience, and in the case of land which is to be used as building sites, in order to secure in addition that the dimensions, arrangement and accessibility of the sites are adequate for the health and convenience of occupiers or are suitable to the locality.

(4) If any land has been diverted without permission by the holder or by any other person with or without the consent of the holder, the competent authority, on receiving information thereof, may impose on the person responsible for the diversion a penalty not exceeding one hundred rupees, and may proceed in accordance with the provisions of sub-section (1) as if an application for permission to divert has been made.

(5) If any land has been diverted in contravention of an order passed or of a condition imposed under any of the foregoing sub-sections, the competent authority may serve a notice on the person responsible for such contravention, directing him, within a reasonable period to be stated in the notice, to use the land for its original purpose or to observe the condition; and such notice may require such person to remove any structure, to fill up any excavation, or to take such other steps as may be required in order that the land may be used for its original purpose, or that the condition may be satisfied. The competent authority may also impose on such person a penalty not exceeding one hundred rupees for such contravention, and a further penalty not exceeding four rupees for each day during which such contravention continues.

(6) If any person served with a notice under sub-section (5), fails within the period stated in the notice to take the steps ordered by the competent authority under that sub-section, the competent authority may itself take such steps or cause them to be taken; and any cost incurred in so doing shall be recoverable from such person in the same manner as an arrear of land revenue.

Explanation.—“Diversion” in this section means using land assessed to one purpose for any other purpose, but using land for the purpose of agriculture where it is assessed with reference to any other purpose shall not be deemed to be diversion.

Remission or suspension of revenue on this behalf under this Act, grant a remission or suspension of failure of revenue in years in which crops have failed in any area.

Responsibility for payment of land revenue.

21. The Administrator may, in accordance with the rules made in this behalf under this Act, grant a remission or suspension of failure of revenue in years in which crops have failed in any area.

22. (1) The following persons shall be primarily liable for the payment of land revenue assessed on land, namely:—

(a) the person to whom the land belongs;

(b) the under-raiyat or any other person in possession of the land, provided that such under-raiyat or other person shall be entitled to credit from the owner of the land for the amount paid by him.

(2) Where there are two or more persons liable to pay land revenue under sub-section (1), all of them shall be jointly and severally liable for its payment.

Receipt for land revenue.

23. Every revenue officer receiving payment of land revenue shall, at the time when such payment is received by him, give a written receipt for the same.

CHAPTER IV.—SURVEY AND SETTLEMENT OF LAND REVENUE

Definitions of "revenue survey", "settlement" and "term of settlement".

24. The operations carried out in accordance with the provisions of this Chapter in order to determine or revise the land revenue payable on lands in any local area are called a "revenue survey", the results of the operations are called a "settlement" and the period during which such results are to be in force is called the "term of settlement".

Inquiry into profits of agriculture.

25. (1) As soon as may be after the commencement of this Act, the Administrator shall take steps to institute and shall cause to be constantly maintained, in accordance with the rules made under this Act, an inquiry into the profits of agriculture and into the value of land used for agricultural and non-agricultural purposes.

(2) For the purpose of determining the profits of agriculture, the following matters shall be taken into account in estimating the cost of cultivation, namely:—

(a) the depreciation of stock and buildings;

(b) the money equivalent of the labour and supervision by the cultivator and his family;

(c) all other expenses usually incurred in the cultivation of the land which is under inquiry; and

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(d) interest on the cost of buildings and stock, on all expenditure for seed and manure and on the cost of agricultural operations paid for in cash.

26. Whenever the Administrator thinks it expedient so to do, he may, with the approval of the Government, by notification in the Official Gazette, direct the revenue survey of any local area with a view to the settlement of the land revenue and to the preparation of a record of rights connected therewith or the revision of any existing settlement or record of rights.

27. A survey officer deputed to conduct or take part in any revenue survey may, by special order or by general notice to be published in the prescribed manner, require the attendance of holders of lands to assist in the measurement or classification of the lands to which the revenue survey extends and, when hired labour is employed for purposes incidental to the revenue survey, may assess and apportion the cost thereof on the lands surveyed, for collection as land revenue due on such lands.

28. Subject to the rules made in this behalf under this Act, the survey officer may—

(a) divide the lands to which the revenue survey extends into villages and the villages into plots and survey numbers; and

(b) recognise the existing villages and survey numbers, reconstitute them or form new survey numbers.

29. The survey officer may sub-divide survey numbers into as many sub-divisions as may be required in the manner prescribed.

30. The Administrator may at any time direct the determination or the revision of the revenue-rates for all lands in any area of which a revenue survey has been made.

31. It shall be the duty of the survey officer or the settlement officer on the occasion of making or revising a settlement of land revenue to prepare a register to be called the "settlement register", showing the area and assessment of each survey number, with any other particulars that may be prescribed, and other records in accordance with such orders as may from time to time be made in this behalf by the Administrator.

Revenue-
rates how
determined.

32. For the purpose of determining the revenue-rates, the settlement officer may divide any area into units and in forming such units, he shall have regard to the physical features, agricultural and economic conditions and trade facilities and communications; and shall then determine the revenue-rates for different classes of lands in each such unit in the manner and according to the principles prescribed and in particular, in the case of agricultural land, to the profits of agriculture, to the consideration paid for leases, to the sale prices of land and to the principal monies on mortgages and in the case of non-agricultural land, to the value of the land for the purpose for which it is held.

Publication
of table of
revenue-
rates.

33. (1) The settlement officer shall prepare a table of revenue-rates in the prescribed form and publish it in the prescribed manner for the prescribed period.

(2) Any person objecting to any entry in the table of revenue-rates may present a petition in writing to the settlement officer within the prescribed period and the settlement officer shall consider such objections after giving a hearing to the objector.

(3) The settlement officer shall submit the table of revenue-rates to the Administrator together with a summary of objections, if any, his decisions on such objections and a statement of the grounds in support of his proposals.

Confirmation
of the table
of revenue-
rates.

34. (1) The Administrator may confirm the table of revenue-rates submitted to him by the settlement officer with such modifications, if any, as he may consider necessary.

(2) The table of revenue-rates confirmed under sub-section (1) shall be finally published in the Official Gazette.

Rates of re-
venue to
form part of
settlement
register.

35. The table of revenue-rates published under section 34 shall be incorporated in and form part of the settlement register of the village.

Introduction
of revenue-
rates.

36. When the revenue-rates are determined under this Chapter in respect of any area, such rates shall take effect from the beginning of the year next after the date of final publication of the table of revenue-rates under section 34.

Duration of
revenue-
rates.

37. (1) When the table of revenue-rates for any area has been finally published, the rates specified therein shall remain in force for a period of thirty years.

(2) Notwithstanding anything contained in sub-section (1),—

(a) revenue-rates may be altered or revised in any year after the expiry of every ten years from the date on which the table of revenue-rates was introduced, in such manner and to such extent as may be prescribed;

(b) when the circumstances of a local area are such that a fresh determination of the revenue-rates is in the opinion of the Administrator inexpedient, he may extend the term of settlement by such further period as he may think necessary.

38. (1) The settlement officer shall calculate the assessment ^{on Assessment} each holding in accordance with the revenue-rates confirmed and ^{on holdings.} finally published under section 34 and such assessment shall be the fair assessment.

(2) The settlement officer shall have the power to make fair assessment on all lands whatsoever to which the revenue survey extends, whether such lands are held with liability to pay full land revenue or land revenue at concessional rates or are held revenue free.

(3) The fair assessment of all lands shall be calculated in accordance with rules made in this behalf and having regard to the following principles, namely:—

(a) no regard shall be had to any claim to hold land on privileged terms;

(b) regard shall be had in the case of agricultural land to the profits of agriculture, to the consideration paid for leases, to the sale prices of land and to the principal monies on mortgages, and in the case of non-agricultural land, to the value of the land for the purpose for which it is held;

(c) where any improvement has been effected at any time in any holding held for the purpose of agriculture by or at the expense of the holder thereof, the fair assessment of such holding shall be fixed as if the improvement had not been made.

39. Notwithstanding anything contained in this Chapter, the Administrator may direct that any land in respect of which the rate of revenue has been determined shall be liable to be assessed to additional land revenue during the term of the settlement for additional advantages accruing to it from water received on account of irrigation works or improvements in existing irrigation works completed after the table of revenue-rates came into force and not effected by or at the expense of the holder of the land.

Additional assessment for water advantages.

Continuance
of survey
operations
and rates in
force at
commencement
of Act.

Power of
Collector to
correct
errors, etc.

Preparation
of record of
rights.

Publication
of the
record of
rights,

Jurisdiction
of civil courts
to decide
disputes.

40. Notwithstanding anything contained in this Chapter, all survey operations commenced under any law for the time being in force and continuing at the commencement of this Act shall be deemed to have been commenced and to be continuing under the provisions of this Chapter, and all revenue-rates in force at such commencement shall be deemed to have been determined and introduced in accordance with the provisions of this Chapter and shall remain in force until the introduction of revised revenue-rates; and such revised revenue-rates may be introduced at any time, notwithstanding anything contained in section 37.

41. (1) The powers and duties exercisable by the officers referred to in section 6 may also be exercised, during the term of settlement, by the Collector or such other revenue officer as may be specified by the Administrator for the purpose by notification in the Official Gazette.

(2) The Collector may at any time during the term of settlement correct any error in the area or the assessment of any survey number or sub-division due to a mistake of survey or arithmetical miscalculation:

Provided that no arrears of land revenue shall become payable by reason of such correction.

CHAPTER V.—LAND RECORDS

42. It shall be the duty of the survey officer to prepare a record of rights for each village showing the area of each survey number and other particulars and any other record or register, in accordance with the rules made under this Act.

43. (1) When a record of rights has been prepared, the survey officer shall publish a draft of the record in such manner and for such period as may be prescribed and shall receive and consider any objections which may be made during the period of such publication, to any entry therein or to any omission therefrom.

(2) When all objections have been considered and disposed of in accordance with the rules made in this behalf, the survey officer shall cause the record to be finally published in the prescribed manner.

(3) Every entry in the record of rights as finally published shall, until the contrary is proved, be presumed to be correct.

44. The civil courts shall have jurisdiction to decide any dispute to which the Government is not a party relating to any right or entry which is recorded in the record of rights.

45. The survey officer may, on application made to him in this behalf or on his own motion, within one year from the date of final publication of the record of rights, correct any entry in such record register which he is satisfied has been made owing to a *bona fide* mistake.

46. (1) There shall be maintained for every village a register of mutations in such form as may be prescribed.

(2) Any person acquiring by succession, survivorship, inheritance, partition, purchase, gift, mortgage, lease or otherwise any right in land or, where such person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property, shall report his acquisition of such right to the village accountant within three months from the date of such acquisition and the village accountant shall give at once a written acknowledgement in the prescribed form for such report to the person making it.

(3) The village accountant shall enter the substance of every report made to him under sub-section (2) in the register of mutations and also make an entry therein respecting the acquisition of any right of the kind mentioned in sub-section (2) which he has reason to believe to have taken place and of which a report has not been made under the said sub-section and, at the same time, shall post up a complete copy of the entry in a conspicuous place in the village and shall give written intimation to all persons appearing from the record of rights or the register of mutations to be interested in the mutations and to any other person whom he has reason to believe to be interested therein.

(4) Should any objection to an entry made under sub-section (3) in the register of mutations be made either orally or in writing to the village accountant, he shall enter the particulars of the objection in the register of disputed cases and shall at once give a written acknowledgement in the prescribed form for the objection to the person making it.

(5) The objections made under sub-section (4) shall be decided on the basis of possession by the competent authority and orders disposing of objections entered in the register of disputed cases shall be recorded in the register of mutations by the competent authority.

(6) After the entries in the register of mutations have been tested and found correct, the entries shall be transferred to the record of rights and shall be certified by such officer as may be prescribed in this behalf.

Penalty for neglect to afford information. 47. The Collector may, if he is of opinion that any person has wilfully neglected to make the report required by section 46 within the prescribed period, impose on such person a penalty not exceeding twenty-five rupees.

Assistance in preparation of maps.

48. Subject to rules made under this Act,—

(a) any revenue officer may, for the purpose of preparing or revising any map or plan required for or in connection with any record or register under this Chapter, exercise any of the powers of the survey officer under section 27 except the power of assessing the cost of hired labour; and

(b) any revenue officer not below the rank of sub-divisional officer may assess the cost of the preparation or revision of such maps or plans and all expenses incidental thereto, and such costs and expenses shall be recoverable in the same manner as an arrear of land revenue.

Certified copies.

49. Certified copies of entries in the record of rights may be granted by such officers and on payment of such fees as may be prescribed.

Maps and other records open to inspection.

50. Subject to such rules and on payment of such fees, if any, as may be prescribed, all maps and land records shall be open to inspection by the public during office hours, and certified extracts therefrom or certified copies thereof may be given to all persons applying for the same.

Power to transfer duty of maintaining maps and records to settlement officer.

51. When a local area is under settlement, the duty of maintaining the maps and records may, under the orders of the Administrator, be transferred from the Collector to the settlement officer.

CHAPTER VI.—BOUNDARIES AND BOUNDARY MARKS

Determination of village boundaries.

52. The boundaries of villages, survey numbers, sub-divisions and fields shall be fixed, and all disputes relating thereto shall be determined, by survey officers or by such other officers as may be appointed by the Administrator for the purpose, in accordance with the rules made in this behalf.

Effect of settlement of boundary.

53. (1) The settlement of a boundary under this Chapter shall be determinative—

(a) of the proper position of the boundary line or boundary marks; and

(b) of the rights of the landholders on either side of the boundary fixed in respect of the land adjudged to appertain, or not to appertain, to their respective holdings.

(2) Where a boundary has been so fixed, the Collector may at any time summarily evict any landholder who is wrongfully in possession of any land which has been adjudged in the settlement of a boundary not to appertain to his holding or to the holding of any person through or under whom he claims.

54. It shall be lawful for any survey officer authorised in this behalf to specify, or cause to be constructed, laid out, maintained or repaired, boundary marks of villages or survey numbers or subdivisions and to assess all charges incurred thereby on the holders or others having an interest therein.

Construction
and repair of
boundary
marks.

55. The boundary marks shall be of such description and shall be constructed, laid out, maintained or repaired in such manner and shall be of such dimensions and materials as may, subject to the rules made under this Act, be determined by the Collector or other officer appointed for the purpose.

Description
of boundary
marks.

56. Every landholder shall be responsible for the maintenance and good repair of the boundary marks of his holding and for any charge reasonably incurred on account of the same by the revenue officers in case of alteration, removal or disrepair. It shall be the duty of the village officers and servants to prevent the destruction or unauthorised alteration of the village boundary marks.

Responsi-
bilities for
maintaining
boundary
marks.

57. After the introduction of survey and settlement in a district, the charge of the boundary marks shall devolve on the Collector and it shall be his duty to take measures for their construction, laying out, maintenance and repair.

Collector to
have charge
of boundary
marks.

58. Any person wilfully erasing, removing or injuring a boundary mark shall be liable to such penalty not exceeding fifty rupees as the competent authority may impose.

Penalty for
injuring
boundary
marks.

CHAPTER VII.—REALISATION OF LAND REVENUE AND OTHER PUBLIC DEMANDS

59. Land revenue assessed on any land shall be the first charge on that land and on the crops, rents and profits thereof.

Land
revenue to be
first charge.

Payment
of land
revenue.

60. Land revenue shall be payable at such times, in such instalments, to such persons, and at such places, as may be prescribed.

Arrear of
land
revenue.

61. (1) Any instalment of land revenue or part thereof which is not paid on the due date shall become an arrear of land revenue and the person responsible for the payment shall become a defaulter.

(2) A statement of account certified by the circle officer shall, for the purpose of this Chapter, be conclusive evidence of the existence of the arrear, of its amount and of the person who is the defaulter:

Provided that nothing in this sub-section shall prejudice the right of such person to make payment under protest and to question the correctness of the account in separate proceedings before the competent authority.

Recovery of
arrears.

62. An arrear of land revenue may be recovered by any one or more of the following processes, namely:—

(a) by serving a written notice of demand on the defaulter;

(b) by distress and sale of the defaulter's movable property, including the produce of the land;

(c) by the attachment and sale of the defaulter's immovable property.

Notice of
demand.

63. The form and contents of the notice of demand and the officers by whom such notices shall be issued shall be such as may be prescribed.

Distress
and sale of
movable
property.

64. (1) The distress and sale of the movable property of a defaulter shall be made by such officers or class of officers, in such manner and in accordance with such procedure, as may be prescribed.

(2) Nothing in sub-section (1) shall be deemed to authorise the distress or sale of any property which, under the Code of Civil Procedure, 1908, is exempt from attachment or sale in execution of a decree or of any article set aside exclusively for religious use.

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Sale of im-
movable
property.

65. (1) When the Collector is of opinion that the processes referred to in clauses (a) and (b) of section 62 are not sufficient for the recovery of an arrear, he may, in addition to or instead of any of those processes, cause the land in respect of which such arrear is due to be attached and sold in the prescribed manner,

(2) The Collector may also cause the right, title and interest of the defaulter in any other immovable property to be similarly attached and sold.

66. (1) Before effecting the sale of any land or other immovable property under the provisions of this Chapter, the Collector or other officer empowered in this behalf shall issue such notices and proclamations, in such form, in such manner and containing such particulars, as may be prescribed; the notices and proclamations shall also be published in such manner as may be prescribed. Notice of sale.

(2) A copy of every notice or proclamation issued under sub-section (1) shall be served on the defaulter.

67. All sales of property, movable or immovable, under this Chapter shall be by public auction held in accordance with such rules as may be prescribed. Sale to be by auction.

68. No officer having any duty to perform in connection with any such sale and no person employed by or subordinate to such officer shall, either directly or indirectly, bid for or acquire any property except on behalf of the Government. Prohibition to bid at auction.

69. Perishable articles shall be sold by auction with the least possible delay and such sale shall be finally concluded by the officer conducting the sale. Sale of perishables.

70. Every sale of property, movable or immovable, under the provisions of this Chapter shall, as far as may be practicable, be proportionate to the amount of the arrear of land revenue to be recovered together with the interest thereon and the expenses of attachment and sale. Sales not to be excessive.

71. In all cases of sale of immovable property, the party who is declared to be the purchaser shall be required to deposit immediately 25 per cent. of the amount of his bid, and the balance within fifteen days of the date of sale. Deposit by purchaser of immovable property.

72. (1) In default of the payment of deposit referred to in section 71, the property shall be put up for re-sale and the expenses incurred in connection with the first sale shall be borne by the defaulting bidder. Failure to make deposit.

(2) In default of payment of the balance of the bid amount within the period prescribed in section 71, the deposit after defraying therefrom the expenses of the sale shall be forfeited to the Government and the property shall be re-sold.

(3) Where the proceeds of the re-sale are less than the price bid by such defaulting purchaser, the difference shall also be recoverable from him in the same manner as an arrear of land revenue.

Setting aside sale. 73. Where immovable property has been sold under this Chapter, the defaulter, or any person owning such property or holding an interest therein, may, at any time, within thirty days of the date of sale or within such further period not exceeding thirty days as the Collector may for sufficient cause allow, apply in the prescribed manner to the Collector to have the sale set aside—

(a) on the ground of some material irregularity or mistake or fraud resulting in substantial loss or injury to him, or

(b) on his depositing in the Collector's office the amount of the arrear specified in the proclamation of sale, the cost of the sale and for payment to the purchaser, a sum equal to 5 per cent. of the purchase money.

Confirmation of sale. 74. If, on the expiration of thirty days from the date of sale of any immovable property or of the further period, if any, allowed under section 73, no application has been made for setting aside the sale, or if any such application has been made and rejected, the Collector shall make an order confirming the sale unless, for reasons to be recorded, the Collector sets aside the sale notwithstanding that no application therefor has been made.

Refunds. 75. (1) The Collector shall order the refund and payment to the purchaser, of—

(a) the amounts deposited by him under section 71; and

(b) the sum equal to 5 per cent. of the purchase money deposited under clause (b) of section 73;

if the sale is not confirmed or is set aside.

(2) The Collector shall order the refund and payment of all the moneys deposited under clause (b) of section 73 to the person who made the deposit, if the sale is confirmed:

Provided that the Collector may set off the whole or any part of any such moneys against any arrears of land revenue or any other arrear recoverable as an arrear of land revenue, which may be outstanding against the person who made the deposit.

Certificate of purchase. 76. When a sale held under this Chapter is confirmed, the Collector shall put the person declared to be the purchaser in possession of the property and shall grant him a certificate in the prescribed

form to the effect that he has purchased the property specified therein, and such certificate shall be deemed to be a valid transfer of such property.

77. The proceeds of the sale of any property under this Chapter shall be applied in defraying the expenses of the sale which shall be determined in the prescribed manner and the balance shall be applied to the payment of the arrears on account of which the sale was held and the surplus, if any, shall be paid to the person whose property has been sold.

78. The person who has purchased any land and to whom a certificate of purchase has been granted shall not be liable for the land revenue in respect of the land for any period prior to the date of the sale.

79. When the crop of any land or any portion of the same is sold, mortgaged or otherwise disposed of, the Collector may, if he thinks it necessary, prevent its being removed from the land until the demand for the current year in respect of the said land is paid, whether the date fixed for the payment of the same has arrived or not.

80. The following moneys may be recovered under this Act in the same manner as an arrear of land revenue, namely:

(a) rent, fees and royalties due to the Government for use or occupation of land or water or any product of land;

(b) all moneys falling due to the Government under any grant, lease or contract which provides that they shall be recoverable as arrears of land revenue;

(c) all sums declared by this Act or any other law for the time being in force to be recoverable as an arrear of land revenue.

CHAPTER VIII.—PROCEDURE OF REVENUE OFFICERS: APPEALS AND REVISIONS

81. (1) A revenue officer, while exercising power under this Act or any other law for the time being in force to inquire into or to decide any question arising for determination between the Government and any person or between parties to any proceedings, shall be a revenue court.

(2) Nothing in this Act shall be deemed to limit or otherwise affect the inherent power of the revenue court to make such orders as may be necessary for the ends of justice or to prevent the abuse of the process of the revenue court.

Place of hearing:

82. Except for reasons to be recorded in writing, no revenue officer shall inquire into or hear any case at any place outside the local limits of his jurisdiction:

Provided that a sub-divisional officer may inquire into or hear any case at the headquarters of the district to which he is appointed.

Power to enter upon and survey land.

83. All revenue officers and persons acting under their orders may enter upon and survey any land and demarcate boundaries and do all other acts necessary for the purpose of discharging their duties under this Act or any other law for the time being in force and in so doing, shall cause no more damage than the circumstances of the case may require.

Power to transfer cases.

84. (1) The Administrator may transfer any case or class of cases arising under this Act or any other law for the time being in force from any revenue officer to any other revenue officer competent to deal with it.

(2) The Collector or a sub-divisional officer may transfer any case or class of cases arising under this Act or any other law for the time being in force for inquiry or decision from his own file or from the file of any revenue officer subordinate to him to the file of any other revenue officer subordinate to him competent to deal with such case or class of cases.

Power to take evidence, summon witnesses, etc.

85. (1) Every revenue officer not lower in rank than a circle officer acting as a revenue court shall have power to take evidence and to summon any person whose attendance he considers necessary, either as a party or as a witness or to produce any document, for the purpose of any inquiry which such officer is legally empowered to make; and all persons so summoned shall be bound to attend either in person or by an authorised agent as such officer may direct, and to produce such documents as may be required.

(2) Every summons shall be in writing, signed and sealed by the officer issuing it and shall be in such form and be served in such manner as may be prescribed.

Compelling attendance of witnesses. 86. If any person on whom a summons to attend as witness or to produce any document has been served fails to comply with the

summons, the officer by whom the summons has been issued under section 85 may—

- (a) issue a bailable warrant of arrest;
- (b) order him to furnish security for appearance; or
- (c) impose upon him a fine not exceeding rupees twenty.

87. (1) If, on the date fixed for hearing a case or proceeding, a revenue officer finds that a summons or notice was not served on any party due to the failure of the opposite party to pay the requisite process fees for such service, the case or proceeding may be dismissed for default of payment of such process fees.

(2) If any party to a case or proceeding before a revenue officer does not appear on the date fixed for hearing, the case may be heard and determined in his absence or may be dismissed for default.

(3) The party against whom any order is passed under subsection (1) or (2) may apply, within thirty days from the date of such order, to have it set aside on the ground that he was prevented by sufficient cause from paying the requisite process fees or from appearing at the hearing; and the revenue officer may, after notice to the opposite party and after making such inquiry as he considers necessary, set aside the order passed.

88. (1) A revenue officer may, from time to time, for reasons to be recorded, adjourn the hearing of a case or proceeding before him.

Adjournment of hearing.

(2) The date and place of an adjourned hearing shall be intimated at the time of the adjournment to such of the parties and witnesses as are present.

89. A revenue officer may direct the parties to pay the cost incurred in any case before him and also apportion the cost among the parties in such manner and to such extent as he may think fit.

Power to order payment of costs.

90. Where any order is passed under this Act directing any person to deliver possession of land or directing the eviction of any person from land, such order shall be executed by the competent authority in such manner as may be prescribed and it shall be lawful for such authority, in accordance with rules to be prescribed, to take such steps and use or cause to be used such force as may be reasonably necessary for securing compliance with the order.

Use of force.

Appearances before and applications to revenue officers.

91. All appearances before, applications to, and acts to be done before, any revenue officer under this Act or any other law for the time being in force may be made or done by the parties themselves or by their authorised agents or by any legal practitioner:

Provided that any such appearance shall, if the revenue officer so directs, be made by the party in person.

Correction of error or omission.

92. Any revenue officer by whom an order was passed in a case or proceeding may, either on his own motion or on the application of a party, correct any error or omission not affecting a material part of the case or proceeding, after such notice to the parties as he may consider necessary.

Appeals.

93. (1) Save as otherwise expressly provided, an appeal shall lie from every original order passed under this Act,—

(a) if such an order is passed by an officer subordinate to the sub-divisional officer, to the sub-divisional officer;

(b) if such an order is passed by the sub-divisional officer, to the Collector;

(c) if such an order is passed by the Collector, to the Administrator;

(d) if such an order is passed by an assistant survey and settlement officer, to the survey and settlement officer or to a revenue officer notified by the Administrator in the Official Gazette to be the appellate authority; and

(e) if such an order is passed by a survey and settlement officer, to the director of settlement and land records or to a revenue officer notified by the Administrator in the Official Gazette to be the appellate authority.

(2) A second appeal shall lie against any order passed in first appeal,—

(a) if such an order is passed under clause (a) of sub-section (1), to the Collector;

(b) if such an order is passed under clause (b) of sub-section (1), to the Administrator;

(c) if such an order is passed under clause (d) of sub-section (1), to the director of settlement and land records or to a revenue officer notified by the Administrator in the Official Gazette to be the second appellate authority; and

(d) if such an order is passed under clause (e) of subsection (1), to the Administrator.

94. (1) No appeal shall lie,—

Limitation
of appeals.

(a) in the case of a first appeal, after the expiry of thirty days from the date of the order appealed against; and

(b) in the case of a second appeal, after the expiry of sixty days from the date of the order appealed against.

(2) In computing the above periods, the time required to obtain copies of the order appealed against shall be excluded.

95. The Administrator or the Collector may, at any time, either Revision. on his own motion or on the application of any party, call for the records of any proceedings before any revenue officer subordinate to him for the purpose of satisfying himself as to the legality or the propriety of any order passed by such revenue officer, and may pass such order in reference thereto as he thinks fit :

Provided that he shall not vary or reverse any order affecting any right between private persons without having given to the parties interested notice to appear and be heard.

96. (1) A revenue officer may, either on his own motion or on Review of the application of any party interested, review any order passed by orders. himself or by any of his predecessors-in-office and pass such order in reference thereto as he thinks fit :

Provided that a revenue officer subordinate to the Collector shall, before reviewing any order under this section, obtain the permission of the Collector and the Collector shall, before reviewing an order passed by any of his predecessors-in-office obtain the permission of the Administrator.

(2) No order affecting any question of right between private persons shall be reviewed except on the application of a party to the proceedings or except after notice to the other party and no application for the review of such order shall be entertained unless it is made within ninety days from the date of the order.

(3) No order shall be reviewed except on the following grounds, namely :—

- (i) discovery of new and important matter of evidence;
- (ii) some mistake or error apparent on the face of the record; or
- (iii) any other sufficient reason.

(4) For the purposes of this section, the Collector shall be deemed to be the successor-in-office of any revenue officer who has left the district or who has ceased to exercise powers as a revenue officer and to whom there is no successor in the district.

(5) An order which has been dealt with in appeal or on revision shall not be reviewed by any officer subordinate to the appellate or revisional authority.

Stay of execution of orders.

97. (1) A revenue officer who has passed any order or his successor-in-office may, at any time before the expiry of the period prescribed for appeal, direct the stay of execution of such order for such period as he thinks fit provided that no appeal has been filed.

(2) Any authority before whom a case is pending in appeal or revision may direct the stay of execution of the order appealed from or under revision for such period as it may think fit.

(3) The revenue officer or other authority directing such stay of execution of any order may impose such conditions, or order such security to be furnished, as he or it may think fit.

Power to make rules.

98. (1) The Administrator may, by notification in the Official Gazette, make rules for carrying out the purposes of this Part.

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

(a) the manner of appointment of revenue officers, survey officers and settlement officers, and other village officers and servants, their powers and duties, the official seals, if any, to be used by them and the size and description of the seals;

(b) the Collector's powers of superintendence and control over other officers;

(c) the officers who should hear and decide disputes regarding rights in or over any property claimed by or against the Government and the procedure to be followed by them;

(d) the disposal of Government lands by assignment or grant to individuals or to public purposes and the terms and conditions subject to which such assignments or grants may be made;

(e) the preservation and disposal of trees, brush wood, jungle and other natural products on Government land and the recovery of the value of trees or other natural product unauthorisedly appropriated by persons;

(f) the procedure for summary eviction of trespassers on Government land;

(g) the alteration and revision of the land revenue in cases of alluvion or diluvion or of diversion of land for purposes other than agriculture;

(h) the grant of permission to use agricultural land for non-agricultural purposes;

(i) the determination of additional rates for use of water;

(j) the circumstances in which remission or suspension of revenue may be made and the rate of such remission or suspension;

(k) the form of receipt for payment of land revenue;

(l) the conduct of surveys and settlements of land revenue;

(m) the manner of estimating the cost of cultivation and other expenses in relation to the inquiry into profits of agriculture;

(n) the division of survey numbers into sub-divisions and the assessment of sub-divisions;

(o) the statistical, fiscal and other records and registers to be prepared and maintained under this Part;

(p) the manner in which the costs and expenses incidental to revenue survey or the construction, repair and maintenance of boundary marks shall be determined and apportioned between persons who are liable to bear the same;

(q) the fixing, construction, laying out, maintenance and repair of boundary marks, and the settlement of disputes relating thereto;

(r) the division of areas into units for determining the revenue-rates and the preparation of the table of revenue-rates;

(s) the preparation and the preliminary and final publication of the record of rights and the table of revenue-rates;

(t) the hearing and disposal of objections to any entry or omission in the table of revenue-rates, the record of rights, and the register of mutations;

(u) the manner and extent of alteration or revision of revenue-rates during the term of settlement;

- (v) the correction of bona fide errors and mistakes in the revenue records, registers and maps prepared under this Part;
- (w) the manner in which the average yield of crops of land shall be ascertained;
- (x) the manner of holding inquiries by revenue officers under this Part;
- (y) the application of the provisions of the Code of Civil Procedure, 1908, to cases and proceedings before a revenue court;
- (z) the form of summons and other processes, notices, orders and proclamations to be issued or made by revenue officers and the manner of their service;
- (aa) the procedure for the attachment and sale of property and the confirmation and the setting aside of sales of immovable property under Chapter VII;
- (bb) the manner of publication of notices and proclamations of attachment and sale of property;
- (cc) the manner in which the cost and expenses incidental to the attachment and sale of property shall be determined;
- (dd) the manner of payment of deposit and of the purchase money of property sold for arrears of land revenue;
- (ee) the circumstances in which precautionary measures for securing the land revenue under section 79 may be taken;
- (ff) the procedure for the transfer of cases from one revenue officer to another;
- (gg) the manner of preferring appeals or applications for revision or review, the documents to accompany the memorandum of appeal or such application and the fee, if any, leviable therefor;
- (hh) the grant of certified copies and the payment of fees for inspection and grant of certified copies of revenue records and registers;
- (ii) the mode of execution of any orders directing any person to deliver possession of land or to be evicted from land, including the use of force for securing compliance with such order;
- (jj) any other matter which is to be or may be prescribed.

PART III

CHAPTER IX.—RIGHTS OF RAIYATS IN LAND

99. (1) For the removal of doubts, it is hereby declared that subject to the other provisions of this Act,—
Rights of raiyats.

(a) the rights of a raiyat in his land shall be permanent, heritable and transferable;

(b) the raiyat shall be entitled by himself, his servants, under-raiyats, agents or other representatives to erect farm buildings, construct wells or tanks or make other improvements thereon for the better cultivation of the land or its convenient or profitable use;

(c) the raiyat is entitled to plant trees on his land, to enjoy the products thereof and to fell, utilise or dispose of the timber of any trees on his land.

(2) Nothing in sub-section (1) shall entitle a raiyat to use his land to the detriment of any adjoining land which is not his or in contravention of the provisions of any other law for the time being in force applicable to such lands.

100. (1) Every raiyat who, at the commencement of this Act, owns land in excess of a basic holding shall be entitled to apply to the competent authority for the reservation for his personal cultivation of any parcel or parcels of his land leased to under-raiyats.
Reservation of land for personal cultivation.

(2) Every application under sub-section (1) shall be in the prescribed form and shall be made in the prescribed manner within a period of one year from the commencement of this Act.

Explanation.—In the case of a person under disability, the application shall be made by his guardian or his authorised agent, as the case may be.

101. (1) The competent authority shall, on an application made under section 100, issue notice together with a copy of the application to each of the under-raiyats holding land from the applicant requiring the under-raiyat to submit his objections, if any, within a period of ninety days from the date of service of such notice or within such further period as the competent authority may allow.
Procedure for reservation of lands.

(2) An under-raiyat on whom a notice has been served under sub-section (1) shall furnish to the competent authority within the period aforesaid details of lands owned by him or held as under-raiyat of any other raiyat and of lands which he selects for retention by him.

(3) The competent authority shall, after considering the objections and the details, if any, furnished by the under-raiyats and after making such inquiry as it may consider necessary, determine the land or lands, not exceeding the permissible limit, which in its opinion having regard to all the circumstances of the case may be reserved for personal cultivation of the raiyat and the lands which each of his under-raiyats may be allowed to retain.

"Permissible limit" defined 102. (1) In section 101, "permissible limit" means an area of land which a raiyat may resume from under-raiyats for personal cultivation, that is to say,—

(a) in the case of a person under disability, 25 standard acres;

(b) in the case of any other person who—

(i) owns a basic holding or less, the entire area owned by him;

(ii) owns more than a basic holding but not exceeding a family holding, one-half of the area leased to under-raiyats or the area by which the land under his personal cultivation falls short of a basic holding, whichever is greater;

(iii) owns more than a family-holding,—

(1) if he has no land, or any land which is less than a family holding, under his personal cultivation, one-half of the area leased to under-raiyats but not exceeding the area by which land under his personal cultivation falls short of a family holding, provided that the under-raiyat is left with not less than a basic holding and provided further that a raiyat shall in any case be entitled to resume an area by which land under his personal cultivation falls short of a basic holding; and

(2) if he has a family holding or more under his personal cultivation, the area leased to under-raiyats but not exceeding the area by which land in his personal cultivation falls short of 25 standard acres, provided that the under-raiyat is left with not less than a family holding.

Explanation.—For the purpose of determining the permissible limit of a raiyat under this sub-section, any non-resumable land which he may hold as an under-raiyat shall also be taken into account.

(2) Notwithstanding anything contained in sub-section (1), an under-raiyat who under any law, custom or usage is not liable to

eviction at the commencement of this Act on the ground that the land is required for personal cultivation, shall in all cases be left with a basic holding or the land actually held by him, whichever is less.

(3) Any transfer of land made on or after the 10th August, 1957 shall be disregarded in computing the permissible limit.

103. In the case of a raiyat who at the commencement of this Act does not own land in excess of a basic holding, all lands owned by him and held by under-raiyats at such commencement shall, subject to the provisions of sub-section (2) of section 102, be deemed to have been reserved for his personal cultivation.

Explanation.—Any transfer of land made on or after the 10th August, 1957 shall be disregarded in determining the extent of land owned by a raiyat at the commencement of this Act.

104. The competent authority shall declare every land which, under sub-section (3) of section 101, an under-raiyat is allowed to retain to be the non-resumable land of the under-raiyat.

105. (1) Subject to the provisions of this Act, a raiyat may lease out his land to another person on such rent not exceeding the maximum rent referred to in section 111 as may be agreed upon between him and such person.

(2) Every lease of land made after the commencement of this Act shall be for a period of five years and at the end of the said period, and thereafter at the end of every such period of five years, the tenancy shall, subject to the provisions of sub-section (3), be deemed to be renewed for a further period of five years on the same terms and conditions except to the extent that a modification thereof consistent with this Act is agreed to by both parties.

(3) In respect of any lease made after the commencement of this Act, a raiyat who is a member of the Armed Forces of the Union, on his discharge from service or posting to the reserve, may by giving the under-raiyat three months' notice in writing before the expiry of any year, and any other raiyat may by giving the under-raiyat one year's notice in writing before the expiry of any term of five years, terminate the tenancy if the raiyat requires the land *bona fide* for personal cultivation by him.

106. (1) Where the Collector is satisfied that any land has remained uncultivated for a period of not less than two consecutive years otherwise than in accordance with rules made in this behalf under this Act, and that it is necessary for the purpose of ensuring

the full and efficient use of the land for agriculture to do so, he may after making such inquiry as may be prescribed lease out the land in accordance with the rules made under this Act.

(2) Any lease made under sub-section (1) shall be deemed to be a lease made by the raiyat under sub-section (1) of section 105.

Relinquish-
ment.

107. (1) Subject to any rules that may be made under this Act, a raiyat may relinquish his rights in respect of any land in his possession in favour of Government by giving a notice in writing to the competent authority in such form and manner as may be prescribed, not less than three months before the close of any year and thereupon he shall cease to be a raiyat in respect of that land from the year next following the date of notice:

Provided that relinquishment of only a part of a holding or of a holding which, or part of which, is subject to an encumbrance or a charge, shall not be valid.

(2) If any person relinquishes his rights to a land under sub-section (1), the way to which lies through other land retained by him, any future holder of the land relinquished shall be entitled to a right of way through the land retained.

CHAPTER X.—RIGHTS OF UNDER-RAIYATS

Interest of
under-
raiyats.

108. (1) The interest of an under-raiyat in any land held by him as such shall be heritable but, save as otherwise provided in this Act, shall not be transferable.

(2) No under-raiyat shall be evicted from his land except as provided in this Act.

Right to
create a
mortgage
or charge.

109. It shall be lawful for an under-raiyat to create a simple mortgage or a charge on his interest in the land leased to him, in favour of the Government or a co-operative society in consideration of any loan advanced to him by the Government or such society; and in the event of his making default in the repayment of such loan in accordance with its terms, it shall be lawful for the Government or the society, as the case may be, to cause his interest in the land to be attached and sold and the proceeds applied in payment of such loan.

Right to
make
improve-
ments.

110. An under-raiyat may, with the permission in writing of the raiyat, or if permission is refused without sufficient reason or is not given within two months, after obtaining the orders of the competent authority in the prescribed manner, make at his own expense any improvement to the land held by him, but shall not become liable to

pay a higher rate of rent on account of any increase of production or of any change in the nature of the crop raised, as a consequence of such improvement.

111. The rent payable by an under-*raiyat* in respect of any land held by him shall not exceed,— Maximum rent.

(a) where the rent is payable in kind as a share of the produce, one-fourth of the produce of such land or its value estimated in the prescribed manner if plough cattle for the cultivation of such land is supplied by the *raiyat* and one-fifth of such produce or its value as so estimated if plough cattle is not supplied by the *raiyat*;

(b) in any other case, four times the land revenue payable in respect of the land.

112. (1) The rent payable by an under-*raiyat* shall, subject to the provisions of section 111, be the rent agreed upon between him and the *raiyat*, or where there is no such agreement, the reasonable rent.

(2) The rent shall be paid at such times and in such manner as may have been agreed upon, or in the absence of such agreement, as may be prescribed.

113. (1) The competent authority may, on application made to it in this behalf by the *raiyat* or the under-*raiyat*, determine the reasonable rent for any land.

(2) The form of application under sub-section (1) and the procedure to be followed by the competent authority shall be such as may be prescribed.

(3) In determining the reasonable rent, the competent authority shall have regard to—

- (a) the rental value of lands used for similar purposes in the locality;
- (b) the profits of agriculture of similar lands in the locality;
- (c) the price of crops and commodities in the locality;
- (d) the improvements, if any, made to the land by the *raiyat* or the under-*raiyat*;
- (e) the land revenue payable in respect of the land; and
- (f) any other factor which may be prescribed.

(4) Where the reasonable rent for any land has been determined under this section, it shall not be altered for a period of five years except on any of the following grounds, namely :—

- (a) that the quality of the land has deteriorated by flood or other natural causes;
- (b) that there has been an increase in the produce of the land on account of improvements made to it at the expense of the raiyat;
- (c) that the extent of land has been altered by more than one acre by alluvion or diluvion;
- (d) that the land has been partially or wholly rendered unfit for cultivation.

(5) Nothing in sub-sections (1) to (4) shall affect the right of the Government to make an order directing the determination of the reasonable rent of lands in any specified area.

Commutation of rent payable in kind.

114. (1) In any case in which rent is payable in kind, the raiyat or the under-raiyat may apply in writing to the competent authority in the prescribed form and manner, for commuting the rent into money rent.

(2) On receipt of such application, the competent authority shall, after giving notice to the other party, determine the money rent payable for the land in accordance with the following provisions but not exceeding the maximum rent specified in section 111.

(3) In determining the money rent, regard shall be had to—

- (a) the average money rent payable by under-raiyats for land of similar description and with similar advantages in the vicinity;
- (b) the average value of the rent for the land actually received by the raiyat during the three years preceding the date of application;
- (c) the average prices of crops and commodities in the locality during the three years preceding the date of application;
- (d) the improvements, if any, made to the land by the raiyat or the under-raiyat; and
- (e) any other factor which may be prescribed.

Receipt for payment of rent.

115. Every raiyat shall give or cause to be given a receipt for the rent received by him or on his behalf in such form as may be prescribed duly signed by him or his authorised agent.

116. If any raiyat recovers from an under-raiyat rent in excess of the amount due under this Act, he shall forthwith refund the excess amount so recovered and shall also be liable to punishment as provided in this Act.

117. (1) Where a raiyat has obtained from or been granted by the Government any relief by way of suspension or remission, whether in whole or in part, of the land revenue payable in respect of his land, he shall be bound to give, and the under-raiyat concerned shall be entitled to receive from the raiyat, a corresponding or proportionate relief by way of suspension or remission of rent payable in respect of such land.

(2) The nature and extent of the relief which a raiyat is bound to give and which the under-raiyat is entitled to receive under sub-section (1) shall be determined in accordance with the rules made under this Act.

(3) No suit shall lie and no decree of a civil court shall be executed for the recovery by a raiyat of any rent the payment of which has been remitted, or during the period for which the payment of such rent has been suspended, under this section.

(4) The period during which the payment of rent is suspended under this section shall be excluded in computing the period of limitation for any suit or proceeding for the recovery of such rent.

(5) If any raiyat fails to suspend or remit the payment of rent as provided in sub-section (1), he shall be liable to refund to the under-raiyat the amount recovered by him in contravention of the provisions of this section and shall also be liable to punishment as provided in this Act.

118. (1) No person shall be evicted from any land held by him as under-raiyat except under the order of the competent authority made on any of the following grounds, namely:—

(a) that the land has been reserved for personal cultivation of the raiyat under section 101, or is deemed to have been reserved for personal cultivation of the raiyat under section 103;

(b) that a notice has been given to the under-raiyat under sub-section (3) of section 105;

(c) that the under-raiyat has intentionally and wilfully committed such acts of waste as are calculated to impair materially or permanently the value or utility of the land for agricultural purposes;

(d) that the under-riayat has failed to pay rent within a period of three months after it falls due:

Provided that the competent authority may, if it thinks fit, grant further time not exceeding six months for payment of the rent;

(e) that the under-riayat, not being a person under disability, has, after the commencement of this Act, sublet the land without the consent in writing of the raiyat.

(2) No order for eviction of an under-riayat shall be executed till the standing crops, if any, on the land are harvested.

(3) Where any land has been reserved for the personal cultivation of a raiyat by an order made under sub-section (3) of section 101, no suit or application for the eviction of the under-riayat in respect of such land under clause (a) of sub-section (1) shall lie after the expiry of five years from the commencement of this Act or one year from the date of the said order, whichever is later:

Provided that where any such raiyat is a person under disability, such suit or application may be instituted or made within a period of five years from the date when the disability ceases.

Explanation.—For the purposes of this sub-section, the disability of a person shall cease,—

(a) in the case of a widow, if she re-marries, on the date of her remarriage or if any person succeeds to the widow on her death, on the date of her death;

(b) in the case of a minor, on the date of his attaining majority;

(c) in the case of a woman who is unmarried or who is divorced or judicially separated from her husband, on the date of her marriage or remarriage, as the case may be, or in the case of a woman whose husband is a person falling under clause (d) or (e), on the date on which the disability of the husband ceases;

(d) in the case of a person who is a member of the Armed Forces of the Union, on the date of his discharge from service or of his posting to the reserve;

(e) in the case of a person suffering from a physical or mental disability, on the date on which the disability ceases to exist.

Restoration
of possession
of land
to under-
riayat.

119. Where a person who has taken possession of any land by evicting an under-riayat therefrom on the ground that the land had been reserved for personal cultivation by him, fails to cultivate such land personally within one year from the date on which he took

possession thereof or ceases to cultivate such land personally in any year during a period of four years next following, the under-*raiyat* shall be entitled to be restored to possession of the land from which he was evicted.

Explanation.—For the purpose of this section, land shall not be deemed to be under the personal cultivation of a person (not being a person under disability) unless such person or a member of his family engages himself in the principal agricultural operations.

120. If a raiyat fails to—

(a) apply for reservation of any land within the period prescribed in section 100, and the land is not deemed to have been reserved under section 103, or

Certain lands to be non-resumable land of under-*raiyat*.

(b) file a suit or application for the eviction of the under-*raiyat* from any land reserved under section 101 within the period prescribed in sub-section (3) of section 118; or

(c) cultivate or ceases to cultivate the land and the under-*raiyat* is restored to possession of the land under section 119,

the competent authority may *suo motu* and shall, on application, after making such inquiry as may be prescribed, declare the land to be the non-resumable land of the under-*raiyat*.

121. (1) An under-*raiyat* who has made any improvement at his own expense on the land leased to him shall, if he is to be evicted under the provisions of this Chapter, be entitled to receive compensation, before he is so evicted, for such improvement as, in the opinion of the competent authority, is reasonable.

Compensa-tion for improve-ments.

(2) The compensation payable to an under-*raiyat* under sub-section (1) shall be determined in accordance with the value of such improvements on the date of eviction, and in determining such compensation, regard shall be had to the following matters, namely:—

(a) the amount by which the value of the land has increased by reason of the improvement;

(b) the condition of the improvement at the date of the determination of the value thereof and the probable duration of its effect;

(c) the labour and capital involved in the making of the improvement; and

(d) the advantages secured by the under-*raiyat* in consideration of the improvement made by him.

(3) In any case in which compensation is payable to an under-raiyat under this section, the competent authority may direct that—

(a) the whole or any part of any loan which the under-raiyat has taken on the security of his interest in the land under section 109 and which is outstanding shall be deducted from such compensation and paid to the Government or the co-operative society, as the case may be;

(b) any arrear of rent due by the under-raiyat to the raiyat and the costs, if any, awarded to the raiyat shall be adjusted against the compensation.

Under-raiyat may remove building, works, etc., not deemed improvements.

122. An under-raiyat against whom an order of eviction has been passed, shall be entitled to remove within such time as is deemed reasonable by the competent authority any work of improvement which can be severed from the land and which the under-raiyat desires to remove, or any building or construction or work (which is not an improvement) in respect of which the raiyat is not willing to pay the compensation.

Restoration of possession of land in certain other cases.

123. (1) Where an under-raiyat of any land has, on or after the 10th August, 1957, surrendered, or been evicted from, such land and the surrender or eviction could not have taken place if this Act had been in force on the date of such surrender or eviction, the competent authority may, *suo motu* or on application made by the under-raiyat, restore him to possession of the land which he surrendered or from which he was evicted unless some other under-raiyat, not being a member of the raiyat's family, had *bona fide* been admitted to possession of such land.

(2) The competent authority shall, before making an order under sub-section (1), make such inquiry as may be prescribed.

Relief against termination of tenancy for act of waste.

124. Where a tenancy is sought to be terminated on the ground that the under-raiyat has materially impaired the value or utility of the land for agricultural purposes, if the damage to the land admits of being repaired or if pecuniary compensation would afford adequate relief, no proceeding for eviction shall lie against the under-raiyat unless and until the raiyat has served on the under-raiyat a notice in writing specifying the damage complained of and the under-raiyat has failed within a period of one year from the service of such notice to repair the damage or to pay compensation therefor.

Surrender of land by under-raiyat.

125. (1) After the commencement of this Act, no under-raiyat shall surrender any land held by him as such, and no raiyat shall enter upon the land surrendered by the under-raiyat, without the previous permission in writing of the competent authority.

(2) Such permission shall be granted if, after making such inquiry as may be prescribed, the competent authority is satisfied that the proposed surrender is *bona fide* and in case the surrender is by a person who was holding the land as under-raiyat immediately before the commencement of this Act, the permissible limit of the raiyat concerned is not exceeded by such surrender; in other cases, the permission shall be refused.

(3) Where permission is refused in any case, and the under-raiyat gives a declaration in writing relinquishing his rights in the land, the competent authority shall, in accordance with the rules made in this behalf, lease out the land to any other person who shall acquire all the rights of the under-raiyat who relinquished his rights.

126. Subject to the other provisions of this Act, the ownership of any land which is declared to be the non-resumable land of an under-raiyat under section 104 or section 120 shall stand transferred from the raiyat thereof to the under-raiyat with effect from the date of such declaration, and the under-raiyat shall become the owner of such land and be liable to pay land revenue therefor.

127. (1) In respect of every land the ownership of which stands transferred to the under-raiyat under section 126, the raiyat shall be entitled to compensation which shall consist of the aggregate of the following amounts, that is to say,—

- (a) an amount equal to thirty times the full land revenue payable for the land or, if the land is held revenue-free or at a concessional rate, thirty times the amount of land revenue payable for similar lands in the locality;
- (b) the value of trees, if any, planted by the raiyat.

Explanation.—Where any improvement has been made on the land at the expense of the raiyat at any time subsequent to the last settlement, the land revenue for the purpose of this section shall be the land revenue payable for similar lands in the locality.

(2) The land revenue payable for similar lands in the locality and the value of trees referred to in sub-section (1) shall be determined in the prescribed manner.

(3) Every raiyat entitled to compensation under this section shall, within a period of six months from the date of the declaration referred to in section 126, apply to the competent authority in the prescribed manner for determining the compensation.

Payment of compensation to raiyat.

128. (1) The compensation to which a raiyat is entitled under section 127 shall be paid to him by the Government in the first instance, and it may be paid in cash, in lump sum or in annual instalments not exceeding twenty or in the form of bonds which may be negotiable or non-negotiable but transferable.

(2) From the date of the declaration referred to in section 126, the raiyat shall be entitled to interest at the rate of $2\frac{1}{2}$ per cent. per annum on the compensation or such portion thereof as remains unpaid.

(3) Any mortgage of, or encumbrance on, the land of which the ownership is transferred to the under-raiyat under section 126 shall be a valid charge on the amount of compensation payable to the raiyat.

(4) Notwithstanding anything contained in sub-sections (1) to (3), where the person entitled to compensation under section 127 is a charitable or religious institution, the compensation shall, instead of being assessed under that section, be assessed as a perpetual annuity equal to the reasonable rent for the land, less the land revenue payable on such land. The amount so assessed shall be paid to such institution in the prescribed manner.

Under-raiyat to pay compensation amount.

129. (1) Every under-raiyat to whom ownership of any land has been transferred under section 126 shall be liable to pay to the Government in respect of that land compensation as determined under section 127.

(2) The compensation shall be payable in cash, in lump sum or in such number of annual instalments not exceeding twenty as may be prescribed. Interest at the rate of $2\frac{1}{2}$ per cent. per annum shall be payable on the compensation or such portion thereof as remains unpaid.

(3) The compensation payable under this section shall be a charge on the land.

(4) The compensation or any instalment thereof shall be recoverable in the same manner as an arrear of land revenue.

Issue of certificate to under-raiyats.

130. When the compensation or the first instalment of the compensation, as the case may be, has been paid by the under-raiyat, the competent authority may *suo motu* and shall, on application made to it in this behalf, issue to the under-raiyat a certificate in the prescribed form declaring him to be the owner of the land specified therein.

131. (1) If a raiyat at any time intends to sell his land held by First option an under-raiyat, he shall give notice in writing of his intention to such under-raiyat and offer to sell the land to him. In case the latter intends to purchase the land, he shall intimate in writing his readiness to do so within two months from the date of receipt of such notice.

(2) If there is any dispute about the reasonable price payable for the land, either the raiyat or the under-raiyat may apply in writing to the competent authority for determining the reasonable price; and the competent authority, after giving notice to the other party and to all other persons interested in the land and after making such inquiry as it thinks fit, shall fix the reasonable price of the land which shall be the average of the prices obtaining for similar lands in the locality during the ten years immediately preceding the date on which the application is made.

(3) The under-raiyat shall deposit with the competent authority the amount of the price determined under sub-section (2) within such period as may be prescribed.

(4) On deposit of the entire amount of the reasonable price, the competent authority shall issue a certificate in the prescribed form to the under-raiyat declaring him to be the purchaser of the land; the competent authority shall also direct that the reasonable price deposited shall be paid to the raiyat.

(5) If an under-raiyat does not exercise the right of purchase in response to the notice given to him by the raiyat under sub-section (1) or fails to deposit the amount of the price as required by sub-section (3), such under-raiyat shall forfeit his right of purchase, and the raiyat shall be entitled to sell such land to any other person.

(6) The forfeiture of the right to purchase any land under this section shall not affect the other rights of the under-raiyat in such land.

132. (1) The Administrator may, by notification in the Official Gazette, make rules for carrying out the purposes of this Part. Power to make rules.

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

- (a) the form of notices to be issued under this Part and the manner of their service;
- (b) the manner of holding inquiries under this Part;
- (c) the circumstances in which and the period for which land used for agricultural purposes may be left uncultivated;
- (d) the conditions subject to which lands may be leased by the Collector under section 106;

- (e) the form of applications to be made under this Part, the authorities to whom they may be made and the procedure to be followed by such authorities in disposing of the applications;
- (f) the determination of the value of the produce of land, the profits of agriculture, and the rental values of land, for the purposes of this Part;
- (g) the time and manner of payment of rent by the under-raiyat;
- (h) the form of receipt for rent to be given by the raiyat;
- (i) the factors to be taken into account in determining reasonable rent for land and in commuting rent in kind into money rent;
- (j) the nature and the extent of relief to the under-raiyat in cases of suspension or remission of land revenue by the Government;
- (k) the determination of compensation for improvements to under-raiyats who are evicted from land;
- (l) the grant of permission to surrender land;
- (m) the determination of the amount of compensation payable to the raiyat in respect of the non-resumable lands of under-raiyats;
- (n) the form of certificates to be granted to under-raiyats;
- (o) the determination of the price to be paid by under-raiyat for land in respect of which the first option to purchase is exercised;
- (p) any other matter which is to be or may be prescribed.

PART IV

CHAPTER XI.—ACQUISITION OF ESTATES AND OF RIGHTS OF INTERMEDIARIES THEREIN

Definitions.

133. In this Part,—

- (a) “estate” means lands included under one entry in any of the general registers of revenue-paying and revenue-free lands and includes—
 - (i) revenue-free lands not entered in any register, and
 - (ii) a part of, or a share in, an estate;
- (b) “homestead” means a dwelling house together with any courtyard, compound, garden, or outhouse and includes any out-buildings used for purposes connected with agriculture and any family graveyard, library, office, guesthouse, grain store,

latrines, boundary walls, tanks, wells or places of worship appertaining to such dwelling house;

(c) "intermediary" means a person who holds in an estate the right, title or interest of a talukdar and includes—

(i) a person who holds land either revenue-free or at a concessional rate, and

(ii) a tenure holder;

(d) "tenant" means a person who cultivates or holds the land of an intermediary under an agreement, express or implied, on condition of paying therefor rent in cash or in kind or delivering a share of the produce and includes a person who cultivates or holds land of an intermediary under the system generally known as "bhag", "adhi" or "barga"; and the term "sub-tenant" shall be construed accordingly;

(e) "tenure holder" means a person who has acquired from an intermediary the right to hold lands for the purpose of collecting rents or bringing them under cultivation by establishing tenants thereon.

134. (1) As soon as may be after the commencement of this Act, Notification the Administrator may, by notification in the Official Gazette, declare vesting estates in the State. that, with effect from the date specified in the notification (hereinafter referred to as the vesting date), all estates situated in any area or areas and all rights, title and interest of every intermediary in such estates shall vest in the Government free from all encumbrances.

(2) Every notification under sub-section (1) shall also be published in such other manner as may be prescribed.

(3) The publication of a notification in the manner provided in sub-sections (1) and (2) shall be conclusive evidence of the notice of declaration to the intermediaries whose interests are affected by such notification.

135. Notwithstanding anything contained in any law for the time being in force or in any agreement or contract, express or implied, with effect from the vesting date,— Consequen- ces of notification under section 134.

(a) each estate to which the notification relates and all rights, title and interest of intermediaries in such estate shall vest in the Government free from all encumbrances, including—

(i) rights in hats, bazars, ferries, forests, wastelands, abadi sites, fisheries, tolls and other interests;

(ii) rights in any building other than a dwelling house or in any part of such building, used primarily as office or cutcherry for collection of rent;

(b) all grants and confirmation of title to the estate and rights therein made in favour of an intermediary shall cease and determine;

(c) any building used for educational or charitable purposes and held by the intermediary shall vest in the Government for those educational or charitable purposes;

(d) subject to the other provisions of this Act, every tenant holding any land under an intermediary shall hold the same directly under the Government as a raiyat thereof and shall be liable to pay to the Government land revenue equal to the rent payable by him to the intermediary on the vesting date, subject to a maximum of the value of one-eighth of the gross produce which value shall be determined in the manner prescribed:

Provided that the tenant shall become the owner of any building or structure constructed on such land at the expense of the intermediary on payment of such compensation to the intermediary as is equivalent to its market value on the vesting date, which value shall be determined in accordance with the rules made in this behalf;

(e) all arrears of land revenue, local rates, cesses and other dues lawfully payable to the Government by the intermediary on the vesting date in respect of the estate shall, without prejudice to any other mode of recovery, be recoverable by deduction from the compensation payable to the intermediary;

(f) all rents and other dues in respect of the estate for any period after the vesting date which, but for this Act, would be payable to an intermediary shall be payable to the Government and any payment made in contravention of this clause shall not be valid discharge of the person liable to pay the same;

(g) where under any agreement or contract made before the vesting date, any rent, cess, local rate or other dues for any period after the said date has been paid to or compounded or released by an intermediary, the same shall, notwithstanding such agreement or contract, be recoverable by the Government from the intermediary, and may, without prejudice to any other mode of recovery, be realised by deduction from the compensation payable to the intermediary.

Rights of intermediary 136. (1) Notwithstanding anything contained in sections 134 and 135, an intermediary shall, subject to the provisions of sub-section to certain lands. (2), be entitled to retain with effect from the vesting date,—

(a) homesteads, buildings and structures together with the lands appurtenant thereto in the occupation of the inter-

mediary other than buildings vested in the Government under section 135;

(b) lands under the personal cultivation of the intermediary;

(c) lands in which permanent rights have not already accrued to a tenant under any custom, agreement or law and which have been leased by an intermediary who, both at the commencement of the lease and on the vesting date, was a person under disability;

(d) lands held by the intermediary as mortgagor which are subject to usufructuary mortgage and are under the personal cultivation of the mortgagee;

(e) lands comprised in orchards or used for the purpose of live-stock breeding, poultry farming, or dairy farming, which are in the occupation of the intermediary;

(f) so much of the lands comprised in a tea garden, mill, factory or workshop as in the opinion of the Administrator is required for such tea garden, mill, factory or workshop.

(2) An intermediary who is entitled to retain possession of any land under sub-section (1) shall hold such land directly under the Government from the vesting date as a raiyat thereof and be liable to pay therefor land revenue at full rate applicable to similar lands in the locality.

137. (1) The Collector shall take charge of estates and interests of intermediaries which vest in the Government under section 135. Collector to take charge of estates, etc., vested in the Government.

(2) For the purpose aforesaid, the Collector may, by written order served in the prescribed manner, require any intermediary or other person in possession of any such estate or interest to give up such possession by a date to be specified in the order (which shall not be earlier than sixty days from the date of service of the order) or to deliver by that date any documents, registers, or records, connected with the management of such estate or interest which are in his custody or to furnish a statement in the prescribed form in respect of such estate or interest.

(3) The Collector or any other officer authorised by him in this behalf may take such steps or use such force as may be necessary to enforce compliance with the order and may also enter any building or place for the purpose of taking possession of the documents, registers or records referred to in sub-section (2).

(4) An intermediary shall be entitled to make inspection of any documents, registers or records which have been delivered to or taken possession of by the Collector, to make notes therefrom or to have certified copies thereof granted to him. No fees shall be charg-

ed for making inspection or for making notes, but fees may be charged, according to the prescribed scale, for the grant of certified copies.

(5) Nothing in this section shall be deemed to authorise the collector to take possession of—

(a) any land or of any right of an intermediary therein, which may be retained by the intermediary under section 136, or

(b) any religious institution or any building connected therewith.

Decision of disputes.

138. If there is any dispute as to the possession of any homestead or land or building referred to in sub-section (1) of section 136, the Collector shall, on application made to him in this behalf, make such inquiry as he deems fit and pass such orders thereon as may appear to him just and proper.

Appeal.

139. An appeal against an order of the Collector passed under section 138, if preferred within sixty days of such order, shall lie to the District Judge having jurisdiction.

CHAPTER XII.—ASSESSMENT AND PAYMENT OF COMPENSATION

Intermediaries entitled to receive compensation.

140. Every intermediary, whose right, title and interest in any estate vest in the Government under Chapter XI shall be entitled to receive and be paid therefor compensation as hereinafter provided.

Date from which compensation shall be due.

141. The compensation referred to in section 140 shall be due as from the vesting date and the portion remaining unpaid shall carry interest at the rate of $2\frac{1}{2}$ per cent. per annum.

Every intermediary to be treated as a separate unit.

142. (1) For the purpose of assessing compensation under this Chapter,—

(a) every intermediary shall be treated as a separate unit;

(b) if two or more intermediaries hold an estate or any interest therein jointly, the share of each intermediary in such estate or interest shall be treated as a separate unit:

Provided that where any such estate or interest is held by a Hindu joint family consisting of a common ancestor in the male line and his descendants, the family shall, if the common ancestor was alive on the vesting date, be treated as one unit;

(c) if an intermediary holds shares or interest in two or more estates, the aggregate of his shares or interest in all such estates shall be treated as a single unit.

(2) Notwithstanding anything to the contrary contained in any other law, no partition or transfer by way of sale or gift of an estate or part thereof made on or after the 10th August, 1957, shall be recognised for the purpose of assessing the compensation.

(3) Nothing in sub-section (2) shall apply to—

(a) any sale made under an order of court in execution of any decree or order for payment of money, or

(b) any sale or gift made in favour of a wakf, a trust, an endowment or a society registered under the Societies Registration Act, 1860 and established wholly for charitable purposes, unless the Government in any particular case directs otherwise.

143. The Administrator shall, as soon as possible after the publication of a notification under section 134, appoint one or more officers to be compensation officers to prepare compensation assessment rolls and to perform such other duties as may be prescribed. Appoint-
ment of
compensa-
tion officers.

144. (1) The compensation officer shall prepare a compensation assessment roll in respect of every estate vested in the Government under Chapter XI. Compensation
assess-
ment roll.

(2) The compensation assessment roll shall contain particulars of the gross income and the net income from the estate, the share of the net income of the intermediary or each of the intermediaries, the amount of compensation payable to him or them and such other particulars as may be prescribed.

(3) Where an intermediary has shares or interest in two or more estates all of which have vested in the Government, the particulars of the shares or interest of such intermediary in the net income from all such estates and the compensation payable to him in respect of his shares or interest in all such estates shall be shown in the compensation assessment roll relating to any one of such estates.

(4) Where an intermediary has shares or interest in two or more estates either or any of which has not vested in the Government, the compensation payable to the intermediary shall be determined after all such estates have vested in the Government, on the basis of the aggregate of his shares or interest in the net income from all such estates.

(5) Nothing in sub-section (4) shall be construed as authorising the postponement of payment of *ad interim* compensation to any such intermediary as is referred to in that sub-section in respect of the estate or estates which have vested in the Government.

(6) For the purpose of preparing the compensation assessment roll, the compensation officer may require an intermediary to submit such statements and furnish such particulars as may be prescribed.

Determination of gross income and net income.

145. (1) For the purpose of assessment of compensation payable in respect of an estate,—

(a) the gross income from the estate shall be taken to consist of—

(i) in respect of lands other than those referred to in section 136, the rents, cesses, local rates and other amounts payable or deemed to be payable to the intermediary or intermediaries by the tenants and tenure-holders for the previous year, including the commuted value of rents payable in kind which value shall be determined in the prescribed manner;

(ii) the gross income from *abadi* sites, fisheries, hats, bazars, ferries, forests, tolls, waste lands and other interests in the estate for the previous year;

(iii) the aggregate of the annual rents for the previous year from buildings used as offices or *cutcherries* and any other building which vest in the Government;

(iv) any other income during the previous year appertaining to the estate vesting in the Government not expressly mentioned in the foregoing sub-clauses;

(b) the net income from the estate shall be computed by deducting from the gross income the following, namely:—

(i) any sum which was payable by the intermediary or intermediaries during the previous year as land revenue, cesses, local rates or rent to the Government in respect of the interests to which the gross income relates;

(ii) any sum payable under the Bengal Agricultural Income-tax Act, 1944, as extended to Tripura or the Indian Ben. IV of Income-tax Act, 1922, during the previous year as defined in ^{1944:} _{II of 1922.} those Acts, in respect of the interests to which the gross income relates;

(iii) charges on account of management and collection at the following rates, namely:—

<i>Amount of gross income</i>	<i>Rate</i>
(a) Where the gross income exceeds 15 per centum of such gross income. Rs. 30,000.	.
(b) Where the gross income exceeds 12½ per centum of such Rs. 10,000 but does not exceed gross income. Rs. 30,000.	.
(c) Where the gross income exceeds 10 per centum of such Rs. 5,000 but does not exceed gross income. Rs. 10,000.	.

<i>Amount of gross income</i>	<i>Rate</i>
(d) Where the gross income exceeds $7\frac{1}{2}$ per centum of such gross Rs. 2,500 but does not exceed income. Rs. 5,000.	
(e) Where the gross income does not 5 per centum of such gross exceed Rs. 2,500.	

Provided that the net income (after deducting the charges on account of management and collection) from an estate which falls under item (a), (b), (c) or (d) shall in no case be less than the maximum net income from an estate which falls under the item immediately following.

Illustration.—The net income after deducting the charges on account of management and collection at $12\frac{1}{2}$ per cent. under item (b) from an estate the gross income of which is Rs. 10,100 will be Rs. 8,837·50 while the net income after deducting the charges on account of management at 10 per cent. under item (c) from an estate the gross income of which is Rs. 10,000 will be Rs. 9,000; under the proviso, the net income from the first mentioned estate shall be taken to be Rs. 9,000 and not Rs. 8,837·50.

(2) The net income from the estate as determined under sub-section (1) shall be apportioned among all the intermediaries having a share or interest in the estate in the proportion of their shares or interest, and if in doing so, any dispute involving a question of title arises, the compensation officer shall refer the parties to a civil court.

Explanation.—For the purpose of this section except clause (b) (ii) of sub-section (1), "previous year" means the year immediately preceding the year in which the vesting date falls.

146. (1) The compensation payable to an intermediary shall be a multiple of his net income from the estate or where the intermediary has shares or interests in two or more estates, of the aggregate of his net incomes from all such estates, in accordance with the following table, namely:—

<i>Amount of net income</i>	<i>Total compensation payable</i>
-----------------------------	-----------------------------------

- (a) Where the net income Fifteen times such net income. does not exceed Rs. 1,000.
- (b) Where the net income Twelve times such net income exceeds Rs. 1,000 but does or the maximum amount not exceed Rs. 2,500. under (a) above, whichever is greater.

<i>Amount of net income</i>	<i>Total compensation payable</i>
(c) Where the net income exceeds Rs. 2,500 but does not exceed Rs. 5,000.	Eleven times such net income or the maximum amount under (b) above, whichever is greater.
(d) Where the net income exceeds Rs. 5,000 but does not exceed Rs. 7,500.	Ten times such net income or the maximum amount under (c) above, whichever is greater.
(e) Where the net income exceeds Rs. 7,500 but does not exceed Rs. 10,000.	Nine times such net income or the maximum amount under (d) above, whichever is greater.
(f) Where the net income exceeds Rs. 10,000 but does not exceed Rs. 15,000.	Eight times such net income or the maximum amount under (e) above, whichever is greater.
(g) Where the net income exceeds Rs. 15,000 but does not exceed Rs. 30,000.	Seven times such net income or the maximum amount under (f) above, whichever is greater.
(h) Where the net income exceeds Rs. 30,000 but does not exceed Rs. 50,000.	Six times such net income or the maximum amount under (g) above, whichever is greater.
(i) Where the net income exceeds Rs. 50,000 but does not exceed Rs. 1,00,000.	Five times such net income or the maximum amount under (h) above, whichever is greater.
(j) Where the net income exceeds Rs. 1,00,000 but does not exceed Rs. 3,00,000.	Three times such net income or the maximum amount under (i) above, whichever is greater.
(k) Where the net income exceeds Rs. 3,00,000.	Two times such net income or the maximum amount under (j) above, whichever is greater.
(2) Where the net income or any portion of the net income from an estate is dedicated exclusively to charitable or religious purposes, the compensation payable in respect of such net income or portion shall, instead of being assessed under sub-section (1), be assessed as a perpetual annuity equal to such net income or portion, as the case may be, payable in the prescribed manner for those purposes.	

Explanation.—For the purpose of this sub-section, if the salary, remuneration or any allowance payable to the Mutawalli of a wakf or the shebait of a Hindu temple or a trustee of any other charitable or religious trust does not exceed 15 per cent. of the net income, then such net income shall be deemed to be dedicated exclusively to charitable or religious purposes.

147. (1) The Administrator shall appoint a claims officer not below the rank of sub-judge to dispose of the claims of creditors whose debts are secured by a mortgage of or charge on any estate or part thereof vested in the Government under section 134 and to discharge any other duties assigned to him by this Act or the rules made thereunder.

(2) Every creditor referred to in sub-section (1) shall prefer his claim in writing before the claims officer in the manner and within the time prescribed.

(3) The claims officer shall inquire into the claims in accordance with such rules as may be prescribed and determine the amount to which each of the creditors is entitled.

(4) Where there are two or more creditors, the claims officer shall determine, in accordance with the provisions of the Transfer of Property Act, 1882, the order in which each such creditor is entitled to receive the amount due to him.

148. (1) Any person aggrieved by an order of the claims officer may, within sixty days of the date of the order, prefer an appeal to the District Judge having jurisdiction.

(2) The decision of the District Judge on appeal, or of the claims officer where no appeal is preferred, shall be final.

149. (1) After the amount of compensation has been determined in accordance with the provisions of section 146 and entered in the compensation assessment roll, the compensation officer shall cause a draft of such roll to be published in the prescribed manner and for the prescribed period. The compensation officer shall send copies of the relevant portions of the draft roll to the intermediaries concerned and shall receive and consider any objections which may be made within three months of the receipt of such copy to any entry therein or to any omission therefrom. The compensation officer shall dispose of such objections in the prescribed manner.

(2) Separate draft compensation assessment rolls may be prepared and published under sub-section (1) for different villages or groups of villages.

Contents of
the order of
compen-
sation
officer.

150. Every order of the compensation officer deciding an objection under sub-section (1) of section 149 shall contain a concise statement of the case, the points for determination, the decision thereon and the reasons for such decision.

Appeals
against
order of
compen-
sation
officer.

151. (1) From every order passed by a compensation officer under section 150, an appeal shall lie to a Special Judge appointed for the purpose, within ninety days of the date of the order.

(2) An appeal shall lie to the court of the Judicial Commissioner from every order passed on appeal by a Special Judge under sub-section (1), within sixty days of the passing of such order, on any of the grounds specified in section 100 of the Code of Civil Procedure, 1908.

5 of 1908.

(3) The decision of the Judicial Commissioner, or of the Special Judge where no second appeal is preferred, or of the compensation officer where no appeal to the Special Judge is preferred, shall be final.

Final
publica-
tion of
the
compensa-
tion
assessment
roll.

152. (1) Where no objection or appeal has been filed or all the objections and appeals filed have been finally disposed of, the compensation officer shall cause the draft compensation assessment roll to be finally published, or make such alterations in the draft compensation assessment roll as may be necessary to give effect to any order passed on objection made under sub-section (1) of section 149 or on appeal under section 151 and cause the roll as so altered to be finally published, in the prescribed manner together with a certificate stating the fact of such final publication and the date thereof.

(2) The publication of the compensation assessment roll under sub-section (1) shall be conclusive evidence that the said roll has been duly made under this Chapter and every entry in such roll shall, save as otherwise provided in this Act, be conclusive evidence of the matters referred to in such entry.

Correction
of bona fide
mistakes.

153. (1) No correction of the compensation assessment roll after it has been finally published under section 152 shall be made except as provided in this section.

(2) Correction of bona fide mistakes or corrections necessitated by succession to or inheritance of any interest in the estate can be made by the compensation officer at any time before the payment of compensation, either of his own motion or on the application of the person interested, but no such correction shall be made while any legal proceeding affecting such entry is pending.

(3) Every time a correction is made under sub-section (2), the compensation officer shall cause a draft of the correction to be

published in the same manner as the draft compensation assessment roll, and after considering and disposing of any objections that may be made, shall cause the correction to be finally published.

154. After the vesting date and before the final publication of the compensation assessment roll, *ad interim* payment to the outgoing intermediary may be made as follows:—

- (a) the compensation officer shall calculate the probable amount of compensation payable to him;
- (b) two and a half per cent. of such probable amount shall be paid *ad interim* to each intermediary in cash every year until such time as the compensation assessment roll is finally published;
- (c) if there is any dispute as to the title of any person to receive the amount or as to the apportionment of it, the amount shall be kept in deposit in the manner prescribed until the dispute is finally determined; and on such determination, the compensation officer shall pay the amount or the portion thereof to the person or persons entitled to receive the same.

155. (1) After the compensation assessment roll has been finally published, the compensation officer shall deduct from the amount shown in such roll as payable to an intermediary or any other person having interest in the estate, the following amounts, namely:—

- (a) *ad interim* payments made under section 154;
 - (b) the amount, if any, the deduction of which has been ordered under section 135;
 - (c) the amounts payable to creditors as determined by the claims officer.
- (2) The balance remaining after the deductions referred to in sub-section (1) are made shall be given in cash, in one lump sum or in annual instalments not exceeding twenty, or in bonds, or partly in cash and partly in bonds, in accordance with such rules as may be prescribed.
- (3) The bonds referred to in sub-section (2) may be either negotiable or non-negotiable, and transferable in such circumstances and in such manner as may be prescribed and shall carry interest at the rate of two and a half per cent. per annum on the amount outstanding thereon, with effect from the date of issue.
- (4) If any dispute arises as to the title of any person to receive the amount or as to the apportionment of it, the compensation

officer may; if he thinks fit, keep the amount of compensation or the bonds referred to above in deposit in the manner prescribed, until the dispute is finally determined; and on such determination, the compensation officer shall pay the amount or the portions thereof to the person or persons entitled to receive the same.

Compensa-
tion due
to main-
tenance
holder.

156. (1) If any person claiming as maintenance holder to be entitled to any portion of the compensation awarded to any intermediary under this Chapter applies to the compensation officer for payment of the same to him, the compensation officer may, with the consent of the intermediary, direct the payment to the applicant out of the compensation of such amount as the intermediary may have agreed to be paid to the applicant, and any such payment shall be a valid discharge of the liability of the Government in respect of the amount so paid.

(2) If the intermediary does not give his consent, the compensation officer shall direct the applicant to file, within three months, a suit or other proceeding in the court having jurisdiction to establish his claim and order that the amount claimed shall not in the meantime be paid to the intermediary.

(3) The Government shall not be made a party to any suit or proceeding instituted or commenced in pursuance of any direction given under sub-section (2).

(4) If the suit or proceeding referred to in sub-section (2) is instituted or commenced within the period aforesaid, the compensation officer shall place the amount claimed at the disposal of the court before which such suit or proceeding is instituted.

(5) If the suit or proceeding is not instituted or commenced within the period of three months aforesaid, the compensation officer shall order the amount to be paid to the intermediary.

Explanation.—For the purpose of this section, a maintenance holder means a person entitled to receive maintenance under a registered deed, decree or order of court.

Compensa-
tion due
to person
incompe-
tent to
alienate.

157. If any intermediary entitled to receive compensation in respect of any interest is a person incompetent to alienate such interest, the compensation officer shall keep the amount of compensation payable in respect of such interest, whether in cash or in bonds, in deposit with the Collector who shall arrange to invest the cash or the income from the bonds in the purchase of such Government or other approved securities as the Collector thinks fit and shall direct the payment of the income from such investment to the intermediary who would for the time being have been entitled to hold and enjoy such interest if it had not vested in the

Government; and such cash, bonds and securities shall remain so deposited until they are made over to any person or persons becoming absolutely entitled thereto:

Provided that nothing herein contained shall affect the liability of any person who may receive the whole or any part of any compensation under this section to pay the same to the person lawfully entitled thereto.

158. The Collector, the compensation officer and the claims officer, for the purposes of any inquiries or proceedings under this Part, shall have the same powers as are vested in a court under the Code of Civil Procedure, 1908, in respect of—

- (a) enforcing the attendance of any person and examining him on oath or affirmation;
- (b) compelling the production of documents; and
- (c) issuing commission for the examination of witnesses;

and such inquiries or proceedings shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code.

159. Whoever—

Penalties.

- (a) wilfully fails or neglects to comply with any requirements made of him under this Part, or
- (b) contravenes any lawful order passed under this Part, or
- (c) obstructs or resists the taking by the Collector or any other officer authorized by him in writing of charge of any property which is vested in the Government under this Part, or
- (d) furnishes information which he knows or believes to be false or does not believe to be true,

shall, on conviction before a Magistrate, be punishable with fine which may extend to five hundred rupees.

160. Where, as a result of the operation of this Part, any person acquires the right to hold land either as a raiyat or an under-raiyat, the provisions of Part III shall as far as may be, apply to the determination of such right and in such application, any reference in the said Part to the commencement of this Act shall be construed as a reference to the vesting date.

Part IV.

161. (1) The Administrator may, by notification in the Official Gazette, make rules for the purpose of carrying out the purposes of this Part.

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

- (a) the manner of publication of a notification under section 134;
- (b) the procedure to be followed and the forms to be adopted in inquiries and proceedings under this Part;
- (c) the mode of service of any order, notice or other documents under this Part;
- (d) the form of the statements to be furnished by intermediaries;
- (e) the inspection of and making notes from documents, registers and records under section 137, the grant of certified copies thereof and the fee to be charged for such grant;
- (f) the form and the manner in which compensation assessment rolls shall be prepared and the particulars to be mentioned therein;
- (g) the manner of apportionment of net income among intermediaries;
- (h) the procedure to be followed in the case of intermediaries having shares or interest in different estates;
- (i) the manner in which the preliminary and the final publication of the compensation assessment roll shall be made;
- (j) the manner of determining the amount of annuities payable to religious and charitable institutions and the procedure for making payments;
- (k) the manner in which the income of the previous year shall be determined;
- (l) the determination of the amount of *ad interim* compensation;
- (m) the manner in which and the period within which creditors may prefer their claims before the claims officer and the procedure to be followed in the disposal of such claims;
- (n) the manner in which objections shall be submitted to the compensation officer and the procedure to be followed in the disposal of such objections;
- (o) the manner of determining the commuted value of rents under section 145;
- (p) the manner of preferring appeals under Chapters XI and XII;
- (q) the manner of keeping in deposit the amount of compensation under sections 155 and 157;

- (r) the form and contents of bonds;
- (s) the manner in which, and the circumstances under which, bonds shall be transferable; and
- (t) any other matter which is to be, or may be, prescribed.

PART V

CHAPTER XIII.—CEILING ON LAND HOLDINGS

162. The provisions of this Chapter shall not apply to land owned Exemption by the Government or a local authority.

163. For the purposes of this Chapter,—

Definitions

- (a) “ceiling limit”, in relation to land, means the limit fixed under section 164;
- (b) “family”, in relation to a person, means the person, the wife or husband, as the case may be, and the dependent children and grand-children, of such person;
- (c) “land” does not include land used for non-agricultural purposes.

164. No person either by himself or, if he has a family, together with any other member of his family (hereinafter referred to as the person representing the family) shall, whether as a raiyat or an under-raiyat or as a mortgagee with possession or otherwise, or partly in one capacity and partly in another, hold land in excess of twenty-five standard acres in the aggregate:

Provided that where the number of members of the family of such person exceeds five, he may hold five additional standard acres for each member in excess of five, so however as not to exceed fifty standard acres in the aggregate.

Explanation.—In the case of a company, an association or any other body of individuals, the ceiling limit shall be twenty-five standard acres.

165. Every person representing a family who at the commencement of this Act holds, or has at any time during the period between the 10th day of August, 1957 and such commencement held, land in excess of the ceiling limit shall submit to the competent authority, in such form and within such time as may be prescribed, a return giving the particulars of all land held by him and indicating therein the parcels of land, not exceeding the ceiling limit, which he desires to retain;

Submission of returns.

Provided that in the case of a joint holding, all co-sharers may submit the return jointly indicating the parcels of land, not exceeding the aggregate of their individual ceiling limits, which they desire to retain.

Explanation.—In the case of a person under disability, the return shall be furnished by his guardian or authorised agent, as the case may be.

Collection
of informa-
tion
through
other
agency.

Procedure
for deter-
mination
of excess
land.

166. If any person, who under section 165 is required to submit a return, fails to do so, the competent authority may collect the necessary information through such agency as may be prescribed.

167. (1) On receipt of any return under section 165 or information under section 166 or otherwise, the competent authority shall, after giving the persons affected an opportunity of being heard, hold an inquiry in such manner as may be prescribed, and having regard to the provisions of section 168 and section 169 or of any rules that may be made in this behalf, it shall determine—

- (a) the total area of land held by each person representing the family;
- (b) the specific parcels of land which he may retain;
- (c) the land held by him in excess of the ceiling limit;
- (d) whether such excess land is held by him as a raiyat or as an under-raiyat or as a mortgagee with possession;
- (e) the excess land in respect of which the under-raiyat or the mortgagee with possession may acquire the rights of the raiyat or the mortgagor, as the case may be;
- (f) the excess land which may be restored to a raiyat or a mortgagor;
- (g) the excess land which shall vest in the Government; and
- (h) such other matters as may be prescribed.

(2) For the purposes of determining the excess land under this section, any land transferred at any time during the period between the 10th day of August, 1957 and the commencement of this Act shall, notwithstanding such transfer, be deemed to be held by the transferor.

(3) The competent authority shall prepare a list in the prescribed form containing the particulars determined by him under sub-section (1) and shall cause every such list to be published in the Official Gazette and also in such other manner as may be prescribed.

168. (1) Where any person holding land in excess of the ceiling limit at any time during the period between the 10th day of August, 1957 and the 2nd day of December, 1959, has transferred during such period any part of his land to any other person under a registered deed for valuable consideration, the excess land to be determined under section 167 shall, to the extent possible, be selected out of the land held at the commencement of this Act by the transferor in excess of a family holding and no land shall be selected out of the land transferred.

(2) Where any person holding land in excess of the ceiling limit at any time—

(a) during the period between the 10th day of August, 1957 and the 2nd day of December, 1959, has transferred during such period any part of his land to any other person in any manner other than under a registered deed for valuable consideration, or

(b) during the period between the 2nd day of December, 1959 and the commencement of this Act has transferred during such period any part of his land to any other person in any manner whatsoever,

the excess land to be determined under section 167 shall be selected out of the lands held at the commencement of this Act by the transferor and the transferee in the same proportion as the land held by the transferor bears to the land transferred and where no land is held by the transferor, out of the land transferred.

(3) Where excess land is to be selected out of the lands of more than one transferee, such land shall be selected out of the lands held by each of the transferees in the same proportion as the area of the land transferred to him bears to the total area of the lands transferred to all the transferees.

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

(5) Notwithstanding anything hereinbefore contained, the excess land to be selected shall in no case include the homestead land of a person.

Explanation.—For the purposes of this sub-section, “homestead land” means the land on which the homestead (whether used by the owner or let out on rent) stands together with any courtyard, compound and attached garden, not exceeding one acre in the aggregate.

169. (1) Where any excess land of a raiyat is in his actual possession, the excess land shall vest in the Government.

Excess land
to vest in
Government.

(2) Where any excess land of a raiyat is in the possession of a person holding the same as an under-raiyat or as a mortgagee and the excess land together with any other land held by such person exceeds his ceiling limit, the land in excess of the ceiling limit shall vest in the Government.

(3) Where any excess land of a raiyat is in the possession of a person holding the same as an under-raiyat or as a mortgagee and such person is allowed to retain the excess land or a part thereof as being within his ceiling limit, that person shall acquire the rights of the raiyat or of the mortgagor, as the case may be, in respect of such excess land or part thereof on payment of compensation, if any, as hereinafter provided, but if that person refuses to pay such compensation, the excess land or part thereof shall vest in the Government.

(4) Where there is any excess land of an under-raiyat or of a mortgagee with possession, the excess land shall vest in the Government:

Provided that in any case where the excess land or any part thereof held by the raiyat or the mortgagor together with any other land held by such person does not exceed the ceiling limit, the excess land or such part thereof as does not exceed the ceiling limit shall be restored to the possession of that person on an application made by him in this behalf to the competent authority within such time as may be prescribed and in the case where the possession of such land is restored to the mortgagor, the mortgage in respect of such land shall be deemed to be a simple mortgage.

**Publication
of the
final list
and conse-
quences
thereof.**

170. (1) Any person aggrieved by an entry in the list published under sub-section (3) of section 167 may, within thirty days from the date of publication thereof in the Official Gazette, file objections thereto before the Collector.

(2) The Collector or any other officer authorised in this behalf by the Administrator may, after considering the objections and after giving the objector or his representatives an opportunity of being heard in the matter, approve or modify the list.

(3) The list as approved or modified under sub-section (2) shall then be published in the Official Gazette and also in such other manner as may be prescribed and subject to the provisions of this Act, the list shall be final.

(4) With effect from the date of the publication of the list in the Official Gazette under sub-section (3),—

(a) the excess land shall stand transferred to and vest in the Government free of all encumbrances; or

(b) the possession of the excess land shall stand restored to the raiyat or the mortgagor, as the case may be; or

(c) the rights of the raiyat or the mortgagor in respect of the excess land shall stand transferred to the under-raiyat or the mortgagee, as the case may be.

171. (1) Where any excess land of a raiyat vests in the Government there shall be paid by the Government to the raiyat compensation, subject to the provisions of sub-section (2), of an amount equal to twenty times the net annual income from such land. Compensation.

Explanation.—For the purposes of sub-section (1), the net annual income from any land shall be deemed to be one-fifth of the value of the average yearly gross produce of the land, calculated in such manner as may be prescribed.

(2) Where such excess land or any part thereof is in the possession of an under-raiyat, the compensation payable under sub-section (1) in respect of the land shall be apportioned between the raiyat and the under-raiyat in such proportion as may be determined by the competent authority in the prescribed manner, having regard to their respective shares in the net income from such land.

(3) In addition to the compensation payable in respect of any excess land under sub-section (1), there shall also be paid compensation in respect of any structure or building constructed on such land and any trees planted thereon and such compensation shall be determined by the competent authority in the prescribed manner, having regard to the market value of such structure or building or the value of such trees, and such compensation shall be paid to the person who has constructed the structure or building or planted the trees.

(4) Where any excess land in respect of which compensation is payable is subject to any mortgage or other encumbrance, the amount due under the mortgage or other encumbrance in respect of such excess land, or where a transfer in respect of any excess land is void by virtue of sub-section (4) of section 168, the consideration money paid by the transferee in respect of such excess land, shall be a charge on the compensation payable in respect of the excess land to the person who has created the mortgage or encumbrance or, as the case may be, to the transferor.

(5) Where an under-raiyat acquires the rights of a raiyat in respect of any excess land, the compensation payable by him in respect of that land shall be equal to the amount which the raiyat would have been paid as compensation under sub-section (2) or sub-section (3) if the land had vested in the Government; and the amount shall, in the first instance, be paid to the raiyat by the Government and shall be recovered from the under-raiyat in such manner as may be prescribed.

(6) Where a mortgagee in possession acquires the rights of the mortgagor in respect of any excess land under sub-section (3) of section 169, the compensation payable by the mortgagee in respect of that land shall be such sum of money, if any, as may be due to the mortgagor after setting off the mortgage debt against the market value of such excess land.

(7) Where any excess land of a religious or charitable institution vests in the Government, such institution shall, in lieu of compensation payable under sub-section (1) or sub-section (2), or sub-section (3), be paid an annuity equal to the net annual income of the excess land and such net annual income shall be determined by the competent authority in the prescribed manner.

(8) The competent authority shall, after holding an inquiry in the prescribed manner, make an order determining the amount of compensation payable to any person under this section.

Manner
of payment
of compen-
sation.

172. (1) The compensation payable under section 171 shall be due from the date of the publication of the list under sub-section (3) of section 170 and may be paid in cash, in a lump sum or in instalments, or in bonds.

(2) Where the compensation is payable in bonds, the bonds may be made not transferable or transferable by endorsement or in any other manner but all such bonds shall be redeemed within such period, not exceeding twenty years from the date of issue, as may be prescribed.

(3) Where there is any delay in the payment of compensation or where the compensation is paid either in instalments or in bonds, it shall carry interest at the rate of two and a half per cent. per annum from the date on which it falls due.

173. No person representing a family shall acquire in any manner whatsoever, whether by transfer, exchange, lease, agreement or succession, any land where such acquisition has the effect of making the total area of the land held by him exceed the ceiling limit; and any such land in excess of the ceiling limit shall be treated as excess land of the transferee and the provisions of sections 167 to 172 shall, as far as may be, apply to such excess land.

174. Where a person representing a family holds land not exceeding the ceiling limit, but subsequently the land held exceeds the ceiling limit, then, notwithstanding anything contained in this Chapter, such person shall not be required to surrender any part of the land on the ground that it is excess land, if such excess is due to any improvements effected in the land by the efforts of the family or to a decrease in the number of its members.

175. After the publication of the list of excess land under sub-section (3) of section 170, and after demarcation in the prescribed manner of such land where necessary, the Collector may take possession of any excess land and may use or cause to be used such force as may be necessary for the purpose.

176. (1) Whoever being bound to submit a return under section 165 fails to do so, without reasonable cause, within the prescribed time, or submits a return which he knows or has reason to believe to be false, shall be punishable with fine which may extend to one thousand rupees.

(2) Whoever contravenes any lawful order made under this Chapter or otherwise obstructs any person from lawfully taking possession of any land shall be punishable with fine which may extend to one thousand rupees.

177. Subject to the provisions of this Act, every order made under this Chapter shall be final.

178. (1) The Administrator may, on an application made to him in this behalf within three months from the commencement of this Act, exempt from the operation of section 164—

(a) any land which is being used for growing tea, coffee or rubber including lands used or required for use for purposes ancillary to, or for the extension of, the cultivation of tea, coffee or rubber to be determined in the prescribed manner;

(b) any sugarcane farm operated by a sugar factory;

(c) any specialised farm which is being used for cattle breeding, dairy or wool raising;

Limit of future acquisition of land.

Excess land not to be surrendered in certain cases.

Power of Collector to take possession of excess land.

Finality of orders.

Power to exempt, etc.

(d) any person who holds a compact block of land exceeding the ceiling limit which—

(i) is being used as an orchard from before the 1st January, 1958; or

(ii) is being used as a farm in which heavy investment or permanent structural improvements have been made and which, in the opinion of the Administrator, is being so efficiently managed that its break up is likely to bring a fall in production:

Provided that where such person holds the compact block of land together with any other land, he shall be permitted to elect to retain either the compact block of land, notwithstanding that it exceeds the ceiling limit or the other land not exceeding the ceiling limit;

(e) any land which is being held by a co-operative society, provided that where a member of any such society holds a share in such land, his share shall be taken into account in determining his ceiling limit:

Provided that the Administrator may entertain the application after the expiry of the said period of three months, if he is satisfied that the applicant was prevented by sufficient cause from making the application in time.

(2) Where any land in respect of which exemption has been granted to a person under clause (d) of sub-section (1) is transferred to another person, the Administrator may, on an application made to him within three months from the date of the transfer, exempt the transferee from the operation of section 164 and section 173 and the provisions of the said clause shall, as far as may be, apply to the grant of such exemption.

(3) Where the Administrator is of opinion that the use of land for any specified purpose is expedient or necessary in the public interest, he may, by notification in the Official Gazette, make a declaration to that effect and on the issue of such notification, any person may, notwithstanding anything contained in section 173, acquire land in excess of the ceiling limit for being used for such specified purpose and such person shall, within one month from the date of such acquisition, send intimation thereof to the competent authority.

(4) Where any land, in respect of which exemption has been granted under sub-section (1) or sub-section (2) or sub-section (3),

ceases to be used, or is not within the prescribed time used, for the purpose for which exemption had been granted, the Administrator may, after giving the persons affected an opportunity of being heard, withdraw such exemption.

CHAPTER XIV.—PREVENTION OF FRAGMENTATION

179. For the purposes of this Chapter,—

Definitions.

- (a) "holding" means the aggregate area of land held by a person as a raiyat;
- (b) "fragment" means a holding of less than two standard acres in area;
- (c) "land" has the same meaning as in Chapter XIII.

180. (1) No portion of a holding shall be transferred by way of sale, exchange, gift, bequest or mortgage with possession, so as to create a fragment:

Provided that the provisions of this sub-section shall not apply to a gift made in favour of the *Bhoodan* movement initiated by Acharya Vinoba Bhave.

(2) No portion of a holding shall be transferred by way of lease, where as a result of such lease,—

- (i) the lessor shall be left with less than two standard acres, or
- (ii) the total area held by the lessee exceeds the limit of a family holding.

(3) No fragment shall be transferred to a person who does not have some land under personal cultivation or to a person who holds, or by reason of such transfer shall hold, land in excess of the limit of a family holding.

181. (1) No holding shall be partitioned in such manner as to create a fragment.

Partition of holding.

(2) A fragment shall not be partitioned unless as a result of such partition its portions get merged in holdings of two standard acres or more or in fragments so as to create holdings of two standard acres or more.

(3) Whenever, in a suit for partition, the court finds that the partition of a holding will result in the creation of a fragment, the court shall, instead of proceeding to divide the holding, direct the

sale of the same and distribute the proceeds thereof among the co-sharers.

(4) Wherever a holding is put up for sale under sub-section (3), a co-sharer shall have the first option to purchase the holding at the highest bid; if there are two or more co-sharers claiming the first option, that co-sharer who offers the highest consideration shall be preferred.

**Transfers
in contra-
vention of
this
Chapter.**

182. (1) Any transfer, partition or lease of land made in contravention of the provisions of this Chapter shall be void.

(2) No document of transfer, partition or lease of land shall be registered unless declarations in writing are made, in such form and manner as may be prescribed, by the parties thereto before the competent registering authority under the Indian Registration Act, 1908, regarding lands held by each prior to the transaction and the ^{16 of 1908.} land which each shall come to hold thereafter.

(3) No registering authority shall register under the Indian Registration Act, 1908, any document of transfer, partition or lease of land ^{16 of 1908.} if, from the declarations made under sub-section (2), it appears that the transaction has been effected in contravention of the provisions of this Chapter.

Penalty.

183. The parties to any transfer, partition or lease made or entered into in contravention of any of the provisions of this Chapter shall be punishable with fine which may extend to one hundred rupees.

**Power to
make
rules.**

184. (1) The Administrator may, by notification in the Official Gazette, make rules to carry out the purposes of this Part.

(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 form in which, and the period within which, a return under section 165 may be submitted;
- (b) the agency through which information may be collected under section 166;
- (c) the manner of holding enquiries under this Part;
- (d) the matters which may be determined under sub-section (1) of section 167 and the manner of determination of excess lands under this Part;

- (e) the form in which a list under sub-section (3) of section 167 or sub-section (3) of section 170 may be prepared and the manner of publication of such list;
- (f) the period within which an application for restoration of excess land may be made under the proviso to sub-section (4) of section 169;
- (g) the manner of apportionment of compensation between the raiyat and the under-raiyat under sub-section (2) of section 171;
- (h) the manner of assessment of the market value of any structure or building or trees under sub-section (3) of section 171;
- (i) the manner of recovery of the compensation payable by the under-raiyat under sub-section (5) of section 171;
- (j) the manner of determining under sub-section (6) of section 171 the market value of any excess land in respect of which a mortgagee in possession acquires the rights of the mortgagor;
- (k) the manner of determination of the net annual income of any excess land for the purpose of payment of compensation under section 171;
- (l) the manner of payment of compensation, including the number of instalments in which the compensation may be paid or recovered and the period within which bonds may be redeemed;
- (m) the manner of demarcation of any excess land under section 175;
- (n) the matters which may be determined by the Administrator in granting an exemption under section 178 including the form in which applications and intimations may be made or given, under section 178;
- (o) the form of declarations under section 182;
- (p) any other matter which has to be, or may be, prescribed.

PART VI

CHAPTER XV.—GENERAL AND MISCELLANEOUS

185. Without prejudice to any other provision of this Act, any Recovery of amount due to the Government, whether by way of costs, penalty as arrear of

Land
revenue.

or otherwise, and any other amount which is ordered to be paid to or recovered by the Government, under this Act shall be recoverable in the same manner as an arrear of land revenue.

Protection
against
eviction or
surrender in
certain cases.

186. (1) After the commencement of this Act and before the vesting date referred to in sub-section (1) of section 134,—

(a) the provisions of sections 111 to 117 shall, so far as may be, apply to tenants and sub-tenants as defined in clause (d) of section 133;

(b) no such tenant or sub-tenant shall surrender any land held by him as such and no person shall enter upon any such land unless such surrender is *bona fide* and is made with the previous permission in writing of the competent authority, and the provisions of sub-section (3) of section 125 shall apply to any case where such permission is refused;

(c) no such tenant or sub-tenant shall, whether in execution of a decree or order of court or otherwise, be evicted from any such land on any ground other than those specified in clauses

(c) and (d) of sub-section (1) of section 118, and any proceeding for eviction of such tenant or sub-tenant on any ground other than those specified in the said clauses (c) and (d) pending at such commencement shall abate without prejudice to any action that may be taken under the provisions of this Act.

(2) Where, on or after the 10th day of August, 1957 and before the commencement of this Act, any such tenant or sub-tenant has surrendered any land held by him as such or been evicted from such land and the surrender or eviction could not have taken place if this Act had been in force on the date of such surrender or eviction, the competent authority may, either on his own motion or on application made by the tenant or sub-tenant in this behalf, restore him to possession of the land which has been surrendered or from which he has been evicted.

Special pro- 187. No transfer of land by a person who is a member of the
vision regard- Scheduled Tribes shall be valid unless—
ing Schedu- led Tribes.

(a) the transfer is to another member of the Scheduled Tribes; or

(b) where the transfer is to a person who is not a member of any such tribe, it is made with the previous permission in writing of the Collector; or

(c) the transfer is by way of mortgage to a co-operative society.

188. No suit or other proceeding shall, unless otherwise expressly provided in this Act, lie or be instituted in any civil court with respect to any matter arising under and provided for by this Act:

Provided that if in a dispute between parties a question of title is involved, a civil suit may be brought for the adjudication of such question.

189. Save as otherwise provided, the provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law, custom or usage or agreement or decree or order of court.

190. Notwithstanding anything contained in the Court-fees Act, 1870, every application, appeal or other proceeding under this Act shall bear a court-fee stamp of such value as may be prescribed.

191. Every village accountant and every other village officer appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

192. With the previous approval of the Government, the Administrator may, by notification in the Official Gazette, exempt any class of lands from all or any of the provisions of this Act.

193. Whoever contravenes any provision of this Act for which no penalty has been otherwise provided for therein shall be punishable with fine which may extend to five hundred rupees.

194. No suit, prosecution or other proceedings shall lie—

(a) against any officer of the Government for anything in good faith done or intended to be done under this Act;

(b) against the Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by anything in good faith done or intended to be done under this Act.

195. The Administrator may, by notification in the Official Gazette delegate to any officer or authority subordinate to him any of the powers conferred on him or on any officer subordinate to him by this Act, other than the power to make rules, to be exercised subject to such restrictions and conditions as may be specified in the said notification.

196. If any difficulty arises in giving effect to any provision of this Act, the Government may, as occasion requires, take any action not inconsistent with the provisions of this Act which may appear to it necessary for the purpose of removing the difficulty.

General power to make rules.

197. Without prejudice to any power to make rules contained elsewhere in this Act, the Administrator may, by notification in the Official Gazette, make rules generally to carry out the purposes of this Act.

Laying of rules before Parliament.

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

Repeal and savings.

199. (1) On and from the date on which any of the provisions of this Act are brought into force in any area in the Union territory of Tripura, the enactments specified in the Schedule or so much thereof as relate to the matters covered by the provisions so brought into force shall stand repealed in such area.

(2) The repeal of any enactment or part thereof by sub-section (1) shall not affect,—

(a) the previous operation of such enactment or anything duly done or suffered thereunder;

(b) any right, privilege, obligation or liability acquired, accrued or incurred under such enactment;

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against such enactment;

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted or enforced and any such penalty, forfeiture or punishment may be imposed as if such enactment or part thereof had not been repealed.

(3) Subject to the provisions contained in sub-section (2), any appointment, rule, order, notification or proclamation made or issued, any lease, rent, right or liability granted, fixed, acquired or incurred and any other thing done or action taken under any of the enactments or parts thereof repealed under sub-section (1) shall, in so far as it is not inconsistent with the provision of this Act brought into force, be deemed to have been made, issued, granted, fixed,

acquired, incurred, done or taken under this Act and shall continue to be in force until superseded by anything done or any action taken under this Act.

(4) Any custom or usage prevailing at the time any of the provisions of this Act are brought into force in any area in the Union territory of Tripura and having the force of law therein shall, if such custom or usage is repugnant to or inconsistent with such provision, cease to be operative to the extent of such repugnancy or inconsistency.

THE SCHEDULE

[See section 199 (1)]

- (1) Praja Bhumyadhikari Sambandha Bishyak Ain (EK Ain, 1296 Tripurabda).
- (2) 1296 Tripurabder Praja Bhumyadhikari Ain Sansudhan Bishyak 1337 Tripurabder EK Ain, and
1296 Tripurabder Praja Bhumyadhikari Ain Sansudhan Bishyak 1335 Tripurabder EK Ain.
- (3) Rajdhani Agartala Sahar Bondobasta Sambandhiya Bidhan, 1346 T.E.
- (4) Jarip-o-Bondobasta Sambandhiya Niyamabali, 1309 Tripurabda.
- (5) Tripura Rajyer Jarip Bondobasta Sambandhyia Niyamabali Sansudhan Bishyak, 1336 Tripurabder Tin Ain.
- (6) Jarip-o-Bondobasta Sambandhiya Niyamabali (Prathem Khanda).
- (7) Jarip-o-Bondobasta Sambandhiya Niyamabali (Dwitiya Khanda), 1323 T.E.
- (8) 1290 Saner EK Ain Orthat Rajaswa Sambandhiya Niyamabali, and
1323 Tripurabder Dui Ain Orthat Rajaswa Sambandhiya
1290 Saner EK Ain Sansudhan Bishyak Bidhi.

(9) Sarkari Prapya Aday Sambandhiya 1326 Tripura Char Aia,
and

Sarkari Prapya Aday Sambandhiya 1326 Tripurar Char Aia
Sansudhan Bishyak Ain Athaba 1358 Tring Saner 18 Nang
Ain.

Rep. by Act 53 of 1964, S. 2 + Sch. I (w.e.f. 29.12.64).

THE INDIAN AIRCRAFT (AMENDMENT) ACT, 1960

No. 44 OF 1960

[26th November, 1960]

An Act further to amend the Indian Aircraft Act, 1934.

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

1. This Act may be called the Indian Aircraft (Amendment) Act, Short title. 1960.

2. In the Indian Aircraft Act, 1934 (hereinafter referred to as Amendment of section 1. the principal Act), in sub-section (1) of section 1, the word "Indian" shall be omitted.

3. In section 5 of the principal Act, sub-section (3) shall be Amendment of section 5. omitted.

4. For section 10 of the principal Act, the following section shall be substituted, namely:—

"10. (1) If any person contravenes any provision of any rule made under clause (l) of sub-section (2) of section 5 prohibiting or regulating the carriage in aircraft of arms, explosives or other dangerous goods, or when required under the rules made under that clause to give information in relation to any such goods gives information which is false and which he either knows or believes to be false or does not believe to be true he, and if he is not the owner, the owner also (unless the owner proves that the offence was committed without his knowledge, consent or connivance) shall be punishable with imprisonment which may extend to two years and shall also be liable to fine.

(2) In making any other rule under section 5 or in making any rule under section 7, section 8, section 8A or section 8B, the Central Government may direct that a breach of it shall be punishable with imprisonment for a period which may extend to three months, or with fine which may extend to one thousand rupees, or with both."

Rep. by Act 53 of 1964.

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Indian Aircraft (Amendment)

[ACT 44 OF 1960]

Amendment
of section 13.

5. In section 13 of the principal Act, for the words, letters, brackets and figures "Where any person is convicted of an offence punishable under any rule made under clause (i) or clause (l) of sub-section (2) of section 5", the words, figures, brackets and letter "Where any person is convicted of an offence punishable under sub-section (1) of section 10 or under any rule made under clause (i) of sub-section (2) of section 5" shall be substituted.

Insertion of
new section
14A.

6. After section 14 of the principal Act, the following section shall be inserted, namely:—

Laying of
rules before
Parliament.

"14A. Every rule made under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a period of thirty days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.".

THE INDIAN MUSEUM (AMENDMENT) ACT, 1960

NO. 45 OF 1960

[30th November, 1960]

An Act further to amend the Indian Museum Act, 1910.

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

1. This Act may be called the Indian Museum (Amendment) ~~Short title.~~ Act, 1960.

~~to of 1910.~~ 2. For sub-section (1) of section 2 of the Indian Museum Act, Amendment 1910 (hereinafter referred to as the principal Act), the following ~~of section 2.~~ sub-section shall be substituted, namely:—

"(1) The Trustees of the Indian Museum (hereinafter referred to as the Trustees) shall be—

(a) the Governor of West Bengal, *ex officio* Chairman;

(b) the Secretary to the Government of India in the Ministry concerned with matters relating to the Indian Museum, *ex officio*;

(c) the Mayor of the Corporation of Calcutta, *ex Officio*;

(d) the Vice-Chancellor of the University of Calcutta, *ex officio*;

(e) the Accountant-General, West Bengal, *ex officio*;

(f) four persons to be nominated by the Central Government, one of whom shall be a representative of commerce and industry chosen in consultation with the Government of West Bengal;

(g) one person to be nominated by the Government of West Bengal;

(h) one person to be nominated by the Council of the Asiatic Society, Calcutta:

In Sections 2 to 12 rep. by Act 52 of 1964, S. 2 + Sch. I

346 M of Law-78. (w.e.f. 29.12.64)

Provided that if any of the Trustees referred to in clauses (b), (c), (d) and (e) is unable to attend any meeting of the Trustees, he may, with the previous approval of the Chairman, authorise a person in writing to do so.”.

Amendment
of section 3.

3. In section 3 of the principal Act,—

- (a) in sub-section (1), for the word “nine”, the word “six” shall be substituted;
- (b) in sub-section (2), for the word “six”, the word “four” shall be substituted.

Amendment
of section 4.

4. In clause (e) of section 4 of the principal Act, for the words, figure, brackets and letter “any office specified in section 2, clause (a)”, the words, brackets, letters and figures “any of the offices specified in clauses (a) to (e) of sub-section (1) of section 2” shall be substituted.

Omission of
section 5.

5. Section 5 of the principal Act shall be omitted.

Amendment
of section 8.

6. In section 8 of the principal Act,—

- (a) in sub-section (1), after the words “consistent with this Act”, the words “and the rules made thereunder” shall be inserted;
- (b) in sub-section (2), for the word “rules”, the word “byelaws” shall be substituted.

Substitution
of new
section for
section 9.

7. For section 9 of the principal Act, the following section shall be substituted, namely:—

Power of
Trustees to
appoint
officers and
servants.

“9. (1) Subject to the provisions of sub-section (2), the Trustees may appoint such officers and servants as they may consider necessary or proper for the care or management of the trust-property, and determine their functions.

(2) The recruitment and the conditions of service of such officers and servants shall be regulated by rules made under this Act.”.

Substitution
of new
sections for
section 10.

8. For section 10 of the principal Act, the following sections shall be substituted, namely:—

Budget.

“10. The Trustees shall, by such date in each financial year as may be specified by the Central Government, submit to that

Government for approval, in the form specified by that Government in consultation with the Comptroller and Auditor-General of India, the budget of the next financial year, showing the estimated receipts and expenditure during the next financial year.

10A. (1) The Trustees shall, as soon as possible after the Annual report and commencement of each financial year, submit— accounts.

(a) to the Central Government within such time or date as may be specified by the Central Government, a report giving a true and full account of their activities during the previous financial year and an account of the activities likely to be undertaken during the current financial year;

(b) to such auditor as the Central Government may appoint in this behalf, accounts of all moneys expended by the Trustees during the previous financial year, supported by the necessary vouchers.

(2) The Trustees shall cause such report and accounts to be published annually for general information.”.

9. In sub-section (1) of section 11 of the principal Act, after the Amendment words “Asiatic Society of Bengal”, the brackets and words “(now of section 11 known as the Asiatic Society, Calcutta)” shall be inserted.

10. Under the heading “SUPPLEMENTAL PROVISIONS”, before Insertion of new section section 13 of the principal Act, the following section shall be inserted, 12A. namely:—

“12A. (1) In the discharge of their functions under this Power of Central Government to issue directions to Trustees. Act, the Trustees shall be bound by such directions on questions of policy as the Central Government may give to them from time to time:

Provided that the Trustees shall be given an opportunity to express their views before any direction is given under this sub-section.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.”.

11. In section 13 of the principal Act, the words “and, so far as regards their salaries, allowances and pensions, and their leave of absence from duty, they shall be subject to the rules which would be applicable if their service was service under the Central Government” shall be omitted.

Insertion of
new section
15 A.

12. After section 15 of the principal Act, the following section shall be inserted, namely:—

Power to
make rules.

“15A. (1) The Central Government may, in consultation with the Trustees, by notification in the Official Gazette, make rules to carry 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 recruitment and the conditions of service of the officers and servants of the Museum;

(b) the form and manner in which the accounts of the Museum may be maintained and the manner in which such accounts may be audited;

(c) the circumstances in which and the conditions subject to which the Trustees may assume the custody and administration of any collections referred to in section 14 and keep and preserve such collections;

(d) the conditions subject to which the Trustees may deliver possession of any property in their possession to any other person.

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

Temporary
continuance
in office of
existing
Trustees.

13. The persons holding office as Trustees of the Indian Museum at the commencement of this Act shall continue to hold office until the body corporate is reconstituted under the principal Act as amended by this Act and on the reconstitution of the body corporate, shall cease to hold office as such.

Rep by Act 59 of 1964, S. 2+Sch. I (w.e.f. 28.12.64)

THE EMPLOYEES' PROVIDENT FUNDS (AMENDMENT)
ACT, 1960

No. 46 OF 1960

[11th December, 1960]

An Act further to amend the Employees' Provident Funds Act, 1952.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Employees' Provident Funds (Amendment) Act, 1960. Short title and commencement.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 1 of the Employees' Provident Funds Act, 1952 (hereinafter referred to as the principal Act),— Amendment of section 1.

(i) in sub-section (3), for the word "fifty", wherever it occurs, the word "twenty" shall be substituted;

(ii) after sub-section (4), the following sub-section shall be inserted, namely:—

"(5) An establishment to which this Act applies shall continue to be governed by this Act notwithstanding that the number of persons employed therein at any time falls below twenty:

Provided that where for a continuous period of not less than one year the number of persons employed therein has been less than fifteen, the employer in relation to such establishment may cease to give effect to the provisions of this Act and any Scheme framed thereunder, with effect from the beginning of the month following the expiry of the said period of one year, but he shall, within one month of the

¹31-12-1960, vide S. O. 3092, dated 21-12-1960. See Gazette of India, Ex. Pt. II Sec. 3(ii), p. 781.

date of such cessation, intimate, by registered post, the fact thereof to such authority as may be specified by the appropriate Government in this behalf.”.

Insertion of
new section
2 A.

3. After section 2 of the principal Act, the following section shall be inserted, namely:—

Establish-
ment to
include all
departments
and bran-
ches.

“2A. For the removal of doubts, it is hereby declared that where an establishment consists of different departments or has branches, whether situate in the same place or in different places, all such departments or branches shall be treated as parts of the same establishment.”.

Amendment
of section 6.

4. In section 6 of the principal Act,—

(i) in sub-section (1), for the words “and the dearness allowance” and for the words “and dearness allowance”, the words and brackets “dearness allowance and retaining allowance (if any)” shall be substituted;

(ii) the existing *Explanation* shall be re-numbered as *Explanation* 1, and after *Explanation* 1 as so re-numbered, the following *Explanation* shall be inserted, namely:—

Explanation 2.—For the purposes of this sub-section, “retaining allowance” means an allowance payable for the time being to an employee of any factory or other establishment during any period in which the establishment is not working, for retaining his services.’

Amendment
of section
16.

5. In section 16 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) This Act shall not apply—

(a) to any establishment registered under the Co-operative Societies Act, 1912, or under any other law for the time being in force in any State relating to co-operative societies, employing less than fifty persons and working without the aid of power; or

(b) to any other establishment employing fifty or more persons or twenty or more, but less than fifty, persons until the expiry of three years in the case of the former and five years in the case of the latter, from the date on which the establishment is, or has been, set up.

Reply Act 52 of 1964.

of 1960] Employees' Provident Funds (Amendment) ;

Explanation.—For the removal of doubts, it is hereby declared that an establishment shall not be deemed to be newly set up merely by reason of a change in its location.”.

6. In section 19A of the principal Act,—

Amendment
of section
19A.

(i) clause (ia) shall be re-numbered as clause (ii) thereof;

(ii) after clause (ii) as so re-numbered, for the existing clauses (ii) and (iii), the following clauses shall substituted, namely:—

“(iii) the number of persons employed in an establishment; or

“(iv) the number of years which have elapsed from the date on which an establishment has been set up; or”;

(iii) the existing clause (iv) shall be re-numbered as clause (v).

THE BILASPUR COMMERCIAL CORPORATION
(REPEAL) ACT, 1960
No. 47 OF 1960

[18th December, 1960]

An Act to repeal the Bilaspur Commercial Corporation Act, 2005
Bikrami and to provide for certain matters incidental thereto.

Be it enacted by Parliament in the Eleventh Year of the Republic
of India as follows:—

Short title and commencement. 1. (1) This Act may be called the Bilaspur Commercial Corporation (Repeal) Act, 1960.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

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

(a) "appointed day" means the date on which this Act comes into force;

(b) "Corporation" means the Bilaspur Commercial Corporation established under sub-section (1) of section 3 of the Bilaspur Commercial Corporation Act, 2005 *Bikrami*.

Bilaspur
Act I of
2005 Bik-
rami.

Repeal of Bilaspur Commercial Corporation Act, 2005 Bikrami and dissolution of Bilaspur Commercial Corporation. 3. On the appointed day, the Bilaspur Commercial Corporation Act, 2005 *Bikrami* shall stand repealed, and the Corporation shall stand dissolved.

Consequential provisions. 4. On the dissolution of the Corporation,—

(a) all properties, funds and dues which are vested in, or realisable by, the Corporation shall vest in, and be realisable by, the Central Government; and

(b) all liabilities which are enforceable against the Corporation shall be enforceable only against that Government.

¹I-4-1961 vide G.S.R. 419, dated 21-3-61. See Gazette of India, Pt. II, Sec. 3(i), p. 528.

THE MAHENDRA PARTAB SINGH ESTATES (REPEAL)
ACT, 1960

NO. 48 OF 1960

[18th December, 1960]

An Act to repeal the Mahendra Partab Singh Estates Act, 1923
and to provide for matters incidental thereto.

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

1. This Act may be called the Mahendra Partab Singh Estates Short title.
(Repeal) Act, 1960.
2. The Mahendra Partab Singh Estates Act, 1923, is hereby Repeal of
Act 24 of
1923.
repealed.
3. On and from the commencement of this Act, all conditions and Certain con-
ditions of
Sanad to
be of no
effect.
provisions attached to the *Sanad* granted to Prem Partab Singh—
 - (a) prohibiting his heirs to render assistance or support to
Mahendra Partab Singh either pecuniarily or otherwise in any
manner whatsoever, or
 - (b) in so far as they prohibit his heirs to alienate any pro-
perty referred to in the *Sanad* to Mahendra Partab Singh with-
out the sanction of the Government,

shall cease to have any effect.

Explanation.—In this section, “*Sanad*” means the *Sanad*, dated
the 7th day of September, 1924 granted to Prem Partab Singh in
pursuance of the Act repealed by section 2.

THE APPROPRIATION (RAILWAYS) NO. 5 ACT, 1960
No. 49 OF 1960

[23rd December, 1960]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1960-61 for the purposes of Railways.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Appropriation (Railways) No. 5 Act, 1960.

Issue of Rs. 60,000 out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of sixty thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1960-61, in respect of the financial year 1960-61, the services relating to Railways specified in column 2 of the Schedule.

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

THE SCHEDULE
(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Conso- lidated Fund	Total
2	Miscellaneous Expenditure	Rs. 60,000	Rs. ..	Rs. 60,000
	TOTAL	60,000	..	60,000

THE APPROPRIATION (NO. 5) ACT, 1960

No. 50 OF 1960

[23rd December, 1960]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1960-61.

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

1. This Act may be called the Appropriation (No. 5) Act, 1960. *Short title,*

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of seventeen crores, ninety one lakhs and sixty-five thousand rupees towards defraying the several charges which will come in course of payment of the Consolidated Fund of India by this Act shall be appropriated for the amounts specified in column 2 of the Schedule.

Issue of Rs.
17,91,65,000
out of the
Consolidated
Fund of
India for the
year 1960-
61.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India during the financial year 1960-61, in respect of the services specified in the Schedule in relation to the said year.

THE SCHEDULE

(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
72	Expenditure on Displaced Persons and Minorities	..	1,000	1,000
84	Indian Posts and Telegraphs Department	..	30,000	30,000
106	Capital Outlay of the Ministry of Commerce and Industry	15,00,000	..	15,00,000
125	Other Capital Outlay of the Ministry of Irrigation and Power	8,27,47,000	..	8,27,47,000
127	Capital Outlay of the Ministry of Rehabilitation	..	7,000	7,000
129	Capital Outlay of the Ministry of Steel, Mines and Fuel	6,50,00,000	..	6,50,00,000
134	Other Capital Outlay of the Ministry of Transport and Communications	2,98,80,000	..	2,98,80,000
TOTAL		17,91,27,000	38,000	17,91,65,000

"Rep. by Act 52 of 1964, s.2 + Sch. I (w.e.f 28.12.64).

THE MOTOR VEHICLES (SECOND AMENDMENT)

ACT, 1960

No. 51 OF 1960

[23rd December, 1960]

An Act further to amend the Motor Vehicles Act, 1939.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Motor Vehicles (Second Amendment) Act, 1960. Short title and commencement.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 2 of the Motor Vehicles Act, 1939. (hereinafter referred to as the principal Act),— Amendment of section 2.

(i) in clause (9), for the figures and words "18,000 pounds avoirdupois", the figures and word "8,200 kilograms" shall be substituted;

(ii) in clause (10), for the words "five hundredweights", the figures and word "300 kilograms" shall be substituted;

(iii) in clause (13), for the figures and words "6,000 pounds avoirdupois", the figures and word "3,000 kilograms" shall be substituted;

(iv) in clause (17), for the figures and words "900 pounds avoirdupois", the figures and word "500 kilograms" shall be substituted.

3. In section 42 of the principal Act, in sub-section (3), clause (i), Amendment of section 42. for the figures and words "1,700 pounds avoirdupois", the figures and word "800 kilograms" shall be substituted.

4. In section 73 of the principal Act, in sub-section (1), Amendment of section 73.

(i) for the words "one mile", the figure and word "2 kilo-metres" shall be substituted;

¹I-I-1961, vide S.O. 3180, dated 28-12-1960. See Gazette of India, Ex. Pt. II, Sec. 3(ii), p. 797.

(ii) for the words "five miles", the figures and word "10 kilometres" shall be substituted.

Amendment
of the First
Schedule.

5. In the First Schedule to the principal Act,—

(i) in Part III of Form A, in item (b), for the figures and word "25 yards", the figures and word "25 metres" shall be substituted;

(ii) in Form E, in items 15 and 16, for the abbreviation "lbs.", wherever it occurs, the abbreviation "kgms." shall be substituted;

(iii) in Form G, in items 14, 16 and 18, for the abbreviation "lbs.", wherever it occurs, the abbreviation "kgms." shall be substituted.

Amendment
of the Second
Schedule.

6. In the Second Schedule to the principal Act, in item 4, for the words "twenty-five yards", the words "twenty-five metres" shall be substituted.

Amendment
of the Third
Schedule.

7. In the Third Schedule to the principal Act, in Part II, for the words "twenty-five yards", the words "twenty-five metres" shall be substituted.

Amendment
of the Eighth
Schedule.

8. In the Eighth Schedule to the principal Act,—

(i) in column 2 under the heading "Maximum speed per hour",—

(a) for the word "Miles", the word "Kilometres" shall be substituted;

(b) for the figures "35, 30, 25, 20 and 15", wherever they occur, the figures "60, 50, 40, 35 and 25" shall respectively be substituted;

(ii) in item 2, for the figures and words "1,700 pounds avoirdupois", wherever they occur, the figures and word "800 kilograms" shall be substituted.

Amendment
of the Ninth
Schedule.

9. In the Ninth Schedule to the principal Act,—

(1) in Part A,—

(a) in Mandatory Sign No. 1, for the figure and abbreviation "2 FT.", the figures and abbreviation "60 CM." and for the figure and word "9 INCH", the figures and abbreviation "25 CM." shall be substituted;

(b) in Mandatory Sign No. 2,—

- (i) for the figure and abbreviation "2 FT.", the figures and abbreviation "60 CM." shall be substituted;
- (ii) for the figure and word "8 INCH", the figures and abbreviation "20 CM." shall be substituted;
- (iii) for the figures and word "20 INCH", the figures and abbreviation "50 CM." shall be substituted;
- (iv) for the word "TONS", the words "METRIC TONS" shall be substituted;

(c) in Mandatory Sign No. 5, for the figure and abbreviation "2 FT.", the figures and abbreviation "60 CM." shall be substituted;

(d) in Mandatory Sign No. 8,—

- (i) for the figure and abbreviation "2 FT.", the figures and abbreviation "60 CM." shall be substituted;
- (ii) for the figures and word "21 INCH", the figures and abbreviation "55 CM." shall be substituted;
- (iii) for the figures and word "15 INCH", the figures and abbreviation "40 CM." shall be substituted;

(2) in Part B, under the heading "General Design",—

- (a) for the figures "18\"", wherever they occur, the figures and abbreviation "45 cm." shall be substituted;
- (b) for the figure and word "3 INCH", the figure and abbreviation "8 CM." shall be substituted;
- (c) for the figures "15\"", the figures and abbreviation "40 cm." shall be substituted;
- (d) for the figure and word "9 INCH", the figures and abbreviation "25 CM." shall be substituted;

Rep. by Act 52 of 1964

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Motor Vehicles (Second Amendment)

[ACT 51 OF 1960]

(3) in Part C,—

(a) in Informatory Sign No. 1,—

(i) for the figures "6, 5, 4, 3, 2, and 1", the figures and abbreviation "200 cm., 160 cm., 130 cm., 100 cm., 60 cm. and 30 cm." shall respectively be substituted;

(ii) for the figure and abbreviation "3 FT.", wherever they occur, the figures and abbreviation "100 CM." shall be substituted;

(iii) for the figure and abbreviation "1 FT.", the figures and abbreviation "30 CM." shall be substituted;

(b) in Informatory Sign No. 3, for the word and abbreviation "TWO FT.", the figures and abbreviation "60 CM." shall be substituted;

(c) in Informatory Sign No. 4, for the words and abbreviation "TWO FT. SQUARE", the figures, abbreviation and word "60 CM. SQUARE" shall be substituted.

Amendment of the Tenth Schedule. 10. In the Tenth Schedule to the principal Act, in item 8, for the words "fifteen miles", the figures and abbreviation "25km." shall be substituted.

Rep. by Act 52 of 1964, 82+Sch. I (w.e.f. 29.12.64).

THE INDIAN POST OFFICE (AMENDMENT) ACT, 1960

No. 52 OF 1960

[23rd December, 1960]

An Act further to amend the Indian Post Office Act, 1898.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Post Office (Amendment) Act, 1960. Short title and commencement.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

6 of 1898.

2. For the First Schedule to the Indian Post Office Act, 1898, the following Schedule shall be substituted, namely:— Substitution of a new Schedule for the First Schedule to Act 6 of 1898.

"THE FIRST SCHEDULE

INLAND POSTAGE RATES

(See section 7)

Letters

For a weight not exceeding fifteen grams 15 naye paise.

For every fifteen grams, or fraction thereof, exceeding fifteen grams 10 naye paise.

Letter-cards

For a letter-card 10 naye paise.

Post cards

Single 5 naye paise.

Reply 10 naye paise.

Book, Pattern and Sample Packets

For the first fifty grams or fraction thereof. 8 naye paise.

For every additional twenty-five grams, or fraction thereof, in excess of fifty grams 3 naye paise.

¹1-2-1961, vide S.O. 47, dated 2-1-1961. See Gazette of India, Pt. II, Sec. 3 (II), p. 130.

Rep. by Act 52 of 1964.

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Indian Post Office (Amendment)

[ACT 52 OF 1960]

Registered Newspapers

For a weight not exceeding one hundred grams

2 naye paise.

For a weight exceeding one hundred grams and not exceeding two hundred grams

3 naye paise.

For every two hundred grams, or fraction thereof, exceeding two hundred grams

3 naye paise.

In the case of more than one copy of the same issue of a registered newspaper being carried in the same packet—

for a weight not exceeding one hundred grams

3 naye paise.

for every additional fifty grams, or fraction thereof, in excess of one hundred grams

2 naye paise.

Provided that such packet shall not be delivered at any addressee's residence but shall be given to a recognised agent at the Post Office.

Parcels

For a weight not exceeding four hundred grams.....

50 naye paise.

For every four hundred grams, or fraction thereof, exceeding four hundred grams 50 naye paise.”

THE TRIPURA EXCISE LAW (REPEAL) ACT, 1960

No. 53 OF 1960

[23rd December, 1960]

An Act to provide for the repeal of the Tripura Excise Act.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. This Act may be called the Tripura Excise Law (Repeal) Act, Short title. 1960.

Bengal Act V of 1909. 2. On and from the date on which the Bengal Excise Act, 1909 Repeal of is extended by notification under section 2 of the Union Territories ^{Tripura} Excise Law. **30 of 1950.** (Laws) Act, 1950, to the Union territory of Tripura, the Tripura Excise Act of 1296 T.E. (Abkari Ain) shall stand repealed.

3. (1) The repeal of the Tripura Excise Act of 1296 T.E. (Abkari Savings. Ain) by section 2 shall not affect—

(a) the previous operation of the said Act or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Act; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Act; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if the said Act had not been repealed.

(2) Subject to the provisions contained in sub-section (1), anything done or any action taken (including any appointment or delegation made, notification, instruction or direction issued, permit, ijara or licence granted) under the Act repealed by section 2 shall be deemed to have been done or taken under the corresponding provisions of the Act extended by notification as provided in that section to the Union territory of Tripura, and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the Act last mentioned above.

THE RAILWAY PASSENGER FARES (AMENDMENT)
ACT, 1960

No. 54 OF 1960

[23rd December, 1960]

An Act to amend the Railway Passenger Fares Act, 1957.

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

Short title and commencement. 1. (1) This Act may be called the Railway Passenger Fares (Amendment) Act, 1960.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

Substitution of the Schedule. 2. In the Railway Passenger Fares Act, 1957, for the Schedule, the 25 of 1957, following Schedule shall be substituted, namely:—

“THE SCHEDULE

(See section 3)

1	2
<i>Description of traffic</i>	<i>Rate of tax</i>
1. Passengers travelling by railway on season tickets.	Nil.
2. Passengers travelling by railway for distances up to 25 kilometres (inclusive).	Nil.
3. Passengers travelling by railway for distances from 26 kilometres to 49 kilometres (inclusive).	5% of fare.
4. Passengers travelling by railway for distances from 50 kilometres to 805 kilometres (inclusive).	15% of fare.

¹21-1-1961, Vide S.O. 149, dated 12-1-1961. See Gazette of India, pt. II, Sec. 3 (ii), p. 259.

1

2

Description of traffic	Rate of tax
5. Passengers travelling by railway for distances over 805 kilometres.	10% of fare.
6. Passengers travelling on rail travel coupons.	12½% of the cost of the coupons.

Explanation.—For the purposes of this Schedule, distances shall be computed according to the rules for the time being in force relating thereto made under the Indian Railways Act, 1890.”.

Rep. by Act 52 of 1964, s. 2+Sch. I (w.e.f. 26.12.64)

THE INDIAN TARIFF (AMENDMENT) ACT, 1960

No. 55 OF 1960

[24th December, 1960]

An Act further to amend the Indian Tariff Act, 1934.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Indian Tariff (Amendment) Act, 1960.

(2) It shall come into force on the first day of January, 1961.

Amendment
of First
Schedule.

2. In the First Schedule to the Indian Tariff Act, 1934,—

32 of 1934

(i) for Item No. 28(31), the following item shall be substituted, namely:—

“ 28(31)	Calcium Lactate.	Preferential Revenue.	40 per cent. <i>ad valorem.</i>	30 per cent. <i>ad valorem.</i>	30 per cent. <i>ad valorem.</i>	.. ”;
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(ii) in Items Nos. 40(4) and 40(5),—

(a) in the third column headed “Nature of duty”, for the word “Protective”, wherever it occurs, the word “Revenue” shall be substituted; and

(b) in the last column headed “Duration of protective rates of duty”, the existing entries shall be omitted;

(iii) in Item No. 60(7), in the last column headed “Duration of protective rates of duty”, for the word, figures and letters “December 31st, 1960”, the word, figures and letters “December 31st, 1962” shall be substituted;

(iv) in Item No. 63(33) (a),—

(a) in the third column headed “Nature of duty”, for the word “Protective”, the word “Revenue” shall be substituted;

Rep. by Act 52 of 1964.

(b) in the fourth column headed "Standard rate of duty", for the figures and words, "35 per cent. *ad valorem*, or 35 naye paise per gross, whichever is higher.", the figures and words "35 per cent. *ad valorem*," shall be substituted; and

(c) in the last column headed "Duration of protective rates of duty", the existing entry shall be omitted;

(v) for Item No. 64(4), the following item shall be substituted, namely:—

" 64(4)	Electrolytic copper rods or black copper rods (in coils).	Prefe- re- nential Reve- nue.	35 per cent. <i>ad valorem</i> .	25 per cent. <i>ad valorem</i> .	25 per- cent. <i>ad valorem</i> .	..";
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(vi) in Items Nos. 66(a) and 66(1), in the last column headed "Duration of protective rates of duty", for the word, figures and letters "December 31st, 1960", wherever they occur, the word, figures and letters "December 31st, 1964" shall be substituted;

(vii) for Item No. 71(14), the following item shall be substituted, namely:—

" 71(14)	Steel files (including saw files but excluding jewellers' files, watch makers' files, other needle files, mill tooth files, rotary power files and ampoule files) of sizes not less than 98 millimetres but not exceeding 458 millimetres.	Protec- tive.	35 per cent. <i>ad valorem</i>	December 31st, 1963.";
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(viii) in Item No. 72(12),—

(a) in the second column headed "Name of article", the words "Bare hard drawn or annealed electrolytic copper wires and cables of all sizes, solid or stranded," shall be omitted; and

(b) in the last column headed "Duration of protective rates of duty", for the word, figures and letters "December 31st, 1960", the word, figures and letters "December 31st, 1963" shall be substituted;

(ix) after Item No. 72(2), the following item shall be inserted, namely:—

" 72(12A)	Bare hard drawn or annealed electrolytic copper wires and cables of all sizes, solid or stranded.	Reve- nue.	35 per cent. <i>ad valorem</i>";
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(xi) in Items Nos. 72(34), 72(40), 75(5), 75(6), 75(7), 75(7A), 75(8), and 75(16), in the last column headed "Duration of protective rates of duty", for the word, figures and letters "December 31st, 1960", wherever they occur, the word, figures and letters "December 31st, 1963" shall be substituted;

(xii) in Item No. 72(35),—

(a) for the existing entry in the second column headed "Name of article", the following entry shall be substituted, namely:—

"Ball bearings of all kinds not exceeding 51 millimetres bore diameter adapted for use as parts and accessories of motor vehicles (other than motor cycles and motor scooters) and parts thereof, not otherwise specified."; and

(b) in the last column headed "Duration of protective rates of duty", for the word, figures and letters "December 31st, 1960", the word, figures and letters "December 31st, 1962" shall be substituted;

(xiii) in Item No. 72(36),—

(a) for the existing entry in the second column headed "Name of article", the following entry shall be substituted, namely:—

"Ball bearings of all kinds not exceeding 51 millimetres bore diameter not otherwise specified and parts thereof."; and

(b) in the last column headed "Duration of protective rates of duty", for the word, figures and letters, "December 31st, 1960", the word, figures and letters "December 31st, 1962" shall be substituted;

(xiv) in Item No. 72(37),—

(a) for the existing entry in the second column headed "Name of article", the following entry shall be substituted, namely:—

"Adapter ball bearings not exceeding 51 millimetres bore diameter, not otherwise specified, which are specially designed for use exclusively with power driven machinery and parts thereof."; and

(b) in the last column headed "Duration of protective rates of duty", for the word, figures and letters "December 31st, 1960", the word, figures and letters "December 31st, 1962" shall be substituted;

(xiv) in Item No. 72(39),—

(a) for the existing entry in the second column headed "Name of article", the following entry shall be substituted, namely:—

"Power and Distribution Transformers up to 10,000 KVA and 132 KV on the H.T. side (primary voltage being over 250) excluding furnace, rectifier and flame-proof transformers and parts of such transformers, not otherwise specified."; and

(b) in the last column headed "Duration of protective rates of duty", for the word, figures and letters "December 31st, 1960", the word, figures and letters "December 31st, 1963" shall be substituted;

(xv) in Item No. 75(12A),—

(a) in the second column headed "Name of article", for the brackets and words "(excluding chromium plated rings)", the brackets and words "(including chromium plated rings)" shall be substituted; and

(b) in the last column headed "Duration of protective rates of duty", for the word, figures and letters "December 31st, 1960", the word, figures and letters "December 31st, 1963" shall be substituted;

(xvi) for Item No. 75(17), the following item shall be substituted, namely:—

"75(17)	Hand operated tyre inflators and connections and parts thereof, adapted for use as accessories of motor vehicles.	Revenue.	55 per cent. ad valorem.
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Rep'd by Act 59 of 1964, s.2 & Sch. I (w.e.f. 28¹²/₆₄

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT)

ACT, 1960

No. 56 OF 1960

[26th December, 1960]

An Act further to amend the Code of Criminal Procedure, 1898.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Code of Criminal Procedure (Amendment) Act, 1960.

Amendment of section 198. 2. In section 198 of the Code of Criminal Procedure, 1898, for the 5 of 1898. second proviso, the following proviso shall be substituted, namely:—

'Provided further that where the person aggrieved by an offence under section 494 of the said Code—

(a) is the wife, any relative of the wife may make a complaint on her behalf;

(b) is the husband, and he is serving in any of the Armed Forces of the Union under conditions which are certified by his Commanding Officer as precluding him from obtaining leave of absence to enable him to make a complaint in person, some other person authorised by the husband in accordance with the provisions of sub-section (1) of section 199B may, with the leave of the court, make a complaint on his behalf.

Explanation.—For the purpose of clause (a) of the second proviso, "relative" means any lineal descendant or ascendant of the wife, her brother or sister, or her father's or mother's brother or sister.'

Not Corrected: See India Code Vol. II B, Pt. IV, p. 643

THE BRITISH STATUTES (APPLICATION TO INDIA)
REPEAL ACT, 1960

No. 57 1960

[26th December, 1960]

An Act to repeal certain British statutes in their application to India.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. This Act may be called the British Statutes (Application to India) Repeal Act, 1960. Short title.

2. The British statutes specified in the Schedule, in so far as they extend to, and operate as part of the law of, India or any part thereof, are hereby repealed. Repeal of certain British statutes in their application to India.

3. For the removal of doubts, it is hereby declared that the repeal by this Act of any British statute shall not affect the operation of any such statute in relation to India and to persons and things ^{3 and 14} in any way belonging to or connected with India in any country to which the India (Consequential Provision) Act, 1949, extends. Savings.

THE SCHEDULE

(See section 2)

BRITISH STATUTES REPEALED IN THEIR APPLICATION TO INDIA

Serial No.	Year	Short title or subject
1	1297	Magna Carta (25 Edw. I, c. 1 and 29).
2	1331	Unlawful attachment (5 Edw. 3, c. 9).
3	1354	Non-condemnation without due process (28 Edw. 3, c. 3).
4	1540	The Marriage Act, 1540 (32 Hen. 8, c. 38).
5	1551-2	The Sale of Offices Act, 1551 (5 & 6 Edw. 6, c. 15).
6	1677	The Statute of Frauds (29 Cha. 2, c. 3).
7	1679	The Habeas Corpus Act, 1679 (31 Cha. 2, c. 2).
8	1688	Coronation Oath (1 Will. & Mar., c. 6)
9	1698	Governors of plantations (11 Will. 3, c. 12).
10	1700	The Act of Settlement (12 & 13 Will. 3, c. 2).
11	1702	Demise of the Crown, 1702 (1 Anne, c. 2).
12	1707	The Succession to the Crown Act, 1707 (6 Anne, c. 41).
13	1782	The House of Commons (Disqualification) Act, 1782 (22 Geo. 3, c. 45).
14	1802	The Criminal Jurisdiction Act, 1802 (42 Geo. 3, c. 85).
15	1809	The Sale of Offices Act, 1809 (49 Geo. 3, c. 126).
16	1812	The Prisoners of War (Escape) Act, 1812 (52 Geo. 3, c. 156).
17	1820	The Divorce Bills Evidence Act, 1820 (1 Geo. 4, c. 101).
18	1824	The Slave Trade Act, 1824 (5 Geo. 4, c. 113).
19	1830	The Illusory Appointments Act, 1830 (11 Geo. 4 & 1 Will. 4, c. 46).
20	1830	The Debts Recovery Act, 1830 (11 Geo. 4 & 1 Will. 4, c. 47).

Serial No.	Year	Short title or subject
21	1830	The Infants' Property Act, 1830 (11 Geo. 4 & 1 Will. 4, c. 65).
22	1830	The Colonial Offices Act, 1830 (1 Will. 4, c. 4).
23	1831	The Evidence on Commission Act, 1831 (1 Will. 4, c. 22).
24	1833	The Judicial Committee Act, 1833 (3 & 4 Will. 4, c. 41).
25	1833	The Government of India Act, 1833 (3 & 4 Will. 4, c. 85).
26	1834	The Superannuation Act, 1834 (4 & 5 Will. 4, c. 24).
27	1840	The Debtors (Ireland) Act, 1840 (3 & 4 Vict., c. 105).
28	1843	The (Colonies) Evidence Act, 1843 (6 & 7 Vict., c. 22).
29	1843	The Judicial Committee Act, 1843 (6 & 7 Vict., c. 38).
30	1843	The Slave Trade Act, 1843 (6 & 7 Vict., c. 98).
31	1844	The Judicial Committee Act, 1844 (7 & 8 Vict., c. 69).
32	1847	The Naval Deserters Act, 1847 (10 & 11 Vict., c. 62).
33	1849	The Portuguese Deserters Act, 1849 (12 & 13 Vict., c. 25).
34	1851	The Lunatics' Removal (India) Act, 1851 (14 & 15 Vict., c. 81).
35	1851	The Court of Chancery Act, 1851 (14 & 15 Vict., c. 83).
36	1853	The Coinage (Colonial Offences) Act, 1853 (16 & 17 Vict., c. 48).
37	1854	The Registration of Births, Deaths and Marriages (Scotland) Act, 1854 (17 & 18 Vict., c. 80).
38	1856	The Foreign Tribunals Evidence Act, 1856 (19 & 20 Vict., c. 113).
39	1858	The Government of India Act, 1858 (21 & 22 Vict., c. 105).
40	1859	The Evidence by Commission Act, 1859 (22 Vict., c. 20).
41	1859	The Royal Naval Reserve (Volunteer) Act, 1859 (22 & 23 Vict., c. 40).
42	1860	The Indian Securities Act, 1860 (23 & 24 Vict., c. 5).
43	1861	The Malicious Damage Act, 1861 (24 & 25 Vict., c. 97).
44	1861	The Wills Act, 1861 (24 & 25 Vict., c. 114).
45	1861	The Domicile Act, 1861 (24 & 25 Vict., c. 121).

Serial No.	Year	Short title or subject
46	1862	The India Stock Transfer Act, 1862 (25 & 26 Vict., c. 7).
47	1862	The Habeas Corpus Act, 1862 (25 & 26 Vict., c. 20).
48	1862	The Fine Arts Copyright Act, 1862 (25 & 26 Vict., c. 68).
49	1863	The Colonial Letters Patent Act, 1863 (26 & 27 Vict., c. 76).
50	1866	The Indian Military Funds Act, 1866 (29 & 30 Vict., c. 18).
51	1866	The Indian Prize Money Act, 1866 (29 & 30 Vict., c. 47).
52	1868	The Indian Railway Companies Act, 1868 (31 & 32 Vict., c. 26).
53	1868	The Documentary Evidence Act, 1868 (31 & 32 Vict., c. 37).
54	1868	The Indian Prize Money Act, 1868 (31 & 32 Vict., c. 38).
55	1869	The East India Irrigation and Canal Act, 1869 (32 & 33 Vict., c. 7).
56	1870	The Coinage Act, 1870 (33 & 34 Vict., c. 10).
57	1873	The East India Stock Dividend Redemption Act, 1873 (36 & 37 Vict., c. 17).
58	1873	The Indian Railway Companies Act, 1873 (36 & 37 Vict., c. 43).
59	1873	The Slave Trade (East African Courts) Act, 1873 (36 & 37 Vict., c. 59).
60	1873	The Slave Trade Act, 1873 (36 & 37 Vict., c. 88).
61	1874	The East India Annuity Funds Act, 1874 (37 & 38 Vict., c. 12).
62	1876	The Royal Titles Act, 1876 (39 & 40 Vict., c. 10).
63	1876	The Statute Law Revision (Substituted Enactments) Act, 1876 (39 & 40 Vict., c. 20).
64	1876	The Customs Consolidation Act, 1876 (39 & 40 Vict., c. 36).
65	1876	The Slave Trade Act, 1876 (39 & 40 Vict., c. 46).
66	1878	The Dentists Act, 1878 (41 & 42 Vict., c. 33).
67	1878	The Elders' Widows' Fund (India) Act, 1878 (41 & 42 Vict., c. 47).

Serial No.	Year	Short title or subject
68	1879	The Registration of Births, Deaths and Marriages (Army) Act, 1879 (42 & 43 Vict., c. 8).
69	1879	The Slave Trade (East African Courts) Act, 1879 (42 & 43 Vict., c. 38).
70	1879	The Indian Guaranteed Railways Act, 1879 (42 & 43 Vict., c. 41).
71	1881	The Judicial Committee Act, 1881 (44 & 45 Vict., c. 3).
72	1881	The India Office (Sale of Superfluous Land) Act, 1881 (44 & 45 Vict., c. 7).
73	1881	The Army Act, 1881 (44 & 45 Vict., c. 58).
74	1882	The Documentary Evidence Act, 1882 (45 & 46 Vict., c. 9).
75	1882	The Bombay Civil Fund Act, 1882 (45 & 46 Vict., c. 45).
76	1882	The Reserve Forces Act, 1882 (45 & 46 Vict., c. 48).
77	1884	The Naval Discipline Act, 1884 (47 & 48 Vict., c. 39).
78	1884	The Criminal Lunatics Act, 1884 (47 & 48 Vict., c. 64).
79	1885	The East India Unclaimed Stock Act, 1885 (48 & 49 Vict., c. 25).
80	1885	The Indian Army Pension Deficiency Act, 1885 (48 & 49 Vict., c. 67).
81	1885	The Evidence by Commission Act, 1885 (48 & 49 Vict., c. 74).
82	1886	The Medical Act, 1886 (49 & 50 Vict., c. 48).
83	1887	The Conversion of India Stock Act, 1887 (50 & 51 Vict., c. 11).
84	1887	The British Settlements Act, 1887 (50 & 51 Vict., c. 54).
85	1887	The Superannuation Act, 1887 (50 & 51 Vict., c. 67).
86	1887	The Appellate Jurisdiction Act, 1887 (50 & 51 Vict., c. 70).
87	1889	The Commissioners for Oaths Act, 1889 (52 & 53 Vict., c. 10).
88	1890	The Commissioners for Oaths Amendment Act, 1890 (53 & 54 Vict., c. 7).
89	1890	The Foreign Jurisdiction Act, 1890 (53 & 54 Vict., c. 37).
90	1891	The Commissioners for Oaths Act, 1891 (54 & 55 Vict., c. 50).

Serial No.	Year	Short title or subject
91	1891	The Coinage Act, 1891 (54 & 55 Vict., c. 72).
92	1892	The Foreign Marriage Act, 1892 (55 & 56 Vict., c. 23).
93	1892	The Superannuation Act, 1892 (55 & 56 Vict., c. 40).
94	1893	The Regimental Debts Act, 1893 (56 & 57 Vict., c. 5).
95	1893	The Trustee Act, 1893 (56 & 57 Vict., c. 53).
96	1894	The Trustee Act, 1893, Amendment Act, 1894 (57 & 58 Vict., c. 10).
97	1894	The Indian Railways Act, 1894 (57 & 58 Vict., c. 12).
98	1894	The Finance Act, 1894 (57 & 58 Vict., c. 30).
99	1894	The Uniforms Act, 1894 (57 & 58 Vict., c. 45).
100	1895	The Documentary Evidence Act, 1895 (58 & 59 Vict., c. 9).
101	1895	The Judicial Committee Amendment Act, 1895 (58 & 59 Vict., c. 44).
102	1896	The Short Titles Act, 1896 (59 & 60 Vict., c. 14).
103	1896	The Finance Act, 1896 (59 & 60 Vict., c. 28).
104	1896	The Royal Naval Reserve Volunteer Act, 1896 (59 & 60 Vict., c. 33).
105	1897	The Regular and Elders' Widows' Funds Act, 1897 (60 & 61 Vict., c. 11).
106	1898	The Reserve Forces and Militia Act, 1898 (61 & 62 Vict., c. 9).
107	1898	The Statute Law Revision Act, 1898 (61 & 62 Vict., c. 22).
108	1899	The Army (Annual) Act, 1899 (62 & 63 Vict., c. 3).
109	1899	The Reserve Forces Act, 1899 (62 & 63 Vict., c. 40).
110	1900	The Colonial Solicitors Act, 1900 (63 & 64 Vict., c. 14).
111	1900	The Reserve Forces Act, 1900 (63 & 64 Vict., c. 42).
112	1900	The Colonial Stock Act, 1900 (63 & 64 Vict., c. 62).
113	1901	The Army (Annual) Act, 1901 (1 Edw. 7, c. 2).
114	1901	The Demise of the Crown Act, 1901 (1 Edw. 7, c. 5).
115	1901	The Royal Titles Act, 1901 (1 Edw. 7, c. 15).
116	1902	The Royal Naval Reserve Act, 1902 (2 Edw. 7, c. 5).
117	1905	The Medical Act (1886) Amendment Act, 1905 (5 Edw. 7, c. 14).

Serial No.	Year	Short title or subject
118	1906	The Seamen's and Soldiers' False Characters Act, 1906 (6 Edw. 7, c. 5).
119	1906	The Reserve Forces Act, 1906 (6 Edw. 7, c. 11).
120	1907	The Territorial and Reserve Forces Act, 1907 (7 Edw. 7, c. 9).
121	1907	The Evidence (Colonial Statutes) Act, 1907 (7 Edw. 7, c. 16).
122	1907	The Deceased Wife's Sister's Marriage Act, 1907 (7 Edw. 7, c. 47).
123	1908	The Statute Law Revision Act, 1908 (8 Edw. 7, c. 49).
124	1908	The Appellate Jurisdiction Act, 1908 (8 Edw. 7, c. 51).
125	1909	The Army (Annual) Act, 1909 (9 Edw. 7, c. 3).
126	1909	The Naval Establishments in British Possessions Act, 1909 (9 Edw. 7, c. 18).
127	1909	The Naval Discipline Act, 1909 (9 Edw. 7, c. 41).
128	1910	The Army (Annual) Act, 1910 (10 Edw. 7, c. 6).
129	1910	The Accession Declaration Act, 1910 (10 Edw. 7 & 1 Geo. 5, c. 29).
130	1910	The Registration of Births, Deaths and Marriages (Scotland) Amendment Act, 1910 (10 Edw. 7 & 1 Geo. 5, c. 32).
131	1911	The Army (Annual) Act, 1911 (1 & 2 Geo. 5, c. 3).
132	1911	The Parliament Act, 1911 (1 & 2 Geo. 5, c. 13).
133	1911	The Official Secrets Act, 1911 (1 & 2 Geo. 5, c. 28).
134	1912	The Army (Annual) Act, 1912 (2 & 3 Geo. 5, c. 5).
135	1912	The Marriages in Japan (Validity) Act, 1912 (2 & 3 Geo. 5, c. 15).
136	1913	The Army (Annual) Act, 1913 (3 Geo. 5, c. 2).
137	1913	The Foreign Jurisdiction Act, 1913 (3 & 4 Geo. 5, c. 16).
138	1913	The Appellate Jurisdiction Act, 1913 (3 & 4 Geo. 5, c. 21).
139	1914	The Army (Annual) Act, 1914 (4 & 5 Geo. 5, c. 2).
140	1914	The Aliens Restriction Act, 1914 (4 & 5 Geo. 5, c. 12).
141	1914	The Army (Supply of Food, Forage and Stores) Act, 1914 (4 & 5 Geo. 5, c. 26).
142	1914	The Superannuation Act, 1914 (4 & 5 Geo. 5, c. 86).

Serial No.	Year	Short title or subject
143	1914	The Navy (Pledging of Certificates, etc.) Act, 1914 (4 & 5 Geo. 5, c. 89).
144	1915	The Army (Amendment) Act, 1915 (5 & 6 Geo. 5, c. 26).
145	1915	The Naval Discipline Act, 1915 (5 & 6 Geo. 5, c. 30).
146	1915	The Marriage of British Subjects (Facilities) Act, 1915 (5 & 6 Geo. 5, c. 40).
147	1915	The Army (Amendment) No. 2 Act, 1915 (5 & 6 Geo. 5, c. 58).
148	1915	The Naval Discipline (No. 2) Act, 1915 (5 & 6 Geo. 5, c. 73).
149	1915	The Judicial Committee Act, 1915 (5 & 6 Geo. 5, c. 92).
150	1916	The Army (Annual) Act, 1916 (6 & 7 Geo. 5, c. 5).
151	1916	The Imperial Institute (Management) Act, 1916 (6 & 7 Geo. 5, c. 8).
152	1916	The Marriage of British Subjects (Facilities) Amendment Act, 1916 (6 & 7 Geo. 5, c. 21).
153	1916	The Government of India (Amendment) Act, 1916 (6 & 7 Geo. 5, c. 37).
154	1917	The Army (Annual) Act, 1917 (7 & 8 Geo. 5, c. 9).
155	1917	The Naval Discipline Act, 1917 (7 & 8 Geo. 5, c. 34).
156	1917	The Air Force (Constitution) Act, 1917 (7 & 8 Geo. 5, c. 51).
157	1918	The Army (Annual) Act, 1918 (8 & 9 Geo. 5, c. 6).
158	1918	The Termination of the Present War (Definition) Act, 1918 (8 & 9 Geo. 5, c. 59).
159	1919	The Army (Annual) Act, 1919 (9 & 10 Geo. 5, c. 11).
160	1919	The Treaty of Peace Act, 1919 (9 & 10 Geo. 5, c. 33).
161	1919	The British Mercantile Marine Uniform Act, 1919 (9 & 10 Geo. 5, c. 62).
162	1919	The Aliens Restriction (Amendment) Act, 1919 (9 & 10 Geo. 5, c. 92).
163	1919	The Government of India Act, 1919 (9 & 10 Geo. 5, c. 101).

Not Corrected: See India Code

[OF 1960]

British Statutes (Application to India) Repeal

651

Serial No.	Year	Short title or subject
164	1920	The Treaties of Peace (Austria and Bulgaria) Act, 1920 (10 & 11 Geo. 5, c. 6).
165	1920	The Army and Air Force (Annual) Act, 1920 (10 & 11 Geo. 5, c. 7).
166	1920	The Maintenance Orders (Facilities for Enforcement) Act, 1920 (10 & 11 Geo. 5, c. 33).
167	1920	The Indemnity Act, 1920 (10 & 11 Geo. 5, c. 48).
168	1921	The Army and Air Force (Annual) Act, 1921 (11 & 12 Geo. 5, c. 9).
169	1921	The Treaty of Peace (Hungary) Act, 1921 (11 & 12 Geo. 5, c. 11).
170	1921	The Importation of Plumage (Prohibition) Act, 1921 (11 & 12 Geo. 5, c. 16).
171	1921	The Indian Divorces (Validity) Act, 1921 (11 & 12 Geo. 5, c. 18).
172	1921	The Deceased Brother's Widow's Marriage Act, 1921 (11 & 12 Geo. 5, c. 24).
173	1921	The Territorial Army and Militia Act, 1921 (11 & 12 Geo. 5, c. 37).
174	1921	The Trade Facilities Act, 1921 (11 & 12 Geo. 5, c. 65).
175	1922	The Army and Air Force (Annual) Act, 1922 (12 & 13 Geo. 5, c. 6).
176	1922	The Empire Settlement Act, 1922 (12 & 13 Geo. 5, c. 13).
177	1922	The Naval Discipline Act, 1922 (12 & 13 Geo. 5, c. 37).
178	1922	The Trade Facilities and Loans Guarantee Act, 1922 (13 Geo. 5, c. 4).
179	1923	The Army and Air Force (Annual) Act, 1923 (13 & 14 Geo. 5, c. 3).
180	1923	The Fees (Increase) Act, 1923 (13 & 14 Geo. 5, c. 4).
181	1923	The Matrimonial Causes Act, 1923 (13 & 14 Geo. 5, c. 19).
182	1924	The Army and Air Force (Annual) Act, 1924 (14 & 15 Geo. 5, c. 5).

Serial No.	Year	Short title or subject
183	1924	The Treaty of Peace (Turkey) Act, 1924 (14 & 15 Geo. 5, c. 7).
184	1924	The Trade Facilities Act, 1924 (14 & 15 Geo. 5, c. 8).
185	1924	The Auxiliary Air Force and Air Force Reserve Act, 1924 (14 & 15 Geo. 5, c. 15).
186	1924	The Carriage of Goods by Sea Act, 1924 (14 & 15 Geo. 5, c. 22).
187	1924	The Expiring Laws Continuance Act, 1924 (15 Geo. 5, c. 1).
188	1925	The Trade Facilities Act, 1925 (15 & 16 Geo. 5, c. 13).
189	1925	The Army and Air Force (Annual) Act, 1925 (15 Geo. 5, c. 25).
190	1925	The Expiring Laws Act, 1925 (15 & 16 Geo. 5, c. 76).
191	1926	The Trade Facilities Act, 1926 (16 & 17 Geo. 5, c. 3).
192	1926	The Secretaries of State Act, 1926 (16 & 17 Geo. 5, c. 18).
193	1927	The Royal and Parliamentary Titles Act, 1927 (17 & 18 Geo. 5, c. 4).
194	1927	The Workmen's Compensation (Transfer of Funds) Act, 1927 (17 & 18 Geo. 5, c. 15).
195	1927	The Royal Naval Reserve Act, 1927 (17 & 18 Geo. 5, c. 18).
196	1927	The Cinematograph Films Act, 1927 (17 & 18 Geo. 5, c. 29).
197	1927	The Indian Church Act, 1927 (17 & 18 Geo. 5, c. 40).
198	1927	The Colonial Probates (Protected States and Mandated Territories) Act, 1927 (17 & 18 Geo. 5, c. 43).
199	1929	The Appellate Jurisdiction Act, 1929 (19 & 20 Geo. 5, c. 8).
200	1929	The Companies Act, 1929 (19 & 20 Geo. 5, c. 23).
201	1934	The Air Force Reserve (Pilots and Observers) Act, 1934 (24 & 25 Geo. 5, c. 5).
202	1935	The Superannuation Act, 1935 (25 & 26 Geo. 5, c. 23).
203	1935	The Finance Act, 1935 (25 & 26 Geo. 5, c. 24).
204	1935	The Government of Burma Act, 1935 (26 Geo. 5 and 1 Edw. 8, c. 3).
205	1936	His Majesty's Declaration of Abdication Act, 1936 (1 Edw. 8 and 1 Geo. 6, c. 3).

Serial No.	Year	Short title or subject
206	1937	The East India Loans Act, 1937 (1 Edw. 8 and 1 Geo. 6, c. 14).
207	1937	The Regency Act, 1937 (1 Edw. 8 and 1 Geo. 6, c. 16).
208	1937	The Reserve Forces Act, 1937 (1 Edw. 8 and 1 Geo. 6, c. 17).
209	1937	The Empire Settlement Act, 1937 (1 Edw. 8 and 1 Geo. 6, c. 18).
210	1938	The Cinematograph Films Act, 1938 (1 & 2 Geo. 6, c. 17).
211	1938	The Trade Marks Act, 1938 (1 & 2 Geo. 6, c. 22).
212	1939	The Prevention of Fraud (Investments) Act, 1939 (2 & 3 Geo. 6, c. 16).
213	1939	The Army and Air Force (Annual) Act, 1939 (2 & 3 Geo. 6, c. 17).
214	1939	The Reserve and Auxiliary Forces Act, 1939 (2 & 3 Geo. 6, c. 24).
215	1939	The Marriage (Scotland) Act, 1939 (2 & 3 Geo. 6, c. 34).
216	1939	The Emergency Powers (Defence) Act, 1939 (2 & 3 Geo. 6, c. 62).
217	1939	The Armed Forces (Conditions of Service) Act, 1939 (2 & 3 Geo. 6, c. 68).
218	1939	The Ships and Aircraft (Transfer Restriction) Act, 1939 (2 & 3 Geo. 6, c. 70).
219	1939	The Trading with the Enemy Act, 1939 (2 & 3 Geo. 6, c. 89).
220	1939	The Expiring Laws Continuance Act, 1939 (3 & 4 Geo. 6, c. 1).
221	1940	The Army and Air Force (Annual) Act, 1940 (3 & 4 Geo. 6, c. 18).
222	1940	The Emergency Powers (Defence) Act, 1940 (3 & 4 Geo. 6, c. 20).
223	1940	The Treachery Act, 1940 (3 & 4 Geo. 6, c. 21).
224	1940	The Evidence and Powers of Attorney Act, 1940 (3 & 4 Geo. 6, c. 28).

Serial No.	Year	Short title or subject
225	1940	The Emergency Powers (Defence) (No. 2) Act, 1940 (3 & 4 Geo. 6, c. 45).
226	1940	The Prolongation of Parliament Act, 1940 (3 & 4 Geo. 6, c. 53).
227	1940	The Expiring Laws Continuance Act, 1940 (4 & 5 Geo. 6, c. 2).
228	1940	The Naval and Marine Forces (Temporary Release from Service) Act, 1940 (4 & 5 Geo. 6, c. 4).
229	1941	The Army and Air Force (Annual) Act, 1941 (4 & 5 Geo. 6, c. 17).
230	1941	The Naval Discipline (Amendment) Act, 1941 (4 & 5 Geo. 6, c. 29).
231	1941	The Prolongation of Parliament Act, 1941 (4 & 5 Geo. 6, c. 48).
232	1941	The Expiring Laws Continuance Act, 1941 (5 & 6 Geo. 6, c. 3).
233	1942	The Army and Air Force (Annual) Act, 1942 (5 & 6 Geo. 6, c. 15).
234	1942	The Royal Naval Volunteer Reserve Act, 1942 (5 & 6 Geo. 6, c. 18).
235	1942	The United States of America (Visiting Forces) Act, 1942 (5 & 6 Geo. 6, c. 31).
236	1942	The Prolongation of Parliament Act, 1942 (5 & 6 Geo. 6, c. 37).
237	1943	The Workmen's Compensation Act, 1943 (6 & 7 Geo. 6, c. 6).
238	1943	The Army and Air Force (Annual) Act, 1943 (6 & 7 Geo. 6, c. 15).
239	1943	The Evidence and Powers of Attorney Act, 1943 (6 & 7 Geo. 6, c. 18).
240	1943	The Foreign Service Act, 1943 (6 & 7 Geo. 6, c. 35).
241	1943	The Regency Act, 1943 (6 & 7 Geo. 6, c. 42).
242	1943	The Prolongation of Parliament Act, 1943 (6 & 7 Geo. 6, c. 46).
243	1943	The Expiring Laws Continuance Act, 1943 (7 & 8 Geo. 6, c. 1).

Serial No.	Year	Short title or subject
244	1944	The Naval Forces (Extension of Service) Act, 1944 (7 & 8 Geo. 6, c. 13).
245	1944	The India (Attachment of States) Act, 1944 (7 & 8 Geo. 6, c. 14).
246	1944	The Army and Air Force (Annual) Act, 1944 (7 & 8 Geo. 6, c. 18).
247	1944	The Finance Act, 1944 (7 & 8 Geo. 6, c. 23).
248	1944	The Matrimonial Causes (War Marriages) Act, 1944 (7 & 8 Geo. 6, c. 43).
249	1944	The Prolongation of Parliament Act, 1944 (7 & 8 Geo. 6, c. 45).
250	1944	The Expiring Laws Continuance Act, 1944 (8 & 9 Geo. 6, c. 2).
251	1945	The Army and Air Force (Annual) Act, 1945 (8 & 9 Geo. 6, c. 22).
252	1946	The Patents and Designs Act, 1946 (9 & 10 Geo. 6, c. 44).
253	1946	The United Nations Act, 1946 (9 & 10 Geo. 6, c. 45).
254	1946	The Army and Air Force (Annual) Act, 1946 (9 & 10 Geo. 6, c. 47).
255	1946	The Superannuation Act, 1946 (9 & 10 Geo. 6, c. 60).
256	1946	The National Insurance (Industrial Injuries) Act, 1946 (9 & 10 Geo. 6, c. 62).
257	1946	The Expiring Laws Continuance Act, 1946 (10 & 11 Geo. 6, c. 1).
258	1947	The Foreign Marriage Act, 1947 (10 & 11 Geo. 6, c. 33).

Ref. by Act 56 of 1974, s. 2 and Sch. I

THE REPEALING AND AMENDING ACT, 1960

No. 58 OF 1960

[26th December, 1960]

An Act to repeal certain enactments and to amend certain other enactments.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

Short title.

Repeal of certain enactments.

Amendment of certain enactments.

Savings.

1. This Act may be called the Repealing and Amending Act, 1960.

2. The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

3. The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

4. The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, or recognised or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

5. For the removal of doubts, it is hereby declared that where this Act repeals any enactment by which the text of any other enactment, not being a Central Act, Ordinance or Regulation, was amended by the express omission, insertion or substitution of any matter, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the commencement of this Act.

*Effect of
repeal of
amending
enactment.*

Rep. by Act 56 of 1974, s. 2 and Sch. I

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Repealing and Amending

[ACT 58]

THE FIRST SCHEDULE

(See section 2)

REPEALS

Year	No.	Short title	Extent of repeal
1	2	3	4

Central Acts

1860	34	The Government Officers' Indemnity Act, 1860 .	The whole.
1920	3	The United Provinces Town Improvement (Appeals) Act, 1920, as in force in the Union territory of Delhi	The whole.
1922	13	The Ranchi Mental Hospital Act, 1922	The whole.
1944	1	The Central Excises and Salt Act, 1944	Section 3A.
1949	65	The Abducted Persons (Recovery and Restoration) Act, 1949	The whole.
1950	36	The Nawab Salar Jang Bahadur (Administration of Assets) Act, 1950	The whole.
1950	44	The Displaced Persons (Claims) Act, 1950	Section 17.
1951	1	The Code of Criminal Procedure (Amendment) Act, 1951	Sections 2 to 24.
1951	2	The Code of Civil Procedure (Amendment) Act, 1951	Sections 2 to 18.
1951	40	The Industrial Disputes (Amendment and Temporary Provisions) Act, 1951	So much as has not been repealed.
1952	30	The Requisitioning and Acquisition of Immovable Property Act, 1952	Section 25.
1952	40	The Displaced Persons (Claims) Amendment Act, 1952	The whole.
1952	75	The West Bengal Evacuee Property (Tripura Amendment) Act, 1952	The whole.
1952	76	The Influx from Pakistan (Control) Repealing Act, 1952	Section 2.
1952	81	The Delimitation Commission Act, 1952	The whole.
1954	2	The Cantonments (Amendment) Act, 1953	The whole.
1954	10	The Air Corporations (Amendment) Act, 1954	The whole.
1954	12	The Displaced Persons (Claims) Supplementary Act, 1954	Section 13.
1954	14	The Barsi Light Railway Company (Transferred Liabilities) Act, 1954	Section 5.
1954	15	The Transfer of Evacuee Deposits Act, 1954	Section 14.
1954	22	The Indian Railways (Amendment) Act, 1954	The whole.
1954	24	The Voluntary Surrender of Salaries (Exemption from Taxation) Amendment Act, 1954	The whole.
1954	25	The Factories (Amendment) Act, 1954	The whole.
1954	26	The Minimum Wages (Amendment) Act, 1954	The whole.
1954	30	The Salaries and Allowances of Members of Parliament Act, 1954	Section 10.

Repealing and Amending		Extent of repeal		
Year	No.	Short title	Extent of repeal	
	1	2	3	4
1954	34	The Central Excises and Salt (Amendment) Act, 1954	The whole.	
1954	35	The Indian Tariff (Amendment) Act, 1954	The whole.	
1954	39	The Indian Tariff (Second Amendment) Act, 1954	The whole.	
1954	45	The Andhra State Legislature (Delegation of Powers) Act, 1954	The whole.	
1954	46	The Indian Tariff (Third Amendment) Act, 1954	The whole.	
1954	48	The Industrial Disputes (Amendment) Act, 1954	The whole.	
1954	49	The Tea (Amendment) Act, 1954	The whole.	
1954	50	The Coffee Market Expansion (Amendment) Act, 1954	The whole.	
1954	52	The Tea (Second Amendment) Act, 1954	The whole.	
1954	54	The Rubber (Production and Marketing) Amendment Act, 1954	The whole.	
1954	55	The Delimitation Commission (Amendment) Act, 1954	The whole.	
1955	2	The Imports and Exports (Control) Amendment Act, 1955	The whole.	
1955	9	The Salaries and Allowances of Members of Parliament (Amendment) Act, 1955	The whole.	
1955	11	The Drugs (Amendment) Act, 1955	The whole.	
1955	12	The Dentists (Amendment) Act, 1955	The whole.	
1955	13	The Finance Commission (Miscellaneous Provisions) Amendment Act, 1955	The whole.	
1955	17	The Indian Railways (Amendment) Act, 1955	The whole.	
1955	18	The Insurance (Amendment) Act, 1955	The whole.	
1955	19	The Commanders-in-Chief (Change in Designation) Act, 1955	Section 2 and the Schedule.	
1955	21	The Sea Customs (Amendment) Act, 1955	The whole.	
1955	23	The State Bank of India Act, 1955	Sections 52, 53 and 54 and the Third, Fourth and Fifth Schedules.	
1955	24	The Reserve Bank of India (Amendment) Act, 1955	The whole.	
1955	25	The Hindu Marriage Act, 1955	Section 30.	
1955	26	The Code of Criminal Procedure (Amendment) Act, 1955	Sections 2 to 115 and 117 and the Schedule.	
1955	27	The Indian Tariff (Amendment) Act, 1955	The whole.	
1955	28	The Industrial and State Financial Corporations (Amendment) Act, 1955	The whole.	
1955	31	The Indian Coinage (Amendment) Act, 1955	The whole.	
1955	33	The State Bank of India (Amendment) Act, 1955	The whole.	
1955	35	The Land Customs (Amendment) Act, 1955	The whole.	
1955	37	The Negotiable Instruments (Amendment) Act, 1955	The whole.	

Ref. by Acts 56 of 1954, 5, 2 and Sch. I

Year	No.	Short title	Extent of repeal
1	2	3	4
1955	40	The Chartered Accountants (Amendment) Act, 1955	The whole.
1955	43	The Indian Stamp (Amendment) Act, 1955	The whole.
1955	44	The Abolition of Whipping Act, 1955	The whole.
1955	45	The Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955	Section 21.
1955	48	The Indian Tariff (Second Amendment) Act, 1955	The whole.
1955	49	The Indian Tariff (Third Amendment) Act, 1955	The whole.
1955	50	The Prevention of Corruption (Amendment) Act, 1955	The whole.
1955	51	The Railway Stores (Unlawful Possession) Act, 1955	Section 4.
1955	54	The Insurance (Second Amendment) Act, 1955	The whole.
1955	55	The Press and Registration of Books (Amendment) Act, 1955	The whole.
1955	57	The Citizenship Act, 1955	Section 19.
1956	2	The Representation of the People (Amendment) Act, 1956	The whole.
1956	6	The Voluntary Surrender of Salaries (Exemption from Taxation) Amendment Act, 1956	The whole.
1956	7	The Sales-Tax Laws Validation Act, 1956	Section 3.
1956	8	The Capital Issues (Continuance of Control) Amendment Act, 1956	The whole.
1956	9	The Life Insurance (Emergency Provisions) Act, 1956	Section 18.
1956	17	The Indian Registration (Amendment) Act, 1956	The whole.
1956	22	The Indian Red Cross Society (Amendment) Act, 1956	The whole.
1956	27	The Representation of the People (Second Amendment) Act, 1956.	Sections 2 to 73 and 75 to 83.
1956	28	The Agricultural Produce (Development and Warehousing) Corporations Act, 1956	Section 55.
1956	29	The Travancore-Cochin State Legislature (Delegation of Powers) Act, 1956	The whole.
1956	30	The Hindu Succession Act, 1956	Section 31.
1956	34	The Multi-Unit Co-operative Societies (Amendment) Act, 1956	The whole.
1956	35	The Indian Lac Cess (Amendment) Act, 1956	The whole.
1956	36	The Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956.	Sections 2 to 29 and 32.
1956	38	The Reserve Bank of India (Amendment) Act, 1956	The whole.
1956	39	The Code of Criminal Procedure (Amendment) Act, 1956	The whole.
1956	41	The Industrial Disputes (Amendment) Act, 1956	The whole.

Year	No.	Short title	Extent of repeal
1	2	3	4
1956	42	The Securities Contracts (Regulation) Act, 1956	Section 31.
1956	47	The Indian Coconut Committee (Amendment) Act, 1956	The whole.
1956	54	The Indian Post Office (Amendment) Act, 1956	The whole.
1956	56	The State Financial Corporations (Amendment) Act, 1956	The whole.
1956	58	The Central Excises and Salt (Amendment) Act, 1956	The whole.
1956	59	The Indian Railways (Amendment) Act, 1956	The whole.
1956	60	The Representation of the People (Third Amendment) Act, 1956	The whole.
1956	64	The Indian Tariff (Amendment) Act, 1956	The whole.
1956	66	The Code of Civil Procedure (Amendment) Act, 1956	Sections 2 to 15.
1956	68	The Union Territories (Laws) Amendment Act, 1956	The whole.
1956	71	The Industries (Development and Regulation) Amendment Act, 1956	The whole.
1956	72	The Representation of the People (Fourth Amendment) Act, 1956	The whole.
1956	73	The Hindu Marriage (Amendment) Act, 1956	The whole.
1956	74	The Central Sales Tax Act, 1956	Section 16.
1956	75	The Kerala State Legislature (Delegation of Powers) Act, 1956	The whole.
1956	78	The Hindu Adoptions and Maintenance Act, 1956	Section 29.
1956	79	The State Bank of Hyderabad Act, 1956	Sections 43 and 46 and the Second Schedule.
1956	81	The Central Excises and Salt (Second Amendment) Act, 1956	The whole.
1956	86	The Displaced Persons (Compensation and Rehabilitation) Amendment Act, 1956	The whole.
1956	87	The Road Transport Corporations (Amendment) Act, 1956	The whole.
1956	88	The Representation of the People (Miscellaneous Provisions) Act, 1956	Sections 3 and 4.
1956	92	The Territorial Army (Amendment) Act, 1956	The whole.
1956	94	The Employees' Provident Funds (Amendment) Act, 1956	The whole.
1956	95	The Banking Companies (Amendment) Act, 1956	Sections 2 to 13 and items 2 to 10 in the Schedule.
1956	99	The Delivery of Books (Public Libraries) Amendment Act, 1956	The whole.
1956	100	The Motor Vehicles (Amendment) Act, 1956	Sections 2 to 21 and 23 to 102.
1956	101	The Electricity (Supply) Amendment Act, 1956	The whole.
1957	7	The Prevention of Corruption (Amendment) Act, 1957	The whole.
1957	19	The Sea Customs (Amendment) Act, 1957	The whole.

Year	No.	Short title	Extent of repeal
		1 2	3 4
1957	11	The Foreigners Laws (Amendment) Act, 1957	The whole.
1957	12	The Provisional Collection of Taxes (Temporary Amendment) Act, 1957	The whole.
1957	13	The Essential Commodities (Amendment) Act, 1957	The whole.
1957	16	The Central Sales Tax (Amendment) Act, 1957	The whole.
1957	17	The Life Insurance Corporation (Amendment) Act, 1957	Sections 2 to 5 and 7.
1957	18	The Industrial Disputes (Amendment) Act, 1957	The whole.
1957	19	The Reserve Bank of India (Amendment) Act, 1957	The whole.
1957	21	The State Bank of India (Amendment) Act, 1957	The whole.
1957	28	The Essential Commodities (Second Amendment) Act, 1957	The whole.
1957	30	The Minimum Wages (Amendment) Act, 1957	The whole.
1957	31	The Dhoties (Additional Excise Duty) Amendment Act, 1957	The whole.
1957	32	The Forward Contracts (Regulation) Amendment Act, 1957	Section 2.
1957	34	The Indian Succession (Amendment) Act, 1957	The whole.
1957	35	The Insurance (Amendment) Act, 1957	The whole.
1957	36	The Repealing and Amending Act, 1957	The whole.
1957	37	The Legislative Councils Act, 1957	Sections 12 and 13.
1957	39	The Foreign Exchange Regulation (Amendment) Act, 1957	The whole.
1957	40	The Industrial Disputes (Banking Companies) Decision Amendment Act, 1957	The whole.
1957	41	The Indian Tariff (Amendment) Act, 1957	The whole.
1957	42	The Naga Hills Tuensang Area Act, 1957	Section 5.
1957	43	The Industrial Finance Corporation (Amendment) Act, 1957	The whole.
1957	45	The Indian Nursing Council (Amendment) Act, 1957	The whole.
1957	48	The Reserve Bank of India (Second Amendment) Act, 1957	The whole.
1957	49	The Central Excises and Salt (Amendment) Act, 1957	The whole.
1957	50	The Capital Issues (Control) Amendment Act, 1957	The whole.
1957	51	The Coal Bearing Areas (Acquisition and Development) Amendment Act, 1957	The whole.
1957	52	The Opium Laws (Amendment) Act, 1957	The whole.
1957	53	The Indian Railways (Amendment) Act, 1957	Sections 2 to 17.
1957	55	The Union Duties of Excise (Distribution) Act, 1957	Section 6.
1957	59	The Damodar Valley Corporation (Amendment) Act, 1957	The whole.
1957	60	The Indian Tariff (Second Amendment) Act, 1957	The whole.
1957	62	The Navy Act, 1957	Section 186.
1957	65	The Citizenship (Amendment) Act, 1957	The whole.

Repealed by Act 56 of 1974, S. 2 and Sch. I

[OF 1960]

Repealing and Amending

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Year	No.	Short title	Extent of repeal	1	2	3	4
1957	66	The Delhi Municipal Corporation Act, 1957	Sections 505 and 506.				
1957	67	The Mines and Minerals (Regulation and Development) Act, 1957	Section 32 and the Third Schedule.				
1957	68	The Payment of Wages (Amendment) Act, 1957	The whole.				
1958	1	The Requisitioning and Acquisition of Immovable Property (Amendment) Act, 1958	The whole.				
1958	2	The Criminal Law Amendment Act, 1958	The whole.				
1958	3	The Indian Reserve Forces (Amendment) Act, 1958	The whole.				
1958	5	The Central Sales Tax (Amendment) Act, 1958	The whole.				
1958	7	The Indian Post Office (Amendment) Act, 1958	The whole.				
1958	13	The Bombay, Calcutta and Madras Port Trusts (Amendment) Act, 1958	The whole.				
1958	15	The Mines and Minerals (Regulation and Development) Amendment Act, 1958	The whole.				
1958	16	The Indian Oaths (Amendment) Act, 1958	The whole.				
1958	17	The Hyderabad Securities Contracts Regulation (Repeal) Act, 1958	The whole.				
1958	19	The Indian Stamp (Amendment) Act, 1958	The whole.				
1958	22	The Employees' Provident Funds (Amendment) Act, 1958	The whole.				
1958	25	The All-India Services (Amendment) Act, 1958	The whole.				
1958	26	The Code of Criminal Procedure (Amendment) Act, 1958	The whole.				
1958	27	The Mineral Oils (Additional Duties of Excise and Customs) Act, 1958	Section 6.				
1958	28	The Armed Forces (Assam and Manipur) Special Powers Act, 1958	Section 7.				
1958	29	The Working Journalists (Fixation of Rates of Wages) Act, 1958	Section 14.				
1958	30	The Sugar Export Promotion Act, 1958	Section 14.				
1958	31	The Central Sales Tax (Second Amendment) Act, 1958	The whole.				
1958	32	The Public Premises (Eviction of Unauthorised Occupants) Act, 1958	Section 14.				
1958	34	The Banaras Hindu University (Amendment) Act, 1958	The whole.				
1958	36	The Indian Medical Council (Amendment) Act, 1958	The whole.				
1958	37	The Rajghat Samadhi (Amendment) Act, 1958	The whole.				
1958	38	The Industrial Disputes (Banking Companies) Decision Amendment Act, 1958	The whole.				
1958	39	The Sea Customs (Amendment) Act, 1958	The whole.				
1958	45	The Tea (Alteration in Duties of Customs and Excise) Act, 1958	The whole.				
1958	46	The High Court Judges (Conditions of Service) Amendment Act, 1958	The whole.				
1958	47	The Poisons (Amendment) Act, 1958	The whole.				
1958	48	The Assam Rifles (Amendment) Act, 1958	The whole.				

Rep. by Act 56 of 1974, S. 2 and Sch. I

Year	No.	Short title	Extent of repeal
1	2	3	4
1958	52	The Indian Tariff (Amendment) Act, 1958 . . .	The whole.
1958	53	The Foreign Exchange Regulation (Amendment) Act, 1958 . . .	The whole
1958	55	The Salaries and Allowances of Members of Parliament (Amendment) Act, 1958 . . .	The whole.
1958	56	The Himachal Pradesh Legislative Assembly (Constitution and Proceedings) Validation Act, 1958. . .	Section 5.
1958	58	The Representation of the People (Amendment) Act, 1958 . . .	The whole.
1958	59	The Delhi Rent Control Act, 1958 . . .	Section 53.
<i>Acts in force in the Union territories</i>			
		The U.P. Home Guards Act, 1947 (U.P. Act 1 of 1947) as in force in the Union territory of Delhi	The whole.
		The Punjab Tobacco Vend Fees Act, 1934 (Punjab Act 5 of 1934) as in force in the Union territory of Himachal Pradesh . . .	The whole.
<i>Ordinances made by the Governor-General</i>			
1942	11	The Police (Resignation of Office) Ordinance, 1942	So much as is in force in the Union territories of the Andaman and Nicobar Islands and Delhi.
	66	The Armed Forces (Special Powers) Extension Ordinance, 1942 . . .	The whole.
<i>Other Enactments</i>			
1888		The Proclamation issued under date the 30th June, 1888 corresponding to the 18th Mithunom 1063 regarding relinquishment of adiyaras.	So much as has not been repealed.
1890	3	The Calcutta Port Act, 1890 . . .	Section 77.
1923	4	The Madras Port Trust (Amendment) Act, 1922 . . .	The whole.
1929	7	The Madras Port Trust (Amendment) Act, 1929 . . .	The whole.
1943	9	The Patiala State Indian Standard Time (Interpretation of References) Ordinance, 2000 . . .	The whole.
1944	6	The Travancore Enemy Agents Act, 1120 . . .	The whole.
1944	17	The Patiala State Military Stores (Unlawful Possession) Ordinance, 2000 . . .	The whole.
1947	15	The Travancore Registration of Adults Act, 1122 . . .	The whole.
1948	41	The Saurashtra Railways (Substitution of Parties in Civil Proceedings) Ordinance, 1948 . . .	The whole.
1948	58	The Saurashtra United Nations (Security Council) Ordinance, 1948 . . .	The whole.
1948	59	The Saurashtra United Nations (Privileges and Immunities) Ordinance, 1948 . . .	The whole.
1949	22	The Patiala and East Punjab States Union United Nations (Security Council) Ordinance, 2005 . . .	The whole.
1949	23	The Patiala and East Punjab States Union United Nations (Privileges and Immunities) Ordinance, 2005 . . .	The whole.
1949	16	The Patiala and East Punjab States Union Audit of Accounts Ordinance, 2006 . . .	The whole.

Ref. by Act 56 of 1974, S. 2 and Sch. I

of 1960]

Repealing and Amending

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THE SECOND SCHEDULE

(See section 3)

AMENDMENTS

Year	No.	Short title	Amendments
1	2	3	4
<i>Central Acts</i>			
1881	II	The Municipal Taxation Act, 1881.	In section 3, for the portion beginning with the words "specified tax" and ending with the words "limits of a municipality", the following shall be substituted, namely :— "specified tax payable by any person subject to the Army Act, 1950, 46 of 1950. the Navy Act, 1957, or 62 of 1957. the Air Force Act, 1950, 45 of 1950. who is compelled by the exigencies of military, naval or air-force duty to reside within the limits of a municipality."
1890	6	The Charitable Endowments Act, 1890.	In section 15,— (i) for the words and figures "of section 111 of the Statute 53, George III, Chapter 155, or of any other enactment", the words "of any enactment" shall be substituted; (ii) the words "at a Presidency" shall be omitted; (iii) for the expression, "or of sections 8, 9, 10 and 11 of Act No. XVII of 1864 (An Act to constitute an office of Official Trustee)", the expression "or of the Official Trustees Act, 1913," shall be substituted.
1890	9	The Indian Railways Act, 1896.	(f) In section 39, the word "or" occurring after the words "Central Government" shall be omitted. (ii) In sub-section (i) of section 143, the words, figures and brackets "section 34" and "sub-section (4)" shall be omitted. (iii) In section 148, (a) in sub-section (i), the figures "144" shall be omitted; (b) in sub-section (2), for the brackets, figures and word "(2) and (4)", the word, brackets and figure "and (2)" shall be substituted.

Rep. by Act 56 of 1974, S. 2 and Sch. I

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Repealing and Amending

[ACT 58]

Year	No.	Short title	Amendments
1	2	3	4
1898	5	The Code of Criminal Procedure, 1898.	(i) In sub-section (2) of section 348, before the word and figures "section 209", the words, brackets, figures and letter "sub-section (6) of section 207A, or" shall be inserted. (ii) In section 419, the words "or a copy of the transcript of the charge to the jury delivered in English" shall be inserted at the end.
1903	10	The Victoria Memorial Act, 1903.	In sub-section (1) of section 2,— (a) in clause (d), the words "of high rank" and "to represent the Chiefs and Nobles of India" shall be omitted; (b) in clause (e), for the words "in the Ministry of States", the words "in the Ministry concerned with matters relating to the Victoria Memorial" shall be substituted; (c) in clause (g), for the word "Chairman", the word "Mayor" shall be substituted.
1909	3	The Presidency-towns Insolvency Act, 1909.	In clause (h) of section 2, the word "and" at the end shall be omitted.
1923	8	The Workmen's Compensation Act, 1923.	(i) In clause (m) of sub-section (2) of section 32, the word "and" at the end shall be omitted. (ii) To Schedule I, the following Note shall be added, namely :— "Note.—Complete and permanent loss of the use of any limb or member referred to in this Schedule shall be deemed to be the equivalent of the loss of that limb or member."
1924	2	The Cantonments Act, 1924	In section 161, for the words "he may", the words "the Board may" shall be substituted.
1934	2	The Reserve Bank of India Act, 1934.	In sub-section (1) of section 54A, the words "by or" after the words "exercisable by him" shall be omitted.
1939	4	The Motor Vehicles Act, 1939.	(i) In clause (e) of sub-section (2) of section 41, for the words, brackets and figures "sub-section (1) of section 37", the words, brackets and figures "sub-section (3) of section 36" shall be substituted.

Year	No.	Short title	Amendments
1.	2	3	4
			(ii) In clause (b) of section 54, the word "seating" shall be omitted.
			(iii) In sub-section (3) of section 58, before the word "proviso", the word "first" shall be inserted.
			(iv) In item (c) of sub-clause (i) of clause (b) of sub-section (2) of section 96, for the words "a public service vehicle or a goods vehicle", the words "a transport vehicle" shall be substituted.
			(v) In sub-section (2) of section 108 for the words "public service vehicle", the words "transport vehicle" shall be substituted.
			(vi) In Form D in the First Schedule, for the portion below the heading "Authorisation to drive a transport vehicle" and above the words, "This licence is hereby renewed up to.....
			Signature of Licensing Authority,
			the following shall be substituted, namely :—
			"So long as this licence is valid and is renewed from time to time the holder is authorised to drive a transport vehicle.
		Date.....19	Signature and designation of prescribed authority."
1942	6	The Multi-Unit Co-operative Societies Act, 1942.	In sub-section (1) of section 5C, after the words "Twelfth Schedule", the words and figures "to the Bombay Reorganisation Act, 1960," shall be inserted.
1947	7	The Foreign Exchange Regulation Act, 1947.	In clause (a) of sub-section (6) of section 14, for the words "documents of title", the words "certificates of title" shall be substituted.
1947	15	The Armed Forces (Emergency Duties) Act, 1947.	In sub-section (2) of section 2, for the words, brackets and figures "the Indian Navy (Discipline) Act, 1934", the words and figures "the Navy Act, 1957" shall be substituted.
1950	43	The Representation of the People Act, 1950.	(i) In clause (c) of sub-section (1) of section 16, the words "and illegal" shall be omitted.

Repealing and Amending					
Year	No.	Short title	Amendments		
		1	2	3	4
			(ii) In the proviso to sub-section (3) of section 23, the words "in the same State" shall be omitted.		
			(iii) In the Fifth Schedule, for the heading "[See sections 27A(2), 27D and 27C]", the heading "[See section 27A(2)]" shall be substituted.		
1952	37	The Cinematograph Act, 1952	(i) In section 11, for the words and letter "Part C State", the words "Union territory" shall be substituted. (ii) In sub-section (1) of section 13, for the words and letter "whole Part C State or any part thereof", the words "whole or any part of a Union territory" shall be substituted.		
1955	16	The Medicinal and Toilet Preparations (Excise Duties) Act, 1955.	In clause (iv) of sub-section (2) of section 19, for the words "of any process", the words "or any process" shall be substituted.		
1956	28	The Agricultural Produce (Development and Warehousing) Corporations Act, 1956.	(i) In clause (v) of section 31, after the words "any interest in", the word "any" shall be inserted. (ii) In clause (c) of sub-section (2) of section 54, after the words "such meetings", the word "and" shall be inserted.		
1956	30	The Hindu Succession Act, 1956.	In section 30, the brackets and figure "(r)" before the words "Any Hindu" shall be omitted.		
1956	51	The Indian Institute of Technology (Kharagpur) Act, 1956.	In clause (c) of section 26, the word "by" shall be omitted.		
1956	96	The Slum Areas (Improvement and Clearance) Act, 1956.	In section 38, for the word "him", the word "it" shall be substituted.		
1957	26	The Coal Bearing Areas (Acquisition and Development) Act, 1957.	In clause (b) of section 24, after the words "directed to an individual," the words "be served on such individual" shall be, and shall be deemed always to have been, inserted.		
1957	27	The Wealth-tax Act, 1957	(i) In sub-section (2) of section 14, for the words "and setting forth such other particulars as may be required in		

Repealed by Act 56 of 1947, S. 2 and Sch. I

OF 1960]

Repealing and Amending

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Year	No.	Short title	Amendments
1	2	3	4
			the notice", the words and brackets "setting forth (along with such other particulars as may be required by the notice)" shall be substituted.
			(ii) In sub-section (6) of section 24, for the brackets and figure "(4)", the brackets and figure "(5)" shall be substituted.
1957	29	The Expenditure-tax Act, 1957	In sub-section (2) of section 13, for the words "and setting forth such other particulars as may be required in the notice relating to the expenditure of such person", the words and brackets "setting forth (along with such other particulars as may be required by the notice) his expenditure" shall be substituted.
1957	37	The Legislative Councils Act, 1957.	In sub-section (8) of section 8, for the figures, letters and word "26th April, 1958", the figures, letters and word "13th May, 1958" shall be, and shall be deemed always to have been, substituted.
1957	62	The Navy Act, 1957	In section 63, in sub-sections (1) and (2), for the word "abroad" the word "aboard" shall be, and shall be deemed always to have been, substituted.
1957	66	The Delhi Municipal Corporation Act, 1957.	(i) In sub-section (2) of section 222, for the words "inspect, repair, alter, renew or remove", the words "inspects, repairs, alters, renews or removes" shall be substituted. (ii) In sub-section (5) of section 397 for the word "Swines", the word "Swine" shall be substituted.
1958	18	The Gift-tax Act, 1958	(i) In sub-section (3) of section 19, for the words "that section", the words "those sections" shall be substituted. (ii) In sub-section (x) of section 20 for the words "on the amount of taxable gifts", the words "on the value of the taxable gifts" shall be substituted.
1958	43	The Trade and Merchandise Marks Act, 1958.	(i) In sub-section (1) of section 4, for the word "Registrar", the words "Registrar of Trade Marks" shall be substituted. (ii) In sub-section (2) of section 136 before the words and figures "the Trade Marks Act, 1940", the words and figures "the Indian Merchandise Marks Act, 1889, or" shall be inserted.
1958	44	The Merchant Shipping Act, 1958.	(i) In sub-section (3) of section 45 for the words "in any case", the words "in case" shall be substituted.

Rep. by Act 56 of 1971, S. 2 and Sch. I

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Repealing and Amending

[ACT 58 OF 1960]

Year	No.	Short title	Amendments
1	2	3	4
1958	59	The Delhi Rent Control Act, 1958.	(ii) In sub-section (4) of section 55, for the word "sub-section" in the first place where it occurs, the word "section" shall be substituted. (i) In section 46, for the words "Estate Officer to the Government of India", the words "Director of Estates" shall be substituted. (ii) In sub-section (2) of section 47,— (a) in clause (a), for the words "Estate Officer to the Government of India", the words "Director of Estates" shall be substituted; (b) in clause (b) and the first proviso, for the words "Estate Officer", the words "Director of Estates" shall be substituted.
1959	10	The Parliament (Prevention of Disqualification) Act, 1959.	In Part I of the Schedule, under the heading "BODIES UNDER THE CENTRAL GOVERNMENT"— (i) in the third, fourth, fifth, sixth, seventh, eleventh, twelfth, thirteenth, fifteenth and sixteenth items, the brackets and word "(Private)" shall be omitted; (ii) in the ninth item, for the words and brackets "Nangal Fertilizers and Chemicals (Private) Limited.", the words "Hindustan Chemicals and Fertilizers Limited" shall be substituted; (iii) in the eleventh item, after the word "National", the word "Industrial" shall be inserted.

Not Corrected: See India Code Vol. I, Pt. VI, p. 31.

THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960

ARRANGEMENT OF SECTIONS

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Not Corrected: See India Code Vol. I, Pt. VI, p. 31.

THE PREVENTION OF CRUELTY TO ANIMALS
ACT, 1960

NO. 59 OF 1960

[26th December, 1960]

An Act to prevent the infliction of unnecessary pain or suffering on animals and for that purpose to amend the law relating to the prevention of cruelty to animals.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Prevention of Cruelty to Animals Act, 1960. Short title,
extent and
commencement.

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

(3) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different States and for the different provisions contained in this Act.

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

(a) "animal" means any living creature other than a human being;

(b) "Board" means the Animal Welfare Board established under section 4;

(c) "captive animal" means any animal (not being a domestic animal) which is in captivity or confinement, whether permanent or temporary, or which is subjected to any appliance or contrivance for the purpose of hindering or preventing its

¹ 1-4-1961 for the State of Punjab and the Union territory of the Andaman and Nicobar Islands; vide S.O. 823, dated 1-4-1961, see Gazette of India, Pt. II, sec. 3(ii), p. 806.

escape from captivity or confinement or which is pinioned or which is or appears to be maimed;

(d) "domestic animal" means any animal which is tamed or which has been or is being sufficiently tamed to serve some purpose for the use of man or which, although it neither has been nor is being nor is intended to be so tamed, is or has become in fact wholly or partly tamed;

(e) "local authority" means a municipal committee, district board or other authority for the time being invested by law with the control and administration of any matters within a specified local area;

(f) "owner", used with reference to an animal, includes not only the owner but also any other person for the time being in possession or custody of the animal, whether with or without the consent of the owner;

(g) "phooka" or "doom dev" includes any process of introducing air or any substance into the female organ of a milch animal with the object of drawing off from the animal any secretion of milk;

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

(i) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, to which the public have access.

Duties of persons having charge of animals

3. It shall be the duty of every person having the care or charge of any animal to take all reasonable measures to ensure the well-being of such animal and to prevent the infliction upon such animal of unnecessary pain or suffering.

CHAPTER II

ANIMAL WELFARE BOARD

Establish-
ment of
Animal Wel-
fare Board.

4. (1) For the promotion of animal welfare generally and for the purpose of protecting animals from being subjected to unnecessary pain or suffering, in particular, there shall be established by the Central Government, as soon as may be after the commencement of this Act, a Board to be called the Animal Welfare Board.

(2) The Board shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and may by its name sue and be sued.

5. (1) The Board shall consist of the following persons, namely:— Constitution of the Board.

(a) the Inspector-General of Forests, Government of India, *ex officio*;

(b) the Animal Husbandry Commissioner to the Government of India, *ex officio*;

(c) one person to represent such association of veterinary practitioners as in the opinion of the Central Government ought to be represented on the Board, to be elected by that association in the prescribed manner;

(d) two persons to represent practitioners of modern and indigenous systems of medicine, to be nominated by the Central Government;

(e) one person to represent each of the municipal corporations of Bombay, Calcutta, Delhi and Madras, and one person to represent any other municipal corporation as, in the opinion of the Central Government, ought to be represented on the Board, to be elected by each of the said corporations in the prescribed manner;

(f) one person to represent each of such three organisations actively interested in animal welfare as in the opinion of the Central Government ought to be represented on the Board, to be chosen by each of the said organisations in the prescribed manner;

(g) one person to represent each of such three societies dealing with prevention of cruelty to animals as in the opinion of the Central Government ought to be represented on the Board, to be chosen in the prescribed manner;

(h) three persons to be nominated by the Central Government;

(i) six members of Parliament, four to be elected by the House of the People (Lok Sabha) and two by the Council of States (Rajya Sabha).

(2) Any of the persons referred to in clause (a) or clause (b) of sub-section (1) may depute any other person to attend any of the meetings of the Board.

(3) One of the members of the Board shall be nominated by the Central Government to be its Chairman.

Term of office and conditions of service of members of the Board.

6. (1) Save as otherwise provided in this section, the term of office of a member of the Board shall be three years.

(2) Subject to the provisions contained in sub-section (4), the term of office of the member elected to represent any municipal corporation (other than the corporations of Bombay, Calcutta, Delhi and Madras) shall be one year from the date on which such member assumes office.

(3) The term of office of an *ex officio* member shall continue so long as he holds the office by virtue of which he is such a member.

(4) The term of office of a member elected or chosen under clause (c), clause (e), clause (f), clause (g) or clause (i) of section 5 to represent any body of persons shall come to an end as soon as he ceases to be a member of the body which elected him or in respect of which he was chosen.

(5) The term of office of a member nominated, elected or chosen to fill a casual vacancy shall continue for the remainder of the term of office of the member in whose place he is nominated, elected or chosen.

(6) The members of the Board shall receive such allowances, if any, as the Board may, subject to the previous approval of the Central Government, provide by regulations made by it in this behalf.

(7) No act done or proceeding taken by the Board shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Board.

Secretary and other employees of the Board.

7. (1) The Central Government shall appoint one of its officers to be the Secretary of the Board.

(2) Subject to such rules as may be made by the Central Government in this behalf, the Board may appoint such number of other officers and employees as may be necessary for the exercise of its powers and the discharge of its functions and may determine the terms and conditions of service of such officers and other employees by regulations made by it with the previous approval of the Central Government.

8. The funds of the Board shall consist of grants made to it from time to time by the Government and of contributions, donations, subscriptions, bequests, gifts and the like made to it by any local authority or by any other person.

Funds of the Board.
Functions of the Board.

9. The functions of the Board shall be—

(a) to keep the law in force in India for the prevention of cruelty to animals under constant study and advise the Government on the amendments to be undertaken in any such law from time to time;

(b) to advise the Central Government on the making of rules under this Act with a view to preventing unnecessary pain or suffering to animals generally, and more particularly when they are being transported from one place to another or when they are used as performing animals or when they are kept in captivity or confinement;

(c) to advise the Government or any local authority or other person on improvements in the design of vehicles so as to lessen the burden on draught animals;

(d) to take all such steps as the Board may think fit for ameliorating the condition of beasts of burden by encouraging, or providing for, the construction of sheds, water-troughs and the like and by providing for veterinary assistance to animals;

(e) to advise the Government or any local authority or other person in the design of slaughter-houses or in the maintenance of slaughter-houses or in connection with slaughter of animals so that unnecessary pain or suffering, whether physical or mental, is eliminated in the pre-slaughter stages as far as possible, and animals are killed, wherever necessary, in as humane a manner as possible;

(f) to take all such steps as the Board may think fit to ensure that unwanted animals are destroyed by local authorities, whenever it is necessary to do so, either instantaneously or after being rendered insensible to pain or suffering;

(g) to encourage, by the grant of financial assistance or otherwise, the formation of *pinjrapoles*, sanctuaries and the like where animals and birds may find a shelter when they have become old and useless or when they need protection;

- (h) to co-operate with, and co-ordinate the work of, associations or bodies established for the purpose of preventing unnecessary pain or suffering to animals or for the protection of animals and birds;
- (i) to give financial and other assistance to animal welfare organisations functioning in any local area or to encourage the formation of animal welfare organisations in any local area which shall work under the general supervision and guidance of the Board;
- (j) to advise the Government on matters relating to the medical care and attention which may be provided in animal hospitals and to give financial and other assistance to animal hospitals whenever the Board thinks it necessary to do so;
- (k) to impart education in relation to the humane treatment of animals and to encourage the formation of public opinion against the infliction of unnecessary pain or suffering to animals and for the promotion of animal welfare by means of lectures, books, posters, cinematographic exhibitions and the like;
- (l) to advise the Government on any matter connected with animal welfare or the prevention of infliction of unnecessary pain or suffering on animals.

Power of Board to make regulations. 10. The Board may, subject to the previous approval of the Central Government, make such regulations as it may think fit for the administration of its affairs and for carrying out its functions.

CHAPTER III

CRUELTY TO ANIMALS GENERALLY

Treating animals cruelly.

- 11. (1) If any person—
 - (a) beats, kicks, over-rides, over-drives, over-loads, tortures or otherwise treats any animal so as to subject it to unnecessary pain or suffering or causes or, being the owner permits, any animal to be so treated; or
 - (b) employs in any work or labour any animal which, by reason of any disease, infirmity, wound, sore or other cause, is unfit to be so employed or, being the owner, permits any such unfit animal to be so employed; or
 - (c) wilfully and unreasonably administers any injurious drug or injurious substance to any domestic or captive animal or wilfully and unreasonably causes or attempts to cause any

such drug or substance to be taken by any domestic or captive animal; or

(d) conveys or carries, whether in or upon any vehicle or not, any animal in such a manner or position as to subject it to unnecessary pain or suffering; or

(e) keeps or confines any animal in any cage or other receptacle which does not measure sufficiently in height, length and breadth to permit the animal a reasonable opportunity for movement; or

(f) keeps for an unreasonable time any animal chained or tethered upon an unreasonably short or unreasonably heavy chain or cord; or

(g) being the owner, neglects to exercise or cause to be exercised reasonably any dog habitually chained up or kept in close confinement; or

(h) being the owner of any captive animal, fails to provide such animal with sufficient food, drink or shelter; or

(i) without reasonable cause, abandons any animal in circumstances which render it likely that it will suffer pain by reason of starvation or thirst; or

(j) wilfully permits any animal, of which he is the owner, to go at large in any street while the animal is affected with contagious or infectious disease or, without reasonable excuse permits any diseased or disabled animal, of which he is the owner, to die in any street; or

(k) offers for sale or, without reasonable cause, has in his possession any animal which is suffering pain by reason of mutilation, starvation, thirst, overcrowding or other ill-treatment; or

(l) needlessly mutilates any animal or kills any animal in an unnecessarily cruel manner; or

(m) confines or causes to be confined any animal in such a manner as to make it an object of prey for any other animal solely with a view to providing entertainment for other persons; or

(n) for the purposes of his business, organises, keeps, uses or acts in the management of, any place for animal fighting or for the purpose of baiting any animal or permits or offers any place to be so used or receives money for the admission of any other person to any place kept or used for any such purposes; or

(o) promotes or takes part in any shooting match or competition wherein animals are released from captivity for the purpose of such shooting;

he shall be punishable, in the case of a first offence, with fine which may extend to fifty rupees, and, in the case of a second or subsequent offence committed within three years of the previous offence, with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

(2) For the purposes of sub-section (1), an owner shall be deemed to have committed an offence if he has failed to exercise reasonable care and supervision with a view to the prevention of such offence:

Provided that where an owner is convicted of permitting cruelty by reason only of having failed to exercise such care and supervision, he shall not be liable to imprisonment without the option of a fine.

(3) Nothing in this section shall apply to—

(a) the dehorning of cattle, or the castration or branding or nose-roping of any animal, in the prescribed manner; or

(b) the destruction of stray dogs in lethal chambers or by other methods with a minimum of suffering; or

(c) the extermination or destruction of any animal under the authority of any law for the time being in force; or

(d) any matter dealt with in Chapter IV; or

(e) the commission or omission of any act in the course of the destruction or the preparation for destruction of any animal as food for mankind unless such destruction or preparation was accompanied by the infliction of unnecessary pain or suffering.

12. If any person performs upon any cow or other milch animal the operation called *phooka* or *doom dev* or permits such operation being performed upon any such animal in his possession or under his control, he shall be punishable with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to two years, or with both, and the animal on which the operation was performed shall be forfeited to the Government.

Penalty for
practising
phooka or
doom dev.

13. (1) Where the owner of an animal is convicted of an offence under section 11, it shall be lawful for the court, if the court is satisfied that it would be cruel to keep the animal alive, to direct that the animal be destroyed and to assign the animal to any suitable person for that purpose, and the person to whom such animal is so assigned shall, as soon as possible, destroy such animal or cause such animal to be destroyed in his presence without unnecessary suffering, and any reasonable expense incurred in destroying the animal may be ordered by the court to be recovered from the owner as if it were a fine:

Destruction
of suffering
animals.

Provided that unless the owner assents thereto, no order shall be made under this section except upon the evidence of a veterinary officer in charge of the area.

(2) When any magistrate, commissioner of police or district superintendent of police has reason to believe that an offence under section 11 has been committed in respect of any animal, he may direct the immediate destruction of the animal, if in his opinion, it would be cruel to keep the animal alive.

(3) Any police officer above the rank of a constable or any person authorised by the State Government in this behalf who finds any animal so diseased or so severely injured or in such a physical condition that in his opinion it cannot be removed without cruelty, may, if the owner is absent or refuses his consent to the destruction of the animal, forthwith summon the veterinary officer in charge of the area in which the animal is found, and if the veterinary officer certifies that the animal is mortally injured or so severely injured or in such a physical condition that it would be cruel to keep it alive, the police officer or the person authorised, as the case may be, may, after obtaining orders from a magistrate, destroy the animal injured or cause it to be destroyed.

(4) No appeal shall lie from any order of a magistrate for the destruction of an animal.

CHAPTER IV

EXPERIMENTATION ON ANIMALS

**Experiments
on animals.**

14. Nothing contained in this Act shall render unlawful the performance of experiments (including experiments involving operations) on animals for the purpose of advancement by new discovery of physiological knowledge or of knowledge which will be useful for saving or for prolonging life or alleviating suffering or for combating any disease, whether of human beings, animals or plants.

**Committee
for control
and super-
vision of
experiments
on animals.**

15. (1) If at any time, on the advice of the Board, the Central Government is of opinion that it is necessary so to do for the purpose of controlling and supervising experiments on animals, it may, by notification in the Official Gazette, constitute a Committee consisting of such number of officials and non-officials, as it may think fit to appoint thereto.

(2) The Central Government shall nominate one of the members of the Committee to be its Chairman.

(3) The Committee shall have power to regulate its own procedure in relation to the performance of its duties.

(4) The funds of the Committee shall consist of grants made to it from time to time by the Government and of contributions, donations, subscriptions, bequests, gifts and the like made to it by any person.

**Staff of the
Committee.**

16. Subject to the control of the Central Government, the Committee may appoint such number of officers and other employees as may be necessary to enable it to exercise its powers and perform its duties, and may determine the remuneration and other terms and conditions of service of such officers and other employees.

**Duties of
the Commit-
tee and
power of the
Committee
to make rules
relating to
experiments
on animals.**

17. (1) It shall be the duty of the Committee to take all such measures as may be necessary to ensure that animals are not subjected to unnecessary pain or suffering before, during or after the performance of experiments on them, and for that purpose it may, by notification in the Gazette of India and subject to the condition of previous publication, make such rules as it may think fit in relation to the conduct of such experiments.

(2) In particular, and without prejudice to the generality of the foregoing power, rules made by the Committee shall be designed to secure the following objects, namely:—

(a) that in cases where experiments are performed in any institution, the responsibility therefor is placed on the person

in charge of the institution and that, in cases where experiments are performed outside an institution by individuals, the individuals are qualified in that behalf and the experiments are performed on their full responsibility;

(b) that experiments are performed with due care and humanity, and that as far as possible experiments involving operations are performed under the influence of some anaesthetic of sufficient power to prevent the animals feeling pain;

(c) that animals which, in the course of experiments under the influence of anaesthetics, are so injured that their recovery would involve serious suffering, are ordinarily destroyed while still insensible;

(d) that experiments on animals are avoided wherever it is possible to do so; as for example, in medical schools, hospitals, colleges and the like, if other teaching devices such as books, models, films and the like may equally suffice;

(e) that experiments on larger animals are avoided when it is possible to achieve the same results by experiments upon small laboratory animals like guinea-pigs, rabbits, frogs and rats;

(f) that, as far as possible, experiments are not performed merely for the purpose of acquiring manual skill;

(g) that animals intended for the performance of experiments are properly looked after both before and after experiments;

(h) that suitable records are maintained with respect to experiments performed on animals.

(3) In making any rules under this section, the Committee shall be guided by such directions as the Central Government (consistently with the objects for which the Committee is set up) may give to it, and the Central Government is hereby authorised to give such directions.

(4) All rules made by the Committee shall be binding on all individuals performing experiments outside institutions and on persons in charge of institutions in which experiments are performed.

18. For the purpose of ensuring that the rules made by it are being complied with, the Committee may authorise any of its members to inspect any place where experiments are carried out.

officers or any other person in writing to inspect any institution or place where experiments are being carried on and report to it as a result of such inspection, and any officer or person so authorised may—

- (a) enter at any time considered reasonable by him and inspect any institution or place in which experiments on animals are being carried on; and
- (b) require any person to produce any record kept by him with respect to experiments on animals.

Power to prohibit experiments on animals. 19. If the Committee is satisfied, on the report of any officer or other person made to it as a result of any inspection under section 18 or otherwise, that the rules made by it under section 17 are not being complied with by any person or institution carrying on experiments on animals, the Committee may, after giving an opportunity to the person or institution of being heard in the matter, by order, prohibit the person or institution from carrying on any such experiments either for a specified period or indefinitely, or may allow the person or institution to carry on such experiments subject to such special conditions as the Committee may think fit to impose.

Penalties. 20. If any person—

- (a) contravenes any order made by the Committee under section 19; or
- (b) commits a breach of any condition imposed by the Committee under that section;

he shall be punishable with fine which may extend to two hundred rupees, and, when the contravention or breach of condition has taken place in any institution, the person in charge of the institution shall be deemed to be guilty of the offence and shall be punishable accordingly.

CHAPTER V

PERFORMING ANIMALS

“Exhibit” and “train” defined. 21. In this Chapter, “exhibit” means exhibit at any entertainment to which the public are admitted through sale of tickets and “train” means train for the purpose of any such exhibition, and the expressions “exhibitor” and “trainer” have respectively the corresponding meanings.

22. No person shall exhibit or train—

**Restriction
on exhibition
and training
of performing
animals.**

- (i) any performing animal unless he is registered in accordance with the provisions of this Chapter;
- (ii) as a performing animal, any animal which the Central Government may, by notification in the Official Gazette, specify as an animal which shall not be exhibited or trained as a performing animal.

23. (1) Every person desirous of exhibiting or training any performing animal shall, on making an application in the prescribed form to the prescribed authority and on payment of the prescribed fee, be registered under this Act unless he is a person who, by reason of an order made by the court under this Chapter, is not entitled to be so registered.

(2) An application for registration under this Chapter shall contain such particulars as to the animals and as to the general nature of the performances in which the animals are to be exhibited or for which they are to be trained as may be prescribed, and the particulars so given shall be entered in the register maintained by the prescribed authority.

(3) The prescribed authority shall give to every person whose name appears on the register kept by them, a certificate of registration in the prescribed form containing the particulars entered in the register.

(4) Every register kept under this Chapter shall at all reasonable times be open for inspection on payment of the prescribed fee, and any person shall, on payment of the prescribed fee, be entitled to obtain copies thereof or make extracts therefrom.

(5) Any person whose name is entered in the register shall, subject to the provisions of any order made under this Act by any court, be entitled, on making an application for the purpose, to have the particulars entered in the register with respect to him varied, and where any such particulars are so varied, the existing certificate shall be cancelled and a new certificate issued.

24. (1) Where it is proved to the satisfaction of any magistrate on a complaint made by a police officer or an officer authorised in writing by the prescribed authority referred to in section 23, that the training or exhibition of any performing animal has been accompanied by unnecessary pain or suffering and should be prohibited or allowed only subject to conditions, the court may make an order against the person in respect of whom the complaint is made, prohibiting the training or exhibition or imposing such conditions in relation thereto, as may be specified by the order.

**Power of
court to
prohibit or
restrict ex-
hibition and
training of
performing
animals.**

(2) Any court by which an order is made under this section shall cause a copy of the order to be sent, as soon as may be after the order is made, to the prescribed authority by which the person against whom the order is made is registered, and shall cause the particulars of the order to be endorsed upon the certificate held by that person, and that person shall produce his certificate on being so required by the court for the purposes of endorsement, and the prescribed authority to which a copy of an order is sent under this section shall enter the particulars of the order in that register.

**Power to
enter
premises.**

25. (1) Any person authorised in writing by the prescribed authority referred to in section 23 and any police officer not below the rank of a sub-inspector may—

(a) enter at all reasonable times and inspect any premises in which any performing animals are being trained or exhibited or kept for training or exhibition, and any such animals found therein; and

(b) require any person who, he has reason to believe, is a trainer or exhibitor of performing animals to produce his certificate of registration.

(2) No person or police officer referred to in sub-section (1) shall be entitled under this section to go on or behind the stage during a public performance of performing animals.

Offences.

26. If any person—

(a) not being registered under this Chapter, exhibits or trains any performing animal; or

(b) being registered under this Act, exhibits or trains any performing animal with respect to which, or in a manner with respect to which, he is not registered; or

(c) exhibits or trains as a performing animal, any animal which is not to be used for the purpose by reason of a notification issued under clause (ii) of section 22; or

(d) obstructs or wilfully delays any person or police officer referred to in section 25 in the exercise of powers under this Act as to entry and inspection; or

(e) conceals any animal with a view to avoiding such inspection; or

(f) being a person registered under this Act, on being duly required in pursuance of this Act to produce his certificate under this Act, fails without reasonable excuse so to do; or

(g) applies to be registered under this Act when not entitled to be so registered.

he shall be punishable on conviction with fine which may extend to five hundred rupees, or with imprisonment which may extend to three months, or with both.

27. Nothing contained in this Chapter shall apply to—

Exemptions.

(a) the training of animals for bona fide military or police purposes or the exhibition of any animals so trained; or

(b) any animals kept in any zoological garden or by any society or association which has for its principal object the exhibition of animals for educational or scientific purposes.

CHAPTER VI

MISCELLANEOUS

28. Nothing contained in this Act shall render it an offence to kill any animal in a manner required by the religion of any community.

29. (1) If the owner of any animal is found guilty of any offence under this Act, the court, upon his conviction thereof, may, if it thinks fit, in addition to any other punishment, make an order that the animal with respect to which the offence was committed shall be forfeited to Government and may, further, make such order as to the disposal of the animal as it thinks fit under the circumstances.

(2) No order under sub-section (1) shall be made unless it is shown by evidence as to a previous conviction under this Act or as to the character of the owner or otherwise as to the treatment of the animal that the animal, if left with the owner, is likely to be exposed to further cruelty.

(3) Without prejudice to the provisions contained in sub-section (1), the court may also order that a person convicted of an offence under this Act shall, either permanently or during such period as is fixed by the order, be prohibited from having the custody of any animal of any kind whatsoever, or, as the court thinks fit, of any animal of any kind or species specified in the order.

(4) No order under sub-section (3) shall be made unless—

(a) it is shown by evidence as to a previous conviction or as to the character of the said person or otherwise as to the treatment of the animal in relation to which he has been convicted that an animal in the custody of the said person is likely to be exposed to cruelty;

(b) it is stated in the complaint upon which the conviction was made that it is the intention of the complainant upon the conviction of the accused to request that an order be made as aforesaid; and

Saving as respects manner of killing prescribed by religion.

Power of court to deprive person convicted of ownership of animal.

(c) the offence for which the conviction was made was committed in an area in which under the law for the time being in force a licence is necessary for the keeping of any such animal as that in respect of which the conviction was made.

(5) Notwithstanding anything to the contrary contained in any law for the time being in force, any person in respect of whom an order is made under sub-section (3) shall have no right to the custody of any animal contrary to the provisions of the order, and if he contravenes the provisions of any order, he shall be punishable with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

(6) Any court which has made an order under sub-section (3) may at any time, either on its own motion or on application made to it in this behalf, rescind or modify such order.

Presumption as to guilt in certain cases. 30. If any person is charged with the offence of killing a goat, cow or its progeny contrary to the provisions of clause (l) of sub-section (1) of section 11, and it is proved that such person had in his possession, at the time the offence is alleged to have been committed, the skin of any such animal as is referred to in this section with any part of the skin of the head attached thereto, it shall be presumed until the contrary is proved that such animal was killed in a cruel manner.

Cognizability of offences. 31. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under clause (l), clause (n) ^{5 of 1898.} or clause (o) of sub-section (1) of section 11 or under section 12 shall be a cognizable offence within the meaning of that Code.

Powers of search and seizure. 32. (1) If a police officer not below the rank of sub-inspector or any person authorised by the State Government in this behalf has reason to believe that an offence under clause (l) of sub-section (1) of section 11 in respect of any such animal as is referred to in section 30 is being, or is about to be, or has been, committed in any place, or that any person has in his possession the skin of any such animal with any part of the skin of the head attached thereto, he may enter and search such place or any place in which he has reason to believe any such skin to be, and may seize such skin or any article or thing used or intended to be used in the commission of such offence.

(2) If a police officer not below the rank of sub-inspector, or any person authorised by the State Government in this behalf, has reason to believe that *phooka* or *doom dev* has just been, or is being, performed on any animal within the limits of his jurisdiction,

he may enter any place in which he has reason to believe such animal to be, and may seize the animal and produce it for examination by the veterinary officer in charge of the area in which the animal is seized.

33. (1) If a magistrate of the first or second class or a presidency magistrate or a sub-divisional magistrate or a commissioner of police or district superintendent of police, upon information in writing, and after such inquiry as he thinks necessary, has reason to believe that an offence under this Act is being, or is about to be, or has been committed in any place, he may either himself enter and search or by his warrant authorise any police officer not below the rank of sub-inspector to enter and search the place.

5 of 1898.

(2) The provisions of the Code of Criminal Procedure, 1898, relating to searches shall, so far as those provisions can be made applicable, apply to searches under this Act.

34. Any police officer above the rank of a constable or any person authorised by the State Government in this behalf, who has reason to believe that an offence against this Act has been or is being, committed in respect of any animal, may, if in his opinion the circumstances so require, seize the animal and produce the same for examination by the nearest magistrate or by such veterinary officer as may be prescribed, and such police officer or authorised person may, when seizing the animal, require the person in charge thereof to accompany it to the place of examination.

35. (1) The State Government may, by general or special order, appoint infirmaries for the treatment and care of animals in respect of which offences against this Act have been committed, and may authorise the detention therein of any animal pending its production before a magistrate.

(2) The magistrate before whom a prosecution for an offence against this Act has been instituted may direct that the animal concerned shall be treated and cared for in an infirmary, until it is fit to perform its usual work or is otherwise fit for discharge, or that it shall be sent to a *pinjrapole*, or, if the veterinary officer in charge of the area in which the animal is found or such other veterinary officer as may be authorised in this behalf by rules made under this Act certifies that it is incurable or cannot be removed without cruelty, that it shall be destroyed.

(3) An animal sent for care and treatment to an infirmary shall not, unless the magistrate directs that it shall be sent to a *pinjrapole* or that it shall be destroyed, be released from such place except upon a certificate of its fitness for discharge issued by the veterinary officer in charge of the area in which the infirmary is situated or such

other veterinary officer as may be authorised in this behalf by rules made under this Act.

(4) The cost of transporting the animal to an infirmary or *pinjrapole*, and of its maintenance and treatment in an infirmary, shall be payable by the owner of the animal in accordance with a scale of rates to be prescribed by the district magistrate, or, in presidency-towns, by the commissioner of police:

Provided that when the magistrate so orders on account of the poverty of the owner of the animal, no charge shall be payable for the treatment of the animal.

(5) Any amount payable by an owner of an animal under subsection (4) may be recovered in the same manner as an arrear of land revenue.

(6) If the owner refuses or neglects to remove the animal within such time as a magistrate may specify, the magistrate may direct that the animal be sold and that the proceeds of the sale be applied to the payment of such cost.

(7) The surplus, if any, of the proceeds of such sale shall, on application made by the owner within two months from the date of the sale, be paid to him.

Limitation of prosecutions.

36. A prosecution for an offence against this Act shall not be instituted after the expiration of three months from the date of the commission of the offence.

Delegation of powers.

37. The Central Government may, by notification in the Official Gazette, direct that all or any of the powers exercisable by it under this Act, may, subject to such conditions as it may think fit to impose, be also exercisable by any State Government.

Power to make rules.

38. (1) The Central Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

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

(a) the terms and conditions of service of members of the Board, the allowances payable to them and the manner in which they may exercise their powers and discharge their functions;

(b) the maximum load (including any load occasioned by the weight of passengers) to be carried or drawn by any animal;

(c) the conditions to be observed for preventing the over-crowding of animals;

(d) the period during which, and the hours between which, any class of animals shall not be used for draught purposes;

(e) prohibiting the use of any bit or harness involving cruelty to animals;

(f) requiring persons carrying on the business of a farrier to be licensed and registered by such authority as may be prescribed and levying a fee for the purpose;

(g) the precautions to be taken in the capture of animals for purposes of sale, export or for any other purpose, and the different appliances or devices that may alone be used for the purpose; and the licensing of such capture and the levying of fees for such licences;

(h) the precautions to be taken in the transport of animals, whether by rail, road, inland waterway, sea or air and the manner in which and the cages or other receptacles in which they may be so transported.

(i) requiring persons owning or in charge of premises in which animals are kept or milked to register such premises, to comply with such conditions as may be laid down in relation to the boundary walls or surroundings of such premises, to permit their inspection for the purpose of ascertaining whether any offence under this Act is being, or has been, committed therein, and to expose in such premises copies of section 12 in a language or languages commonly understood in the locality;

(j) the form in which applications for registration under Chapter V may be made, the particulars to be contained therein, the fees payable for such registration and the authorities to whom such applications may be made;

(k) the purposes to which fines realised under this Act may be applied, including such purposes as the maintenance of infirmaries, pinjrapoles and veterinary hospitals;

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

(3) If any person contravenes, or abets the contravention of, any rules made under this section, he shall be punishable with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

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

Persons authorised under section 34 to be public servants.
39. Every person authorised by the State Government under section 34 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Indemnity. 40. No suit, prosecution or other legal proceeding shall lie against any person who is, or who is deemed to be, a public servant within the meaning of section 21 of the Indian Penal Code in respect of anything in good faith done or intended to be done under this Act.

Repeal of Act 11 of 1890. 41. Where in pursuance of a notification under sub-section (3) of section 1 any provision of this Act comes into force in any State, any provision of the Prevention of Cruelty to Animals Act, 1890, 11 of 1890, which corresponds to the provision so coming into force, shall thereupon stand repealed.

Not Corrected: See India Code vol. V A, Pt. II, p. 27.

THE CHILDREN ACT, 1960

ARRANGEMENT OF SECTIONS

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Not Corrected: See India Code Vol. V A, Pt. II, p. 27.

THE CHILDREN ACT, 1960

No. 60 OF 1960

[26th December, 1960]

An Act to provide for the care, protection, maintenance, welfare, training, education and rehabilitation of neglected or delinquent children and for the trial of delinquent children in the Union territories.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title,
extent and
commencement.

1. (1) This Act may be called the Children Act, 1960.

(2) It extends to all the Union territories.

(3) It shall come into force in any Union territory on such date as the Administrator may, by notification in the Official Gazette, appoint and different dates may be appointed for different areas thereof.

Definition.

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

(a) "Administrator" means the administrator of a Union territory, whether called a Lieutenant Governor, a Chief Commissioner or by any other name;

(b) "begging" means—

(i) soliciting or receiving alms in a public place or entering on any private premises for the purpose of soliciting or receiving alms, whether under the pretence of singing, dancing, fortune-telling, performing tricks or selling articles or otherwise;

(ii) exposing or exhibiting with the object of obtaining or extorting alms any sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal;

(iii) allowing oneself to be used as an exhibit for the purpose of soliciting or receiving alms;

(c) "Board" means a Child Welfare Board constituted under section 4;

(d) "brothel", "prostitute", "prostitution" and "public place" shall have the meanings respectively assigned to them in the Suppression of Immoral Traffic in Women and Girls Act, 1956;

(e) "child" means a boy who has not attained the age of sixteen years or a girl who has not attained the age of eighteen years;

(f) "children's court" means a court constituted under section 5;

(g) "children's home" means an institution established or certified by the Administrator under section 9 as a children's home;

(h) "competent authority" means, in relation to neglected children, a Board constituted under section 4 and, in relation to delinquent children a children's court constituted under section 5, and where no such Board or children's court has been constituted, includes any court empowered under sub-section (2) of section 7 to exercise the powers conferred on a Board or children's court;

(i) "dangerous drug" shall have the meaning assigned to it in the Dangerous Drugs Act, 1930;

(j) "delinquent child" means a child who has been found to have committed an offence;

(k) "guardian" in relation to a child, includes any person who, in the opinion of the competent authority having cognizance of any proceeding in relation to a child, has, for the time being, the actual charge of, or control over, that child;

(l) "neglected child" means a child who—

(i) is found begging; or

(ii) is found without having any home or settled place of abode or any ostensible means of subsistence or is found destitute, whether he is an orphan or not; or

(iii) has a parent or guardian who is unfit to exercise or does not exercise proper care and control over the child; or

(iv) lives in a brothel or with a prostitute or frequently goes to any place used for the purpose of prostitution, or is found to associate with any prostitute or any other person who leads an immoral, drunken or depraved life;

(m) "observation home" means any institution or place established or recognised by the Administrator under section 11 as an observation home;

(n) "offence" means an offence punishable under any law for the time being in force;

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

(p) "probation officer" means an officer appointed as a probation officer under this Act or under the Probation of Offenders Act, 1958;

20 of 1958.

(q) "special school" means an institution established or certified by the Administrator under section 10;

(r) "supervision", in relation to a child placed under the care of any parent, guardian or other fit person under this Act, means the supervision of that child by a probation officer for the purpose of ensuring that the child is properly looked after and that the conditions imposed by the competent authority are complied with;

(s) all words and expressions used but not defined in this Act and defined in the Code of Criminal Procedure, 1898, shall have the meanings assigned to them in that Code.

Continuation of inquiry in respect of child who has ceased to be child.

3. Where an inquiry has been initiated against a child and during the course of such inquiry the child ceases to be such, then, notwithstanding anything contained in this Act or in any other law for the time being in force, the inquiry may be continued and orders may be made in respect of such person as if such person had continued to be a child.

of 1960]

Children

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CHAPTER II

COMPETENT AUTHORITIES AND INSTITUTIONS FOR CHILDREN

4. (1) The Administrator may, by notification in the Official Gazette, constitute for any area specified in the notification, one or more Child Welfare Boards for exercising the powers and discharging the duties conferred or imposed on such Board in relation to neglected children under this Act.

(2) A Board shall consist of a chairman and such other members as the Administrator thinks fit to appoint, of whom not less than one shall be a woman; and every such member shall be vested with the powers of a magistrate under the Code of Criminal Procedure, 1898.

(3) The Board shall function as a Bench of magistrates and shall have the powers conferred by the Code of Criminal Procedure, 1898, on a magistrate of the first class.

5. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, the Administrator may, by notification in the Official Gazette, constitute for any area specified in the notification, one or more children's courts for exercising the powers and discharging the duties conferred or imposed on such court in relation to delinquent children under this Act.

Children's
courts.

(2) A children's court shall consist of such number of magistrates forming a Bench as the Administrator thinks fit to appoint, of whom one shall be designated as the senior magistrate and not less than one shall be a woman; and every such Bench shall have the powers conferred by the Code of Criminal Procedure, 1898, on a magistrate of the first class.

6. (1) In the event of any difference of opinion among the members of a Board or among the magistrates of a children's court, the opinion of the majority shall prevail, but where there is no such majority, the opinion of the chairman or of the senior magistrate, as the case may be, shall prevail.

Procedure,
etc., in rela-
tion to
Boards and
children's
courts.

(2) A Board or children's court may act notwithstanding the absence of any member of the Board or, as the case may be, any magistrate of the children's court, and no order made by the Board or children's court shall be invalid by reason only of the absence of any member or magistrate, as the case may be, during any stage of the proceeding.

(3) No person shall be appointed as a member of the Board or as a magistrate in the children's court unless he has, in the opinion of the Administrator, special knowledge of child psychology and child welfare.

Power of Board and children's court. 7. (1) Where a Board or a children's court has been constituted for any area, such Board or court shall, notwithstanding anything contained in any other law for the time being in force but save as otherwise expressly provided in this Act, have power to deal exclusively with all proceedings under this Act relating to neglected children or delinquent children, as the case may be.

(2) Where no Board or children's court has been constituted for any area, the powers conferred on the Board or the children's court by or under this Act shall be exercised in that area, only by the following, namely:—

- (a) the district magistrate; or
- (b) the sub-divisional magistrate; or
- (c) any magistrate of the first class.

(3) The powers conferred on the Board or children's court by or under this Act may also be exercised by the High Court and the court of session, when the proceeding comes before them in appeal, revision or otherwise.

Procedure to be followed by a magistrate not empowered under the Act. 8. (1) When any magistrate not empowered to exercise the powers of a Board or a children's court under this Act is of opinion that a person brought before him under any of the provisions of this Act (otherwise than for the purpose of giving evidence) is a child, he shall record such opinion and forward the child and the record of the proceeding to the competent authority having jurisdiction over the proceeding.

(2) The competent authority to which the proceeding is forwarded under sub-section (1) shall hold the inquiry as if the child had originally been brought before it.

Children's homes. 9. (1) The Administrator may establish and maintain as many children's homes as may be necessary for the reception of neglected children under this Act.

(2) Where the Administrator is of opinion that any institution other than an institution established under sub-section (1) is fit for the reception of the neglected children to be sent there under this Act,

he may certify such institution as a children's home for the purposes of this Act.

(3) Every children's home to which a neglected child is sent under this Act shall not only provide the child with accommodation, maintenance and facilities for education, but also provide him with facilities for the development of his character and abilities and give him necessary training for protecting himself against moral dangers or exploitation and shall also perform such other functions as may be prescribed.

(4) The Administrator may, by rules made under this Act, provide for the management of children's homes and the circumstances under which, and the manner in which, the certificate of a children's home may be granted or withdrawn.

10. (1) The Administrator may establish and maintain as many Special schools as may be necessary for the reception of delinquent children under this Act.

(2) Where the Administrator is of opinion that any institution other than an institution established under sub-section (1) is fit for the reception of the delinquent children to be sent there under this Act, he may certify such institution as a special school for the purposes of this Act.

(3) Every special school to which a delinquent child is sent under this Act shall not only provide the child with accommodation, maintenance and facilities for education but also provide him with facilities for the development of his character and abilities and give him necessary training for his reformation and shall also perform such other functions as may be prescribed.

(4) The Administrator may, by rules made under this Act, provide for the management of special schools and the circumstances under which, and the manner in which, the certificate of a special school may be granted or withdrawn.

11. (1) The Administrator may establish and maintain as many Observation homes as may be necessary for the temporary reception of children during the pendency of any inquiry regarding them under this Act.

(2) Where the Administrator is of opinion that any institution other than an institution established under sub-section (1) is fit for the temporary reception of children during the pendency of any inquiry regarding them under this Act, he may recognise such institution as an observation home for the purposes of this Act.

(3) Every observation home to which a child is sent under this Act shall not only provide the child with accommodation, maintenance and facilities for medical examination and treatment, but also provide him with facilities for useful occupation.

(4) The Administrator may, by rules made under this Act, provide for the management of observation homes and the circumstances under which, and the manner in which, an institution may be recognised as an observation home or the recognition may be withdrawn.

After-care organisations.

12. (1) The Administrator may, by rules made under this Act, provide for the establishment or recognition of after-care organisations and may vest them with such powers as may be necessary for effectively carrying out their functions under this Act.

(2) Every such organisation shall take care of the children when they leave children's homes or special schools and shall, for the purpose of enabling them to lead an honest, industrious and useful life, take all such measures as it may deem necessary or as may be prescribed.

CHAPTER III

NEGLECTED CHILDREN

Production of neglected children before boards.

13. (1) If any police officer or any other person authorised by the Administrator in this behalf, by general or special order, is of opinion that a person is apparently a neglected child, such police officer or other person may take charge of that person for bringing him before a Board.

(2) When information is given to an officer-in-charge of a police station about any neglected child found within the limits of such station, he shall enter in a book to be kept for the purpose the substance of such information and take such action thereon as he deems fit and if such officer does not propose to take charge of the child, he shall forward a copy of the entry made to the Board.

(3) Every child taken charge of under sub-section (1) shall be brought before the Board within a period of twenty-four hours of such charge taken excluding the time necessary for the journey from the place where the child had been taken charge of to the Board.

(4) Every child taken charge of under sub-section (1) shall, unless he is kept with his parent or guardian, be sent to an observation home (but not to a police station or jail) until he can be brought before a Board.

14. (1) If a person, who in the opinion of the police officer or the authorised person is a neglected child, has a parent or guardian who has the actual charge of, or control over, the child, the police officer or the authorised person may, instead of taking charge of the child, make a report to the Board for initiating an inquiry regarding that child.

(2) On receipt of a report under sub-section (1), the Board may call upon the parent or guardian to produce the child before it and to show cause why the child should not be dealt with as a neglected child under the provisions of this Act and if it appears to the Board that the child is likely to be removed from its jurisdiction or to be concealed, it may immediately order his removal (if necessary by issuing a search warrant for the immediate production of the child) to an observation home.

15. (1) When a person alleged to be a neglected child is produced before a Board, it shall examine the police officer or the authorised person who brought the child or made the report and record the substance of such examination and hold the inquiry in the prescribed manner and may make such orders in relation to the child as it may deem fit.

Inquiry by
Board re-
garding
neglected
children.

(2) Where a Board is satisfied on inquiry that a child is a neglected child and that it is expedient so to deal with him, the Board may make an order directing the child to be sent to a children's home for the period until he ceases to be a child:

Provided that the Board may, for reasons to be recorded, extend the period of such stay, but in no case the period of stay shall extend beyond the time when the child attains the age of eighteen years, in the case of a boy, or twenty years, in the case of a girl:

Provided further that the Board may, if it is satisfied that having regard to the circumstances of the case it is expedient so to do, for reasons to be recorded, reduce the period of stay to such period as it thinks fit.

(3) During the pendency of any inquiry regarding a child, the child shall, unless he is kept with his parent or guardian, be sent to an observation home for such period as may be specified in the order of the Board:

Provided that no child shall be kept with his parent or guardian if, in the opinion of the Board, such parent or guardian is unfit to exercise or does not exercise proper care and control over the child.

Power to
commit
neglected
child to
suitable
custody.

16. (1) If the Board so thinks fit, it may, instead of making an order under sub-section (2) of section 15 for sending the child to a children's home, make an order placing the child under the care of a parent, guardian or other fit person, on such parent, guardian or fit person executing a bond with or without surety to be responsible for the good behaviour and well-being of the child and for the observance of such conditions as the Board may think fit to impose.

(2) At the time of making an order under sub-section (1) or at any time subsequently, the Board may, in addition, make an order that the child be placed under supervision for any period not exceeding three years in the first instance.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), if at any time it appears to the Board, on receiving a report from the probation officer or otherwise, that there has been a breach of any of the conditions imposed by it in respect of the child, it may, after making such inquiry as it deems fit, order the child to be sent to a children's home.

Uncontrolla-
ble children.

17. Where a parent or guardian of a child complains to the Board that he is not able to exercise proper care and control over the child and the Board is satisfied on inquiry that proceedings under this Act should be initiated regarding the child, it may send the child to an observation home and make such further inquiry as it may deem fit and the provisions of section 15 and section 16 shall, as far as may be, apply to such proceedings.

CHAPTER IV

DELINQUENT CHILDREN

Bail and
custody
of children.

18. (1) When any person accused of a bailable or non-bailable offence and apparently a child is arrested or detained or appears or is brought before a children's court, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1898, or in any other law for the time being in force, be released on bail with or without surety but he shall not be so released if there appear reasonable grounds for believing that the release is likely to bring him into association with any reputed criminal or expose him to moral danger or that his release would defeat the ends of justice.

5 of 1898.

(2) When such person having been arrested is not released on bail under sub-section (1) by the officer-in-charge of the police

station, such officer shall cause him to be kept in an observation home in the prescribed manner (but not in a police station or jail) until he can be brought before a children's court.

(3) When such person is not released on bail under sub-section (1) by the children's court, it shall, instead of committing him to prison, make an order sending him to an observation home for such period during the pendency of the inquiry regarding him as may be specified in the order.

19. Where a child is arrested, the officer-in-charge of the police station to which the child is brought shall, as soon as may be after the arrest, inform—

(a) the parent or guardian of the child, if he can be found, of such arrest and direct him to be present at the children's court before which the child will appear; and

(b) the probation officer of such arrest in order to enable him to obtain information regarding the antecedents and family history of the child and other material circumstances likely to be of assistance to the children's court for making the inquiry.

20. Where a child having been charged with an offence appears or is produced before a children's court, the children's court shall hold the inquiry in accordance with the provisions of section 39 and may, subject to the provisions of this Act, make such order in relation to the child as it deems fit.

21. (1) Where a children's court is satisfied on inquiry that a child has committed an offence, then, notwithstanding anything to the contrary contained in any other law for the time being in force, the children's court may, if it so thinks fit,—

(a) allow the child to go home after advice or admonition;
 (b) direct the child to be released on probation of good conduct and placed under the care of any parent, guardian or other fit person on such parent, guardian or other fit person executing a bond, with or without surety as that court may require, for the good behaviour and well-being of the child for any period not exceeding three years;

(c) make an order directing the child to be sent to a special school,—

(i) in the case of a boy over fourteen years of age or of a girl over sixteen years of age, for a period of not less than three years;

(ii) in the case of any other child, for the period until he ceases to be a child:

Provided that the children's court may, if it is satisfied that having regard to the nature of the offence and the circumstances of the case it is expedient so to do, for reasons to be recorded, reduce the period of stay to such period as it thinks fit:

Provided further that the children's court may, for reasons to be recorded, extend the period of such stay, but in no case the period of stay shall extend beyond the time when the child attains the age of eighteen years, in the case of a boy, or twenty years, in the case of a girl;

(d) order the child to pay a fine if he is over fourteen years of age and earns money.

(2) Where an order under clause (b) or clause (d) of sub-section (1) is made, the children's court may, if it is of opinion that in the interests of the child and of the public it is expedient so to do, in addition make an order that the delinquent child shall remain under the supervision of a probation officer named in the order during such period, not exceeding three years, as may be specified therein, and may in such supervision order impose such conditions as it deems necessary for the due supervision of the delinquent child:

Provided that if at any time afterwards it appears to the children's court on receiving a report from the probation officer or otherwise, that the delinquent child has not been of good behaviour during the period of supervision, it may, after making such inquiry as it deems fit, order the delinquent child to be sent to a special school.

(3) The children's court making a supervision order under sub-section (2) shall explain to the child and the parent, guardian or other fit person, as the case may be, under whose care the child has been placed, the terms and conditions of the order and shall forthwith furnish one copy of the supervision order to the child, the parent, guardian or other fit person, as the case may be, the sureties, if any, and the probation officer.

(4) In determining the special school, or any person to whose custody a child is to be committed or entrusted under this Act, the court shall pay due regard to the religious denomination of the child to ensure that religious instruction contrary to the religious persuasion of the child is not imparted to him.

22. (1) Notwithstanding anything to the contrary contained in any other law for the time being in force, no delinquent child shall be sentenced to death or imprisonment, or committed to prison in default of payment of fine or in default of furnishing security:

Provided that where a child who has attained the age of fourteen years has committed an offence and the children's court is satisfied that the offence committed is of so serious a nature or that his conduct and behaviour have been such that it would not be in his interest or in the interest of other children in a special school to send him to such special school and that none of the other measures provided under this Act is suitable or sufficient, the children's court may order the delinquent child to be kept in safe custody in such place and manner as it thinks fit and shall report the case for the orders of the Administrator.

(2) On receipt of a report from a children's court under sub-section (1), the Administrator may make such arrangement in respect of the child as he deems proper and may order such delinquent child to be detained at such place and on such conditions as he thinks fit:

Provided that the period of detention so ordered shall not exceed the maximum period of imprisonment to which the child could have been sentenced for the offence committed.

23. Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1898, no proceeding shall be instituted under Chapter VIII of the Criminal Procedure Code not competent against child.

24. (1) Notwithstanding anything contained in section 239 of the Code of Criminal Procedure, 1898 or in any other law for the time being in force, no child shall be charged with or tried for, any offence together with a person who is not a child.

No joint trial of child and person not a child.

(2) If a child is accused of an offence for which under section 239 of the Code of Criminal Procedure, 1898, or any other law for the time being in force, such child and any person who is not a child would, but for the prohibition contained in sub-section (1), have been charged and tried together, the court taking cognizance of that offence shall direct separate trials of the child and the other person.

25. Notwithstanding anything contained in any other law, a child who has committed an offence and has been dealt with under the provisions of this Act shall not suffer disqualification, if any, attaching to a conviction of an offence under such law.

Removal of disqualification attaching to conviction.

Special provision in respect of pending cases.

26. Notwithstanding anything contained in this Act, all proceedings in respect of a child pending in any court in any area on the date on which this Act comes into force in that area, shall be continued in that court as if this Act had not been passed and if the court finds that the child has committed an offence, it shall record such finding and, instead of passing any sentence in respect of the child, forward the child to the children's court which shall pass orders in respect of that child in accordance with the provisions of this Act as if it had been satisfied on inquiry under this Act that the child has committed the offence.

CHAPTER V

PROCEDURE OF COMPETENT AUTHORITIES GENERALLY AND APPEALS AND REVISION FROM ORDERS OF SUCH COURTS

Sittings,
etc., of
Boards and
children's
courts.

27. (1) A Board or a children's court shall hold its sittings at such place, on such day and in such manner, as may be prescribed.

(2) A magistrate empowered to exercise the powers of a Board or, as the case may be, a children's court under sub-section (2) of section 7 shall, while holding any inquiry regarding a child under this Act, as far as practicable, sit in a building or room different from that in which the ordinary sittings of civil and criminal courts are held, or on different days or at times different from those at which the ordinary sittings of such courts are held.

Persons who
may be
present
before
competent
authority.

28. (1) Save as provided in this Act, no person shall be present at any sitting of a competent authority, except—

(a) any officer of the competent authority, or

(b) the parties to the inquiry before the competent authority, the parent or guardian of the child and other persons directly concerned in the inquiry including police officers, and

(c) such other persons as the competent authority may permit to be present.

(2) Notwithstanding anything contained in sub-section (1), if at any stage during an inquiry, a competent authority considers it to be expedient in the interest of the child or on grounds of decency or morality that any person including the police officers, legal practitioners, the parent, guardian or the child himself should withdraw, the competent authority may give such direction, and if any person refuses to comply with such direction, the competent authority may have him removed and may, for this purpose, cause to be used such force as may be necessary.

(3) No legal practitioner shall be entitled to appear before a competent authority in any case or proceeding before it, except with the special permission of that authority.

29. Any competent authority before which a child is brought under any of the provisions of this Act may, whenever it so thinks fit, require any parent or guardian having the actual charge of, or control over, the child to be present at any proceeding in respect of the child.

30. If, at any stage during the course of an inquiry, a competent authority is satisfied that the attendance of the child is not essential for the purpose of the inquiry, the competent authority may dispense with his attendance and proceed with the inquiry in the absence of the child.

31. (1) When a child who has been brought before a competent authority under this Act is found to be suffering from a disease requiring prolonged medical treatment or physical or mental complaint that will respond to treatment, the competent authority may send the child to any place recognised to be an approved place in accordance with the rules made under this Act for such period as it may think necessary for the required treatment.

(2) Where a child is found to be suffering from leprosy or is of unsound mind, he shall be dealt with under the provisions of the Lepers Act, 1898 or the Indian Lunacy Act, 1912, as the case may be.

3 of 1898.
4 of 1912.

(3) Where a competent authority has taken action under subsection (1) in the case of a child suffering from an infectious or contagious disease, the competent authority before restoring the said child to his partner in marriage, if there has been such, or to the guardian, as the case may be, shall where it is satisfied that such action will be in the interest of the said child call upon his partner in marriage or the guardian, as the case may be, to satisfy the court by submitting to medical examination that such partner or guardian will not re-infect the child in respect of whom the order has been passed.

32. (1) Where it appears to a competent authority that a person brought before it under any of the provisions of this Act (otherwise than for the purpose of giving evidence) is a child, the competent authority shall make due inquiry as to the age of that person and for that purpose shall take such evidence as may be necessary and shall record a finding whether the person is a child or not, stating his age as nearly as may be.

(2) No order of a competent authority shall be deemed to have become invalid merely by any subsequent proof that the person in respect of whom the order has been made is not a child, and the age recorded by the competent authority to be the age of the person so brought before it shall, for the purposes of this Act, be deemed to be the true age of that person.

Circumstances to be taken into consideration in making orders under the Act.

33. In making any order in respect of a child under this Act, a competent authority shall take into consideration the following circumstances, namely:—

- (a) the age of the child;
- (b) the circumstances in which the child is living;
- (c) the reports made by the probation officer;
- (d) the religious persuasion of the child;
- (e) such other circumstances as may, in the opinion of the competent authority, require to be taken into consideration in the interests of the child:

Provided that in the case of a delinquent child, the above circumstances shall be taken into consideration after the children's court has recorded a finding against the child that he has committed the offence:

Provided further that if no report of the probation officer is received within ten weeks of his being informed under section 19, it shall be open to the children's court to proceed without it.

Sending a child outside jurisdiction.

34. In the case of a neglected or delinquent child whose ordinary place of residence lies outside the jurisdiction of the competent authority before which he is brought, the competent authority may, if satisfied after due inquiry that it is expedient so to do, send the child back to a relative or other person who is fit and willing to receive him at his ordinary place of residence and exercise proper care and control over him, notwithstanding that such place of residence is outside the jurisdiction of the competent authority; and the competent authority exercising jurisdiction over the place to which the child is sent shall in respect of any matter arising subsequently have the same powers in relation to the child as if the original order had been passed by itself.

Reports to be treated as confidential.

35. The report of the probation officer or any circumstance considered by the competent authority under section 33 shall be treated as confidential:

Provided that the competent authority may, if it so thinks fit, communicate the substance thereof to the child or his parent or

guardian and may give such child, parent or guardian an opportunity of producing such evidence as may be relevant to the matter stated in the report.

36. (1) No report in any newspaper, magazine or news sheet of any inquiry regarding a child under this Act shall disclose the name, address or school or any other particulars calculated to lead to the identification of the child, nor shall any picture of any such child be published:

Provided that for reasons to be recorded in writing, the authority holding the inquiry may permit such disclosure, if in its opinion such disclosure is in the interest of the child.

(2) Any person contravening the provisions of sub-section (1) shall be punishable with fine which may extend to one thousand rupees.

37. (1) Subject to the provisions of this section, any person aggrieved by an order made by a competent authority under this Act may, within thirty days from the date of such order, prefer an appeal to the court of session:

Provided that the court of session may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) No appeal shall lie from—

(a) any order of acquittal made by the children's court in respect of a child alleged to have committed an offence; or

(b) any order made by a Board in respect of a finding that a person is not a neglected child.

(3) No second appeal shall lie from any order of the court of session passed in appeal under this section.

38. The High Court may, at any time, either of its own motion or on an application received in this behalf, call for the record of any proceeding in which any competent authority or court of session has passed an order for the purpose of satisfying itself as to the legality or propriety of any such order and may pass such order in relation thereto as it thinks fit:

Provided that the High Court shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.

Prohibition
of publica-
tion of
names, etc.,
of children
involved in
any pro-
ceeding
under the
Act.

Procedure
in inquiries,
appeals and
revision
proceedings.

39. (1) Save as otherwise expressly provided by this Act, a competent authority while holding any inquiry under any of the provisions of this Act, shall follow such procedure as may be prescribed and subject thereto, shall follow, as far as may be, the procedure laid down in the Code of Criminal Procedure, 1898, for trials in summons cases. ^{§ of 1898.}

(2) Save as otherwise expressly provided by or under this Act, the procedure to be followed in hearing appeals or revision proceedings under this Act shall be, as far as practicable, in accordance with the provisions of the Code of Criminal Procedure, 1898. ^{§ of 1898.}

Power to
amend
orders.

40. (1) Without prejudice to the provisions for appeal and revision under this Act, any competent authority may, either on its own motion or on an application received in this behalf, amend any order as to the institution to which a child is to be sent or as to the person under whose care or supervision a child is to be placed under this Act.

(2) Clerical mistakes in orders passed by a competent authority or errors arising therein from any accidental slip or omission may, at any time, be corrected by the competent authority either on its own motion or on an application received in this behalf.

CHAPTER VI

SPECIAL OFFENCES IN RESPECT OF CHILDREN

Punishment
for cruelty
to child.

41. (1) Whoever, having the actual charge of, or control over, a child, assaults, abandons, exposes or wilfully neglects the child or causes or procures him to be assaulted, abandoned, exposed or neglected in a manner likely to cause such child unnecessary mental and physical suffering shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

(2) No court shall take cognizance of an offence punishable under sub-section (1) unless the complaint is filed with the previous sanction of the Administrator or an officer authorised by him in this behalf.

Employment
of children
for
begging.

42. (1) Whoever employs or uses any child for the purposes of begging or causes any child to beg shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(2) Whoever, having the actual charge of, or control over, a child, abets the commission of the offence punishable under sub-

section (1), shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(3) The offence punishable under this section shall be cognizable.

43. Whoever gives, or causes to be given to any child any intoxicating liquor in a public place or any dangerous drug, except upon the order of a duly qualified medical practitioner or in case of sickness or other urgent cause, shall be punishable with fine which may extend to two hundred rupees.

Penalty for giving intoxicating liquor or dangerous drug to a child.

44. Whoever ostensibly procures a child for the purpose of any employment and withholds the earnings of the child or uses such earnings for his own purposes shall be punishable with fine which may extend to one thousand rupees.

CHAPTER VII

MISCELLANEOUS

45. (1) The Administrator may, notwithstanding anything contained in this Act, at any time, order a neglected or delinquent child to be discharged from the children's home or special school, either absolutely or on such conditions as he may think fit to impose.

Power of Administrator to discharge and transfer children.

(2) The Administrator may, notwithstanding anything contained in this Act, order—

(a) a neglected child to be transferred from one children's home to another;

(b) a delinquent child to be transferred from one special school to another or from a special school to a borstal school where such school exists or from a special school to a children's home;

(c) a child who has been released on licence which has been revoked or forfeited, to be sent to the special school or children's home from which he was released or to any other children's home or special school or borstal school:

Provided that the total period of the stay of the child in a children's home or a special school shall not be increased by such transfer.

(3) The Administrator may, notwithstanding anything contained in this Act, at any time, discharge a child from the care of any person under whom he was placed under this Act either absolutely or on such conditions as the Administrator may think fit to impose.

Transfers between children's homes, etc., under the Act, and children's homes, etc., of like nature in different parts of India.

46. (1) The Administrator of a Union territory may direct any neglected child or delinquent child to be transferred from any children's home or special school within the Union territory to any other children's home, special school or institution of a like nature in any other State with the consent of the Government of that State.

(2) The Administrator of a Union territory may, by general or special order, provide for the reception in a children's home or special school within the Union Territory of a neglected child or delinquent child detained in a children's home or special school or institution of a like nature in any other State where the Government of that State makes an order for such transfer, and upon such transfer the provisions of this Act shall apply to such child as if he had been originally ordered to be sent to such children's home or special school under this Act.

Transfer of children of unsound mind or suffering from leprosy.

47. (1) Where it appears to the Administrator that any child kept in a special school or children's home in pursuance of this Act is suffering from leprosy or is of unsound mind, the Administrator may order his removal to a leper asylum or mental hospital or other place of safe custody for being kept there for the remainder of the term for which he has to be kept in custody under the orders of the competent authority or for such further period as may be certified by a medical officer to be necessary for the proper treatment of the child.

(2) Where it appears to the Administrator that the child is cured of leprosy or of unsoundness of mind, he may, if the child is still liable to be kept in custody, order the person having charge of the child to send him to the special school or children's home from which he was removed or, if the child is no longer liable to be kept in custody, order him to be discharged.

Placing out on licence.

48. (1) When a child is kept in a children's home or special school, the Administrator may, if he so thinks fit, release the child from the children's home or special school and grant him a written licence for such period and on such conditions as may be specified in the licence permitting him to live with, or under the supervision of, any responsible person named in the licence willing to receive and take charge of him with a view to educate him and train him for some useful trade or calling.

(2) Any licence so granted under sub-section (1) shall be in force for the period specified in the licence or until revoked or forfeited by the breach of any of the conditions on which it was granted.

(3) The Administrator may, at any time, by order in writing revoke any such licence and order the child to return to the children's

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home or special school from which he was released or to any other children's home or special school, and shall do so at the desire of the person with whom or under whose supervision the child has been permitted to live in accordance with a licence granted under sub-section (1).

(4) When a licence has been revoked or forfeited and the child refuses or fails to return to the special school or children's home to which he was directed so to return, the Administrator may, if necessary, cause him to be taken charge of and to be taken back to the special school or children's home.

(5) The time during which a child is absent from a special school or children's home in pursuance of a licence granted under this section shall be deemed to be part of the time for which he is liable to be kept in custody in the special school or children's home:

Provided that when a child has failed to return to the special school or children's home on the licence being revoked or forfeited, the time which elapses after his failure so to return shall be excluded in computing the time during which he is liable to be kept in custody.

49. Notwithstanding anything to the contrary contained in any provision other law for the time being in force, any police officer may take charge without warrant of a child who has escaped from a special school or a children's home or from the care of a person under whom he was placed under this Act and shall send the child back to the special school or the children's home or that person, as the case may be; and no proceeding shall be instituted in respect of the child by reason of such escape but the special school, children's home or the person may, after giving the information to the competent authority which passed the order in respect of the child, take such steps against the child as may be deemed necessary.

50. (1) The competent authority which makes an order for sending a neglected child or a delinquent child to a children's home or a special school or placing the child under the care of a fit person may make an order requiring the parent or other person liable to maintain the child to contribute to his maintenance, if able to do so, in the prescribed manner.

Contribution
by parents.

(2) The competent authority before making any order under sub-section (1) shall inquire into the circumstances of the parent or other person liable to maintain the child and shall record evidence, if any, in the presence of the parent or such other person, as the case may be.

(3) The person liable to maintain a child shall, for the purposes of sub-section (1), include in the case of illegitimacy, his putative father:

Provided that where the child is illegitimate and an order for his maintenance has been made under section 488 of the Code of Criminal Procedure, 1898, the competent authority shall not ordinarily make an order for contribution against the putative father, but may order the whole or any part of the sums accruing due under the said order for maintenance to be paid to such person as may be named by the competent authority and such sum shall be paid by him towards the maintenance of the child.

(4) Any order made under this section may be enforced in the same manner as an order under section 488 of the Code of Criminal Procedure, 1898.

^{5 of 1898.}

**Control of
custodian
over child.**

51. Any person in whose custody a child is placed in pursuance of this Act shall, while the order is in force, have the like control over the child as he would have if he were his parent, and shall be responsible for his maintenance, and the child shall continue in his custody for the period stated by the competent authority, notwithstanding that he is claimed by his parent or any other person:

Provided that no child while in such custody shall be married except with the permission of the competent authority.

**Delinquent
child
undergoing
sentence at
commencement
of the Act.**

52. In any area in which this Act is brought into force, the Administrator may direct that a delinquent child who is undergoing any sentence of imprisonment at the commencement of this Act shall, in lieu of undergoing such sentence, be sent to a special school or be kept in safe custody in such place and manner as the Administrator thinks fit, for the remainder of the period of the sentence; and the provisions of this Act shall apply to the child as if he had been ordered by a children's court to be sent to such special school or, as the case may be, ordered to be detained under sub-section (2) of section 22.

**Appoint-
ment of
officers.**

53. (1) The Administrator may appoint as many probation officers, officers for the inspection of special schools, children's homes, observation homes or after-care organisations and such other officers as he may deem necessary for carrying out the purposes of this Act.

(2) It shall be the duty of the probation officer—

(a) to inquire, in accordance with the direction of a competent authority, into the antecedents and family history of any

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child accused of an offence, with a view to assist the authority in making the inquiry;

(b) to visit neglected and delinquent children at such intervals as the probation officer may think fit;

(c) to report to the competent authority as to the behaviour of any neglected or delinquent child;

(d) to advise and assist neglected or delinquent children and, if necessary, endeavour to find them suitable employment;

(e) where a neglected or delinquent child is placed under the care of any person on certain conditions, to see whether such conditions are being complied with; and

(f) to perform such other duties as may be prescribed.

(3) Any officer empowered in this behalf by the Administrator may enter any special school, children's home, observation home or after-care organisation and make a complete inspection thereof in all its departments and of all papers, registers and accounts relating thereto and shall submit the report of such inspection to the Administrator.

54. Probation officers and other officers appointed in pursuance of this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Officers appointed under the Act to be public servants.

§ of 1860.

55. The provisions of Chapter XLII of the Code of Criminal Procedure, 1898, shall, as far as may be, apply to bonds taken under this Act.

Procedure in respect of bonds.

of 1898.

56. The Administrator may, by general or special order, direct that any power exercisable by him under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercisable also by an officer subordinate to the Administrator.

Delegation of powers.

57. No suit or other legal proceeding shall lie against the Administrator or any probation officer or other officer appointed under this Act in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

Protection of action taken in good faith.

of 1897.
of 1898.

58. (1) The Reformatory Schools Act, 1897, and section 29B and section 399 of the Code of Criminal Procedure, 1898, shall cease to apply to any area in which this Act has been brought into force.

Act 8 of 1897 and certain provisions of Act 5 of 1898 not to apply.

of 1956.

(2) The Women's and Children's Institutions (Licensing) Act, 1956 shall not apply to any children's home, special school or observation home established and maintained under this Act.

Power to make rules.

59. (1) The Administrator may, by notification in the Official Gazette, make rules to carry 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 places at which, the days on which, the time at which, and the manner in which, a competent authority may hold its sittings;
- (b) the procedure to be followed by a competent authority in holding inquiries under this Act; and the mode of dealing with children suffering from dangerous diseases or mental complaints;
- (c) the circumstances in which, and the conditions subject to which, an institution may be certified as a special school or a children's home or recognised as an observation home, and the certification or recognition withdrawn;
- (d) the internal management of special schools, children's home and observation homes;
- (e) the functions and responsibilities of special schools, children's homes and observation homes;
- (f) the inspection of special schools, children's homes, observation homes and after-care organisations;
- (g) the establishment, management and functions of after-care organisations; the circumstances in which, and the conditions subject to which, an institution may be recognised as an after-care organisation;
- (h) the qualifications and duties of probation officers;
- (i) the recruitment and training of persons appointed to carry out the purposes of this Act and the terms and conditions of their service;
- (j) the conditions subject to which a girl who is a neglected or delinquent child may be escorted from one place to another, and the manner in which a child may be sent outside the jurisdiction of a competent authority;
- (k) the manner in which contribution for the maintenance of a child may be ordered to be paid by a parent or guardian;
- (l) the conditions under which a child may be placed out on licence and the form and conditions of such licence;
- (m) the conditions subject to which children may be placed under the care of any parent, guardian or other fit person under this Act and the obligations of such persons towards the children so placed;

Not Corrected: See India Code

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

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

60. If, immediately before the date on which this Act comes into force in any area, there is in force in that area, any law corresponding to this Act, that law shall stand repealed on the said date: Repeal and savings.

Provided that the repeal shall not affect—

- (a) the previous operation of any law so repealed or anything duly done or suffered thereunder; or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed.

Rep. by Act 52 of 1964, S. 2 & Sch. I (w.e.f. 23.12.64)

THE PREVENTIVE DETENTION (CONTINUANCE)

ACT, 1960

NO. 61 OF 1960

[28th December 1960]

An Act to continue the Preventive Detention Act, 1950, for a further period.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Preventive Detention (Continuance) Act, 1960.

Amendment of section 1. 2. In sub-section (3) of section 1 of the Preventive Detention Act, 1950, for the figures, letters and words "31st day of December, 1960", 4 of 1950 the figures, letters and words "31st day of December, 1963" shall be substituted.

Rep. by Act 59 of 1954, s. 2 and Sch. I (w.e.f. 29.12.64).

**THE FORWARD CONTRACTS (REGULATION)
AMENDMENT ACT, 1960**

No. 62 OF 1960

[28th December, 1960]

An Act further to amend the Forward Contracts (Regulation) Act, 1952.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. This Act may be called the Forward Contracts (Regulation) Short title.
Amendment Act, 1960.

2. In sub-section (2) of section 1 of the Forward Contracts (Regulation) Act, 1952 (hereinafter referred to as the principal Act), the words "except the State of Jammu and Kashmir" shall be omitted. Amendment of section 1.

3. In section 2 of the principal Act, Amendment of section 2.

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

(j) "recognised association" means an association to which recognition for the time being has been granted by the Central Government under section 6 in respect of goods or classes of goods specified in such recognition;

(jj) "registered association" means an association to which for the time being a certificate of registration has been granted by the Commission under section 14B;;

(b) to clause (n), the words "and which is subject to such conditions relating to its transferability as the Central Government may, by notification in the Official Gazette, specify in this behalf" shall be added at the end.

**Amendment
of section 3**

4. In sub-section (2) of section 3 of the principal Act,—

(a) for the words "but not exceeding three", the words "but not exceeding four" shall be substituted;

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

"Provided that the members to be so appointed shall be persons of ability, integrity and standing who have shown capacity in dealing with problems relating to commerce or commodity markets, or in administration or who have special knowledge or practical experience in any matter which renders them suitable for appointment on the Commission".

**Amendment
of section 4e**

5. In section 4 of the principal Act,—

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

"(b) to keep forward markets under observation and to take such action in relation to them as it may consider necessary, in exercise of the powers assigned to it by or under this Act;";

(b) in clause (e), for the words "any recognised association", the words "any recognised association or registered association or any member of such association" shall be substituted.

**Insertion of
new section
4A.**

6. In Chapter II of the principal Act, after section 4, the following section shall be inserted, namely:—

**Powers of
the Com-
mission.**

"4A. (1) The Commission shall, in the performance of its functions, have all the powers of a civil court under the Code of Civil Procedure, 1908, while trying a suit in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

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(d) requisitioning any public record or copy thereof from any office;

(e) any other matter which may be prescribed.

(2) The Commission shall have the power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, any matter under the consideration of the Commission and any person so required shall be deemed to be legally bound to furnish such information within the meaning of section 176 of the Indian Penal Code.

(3) The Commission shall be deemed to be a civil court and when any offence described in section 175, section 178, section 179, section 180 or section 228 of the Indian Penal Code is committed in the view or presence of the Commission, the Commission may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1898, forward the case to a magistrate having jurisdiction to try the same and the magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case had been forwarded to him under section 482 of the said Code.

(4) Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

Explanation.—For the purposes of enforcing the attendance of witnesses, the local limits of the Commission's jurisdiction shall be the limits of the territory of India.”

7. In section 8 of the principal Act,—

Amendment
of section 8.

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

“(1) Every recognised association and every member thereof shall furnish to the Central Government such periodical returns relating to its affairs, or the affairs of its members, or his affairs, as the case may be, as may be prescribed.”;

(b) in clause (a) of sub-section (2), after the words “recognised association”, the words “or a member thereof”, and after the words “any of its members”, the words “or his affairs, as the case may be,” shall be inserted;

(c) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) Every recognised association and every member thereof shall maintain such books of account and other documents as the Commission may specify and the books of account and other documents so specified shall be preserved for such period not exceeding three years as the Commission may specify and shall be subject to inspection at all reasonable times by the Commission.”.

Amendment of section 9. 8. For sub-section (1) of section 9 of the principal Act, the following sub-section shall be substituted, namely:—

“(1) Every recognised association shall furnish to the Commission three copies of its annual report.”.

Amendment of section 9A. 9. In section 9A of the principal Act,—

(a) in sub-section (1)—

(i) clauses (a), (b), (c), (d) and (e) shall be re-lettered as clauses (b), (c), (d), (e) and (g) respectively and before clause (b) as so re-lettered, the following clause shall be, and shall be deemed always to have been, inserted, namely:—

“(a) the admission of a firm or a Hindu undivided family as a member;”;

(ii) after clause (e) as so re-lettered, the following clause shall be inserted, namely:—

“(f) the retirement at every annual general meeting of all directors or such number or proportion of their total number as may be specified in the rules;”;

(iii) in clause (g) as so re-lettered, for the expression “clauses (a), (b), (c) and (d)”, the expression “clauses (a) to (f)” shall be substituted;

(b) in sub-section (2), for the expression “clauses (a) to (e)”, the expression “clauses (a) to (g)” shall be substituted;

(c) in sub-section (3), for the expression “clauses (a) to (e)”, the expression “clauses (b) to (e) and (g)” shall be substituted.

Amendment of section 10. 10. For sub-section (3) of section 10 of the principal Act, the following sub-section shall be substituted, namely:—

“(3) Where, in pursuance of sub-section (2), any rules have been made or amended, the rules so made or amended shall be published in the Gazette of India, and shall, thereupon, have

effect notwithstanding anything to the contrary contained in the Companies Act, 1956, or any other law for the time being in force, as if they had been made or amended by the recognised association concerned.”.

11. In section 11 of the principal Act,—

Amendment
of section 11.

(a) in sub-section (3), after clause (a), the following clause shall be inserted, namely:—

“(aa) specify the bye-laws the contravention of any of which shall make a forward contract entered into otherwise than in accordance with the bye-laws illegal under sub-section (3A) of section 15;”;

(b) in sub-section (4), the words “and also in the Official Gazette of the State in which the principal office of the recognised association is situate” shall be omitted.

12. In section 12 of the principal Act,—

Amendment
of section 12.

(a) in sub-section (2), for the words “and also in the Official Gazette of the State in which the principal office of the recognised association is situate, and on the publication thereof in the Gazette of India the bye-laws so made or amended shall have effect”, the words “and shall thereupon have effect” shall be substituted;

(b) in sub-section (4), for the words “subject to the condition of previous publication”, the words “subject to such conditions in regard to previous publication as may be prescribed” shall be substituted.

13. After section 12 of the principal Act, the following sections shall be inserted, namely:—

Insertion of
new Sections
12A and 12B.

“12A. Any amendment of a bye-law under section 11 other than an amendment made in pursuance of clause (a) or clause (aa) of sub-section (3) of that section or under section 12 shall also apply to all forward contracts entered into before the date of its approval by the Central Government or before the date of its publication in the Gazette of India, as the case may be, and remaining to be performed on or after the said date.

Application
of amend-
ment of bye-
laws to exist-
ing forward
contracts.

12B. (1) If, in the interest of trade or in the public interest, the Commission considers it necessary to suspend a member from his membership of any recognised association or to prohibit such members from entering into any forward contract for the

Power of
Commission
to suspen
member of
recognised
association
or to prohi
bit him from
trading.

sale or purchase in his own name or through another member of a recognised association of any goods or class of goods, then, notwithstanding anything contained in any law for the time being in force or in the rules or bye-laws of a recognised association, the Commission may, after giving an opportunity to the member concerned of being heard, by order suspend his membership of any association or prohibit him from entering into any such contract.

(2) An order made under sub-section (1) shall specify the period for which the suspension or prohibition is to have effect and such period may be extended from time to time but so as not to exceed three years in the aggregate.

(3) No order made under sub-section (1) in respect of any member of a recognised association shall affect the validity of any forward contract entered into or made by, with or through such member on or before the date of such order and remaining to be performed on or after the said date; but the Commission may make such provision as it deems fit in such order or in any subsequent order for the closing out of any such forward contract.”.

Insertion of new Chapter IIIA. 14. After Chapter III of the principal Act, the following Chapter shall be inserted, namely:—

“CHAPTER IIIA REGISTERED ASSOCIATIONS

Certificate of registration to be obtained by all associations.

14A. (1) No association concerned with the regulation and control of business relating to forward contracts shall, after the commencement of the Forward Contracts (Regulation) Amendment Act, 1960 (hereinafter referred to as such commencement), **62 of 1960.** carry on such business except under, and in accordance with, the conditions of a certificate of registration granted under this Act by the Commission.

(2) Every association referred to in sub-section (1) which is in existence at such commencement, before the expiry of six months from such commencement, and every association referred to in sub-section (1) which is not in existence at such commencement, before commencing such business, shall make an application for a certificate of registration to the Commission in such form and containing such particulars as may be prescribed:

Provided that the Commission may in its discretion extend from time to time the period of six months aforesaid up to one year in the aggregate.

(3) Nothing in this section shall be deemed—

(a) to prohibit an association in existence at such commencement from carrying on its business until the disposal of the application made by it under sub-section (2); or

(b) to require a recognised association in existence at such commencement to make an application under sub-section (2); and every such association shall, as soon as may be after such commencement, be granted free of cost by the Commission a certificate of registration.

14B. On receipt of an application under section 14A, the Commission, after making such enquiry as it considers necessary in this behalf, may by order in writing grant a certificate of registration or refuse to grant it:

Provided that before refusing to grant such certificate, the association shall be given an opportunity of being heard in the matter.

14C. The provisions of sections 8 and 12B shall apply in relation to a registered association as they apply in relation to a recognised association with the substitution of—

Application
of sections 8
and 12B to
registered
associations.

(i) references to the registered association, for references to the recognised association; and

(ii) the words "two years", for the words "three years" in sub-section (2) of section 12B."

15. After sub-section (3) of section 15 of the principal Act, the following sub-section shall be inserted, namely:

Amendment
of section 15.

"(3A) Any forward contract in goods entered into in pursuance of sub-section (1) which at the date of the contract is in contravention of any of the bye-laws specified in this behalf under clause (aa) of sub-section (3) of section 11 shall be illegal."

16. In clause (a) of section 16 and sub-section (3) of section 17 of the principal Act, for the words "entered into before the date of the notification", the words "entered into on or before the date of the notification" shall be substituted.

Substitution of new section for section 20. 17. For section 20 of the principal Act, the following section shall be substituted, namely:—

Penalties.

"20. Any person who—

(a) (i) in any return, statement or other document required by or under this Act, makes a statement which is false in any material particular, knowing it to be false, or wilfully omits to make a material statement; or

(ii) without reasonable excuse (the burden of proving which shall be on him) fails to furnish any return, statement or other document or any information or to answer any question or to comply with any requisition made under this Act or any rules made thereunder; or

(iii) enters into any forward contract during the period of suspension of business of a recognised association in pursuance of a notification under section 14; or

(b) is a member of any association, other than a recognised association, to which a certificate of registration has not been granted under this Act; or

(c) publishes or circulates information relating to the rate at which any forward contract has been entered into in contravention of any of the bye-laws of a recognised association; or

(d) organises, or assists in organising, or is a member of, any association in contravention of the provisions contained in the proviso to sub-section (1) of section 18; or

(e) enters into any forward contract or any option in goods in contravention of any of the provisions contained in sub-section (1) or sub-section (3A) or sub-section (4) of section 15, section 17 or section 19,

shall, on conviction, be punishable—

(i) for a first offence, with imprisonment which may extend to one year, or with a fine of not less than one thousand rupees, or with both;

(ii) for a second or subsequent offence under clause (d), or under clause (e) [other than an offence in respect of a contravention of the provisions of sub-section (4) of section 15], with imprisonment which may extend to one year and

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also with fine: provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, the imprisonment shall be not less than one month and the fine shall be not less than one thousand rupees.”.

18. In section 21 of the principal Act,—

Amendment
of section 21.

- (a) to clause (g), the word “or” shall be added;
- (b) after clause (g), the following clause shall be inserted, namely:—

“(h) manipulates or attempts to manipulate prices in respect of forward contracts for the sale or purchase of any goods specified in any notification under section 15, in any area specified in that notification,”;

(c) for the words “shall, on conviction, be punishable with imprisonment which may extend to two years, or with fine, or with both”, the following shall be substituted, namely:—

“shall, on conviction, be punishable—

(i) for a first offence, with imprisonment which may extend to two years, or with a fine of not less than one thousand rupees, or with both;

(ii) for a second or subsequent offence, with imprisonment which may extend to two years and also with fine: provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, the imprisonment shall be not less than one month and the fine shall be not less than one thousand rupees.”.

19. After section 21 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
21A.

“21A. Any court trying an offence punishable under section 20 or section 21 may, if it thinks fit and in addition to any sentence which it may impose for such offence, direct that any money, goods or other property in respect of which the offence has been committed, shall be forfeited to the Central Government.

Power of
court to
order forfei-
ture of
property.

Explanation.—For the purposes of this section, property in respect of which an offence has been committed, shall include deposits in a bank where the said property is converted into such deposits.”.

Insertion of
new sections
22A and 22B.

20. After section 22 of the principal Act, the following sections shall be inserted, namely:—

Power to
search and
seize books
of account or
other docu-
ments.

"22A. (1) Any presidency magistrate or a magistrate of the first class may, by warrant, authorise any police officer not below the rank of sub-inspector to enter upon and search any place where books of account or other documents relating to forward contracts or options in goods entered into in contravention of the provisions of this Act, may be or may be reasonably suspected to be, and such police officer may seize any such book or document, if in his opinion, it relates to any such forward contract or option in goods.

(2) The provisions of the Code of Criminal Procedure, 1898, shall, so far as may be, apply to any search or seizure made under sub-section (1) as they apply to any search or seizure made under the authority of a warrant issued under section 98 of the said Code.

Presump-
tions to be
drawn in
certain cases.

22B. (1) Where any books of account or other documents are seized from any place and there are entries therein making reference to quantity, quotations, rates, months of delivery, receipt or payment of differences or sale or purchase of goods or option in goods such books of account or other documents shall be admitted in evidence without witnesses having to appear to prove the same; and such entries shall be *prima facie* evidence of the matters, transactions and accounts purported to be therein recorded.

(2) In any trial for an offence punishable under section 21, it shall be presumed, until the contrary is proved, that the place in which the books of account or other documents referred to in sub-section (1) were seized, was used, and that the persons found therein were present, for the purpose of committing the said offence."

Amendment
of section
23.

21. In section 23 of the principal Act, for the expression "any offence punishable under sub-section (1) of section 20 or section 21 shall be deemed to be a cognizable offence within the meaning of that Code", the following expression shall be substituted, namely:—

"the following offences shall be deemed to be cognizable within the meaning of that Code, namely:—

(a) an offence falling under sub-clause (ii) of clause

(a) of section 20 in so far as it relates to the failure to comply with any requisition made under sub-section (3) of section 8;

(b) an offence falling under clause (d) of section 20;

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(c) an offence falling under clause (e) of section 20 other than a contravention of the provisions of sub-section (3A) or sub-section (4) of section 15;

(d) an offence falling under section 21.”

22. After section 27 of the principal Act, the following section Insertion of new section 27A.

“27A. (1) No suit or other legal proceeding shall lie in any court against the Central Government or any member, officer or servant of the Commission for anything which is in good faith done or intended to be done under this Act, or any rule or bye-law made thereunder. Protection of action taken in good faith.

(2) No suit or other legal proceeding shall lie in any court against the governing body or any member, office-bearer or servant of any recognised association or against any person appointed under sub-section (1) of section 13 for anything which is in good faith done or intended to be done with the approval, or at the instance, of the Commission and in pursuance of this Act, or of any rule or bye-law made thereunder.”

23. After clause (c) of sub-section (2) of section 28 of the principal Act, the following clause shall be inserted, namely:— of section 28.

“(cc) the manner in which applications for certificates of registration may be made under section 14A and the levy of fees in respect of such applications;”.

Not Corrected: See India Code Vol. II B, Pt. III, p. 559.

THE PREFERENCE SHARES (REGULATION OF DIVIDENDS) ACT, 1960

NO. 63 OF 1960

[28th December, 1960]

An Act to regulate dividends on preference shares of certain companies.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Preference Shares (Regulation of Dividends) Act, 1960. Short title and commencement.
- (2) It extends to the whole of India:

Provided that it shall not apply to the State of Jammu and Kashmir except to the extent to which the provisions of this Act relate to the regulation of dividends on preference shares of banking and insurance companies and financial corporations.

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

Definitions.

~~1956.~~

(a) "Companies Act" means the Companies Act, 1956;

~~1922.~~

(b) "company" means an Indian company as defined in clause (7A) of section 2 of the Indian Income-tax Act, 1922 and includes a company referred to in sub-clause (ii) of clause (5A) of the said section which has made arrangements for the declaration and payment of dividends within India in accordance with the rules made under the said Act;

~~1922.~~

(c) "preference share" means a share which having been issued and subscribed for before the 1st day of April, 1960, carries, as respects dividends, a preferential right to be paid a fixed amount or an amount calculated at a fixed rate;

(d) "previous year" has the same meaning as in the Indian Income-tax Act, 1922;

(e) "stipulated dividend", in relation to a preference share, means the fixed amount or the amount calculated at a fixed rate which the holder of such share has a preferential right to be paid as dividend;

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

3. (1) Where the stipulated dividend in respect of a preference share of a company—
Regulation
of dividends
on prefer-
ence shares
in certain
cases.

(a) is specified to be free of income-tax and no deduction is made therefrom on account of the income-tax payable by the company, or

(b) was being paid before the 1st April, 1960, without any deduction therefrom on account of the income-tax payable by the company, notwithstanding the absence of any specification that the dividend would be free of income-tax,

every such share shall, as respects dividends declared after the commencement of this Act, carry a preferential right to be paid without any deduction aforesaid such amount as would exceed the stipulated dividend by thirty per cent. thereof.

(2) Where the stipulated dividend in respect of a preference share of a company issued and subscribed for after the 31st March, 1959 is free of income-tax and the company, besides paying the stipulated dividend to the holder of such share, pays to Government on his behalf any sum on account of income-tax payable thereon, then, every such share shall, as respects dividends declared after the commencement of this Act, carry a preferential right to be paid free of income-tax such amount as together with the sum aforesaid would exceed the stipulated dividend by thirty per cent. thereof.

(3) Where the stipulated dividend in respect of a preference share of a company—

(a) is specified to be subject to income-tax and a deduction is made therefrom on account of the income-tax payable by the company, or

(b) was being paid before the 1st April, 1960, subject to a deduction therefrom on account of the income-tax payable by the company, notwithstanding the absence of any specification that the dividend would be subject to income-tax, then

every such share shall, as respects dividends declared after the commencement of this Act, carry a preferential right to be paid subject to the deduction aforesaid such amount as would exceed the stipulated dividend by eleven per cent. thereof.

(4) Where a company has in relation to a preference share declared,—

(a) after the 31st March, 1959, and before the 1st July, 1960, a dividend in respect of a previous year relevant to its assessment year 1960-61 or a subsequent assessment year, or

(b) after the 30th June, 1960, and before the commencement of this Act, a dividend in respect of any previous year,

it shall declare, in respect of the said previous year, an additional dividend of such amount as, together with the dividend already declared, would exceed the stipulated dividend—

(i) by thirty per cent. of the stipulated dividend in the cases referred to in sub-section (1), or

(ii) by eleven per cent. of the stipulated dividend in the cases referred to in sub-section (3).

(5) For the purposes of sub-section (1), sub-section (3) and sub-section (4), any reference therein to the stipulated dividend shall, in respect of a preference share issued and subscribed for on or before the 31st March, 1959, be construed as a reference to the stipulated dividend as on that day.

(6) For the removal of doubts, it is hereby declared that any reference in this section to deduction made from a dividend "on account of the income-tax payable by the company" does not include any amount deducted by the company from that dividend under sub-section (3D) of section 18 of the Indian Income-tax Act, 1922. II of 1922.

Special provisions in relation to companies where a portion of their income is not chargeable to income-tax.

4. Where any preference share has been issued by a company any portion of the profits and gains of which in respect of the relevant period is exempt from income-tax under the Indian Income-tax Act, 1922, by reason of such portion being agricultural income, II of 1922. then, for the purpose of the increase in the dividend in relation to any such preference share under the provisions of section 3, the increase of thirty per cent. or eleven per cent. referred to therein shall be taken to be such proportion of the said thirty per cent. or eleven per cent., as the case may be, as the total amount of the profits and gains of the company excluding the portion of the profits and gains which is so exempt in respect of the relevant period bears to the total amount of the profits and gains thereof in respect of that period.

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Explanation.—For the purposes of this section, “relevant period”, in relation to the profits and gains of a company, shall mean—

(a) the previous years relevant to such of the three assessment years as immediately precede the assessment year ending on the 31st March, 1961, and in each of which the net result of the computation of profits and gains of the company has not been a loss or where there are only two such years, such two years, or where there is only one such year, such one year; or

(b) in any case where clause (a) is not applicable, the previous year relevant to the assessment year ending on the 31st March, 1961 or a subsequent assessment year immediately following thereafter in which the net result of the computation of profits and gains has not been a loss.

5. (1) The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any law for the time being in force or in the memorandum or articles of a company or in any agreement between the company and its shareholders or in any resolution passed by the company in a general meeting or by its Board of directors.

Over-riding
effect of Act.

(2) Notwithstanding anything contained in this Act, a company may, in the manner provided in section 106 of the Companies Act, increase the amount of dividend in respect of a preference share beyond the limit specified in section 3 or section 4 of this Act.

6. Nothing contained in this Act shall apply to such part of any Act not to dividend on preference shares as is referred to in clause (i) of the ^{apply to participating preference dividends.} Explanation to sub-section (1) of section 85 of the Companies Act.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. ^{Power to make rules.}

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

Not Corrected: See India Code Vol. II B, Pt. IV, p. 653.

THE ACQUIRED TERRITORIES (MERGER) ACT, 1960

No. 64 OF 1960

[28th December, 1960]

An Act to provide for the merger into the States of Assam, Punjab and West Bengal of certain territories acquired in pursuance of the agreements entered into between the Governments of India and Pakistan and for matters connected therewith.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Acquired Territories (Merger) Act, 1960.

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

(a) "acquired territories" mean so much of the territories comprised in the Indo-Pakistan agreements and referred to in the First Schedule as are demarcated for the purpose of being acquired by India in pursuance of the said agreements;

(b) "appointed day" means such date¹ as the Central Government may, by notification in the Official Gazette, appoint for the merger of the acquired territories under section 3, after causing the territories to be so acquired demarcated for the purpose, and different dates may be appointed for the merger of such territories into different States;

(c) "assembly constituency", "council constituency" and "parliamentary constituency" have the same meanings as in the Representation of the People Act, 1950;

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(d) "Indo-Pakistan agreements" mean the Agreements dated the 10th day of September, 1958, the 23rd day of October,

¹17-1-1961, for Pt. II, First Sch. vide G.S.R. 74, dated 14-1-61. See Gazette of India, Ex. Pt. II, Sec. 3(i), p. 15.

1959 and the 11th day of January, 1960 entered into between the Governments of India and Pakistan, the relevant extracts of which are set out in the Second Schedule;

(e) "law" includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in the whole or in any part of the acquired territory;

(f) "sitting member", in relation to either House of Parliament or of the Legislature of a State, means a person who, immediately before the appointed day, is a member of that House;

(g) "State concerned", in relation to the acquired territories referred to in Part I, Part II and Part III of the First Schedule, means, respectively, the State of Assam, the State of Punjab and the State of West Bengal; and "State Government concerned" shall be construed accordingly;

(h) "Union purposes" mean the purposes of Government relatable to any of the matters mentioned in List I of the Seventh Schedule to the Constitution.

3. (1) As from the appointed day, the acquired territories referred to in Part I, Part II and Part III of the First Schedule shall, respectively be included in, and form part of, the States of Assam, Punjab and West Bengal.

Merger of
acquired
territories.

(2) As from the appointed day, the State Government concerned shall, by order in the Official Gazette, provide for the administration of the acquired territories included in that State by including them or any part of them in such district, sub-division, police station or other administrative unit as may be specified in the order.

4. As from the appointed day, in the First Schedule to the Constitution,—

Amendment
of the First
Schedule to
the Constitu-
tion.

(a) in the paragraph relating to the territories of the State of Assam, after the words "the Assam Tribal Areas", the words, figures and brackets "and the territories referred to in Part I of the First Schedule to the Acquired Territories (Merger) Act, 1960" shall be inserted;

(b) in the paragraph relating to the territories of the State of Punjab, after the words and figures "the States Reorganisation Act, 1956", the words, figures and brackets "and the territories referred to in Part II of the First Schedule to the Acquired Territories (Merger) Act, 1960" shall be inserted;

(c) in the paragraph relating to the territories of the State of West Bengal, after the words, brackets and figures, "the Bihar and West Bengal (Transfer of Territories) Act, 1956", the words, figures and brackets "and the territories referred to in Part III of the First Schedule to the Acquired Territories (Merger) Act, 1960" shall be inserted.

**Construction
of references
to existing
constituencies.**

5. As from the appointed day,—

(a) any reference in the Delimitation of Parliamentary and Assembly Constituencies Order, 1956,—

(i) to the State of Assam or Punjab or West Bengal, shall be construed as including that part of the acquired territory which is included in that State;

(ii) to any district, sub-division, police station or other administrative unit, shall be construed as including that part of the acquired territory, if any, which is included in that district, sub-division, police station or other administrative unit, by order made under sub-section (2) of section 3;

(b) any reference in the Delimitation of Council Constituencies (Punjab) Order, 1951—

(i) to the State of Punjab, shall be construed as including that part of the acquired territory which is included in that State;

(ii) to any district, shall be construed as including that part of the acquired territory, if any, which is included in that district, by order made under sub-section (2) of section 3;

(c) any reference in the Delimitation of Council Constituencies (West Bengal) Order, 1951—

(i) to the State of West Bengal, shall be construed as including that part of the acquired territory which is included in that State;

(ii) to any division or district, shall be construed as including the acquired territory, if any, which is included in that division or district by order made under sub-section (2) of section 3.

6. (1) Every sitting member of the House of the People representing any parliamentary constituency the extent of which has been altered by virtue of the provisions of this Act shall, notwithstanding such alteration, be deemed to have been elected as from the appointed day to that House by that constituency as so altered.

Provision as to sitting members.

(2) Every sitting member of the Legislative Assembly of the State of Assam or Punjab or West Bengal representing any assembly constituency the extent of which has been altered by virtue of the provisions of this Act shall, notwithstanding such alteration, be deemed to have been elected as from the appointed day to the said Legislative Assembly by that constituency as so altered.

(3) Every sitting member of the Legislative Council of Punjab or West Bengal representing any council constituency the extent of which has been altered by virtue of the provisions of this Act, shall, notwithstanding such alteration, be deemed to have been elected as from the appointed day to the said Legislative Council by that constituency as so altered.

7. (1) All property and assets within the acquired territories which, immediately before the appointed day, are vested in Pakistan or in the Province of East Pakistan or the Province of West Pakistan shall, as from that day,—

Property and assets.

(a) where such property and assets are relatable to Union purposes, vest in the Union;

(b) in any other case, vest in the State concerned in which the acquired territories are included.

(2) A certificate of the Central Government signed by a Secretary to that Government shall be conclusive as to whether the purposes for which any property or assets are held, immediately before the appointed day, are Union purposes.

8. (1) As from the appointed day, any Act passed by the Legislature of the State of Assam or Punjab or West Bengal before that day for the appropriation of any moneys out of the Consolidated Fund of that State to meet any expenditure in respect of any part of the financial year 1960-61, shall have effect also in relation to the acquired territories included in that State and it shall be lawful for the State Government concerned to spend any amount in respect of those territories out of the amount authorised by such Act to be expenditure for any service in that State.

Appropriation of moneys for expenditure in acquired territories.

(2) The Governor of the State concerned may, after the appointed day, authorise such expenditure from the Consolidated Fund of that State as he deems necessary for any purpose or service in the acquired territories included in that State for a period of not more than three months beginning with the appointed day pending the sanction of such expenditure by the Legislature of that State.

Extension of laws.

9. All laws in force in the acquired territories immediately before the appointed day shall, as from that day, cease to be in force in those territories and all laws in force generally in the State concerned in which the acquired territories are included shall, as from that day, extend to, or as the case may be, come into force in, those territories:

Provided that anything done or any action taken before the appointed day under any law in force in the acquired territories shall be deemed to have been done or taken, as from the appointed day, under the corresponding law extended to, and in force in, those territories.

Power to name authorities for exercising statutory functions.

10. The State Government concerned, as respects the acquired territories included in that State, may, by notification in the Official Gazette, specify the authority, officer or person who, on or after the appointed day, shall be competent to exercise such functions, exercisable under any law in force on that day in those territories, as may be mentioned in that notification and such law shall have effect accordingly.

Power to remove difficulties.

11. (1) If any difficulty arises in relation to the transition from any corresponding law to any law which by virtue of section 9 shall, as from the appointed day, extend to, or come into force in, the acquired territories, the Central Government may, by order notified in the Official Gazette, make such provisions as appear to it to be necessary or expedient for removing the difficulty.

(2) If any difficulty arises in giving effect to the provisions of this Act (otherwise than in relation to the transition from any corresponding law) or in connection with the administration of the acquired territories as a part of the State in which they are included, the State Government concerned may, by order in the Official Gazette, make such provisions not inconsistent with the purposes of this Act, as appear to it to be necessary or expedient for removing the difficulty.

(3) No power under sub-section (1) or sub-section (2) shall be exercised by the Central Government or, as the case may be, the State Government after the expiry of three years from the appointed day.

(4) Any order made under sub-section (1) or sub-section (2) may be so made as to be retrospective to any date not earlier than the appointed day.

THE FIRST SCHEDULE

[See sections 2(a), 2(g), 3 and 4]

PART I

The acquired territory in relation to item (7) of paragraph 2 of the Agreement dated the 10th day of September, 1958.

PART II

The acquired territory in relation to item (ii) and item (iii) of paragraph 1 of the Agreement dated the 11th day of January, 1960.

PART III

The acquired territory in relation to item (5) and item (10) of paragraph 2 of the Agreement dated the 10th day of September, 1958 and paragraph 4 of the Agreement dated the 23rd day of October, 1959.

THE SECOND SCHEDULE

[See section 2(d)]

1. EXTRACTS FROM THE NOTE CONTAINING THE AGREEMENT DATED THE
10TH DAY OF SEPTEMBER, 1958.

* * * * *

2. As a result of the discussions, the following agreements were
arrived at:-

- (5) 24 Parganas—Khulna }
 24 Parganas—Jessore }—Boundary disputes.

It is agreed that the mean of the two respective claims of India and Pakistan should be adopted, taking the river as a guide, as far as possible, in the case of the latter dispute. (Ichhamati river).

* * * * *

(7) Piyain and Surma river regions to be demarcated in accordance with the relevant notifications, cadastral survey maps and, if necessary, record of rights. Whatever the result of this demarcation might be, the nationals of both the Governments to have the facility of navigation on both these rivers.

* * * * *

(10) Exchange of old Cooch Behar enclaves in Pakistan and Pakistan enclaves in India without claim to compensation for extra area going to Pakistan, is agreed to.

* * * * *

Signed. (M. S. A. BAIG)
 Foreign Secretary,
 Ministry of Foreign Affairs and
 Commonwealth Relations,
 Government of Pakistan.

Signed. (M. J. DESAI)
 Commonwealth Secretary,
 Ministry of External Affairs,
 Government of India.

NEW DELHI, SEPTEMBER 10, 1958.

2. EXTRACTS FROM THE AGREEMENT ENTITLED "AGREED DECISIONS AND PROCEDURES TO END DISPUTES AND INCIDENTS ALONG THE INDO-EAST PAKISTAN BORDER AREAS", DATED THE 23RD DAY OF OCTOBER, 1959.

* * * * *

4. West Bengal-East Pakistan Boundary

Over 1,200 miles of this boundary have already been demarcated. As regards the boundary between West Bengal and East

Pakistan in the areas of Mahananda, Burung and Karatoa rivers, it was agreed that demarcation will be made in accordance with the latest cadastral survey maps supported by relevant notifications and record of rights.

* * * * *

(Sd.) (J. G. KHARAS)

*Acting Foreign Secretary,
Ministry of Foreign Affairs &
Commonwealth Relations,
Karachi.*

(Sd.) (M. J. DESAI)

*Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.*

NEW DELHI,

October 23, 1959.

3. EXTRACTS FROM THE AGREEMENT ENTITLED "AGREED DECISIONS AND PROCEDURES TO END DISPUTES AND INCIDENTS ALONG THE INDO-WEST PAKISTAN BORDER AREAS", DATED THE 11TH DAY OF JANUARY, 1960.

* * * * *

"1. West Pakistan-Punjab border.—Of the total of 325 miles of the border in this sector, demarcation has been completed along about 252 miles. About 73 miles of the border has not yet been demarcated due to differences between the Governments of India and Pakistan regarding interpretation of the decision and Award of the Punjab Boundary Commission presented by Sir Cyril Radcliffe as Chairman of the Commission. These differences have been settled along the lines given below in a spirit of accommodation:

* * * * *

(ii) Chak Ladheke (Amritsar-Lahore border).—The Governments of India and Pakistan agree that the delineation of the boundary will be as shown in the map of the Kasur Tehsil by Sir Cyril Radcliffe and Chak Ladheke will in consequence fall within the territorial jurisdiction of the Government of India.

(iii) Ferozepur (Lahore-Ferozepur border).—The Governments of India and Pakistan agree that the West Pakistan-Punjab

Not Corrected: See India Code

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Acquired Territories (Merger)

[ACT 64 OF 1960]

(India) boundary in this region is along the district boundaries of these districts and not along the actual course of the river Sutlej.

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(Sd.) M. J. DESAI,
Commonwealth Secretary,
Ministry of External Affairs,
Government of India.

(Sd.) J. G. KHARAS,
Joint Secretary,
Ministry of Foreign Affairs and
Commonwealth Relations,
Government of Pakistan.

NEW DELHI;
January 11, 1960.

THE COMPANIES (AMENDMENT) ACT, 1960.

No. 65 OF 1960

[28th December, 1960]

An Act further to amend the Companies Act, 1956

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

1. This Act may be called the Companies (Amendment) Act, Short title. 1960.

2. In section 2 of the Companies Act, 1956 (hereinafter referred to as the principal Act),—^{Amendment of section 2.}

(a) in clause (3), in sub-clause (c),—

(i) the word "and" at the end of paragraph (i) shall be omitted;

(ii) after paragraph (ii), the following paragraph shall be inserted, namely :—

"(iii) any subsidiary of the other body corporate referred to in paragraph (ii) above:

Provided that where the body corporate is the managing agent of the other body corporate referred to in paragraph (ii) above, a subsidiary of such other body corporate shall not be an associate in relation to the managing agent aforesaid; and";

(b) in clause (4), in sub-clause (b),—

(i) the word "and" at the end of paragraph (i) shall be omitted;

(ii) after paragraph (ii), the following paragraph shall be inserted, namely:—

"(iii) any subsidiary of the other body corporate referred to in paragraph (ii) above:

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4 sections 2 to 27 rep. by Act 52 of 1964, S. 2 +
Sch. I (w.e.f. 29.12.64).

Provided that where the body corporate is the secretaries and treasurers of the other body corporate referred to in paragraph (ii) above, a subsidiary of such other body corporate shall not be an associate in relation to the secretaries and treasurers aforesaid; and";

(c) in clause (7), for the words "does not include a corporation sole", the following words shall be substituted, namely:—

"does not include—

(a) a corporation sole;

(b) a co-operative society registered under any law relating to co-operative societies; and

(c) any other body corporate (not being a company as defined in this Act) which the Central Government may, by notification in the Official Gazette, specify in this behalf;";

(d) for clause (9), the following clause shall be substituted, namely:—

'(9) "branch office" in relation to a company means—

(a) any establishment described as a branch by the company; or

(b) any establishment carrying on either the same or substantially the same activity as that carried on by the head office of the company; or

(c) any establishment engaged in any production, processing or manufacture,

but does not include any establishment specified in any order made by the Central Government under section 8;';

(e) for clause (11), the following clause shall be substituted, namely :—

'(11) "the Court" means,—

(a) with respect to any matter relating to a company (other than any offence against this Act), the Court having jurisdiction under this Act with respect to that matter relating to that company, as provided in section 10;

(b) with respect to any offence against this Act, the Court of a Magistrate of the First Class or, as the case may be, a Presidency Magistrate, having jurisdiction to try such offence;';

(f) in clause (26),—

(a) for the words "any powers of management", the words "substantial powers of management" shall be substituted;

(b) the following provisos shall be added at the end, namely:—

"Provided that the power to do administrative acts of a routine nature when so authorised by the Board such as the power to affix the common seal of the company to any document or to draw and endorse any cheque on the account of the company in any bank or to draw and endorse any negotiable instrument or to sign any certificate of share or to direct registration of transfer of any share, shall not be deemed to be included within substantial powers of management :

Provided further that a managing director of a company shall exercise his powers subject to the superintendence, control and direction of its Board of directors;"

(g) for clause (30), the following clause shall be substituted, namely:—

'(30) "officer" includes any director, managing agent, secretaries and treasurers, manager or secretary, and also includes—

(a) where the managing agent, the secretaries and treasurers or the secretary is or are a firm, any partner in the firm;

(b) where the managing agent or the secretaries and treasurers is or are a body corporate, any director or manager of the body corporate;

(c) where the secretary is a body corporate, any director, managing agent, secretaries and treasurers or manager of the body corporate;

but, save in sections 477, 478, 539, 543, 545, 621, 625 and 633 does not include an auditor;'

(h) in clause (33), for the words, brackets and figures "sub-section (1) of section 549 and sub-section (3) of section 550" occurring at both the places, the words, brackets and figures "sub-section (3) of section 550, section 552 and sub-section (3) of section 555" shall be substituted;

(i) in clause (36), for the words "any prospectus," the words "any document described or issued as a prospectus and includes any" shall be substituted;

(j) for clause (45), the following clause shall be substituted, namely:—

'(45) "secretary" means any individual, firm or body corporate appointed to perform the duties which may be performed by a secretary under this Act and any other purely ministerial or administrative duties;'

**Amendment
of section 4.**

3. In section 4 of the principal Act,—

(a) in sub-section (1), for clause (b), the following clause shall be substituted, namely:—

"(b) that other—

(i) where the first-mentioned company is an existing company in respect of which the holders of preference shares issued before the commencement of this Act have the same voting rights in all respects as the holders of equity shares, exercises or controls more than half of the total voting power of such company;

(ii) where the first-mentioned company is any other company, holds more than half in nominal value of its equity share capital; or";

(b) in sub-section (2), for clause (c), the following clause shall be substituted, namely:—

"(c) that the directorship is held by an individual nominated by that other company or a subsidiary thereof.";

(c) after sub-section (6), the following sub-section shall be inserted, namely:—

"(7) A private company, being a subsidiary of a body corporate incorporated outside India, which, if incorporated in India, would be a public company within the meaning of this Act, shall be deemed for the purposes of this Act to be a subsidiary of a public company if the entire share capital in that private company is not held by that body corporate whether alone or together with one or more other bodies corporate incorporated outside India".

4. For section 6 of the principal Act, the following section shall be substituted, namely:—

“6. A person shall be deemed to be a relative of another if, and only if,—

- (a) they are members of a Hindu undivided family; or
- (b) they are husband and wife; or
- (c) the one is related to the other in the manner indicated in Schedule IA.”.

5. In section 8 of the principal Act,—

Amendment of section 8.

- (a) the words “not being a banking or an insurance company” shall be omitted;
- (b) for the words “any production or manufacture”, the words “any establishment engaged in any production, processing or manufacture” shall be substituted.

6. In section 17 of the principal Act, for sub-section (4), the following sub-section shall be substituted, namely:—

Amendment of section 17.

“(4) The Court shall cause notice of the petition for confirmation of the alteration to be served on the Registrar who shall also be given a reasonable opportunity to appear before the Court and state his objections and suggestions, if any, with respect to the confirmation of the alteration.”.

7. In section 18 of the principal Act,—

Amendment of section 18.

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

“(1) A certified copy of the order of the Court made under sub-section (5) of section 17 confirming the alteration, together with a printed copy of the memorandum as altered, shall, within three months from the date of the order, be filed by the company with the Registrar who shall register the same and certify the registration under his hand within one month from the date of the filing of such documents.”;

- (b) in sub-section (4), after the word “documents”, the words “or for the registration of the alteration” shall be inserted.

8. In section 19 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

Amendment of section 19.

“(2) If the documents required to be filed with the Registrar under section 18 are not filed within the time allowed under that section, such alteration and the order of the Court made under

sub-section (5) of section 17 and all proceedings connected therewith, shall, at the expiry of such period, become void and inoperative:

Provided that the Court may, on sufficient cause shown, revive the order on application made within a further period of one month.”.

*Amendment
of section 25.*

9. In section 25 of the principal Act,—

(a) for sub-section (6), the following sub-section shall be substituted, namely:—

“(6) It shall not be necessary for a body to which a licence is so granted to use the word “Limited” or the words “Private Limited” as any part of its name and, unless its articles otherwise provide, such body shall, if the Central Government by general or special order so directs and to the extent specified in the direction, be exempt from such of the provisions of this Act as may be specified therein.”

(b) for sub-section (8), the following sub-section shall be substituted, namely:—

“(8) (a) A body in respect of which a licence under this section is in force shall not alter the provisions of its memorandum with respect to its objects except with the previous approval of the Central Government signified in writing.

(b) The Central Government may revoke the licence of such a body if it contravenes the provisions of clause (a).

(c) In according the approval referred to in clause (a), the Central Government may vary the licence by making it subject to such conditions and regulations as that Government thinks fit, in lieu of, or in addition to, the conditions and regulations, if any, to which the licensee was formerly subject.

(d) Where the alteration proposed in the provisions of the memorandum of a body under this sub-section is with respect to the objects of the body so far as may be required to enable it to do any of the things specified in clauses (a) to (g) of sub-section (1) of section 17, the provisions of this sub-section shall be in addition to, and not in derogation of, the provisions of that section.”.

*Amendment
of section 29.*

10. In section 29 of the principal Act, the following proviso shall be added at the end, namely:—

“Provided that nothing in this section shall be deemed to prevent a company from including any additional matters in its

articles in so far as they are not inconsistent with the provisions contained in the Form in any of the Tables C, D and E, adopted by the company.”.

11. In section 31 of the principal Act,—

Amendment
of section 31.

- (a) in sub-section (1), the following proviso shall be added at the end, namely:—

“Provided that no alteration made in the articles under this sub-section which has the effect of converting a public company into a private company, shall have effect unless such alteration has been approved by the Central Government.”;

- (b) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) Where any alteration such as is referred to in the proviso to sub-section (1) has been approved by the Central Government, a printed copy of the articles as altered shall be filed by the company with the Registrar within one month of the date of receipt of the order of approval.”.

12. In section 38 of the principal Act, for the proviso, the following proviso shall be substituted, namely:

Amendment
of section 38.

“Provided that this section shall not apply—

- (a) in any case where the member agrees in writing either before or after a particular alteration is made, to be bound by the alteration; or

(b) in any case where the company is a club or the company is any other association and the alteration requires the member to pay recurring or periodical subscriptions or charges at a higher rate although he does not agree in writing to be bound by the alteration.”.

13. In section 41 of the principal Act, in sub-section (2), for the word “agrees”, the words “agrees in writing” shall be substituted.

Amendment
of section 41.

14. After section 43 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
43A.

‘43A. (1) Save as otherwise provided in this section, where not less than twenty-five per cent. of the paid-up share capital of a private company having a share capital, is held by one or more bodies corporate, the private company shall,—

Private com-
pany to
become
public com-
pany in
certain cases.

- (a) on and from the date on which the aforesaid percentage is first held by such body or bodies corporate, or

(b) where the aforesaid percentage has been first so held before the commencement of the Companies (Amendment) Act, 1960, on and from the expiry of the period of three months from the date of such commencement unless within that period the aforesaid percentage is reduced below twenty-five per cent. of the paid-up share capital of the private company,

become by virtue of this section a public company:

Provided that even after the private company has so become a public company, its articles of association may include provisions relating to the matters specified in clause (iii) of sub-section (1) of section 3 and the number of its members may be, or may at any time be reduced, below seven:

Provided further that in computing the aforesaid percentage, account shall not be taken of any share in the private company held by a banking company, if, but only if, the following conditions are satisfied in respect of such share, namely:—

(a) that the share—

(i) forms part of the subject-matter of a trust,

(ii) has not been set apart for the benefit of any body corporate, and

(iii) is held by the banking company either as a trustee of that trust or in its own name on behalf of a trustee of that trust; or

(b) that the share—

(i) forms part of the estate of a deceased person,

(ii) has not been bequeathed by the deceased person by his will to any body corporate, and

(iii) is held by the banking company either as an executor or administrator of the deceased person or in its own name on behalf of an executor or administrator of the deceased person;

and the Registrar may, for the purpose of satisfying himself that any share is held in the private company by a banking company as aforesaid, call for at any time from the banking company such books and papers as he considers necessary.

(2) Within three months from the date on which a private company becomes a public company by virtue of this section, the company shall inform the Registrar that it has

become a public company as aforesaid, and thereupon the Registrar shall delete the word "Private" before the word "Limited" in the name of the company upon the register and shall also make the necessary alterations in the certificate of incorporation issued to the company and in its memorandum of association.

(3) Sub-section (3) of section 23 shall apply to a change of name under sub-section (2) as it applies to a change of name under section 21.

(4) A private company which has become a public company by virtue of this section shall continue to be a public company until it has, with the approval of the Central Government and in accordance with the provisions of this Act, again become a private company.

(5) If a company makes default in complying with sub-section (2), the company and every officer of the company who is in default, shall be punishable with fine which may extend to five hundred rupees for every day during which the default continues.

(6) Nothing in this section shall apply—

(a) to a private company of which the entire paid-up share capital is held by another single private company or by one or more bodies corporate incorporated outside India; or

(b) to any other private company if, but only if, each of the following conditions is satisfied, namely:—

(i) that the body corporate or each of the bodies corporate holding shares in the private company is itself a private company (hereinafter in this section referred to as a shareholding company),

(ii) that no body corporate is the holder of any shares in any such shareholding company,

(iii) that the total number of shareholders of the shareholding company, or as the case may be of all the shareholding companies together with the individual shareholders [not including the persons referred to in sub-clause (b) of clause (iii) of sub-section (1) of section 3], if any, of the private company, does not exceed fifty.

(7) Every shareholding company shall, as soon as may be, inform the private company referred to in clause (b) of sub-section (6) about every change in the membership of the shareholding company taking place by a change in the number of its individual shareholders or by any body corporate becoming the holder of any of its shares.

(8) Every private company having a share capital shall, in addition to the certificate referred to in sub-section (2) of section 161, file with the Registrar along with the annual return a second certificate signed by both the signatories of the return, stating either—

(a) that since the date of the annual general meeting with reference to which the last return was submitted, or in the case of a first return, since the date of the incorporation of the private company, no body or bodies corporate has or have held twenty-five per cent. or more of its paid-up share capital, or

(b) that though since the aforesaid date one or more bodies corporate have held twenty-five per cent. or more of its paid-up share capital, the provisions of this section do not apply to it because it is a private company referred to in clause (a) or clause (b) of sub-section (6).

Amendment
of section 49

15. In section 49 of the principal Act,—

(a) in sub-section (1), after the words, brackets and figures "sub-sections (2) to (5)", the words "or any other law for the time being in force" shall be inserted;

(b) in sub-section (2), the words "expressly described as a nominee of the company" shall be omitted;

(c) in sub-section (5), after clause (a), the following clause shall be inserted, namely:—

"(aa) from depositing with, or transferring to, or holding in the name of, the State Bank of India or a Scheduled Bank, being the bankers of the company, shares or securities, in order to facilitate the transfer thereof:

Provided that if within a period of six months from the date on which the shares or securities are transferred by the company to, or are first held by the company in the name of, the State Bank of India or a Scheduled Bank as aforesaid, no transfer of such shares or securities takes place, the company shall, as soon as practicable after the

expiry of that period, have the shares or securities retransferred to it from the State Bank of India or the Scheduled Bank or, as the case may be, again hold the shares or securities in its own name; or";

(d) in sub-section (6), for the words "with a Scheduled Bank", the words "with the State Bank of India or a Scheduled Bank" shall be substituted.

16. In section 53 of the principal Act, in sub-section (2), in clause Amendment of section 53. (b), the words "unless the contrary is proved," shall be omitted.

17. In section 60 of the principal Act, for sub-section (3), the Amendment of section 60. following sub-section shall be substituted, namely:—

"(3) The Registrar shall not register a prospectus unless the requirements of sections 55, 56, 57 and 58 and sub-sections (1) and (2) of this section have been complied with and the prospectus is accompanied by the consent in writing of the person, if any, named therein as the auditor, legal adviser, attorney, solicitor, banker or broker of the company of intended company, to act in that capacity".

18. In section 62 of the principal Act, in the proviso to sub-section Amendment of section 62. (1), the words, brackets and letter "clause (b) of" shall be omitted.

19. In section 63 of the principal Act, in sub-section (2), in Amendment of section 63. clause (b), the words, brackets and letter "clause (b) of" shall be omitted.

20. In section 73 of the principal Act, in sub-section (1),— Amendment of section 73.

(a) for the words "three weeks" occurring at both the places, the words "four weeks" shall be substituted; and

(b) for the words "six weeks", the words "seven weeks" shall be substituted.

21. In section 75 of the principal Act, in sub-section (1), for Amendment of section 75. clause (c), the following clause shall be substituted, namely:—

"(c) file with the Registrar—

(i) in the case of bonus shares, a return stating the number and nominal amount of such shares comprised in the allotment and the names, addresses and occupations of the allottees and a copy of the resolution authorising the issue of such shares;

(ii) in the case of issue of shares at a discount, a copy of the resolution passed by the company authorising such

issue together with a copy of the order of the Court sanctioning the issue and where the maximum rate of discount exceeds ten per cent., a copy of the order of the Central Government permitting the issue at the higher percentage.”.

Amendment of section 76. 22. In section 76 of the principal Act, in sub-section (2), for the words “any of its capital moneys”, the words “any of its moneys” shall be substituted.

Amendment of section 80. 23. In section 80 of the principal Act,—

(a) for the words “the capital redemption reserve fund” wherever they occur, the words “the capital redemption reserve account” shall be substituted;

(b) in sub-section (4), for the word and figures “section 601”, the word and figures “section 611” shall be substituted.

Amendment of section 81. 24. In section 81 of the principal Act,—

(a) in sub-section (1),—

(i) for the words “Where at any time subsequent to the first allotment of shares in a company it is proposed to increase the subscribed capital of the company by the issue of new shares, then, subject to any directions to the contrary which may be given by the company in general meeting, and subject only to those directions—”, the following words shall be substituted, namely:—

“Where at any time after the expiry of two years from the formation of a company or at any time after the expiry of one year from the allotment of shares in that company made for the first time after its formation, whichever is earlier, it is proposed to increase the subscribed capital of the company by allotment of further shares, then,—”,

(ii) in clause (a), for the word “new”, the word “further” shall be substituted;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Notwithstanding anything contained in sub-section (1), the further shares aforesaid may be offered to any persons [whether or not those persons include the persons

referred to in clause (a) of sub-section (1)] in any manner whatsoever—

(a) if a special resolution to that effect is passed by the company in general meeting, or
(b) where no such special resolution is passed, if the votes cast (whether on a show of hands, or on a poll, as the case may be) in favour of the proposal contained in the resolution moved in that general meeting (including the casting vote, if any, of the Chairman) by members who, being entitled so to do, vote in person, or where proxies are allowed, by proxy, exceed the votes, if any, cast against the proposal by members so entitled and voting and the Central Government is satisfied, on an application made by the Board of directors in this behalf, that the proposal is most beneficial to the company.”;

(c) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Nothing in this section shall apply—

(a) to a private company; or
(b) to the increase of the subscribed capital of a public company caused by the exercise of an option attached to debentures issued or loans raised by the company—

(i) to convert such debentures or loans into shares in the company, or
(ii) to subscribe for shares in the company:

Provided that the terms of issue of such debentures or the terms of such loans include a term providing for such option and such term—

(a) has been approved by a special resolution passed by the company in general meeting before the issue of the debentures or the raising of the loans; and also

(b) either has been approved by the Central Government before the issue of the debentures or the raising of the loans, or is in conformity with the rules, if any, made by that Government in this behalf.”.

25. Section 84 of the principal Act shall be re-numbered as sub-^{Amendment} section (1) of that section and after that sub-section as so re-num-^{of section 84.} bered, the following sub-sections shall be inserted, namely:—

“(2) A certificate may be renewed or a duplicate of a certificate may be issued if such certificate—

(a) is proved to have been lost or destroyed, or

(b) having been defaced or mutilated or torn is surrendered to the company.

(3) If a company with intent to defraud renews a certificate or issues a duplicate thereof, the company shall be punishable with fine which may extend to ten thousand rupees and every officer of the company who is in default shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.

(4) Notwithstanding anything contained in the articles of association of a company, the manner of issue or renewal of a certificate or issue of a duplicate thereof, the form of a certificate (original or renewed) or of a duplicate thereof, the particulars to be entered in the register of members or in the register of renewed or duplicate certificates, the form of such registers, the fee on payment of which, the terms and conditions, if any (including terms and conditions as to evidence and indemnity and the payment of out-of-pocket expenses incurred by a company in investigating evidence) on which a certificate may be renewed or a duplicate thereof may be issued, shall be such as may be prescribed.”.

Substitution of new section for section 106. 26. For section 106 of the principal Act, the following section shall be substituted, namely:—

Alteration of rights of holders of special classes of shares.

“106. Where the share capital of a company is divided into different classes of shares, the rights attached to the shares of any class may be varied with the consent in writing of the holders of not less than three-fourths of the issued shares of that class or with the sanction of a special resolution passed at a separate meeting of the holders of the issued shares of that class—

(a) if provision with respect to such variation is contained in the memorandum or articles of the company, or

(b) in the absence of any such provision in the memorandum or articles, if such variation is not prohibited by the terms of issue of the shares of that class.”.

Amendment of section 111.

27. In section 111 of the principal Act,—

(a) in sub-section (2), for the words “If, in pursuance of any such power, a company refuses”, the words “If a company refuses, whether in pursuance of any power under its articles or otherwise,” shall be substituted;

(b) after sub-section (4), the following sub-section shall be inserted, namely:—

“(4A) Every appeal under sub-section (3) shall be made by a petition in writing and shall be accompanied by such fee not exceeding fifty rupees as may be prescribed by the Central Government.”;

(c) in sub-section (5), for the word “forthwith”, the words “within ten days of the receipt of the order” shall be substituted;

(d) after sub-section (5), the following sub-section shall be inserted, namely:—

“(5A) Before making an order under sub-section (5) on an appeal against any refusal of the company to register any transfer or transmission, the Central Government may require the company to disclose to it the reasons for such refusal, and on the failure or refusal of the company to disclose such reasons, that Government may, notwithstanding anything contained in the articles of the company, presume that the disclosure, if made, would be unfavourable to the company.”;

(e) after sub-section (8), the following sub-section shall be inserted, namely:—

“(9) If default is made in giving effect to the order of the Central Government within the period specified in sub-section (5) or to a direction of that Government given under the proviso to sub-section (8), the company, and every officer of the company who is in default, shall be punishable with fine which may extend to one thousand rupees, and with a further fine which may extend to one hundred rupees for every day after the first during which the default continues.”.

28. In section 113 of the principal Act, in sub-section (1), for the words “three months after the application”, the words “two months after the application” shall be substituted.

29. In section 125 of the principal Act, in sub-section (1), the following proviso shall be added at the end, namely:

“Provided that the Registrar may allow the particulars and instrument or copy as aforesaid to be filed within seven days next following the expiry of the said period of twenty-one days if the company satisfies the Registrar that it had sufficient cause for not filing the particulars and instrument or copy within that period.”.

Amendment
of section
138.

30. In section 138 of the principal Act,—

- (a) in sub-section (1), for the words "in whole or in part", the words "in full" shall be substituted;
- (b) in sub-section (3), the words "in whole or in part, as the case may be," shall be omitted.

Amendment
of section
141.

31. In section 141 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The Court, on being satisfied—

(a) that the omission to file with the Registrar the particulars of any charge created by a company or of any charge subject to which any property has been acquired by the company or of any modification of any such charge or of any issue of debentures of a series, or that the omission to register any charge within the time required by this Part, or that the omission to give intimation to the Registrar of the payment or satisfaction of a charge, within the time required by this Part, or that the omission or mis-statement of any particular with respect to any such charge, modification or issue of debentures of a series or with respect to any memorandum of satisfaction or other entry made in pursuance of section 138 or 139, was accidental or due to inadvertence or to some other sufficient cause or is not of a nature to prejudice the position of creditors or shareholders of the company; or

(b) that on other grounds it is just and equitable to grant relief;

may, on the application of the company or any person interested and on such terms and conditions as seem to the Court just and expedient, direct that the time for the filing of the particulars or for the registration of the charge or for the giving of intimation of payment or satisfaction shall be extended or, as the case may require, that the omission or mis-statement shall be rectified.”.

Amendment
of section
142.

32. In section 142 of the principal Act, in sub-section (1), in clause (b), the words "in whole or in part," shall be omitted.

Amendment
of section
145.

33. In section 145 of the principal Act, for the words "any charge created before the commencement of this Act", the words "any charge created before, and remaining unsatisfied at, the commencement of this Act," shall be substituted.

34. In section 147 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (a), after the words "its name", the words "and the address of its registered office" shall be inserted;

(2) in clause (c),—

(i) after the words "its name", the words "and the address of its registered office" shall be inserted;

(ii) the word ", advertisements" shall be omitted;

(iii) for the words "and in all bills of exchange", the words "and also have its name so mentioned in all bills of exchange" shall be substituted;

(b) in sub-section (2), after the words "its name" wherever they occur, the words "and the address of its registered office" shall be inserted;

(c) in sub-section (4), in clause (b),—

(i) the word ", advertisement" shall be omitted;

(ii) for the words "its name is", the words "its name and the address of its registered office are" shall be substituted.

35. In section 149 of the principal Act, sub-section (8) shall be omitted.

36. In section 155 of the principal Act,—

(a) in sub-section (1), for clause (a), the following clause shall be substituted, namely:—

"(a) the name of any person—

(i) is without sufficient cause, entered in the register of members of a company, or

(ii) after having been entered in the register, is, without sufficient cause, omitted therefrom; or";

(b) after sub-section (4), the following sub-section shall be inserted, namely:—

"(5) The provisions of sub-sections (1) to (4) shall apply in relation to the rectification of the register of debenture holders as they apply in relation to the rectification of the register of members.".

37. In section 156 of the principal Act,—

(a) after the words "a list of its members", the words "and a list of its debenture holders" shall be inserted;

Amendment
of section
147.

Amendment
of section
149.

Amendment
of section
155.

Amendment
of section
156.

(b) after the words "to be filed", the words "by the company" shall be inserted;

(c) the following *Explanation* shall be inserted, namely:—

"Explanation.—In computing the period of fourteen days prescribed under this section, the time taken in drawing up the order of the Court and in obtaining a copy of that order shall be excluded."

38. In section 159 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (g), for the words "and managers", the words "managers and secretaries" shall be substituted;

(ii) the following proviso and *Explanation* shall be added at the end, namely:—

"Provided that if any of the two immediately preceding returns has given as at the date of the annual general meeting with reference to which it was submitted, the full particulars required as to past and present members and the shares held and transferred by them, the return in question may contain only such of the particulars as relate to persons ceasing to be or becoming members since that date and to shares transferred since that date or to changes as compared with that date in the number of shares held by a member.

Explanation.—Any reference in this section or in section 160 or 161 or in any other section or in Schedule V to the day on which an annual general meeting is held or to the date of the annual general meeting shall, where the annual general meeting for any year has not been held, be construed as a reference to the latest day on or before which that meeting should have been held in accordance with the provisions of this Act."

(b) in sub-section (2), after the words "as circumstances admit", the following words shall be inserted, namely:—

"and where the return is filed even though the annual general meeting has not been held on or before the latest day by which it should have been held in accordance with the provisions of this Act, the company shall file with the return a statement specifying the reasons for not holding the annual general meeting."

39. In section 160 of the principal Act, in sub-section (1),—

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

"(aa) the names of members and the respective dates on which they became members and the names of persons who ceased to be members since the date of the annual general meeting of the immediately preceding year, and the dates on which they so ceased;";

(b) in clause (b), for the words "and its manager", the words "its manager and its secretary" shall be substituted.

40. In section 161 of the principal Act, in sub-section (2), in clause (a), the word "and" at the end of the clause shall be omitted and after that clause, the following clause shall be inserted, namely:—

"(aa) that since the date of the last annual return the transfer of all shares and debentures and the issue of all further certificates of shares and debentures have been appropriately recorded in the books maintained for the purpose; and".

41. In section 163 of the principal Act,—

(a) in sub-section (1), the following proviso shall be added at the end, namely:—

"Provided that such registers, indexes, returns and copies of certificates and documents or any or more of them may, instead of being kept at the registered office of the company, be kept at any other place within the city, town or village in which the registered office is situate, if—

(i) such other place has been approved for this purpose by a special resolution passed by the company in general meeting,

(ii) the purport of the proposed special resolution has been advertised in advance for three consecutive days in at least two newspapers circulating in the neighbourhood of the registered office of the company, and

(iii) the Registrar has been given in advance a copy of the proposed special resolution.";

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Notwithstanding anything contained in sub-section (1), the Central Government may make rules for the preservation and for the disposal, whether by destruction or otherwise, of the registers, indexes, returns and copies of certificates and other documents referred to in sub-section (1)."

42. In section 165 of the principal Act, in sub-section (4), the words "on capital account" shall be omitted.

43. In section 166 of the principal Act,—

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

"(1) Every company shall in each year hold in addition to any other meetings a general meeting as its annual general meeting and shall specify the meeting as such in the notices calling it; and not more than fifteen months shall elapse between the date of one annual general meeting of a company and that of the next:

Provided that a company may hold its first annual general meeting within a period of not more than eighteen months from the date of its incorporation; and if such general meeting is held within that period, it shall not be necessary for the company to hold any annual general meeting in the year of its incorporation or in the following year:

Provided further that the Registrar may, for any special reason, extend the time within which any annual general meeting (not being the first annual general meeting) shall be held, by a period not exceeding three months.";

(b) in sub-section (2),—

(i) the words " ; and the notices calling the meeting shall specify it as the annual general meeting" shall be omitted;

(ii) the following provisos shall be added at the end, namely:—

"Provided that the Central Government may exempt any class of companies from the provisions of this sub-section subject to such conditions as it may impose:

Provided further that—

(a) a public company or a private company which is a subsidiary of a public company, may by its articles fix the time for its annual general meetings and may also by a resolution passed in one annual general meeting fix the time for its subsequent annual general meetings; and

(b) a private company which is not a subsidiary of a public company, may in like manner and also by a resolution agreed to by all the members thereof, fix the times as well as the place for its annual general meeting".

Amendment of section 168. 44. In section 168 of the principal Act, the following words shall be added at the end, namely:—

"and in the case of a continuing default, with a further fine which may extend to two hundred and fifty rupees for every day after the first during which such default continues".

45. In section 172 of the principal Act, in sub-section (2), the following proviso shall be added at the end, namely:—

Amendment
of section
172.

“Provided that where the notice of a meeting is given by advertising the same in a newspaper circulating in the neighbourhood of the registered office of the company under sub-section (3) of section 53, the statement of material facts referred to in section 173 need not be annexed to the notice as required by that section but it shall be mentioned in the advertisement that the statement has been forwarded to the members of the company.”

46. In section 173 of the principal Act, in sub-section (2),—

Amendment
of section
173.

(a) for the words “the nature and extent of the interest”, the words “the nature of the concern or interest” shall be substituted; |

(b) the following proviso shall be added at the end, namely:—

“Provided that where any item of special business as aforesaid to be transacted at a meeting of the company relates to, or affects, any other company, the extent of shareholding interest in that other company of every director, the managing agent, if any, the secretaries and treasurers, if any, and the manager, if any, of the first-mentioned company shall also be set out in the statement if the extent of such shareholding interest is not less than twenty per cent. of the paid-up share capital of that other company.”

47. In section 176 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

Amendment
of section
176.

“(3) Any provision contained in the articles of a public company or of a private company which is a subsidiary of a public company, which specifies or requires a longer period than forty-eight hours before a meeting of the company, for depositing with the company or any other person any instrument appointing a proxy or any other document necessary to show the validity or otherwise relating to the appointment of a proxy in order that the appointment may be effective at such meeting, shall have effect as if a period of forty-eight hours had been specified in or required by such provision for such deposit.”

48. In section 187 of the principal Act, in sub-section (2), for the words “a member”, the words “an individual member” shall be substituted.

Amendment
of section
187.

49. After section 187 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
187A.

Representation of the President and Governors in meetings of companies of which they are members.

"187A. (1) The President of India or the Governor of a State, if he is a member of a company, may appoint such person as he thinks fit to act as his representative at any meeting of the company or at any meeting of any class of members of the company.

(2) A person appointed to act as aforesaid shall, for the purposes of this Act, be deemed to be a member of such a company and shall be entitled to exercise the same rights and powers (including the right to vote by proxy) as the President or, as the case may be, the Governor could exercise as a member of the company."

Amendment of section 190.

50. In section 190 of the principal Act,—

(a) in sub-section (1), for the words "twenty-eight days", the words "fourteen days" shall be substituted;

, (b) for sub-sections (2) and (3), the following sub-section shall be substituted, namely:—

"(2) The company shall, immediately after the notice of the intention to move any such resolution has been received by it, give its members notice of the resolution in the same manner as it gives notice of the meeting, or if that is not practicable, shall give them notice thereof, either by advertisement in a newspaper having an appropriate circulation or in any other mode allowed by the articles, not less than seven days before the meeting."

Amendment of section 192.

51. In section 192 of the principal Act,—

(a) in sub-section (1), after the words "every resolution", the brackets, words and figures "(together with a copy of the statement of material facts annexed under section 173 to the notice of the meeting in which such resolution has been passed)" shall be inserted;

(b) in sub-section (2), for the words "a copy of every such resolution or agreement", the words, brackets and figure "a copy of every resolution referred to in sub-section (1) which has the effect of altering the articles and a copy of every agreement referred to in that sub-section" shall be substituted;

(c) in sub-section (3), for the words "such resolution or agreement", the words, brackets and figure "resolution or agreement referred to in sub-section (1)" shall be substituted;

(d) in sub-section (4), the word "and" at the end of clause (e) shall be omitted and after that clause, the following clause shall be inserted, namely:—

"(ee) resolutions passed by a company—

(i) according consent to the exercise by its Board of directors of any of the powers under clause (a), clause (d) and clause (e) of sub-section (1) of section 293;

(ii) approving the appointment of sole selling agents under section 294; and".

52. In section 193 of the principal Act, for sub-section (1), the following sub-sections shall be substituted, namely:—

Amendment
of section
193.

"(1) Every company shall cause minutes of all proceedings of every general meeting and of all proceedings of every meeting of its Board of directors or of every committee of the Board, to be kept by making within fourteen days of the conclusion of every such meeting concerned, entries thereof in books kept for that purpose with their pages consecutively numbered.

(1A) Each page of every such book shall be initialled or signed and the last page of the record of proceedings of each meeting in such books shall be dated and signed—

(a) in the case of minutes of proceedings of a meeting of the Board or of a committee thereof, by the chairman of the said meeting or the chairman of the next succeeding meeting;

(b) in the case of minutes of proceedings of a general meeting, by the chairman of the same meeting within the aforesaid period of fourteen days or in the event of the death or inability of that chairman within that period, by a director duly authorised by the Board for the purpose.

(1B) In no case the minutes of proceedings of a meeting shall be attached to any such book as aforesaid by pasting or otherwise.".

53. For section 194 of the principal Act, the following section shall be substituted, namely:

Substitution
of new sec-
tion for sec-
tion 194.

"194. Minutes of meetings kept in accordance with the provisions of section 193 shall be evidence of the proceedings recorded therein.".

Minutes to
be evidence.

Amendment
of section
195.

54. In section 195 of the principal Act, for the words and figures "have been made and signed in accordance with the provisions of sections 193 and 194", the words and figures "have been kept in accordance with the provisions of section 193" shall be substituted.

Insertion of
new heading
and new
section 197A.

55. After section 197 of the principal Act, the following heading and section shall be inserted, namely:—

"Prohibition of simultaneous appointment of different categories of managerial personnel"

Company not
to appoint
or employ
certain
different
categories of
managerial
personnel at
the same
time.

197A. Notwithstanding anything contained in this Act or any other law or any agreement or instrument, no company shall, after the commencement of the Companies (Amendment) Act, 1960, appoint or employ at the same time, or after the expiry of six months from such commencement, continue the appointment or employment at the same time, of more than one of the following categories of managerial personnel, namely:—

- (a) managing director,
- (b) managing agent,
- (c) secretaries and treasurers, and
- (d) manager?".

Substitution
of new sec-
tion for sec-
tion 198.

Overall
maximum
managerial
remunera-
tion and
managerial
remuneration
in case
of absence or
inadequacy
of profits.

56. For section 198 of the principal Act, the following section shall be substituted, namely:—

'198.(1) The total managerial remuneration payable by a public company or a private company which is a subsidiary of a public company, to its directors and its managing agent, secretaries and treasurers or manager in respect of any financial year shall not exceed eleven per cent. of the net profits of that company for that financial year computed in the manner laid down in sections 349, 350 and 351, except that the remuneration of the directors shall not be deducted from the gross profits:

Provided that nothing in this section shall affect the operation of sections 352 to 354 and 356 to 360.

(2) The percentage aforesaid shall be exclusive of any fees payable to directors under sub-section (2) of section 309.

(3) Within the limits of the maximum remuneration specified in sub-section (1), a company may pay a monthly remuneration to its managing or whole-time director in accordance with the provisions of section 309 or to its manager in accordance with the provisions of section 387.

(4) Notwithstanding anything contained in sub-sections (1) to (3), if in any financial year, a company has no profits or its

profits are inadequate, the company may, subject to the approval of the Central Government, unless such approval has been obtained under any other provision of this Act, pay to its directors (including any managing or whole-time director), its managing agent, secretaries and treasurers, or manager or if there are two or more of them holding office in the company, to all of them together by way of minimum remuneration, such sum not exceeding fifty thousand rupees per annum [exclusive of any fees payable to directors under sub-section (2) of section 309] as it considers reasonable:

Provided that where a monthly payment is being made or is proposed to be made to any managing or whole-time director or the manager or to any one or more of them and the Central Government is satisfied that for the efficient conduct of the business of the company the minimum remuneration of fifty thousand rupees per annum is or will be insufficient, the Central Government may by order sanction an increase in the minimum remuneration to such sum, for such period and subject to such conditions, if any, as may be specified in the order.

Explanation.—For the purposes of this section and sections 309, 310, 311, 348, 352, 381 and 387, "remuneration" shall include,—

- (a) any expenditure incurred by the company in providing any rent-free accommodation, or any other benefit or amenity in respect of accommodation free of charge, to any of the persons specified in sub-section (1);
- (b) any expenditure incurred by the company in providing any other benefit or amenity free of charge or at a concessional rate to any of the persons aforesaid;
- (c) any expenditure incurred by the company in respect of any obligation or service which, but for such expenditure by the company, would have been incurred by any of the persons aforesaid; and
- (d) any expenditure incurred by the company to effect any insurance on the life of, or to provide any pension, annuity or gratuity for, any of the persons aforesaid or his spouse or child.'

57. In section 204 of the principal Act,—

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

Amendment
of section
204.

"(1) Save as provided in sub-section (2), no company shall, after the commencement of this Act, appoint or employ

any firm or body corporate to or in any office or place of profit under the company, other than the office of managing agent, secretaries and treasurers or trustee for the holders of debentures of the company, for a term exceeding five years at a time:

Provided that the initial appointment or employment of a firm or body corporate to or in any office or place of profit as aforesaid may, with the approval of the Central Government, be made for a term not exceeding ten years.”;

(b) in sub-section (5), for the words “obtains anything”, the words “obtains from the company anything” shall be substituted.

Substitution
of new sec-
tion for sec-
tion 205.

58. For section 205 of the principal Act, the following section shall be substituted, namely:—

Dividend to
be paid only
out of
profits.

‘205. (1) No dividend shall be declared or paid by a company for any financial year except out of the profits of the company for that year arrived at after providing for depreciation in accordance with the provisions of sub-section (2) or out of the profits of the company for any previous financial year or years arrived at after providing for depreciation in accordance with those provisions and remaining undistributed or out of both or out of moneys provided by the Central Government or a State Government for the payment of dividend in pursuance of a guarantee given by that Government:

Provided that—

(a) if the company has not provided for depreciation for any previous financial year or years which falls or fall after the commencement of the Companies (Amendment) Act, 1960, it shall, before declaring or paying dividend for any financial year provide for such depreciation out of the profits of that financial year or out of the profits of any other previous financial year or years;

(b) if the company has incurred any loss in any previous financial year or years, which falls or fall after the commencement of the Companies (Amendment) Act, 1960, then, the amount of the loss or an amount which is equal to the amount provided for depreciation for that year or those years whichever is less, shall be set off against the profits of the company for the year for which dividend is proposed to be declared or paid or

against, the profits of the company for any previous financial year or years, arrived at in both cases after providing for depreciation in accordance with the provisions of sub-section (2) or against both;

(c) the Central Government may, if it thinks necessary so to do in the public interest, allow any company to declare or pay dividend for any financial year out of the profits of the company for that year or any previous financial year or years without providing for depreciation:

Provided further that it shall not be necessary for a company to provide for depreciation as aforesaid where dividend for any financial year is declared or paid out of the profits of any previous financial year or years which falls or fall before the commencement of the Companies (Amendment) Act, 1960.

(2) For the purpose of sub-section (1), depreciation shall be provided either—

(a) to the extent specified in section 350; or

(b) in respect of each item of depreciable asset, for such an amount as is arrived at by dividing ninety-five per cent. of the original cost thereof to the company by the specified period in respect of such asset; or

(c) on any other basis approved by the Central Government which has the effect of writing off by way of depreciation ninety-five per cent. of the original cost to the company of each such depreciable asset on the expiry of the specified period; or

(d) as regards any other depreciable asset for which no rate of depreciation has been laid down by the Indian Income-Tax Act, 1922 or the rules made thereunder, on such basis as may be approved by the Central Government by any general order published in the Official Gazette or by any special order in any particular case:

Provided that where depreciation is provided for in the manner laid down in clause (b) or clause (c), then, in the event of the depreciable asset being sold, discarded, demolished or destroyed the written down value thereof at the end of the financial year in which the asset is sold, discarded, demolished or destroyed, shall be written off in accordance with the proviso to section 350.

(3) No dividend shall be payable except in cash:

Provided that nothing in this sub-section shall be deemed to prohibit the capitalization of profits or reserves of a company for the purpose of issuing fully paid-up bonus shares or paying up any amount for the time being unpaid on any shares held by the members of the company.

(4) Nothing in this section shall be deemed to affect in any manner the operation of section 208.

(5) For the purposes of this section—

(a) “specified period” in respect of any depreciable asset shall mean the number of years at the end of which at least ninety-five per cent. of the original cost of that asset to the company will have been provided for by way of depreciation if depreciation were to be calculated in accordance with the provisions of section 350;

(b) any dividend payable in cash may be paid by cheque or warrant sent through the post directed to the registered address of the shareholder entitled to the payment of the dividend or in the case of joint shareholders, to the registered address of that one of the joint shareholders which is first named on the register of members, or to such person and to such address as the shareholder or the joint shareholders may in writing direct.'

*Amendment
of section
207.*

59. In section 207 of the principal Act, for the words “three months”, the words “forty-two days” shall be substituted.

*Amendment
of section
209.*

60. In section 209 of the principal Act,—

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

“(1) Every company shall keep at its registered office proper books of account with respect to—

(a) all sums of money received and expended by the company and the matters in respect of which the receipt and expenditure take place;

(b) all sales and purchases of goods by the company; and

(c) the assets and liabilities of the company:

Provided that all or any of the books of account aforesaid may be kept at such other place in India as the Board of directors may decide and when the Board of directors so

decides, the company shall, within seven days of the decision, file with the Registrar a notice in writing giving the full address of that other place.”;

(b) in sub-section (4), the following proviso shall be inserted, namely:—

“Provided that the books of account shall also be open to inspection by the Registrar or by any officer of Government authorised by the Central Government in this behalf if in the opinion of the Registrar or such officer sufficient cause exists for the inspection of the books of account.”;

(c) after sub-section (4), the following sub-section shall be inserted, namely:—

“(4A) The books of account of every company relating to a period of not less than eight years immediately preceding the current year shall be preserved in good order:

Provided that in the case of a company incorporated less than eight years before the current year, the books of account for the entire period preceding the current year shall be so preserved.”;

(d) in sub-section (5),—

(i) for the words “fine which may extend to one thousand rupees”, the words “imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both” shall be substituted;

(ii) in the proviso, the words “that he had reasonable ground to believe, and did believe” shall be omitted;

(iii) after the proviso, the following further proviso shall be inserted, namely:—

“Provided further that no person shall be sentenced to imprisonment for any such offence unless it was committed wilfully.”;

(e) in sub-section (6),—

(i) in clause (a), for the words “or secretaries and treasurers” occurring at both the places, the words “secretaries and treasurers or managing director or manager” shall be substituted;

(ii) in clause (d), for the words “secretaries and treasurers, every director of the company”, the words “secretaries and treasurers nor managing director nor manager, every director of the company” shall be substituted;

(f) in sub-section (7),—

(i) after the words "secretaries and treasurers", the words "managing director, manager" shall be inserted;

(ii) for the words "fine which may extend to one thousand rupees", the words "imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both" shall be substituted.

61. In section 210 of the principal Act,—

(a) in sub-section (3), for clause (b), the following clause shall be substituted, namely:—

"(b) in the case of any subsequent annual general meeting of the company, to the period beginning with the day immediately after the period for which the account was last submitted and ending with a day which shall not precede the day of the meeting by more than six months, or in cases where an extension of time has been granted for holding the meeting under the second proviso to sub-section (1) of section 166, by more than six months and the extension so granted.:"

(b) in sub-section (5), in the first proviso, the words "that he had reasonable ground to believe, and did believe," shall be omitted.

62. In section 211 of the principal Act,—

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

'(1) Every balance-sheet of a company shall give a true and fair view of the state of affairs of the company as at the end of the financial year and shall, subject to the provisions of this section, be in the form set out in Part I of Schedule VI, or as near thereto as circumstances admit or in such other form as may be approved by the Central Government either generally or in any particular case; and in preparing the balance-sheet due regard shall be had, as far as may be, to the general instructions for preparation of balance-sheet under the heading "Notes" at the end of that Part:

Provided that nothing contained in this sub-section shall apply to any insurance or banking company or any company engaged in the generation or supply of electricity or to any other class of company for which a form of balance sheet

has been specified in or under the Act governing such class of company.';

(b) in sub-section (2), in the proviso, after the words "banking company", the words "or any company engaged in the generation or supply of electricity" shall be inserted;

(c) in sub-section (3), for the words "national interest", the words "public interest" shall be substituted;

<sup>54 of 1948.
9 of 1910.
54 of 1948.</sup> (d) in sub-section (5), in clause (iii), for the words and figures "the Electricity (Supply) Act, 1948", the words, figures and brackets "both the Indian Electricity Act, 1910, and the Electricity (Supply) Act, 1948" shall be substituted;

(e) in sub-section (7), in the first proviso, the words "that he had reasonable ground to believe and did believe" shall be omitted;

(f) in sub-section (8), after the words "secretaries and treasurers," the words "managing director or manager," shall be inserted.

63. In section 212 of the principal Act,—

Amendment
of section
212.

(a) in sub-section (2),—

(i) for clause (a), the following clause shall be substituted, namely:—

"(a) The balance-sheet referred to in clause (a) of sub-section (1) shall be made out in accordance with the requirements of this Act,—

(i) as at the end of the financial year of the subsidiary, where such financial year coincides with the financial year of the holding company;

(ii) as at the end of the financial year of the subsidiary last before that of the holding company where the financial year of the subsidiary does not coincide with that of the holding company;"

(ii) in clause (c), for the words "The financial year aforesaid", the words "Where the financial year of the subsidiary does not coincide with that of the holding company, the financial year aforesaid" shall be substituted;

(b) in sub-section (9), in the first proviso, the words "that he had reasonable ground to believe, and did believe," shall be omitted;

Amendment
of section
216.

(c) in sub-section (10), after the words "secretaries and treasurers," the words "managing director, manager," shall be inserted.

64. In section 216 of the principal Act, after the words "auditors' report", the brackets and words "(including the auditors' separate, special or supplementary report, if any)" shall be inserted.

Amendment
of section
217.

65. In section 217 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (b), the word "either" and the words "or in a subsequent balance-sheet; and" shall be omitted;

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

"(d) material changes and commitments, if any, affecting the financial position of the company which have occurred between the end of the financial year of the company to which the balance-sheet relates and the date of the report.";

(b) in sub-section (5), in the second proviso, the words "that he had reasonable ground to believe, and did believe," shall be omitted.

Amendment
of section
220.

66. In section 220 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (a),—

(1) the words "in the case of a public company" shall be omitted;

(2) the following proviso shall be added at the end, namely:—

"Provided that in the case of a private company, copies of the balance-sheet and copies of the profit and loss account shall be filed with the Registrar separately.";

(ii) clause (b) shall be omitted;

(iii) the following proviso shall be added at the end, namely:—

"Provided further that,—

(i) in the case of a private company which is not a subsidiary of a public company, or

(ii) in the case of a private company of which the entire paid-up share capital is held by one or more bodies corporate incorporated outside India, or

(iii) in the case of a company which becomes a public company by virtue of section 43A, if the Central Government directs that it is not in the public interest that any person other than a member of the company shall be entitled to inspect, or obtain copies of, the profit and loss account of the company,

no person other than a member of the company concerned shall be entitled to inspect, or obtain copies of the profit and loss account of that company under section 610.";

(b) in sub-section (2), the words "public or private" shall be omitted.

67. In section 224 of the principal Act, for sub-section (1), the Amendment of section following sub-sections shall be substituted, namely:—
224.

"(1) Every company shall, at each annual general meeting, appoint an auditor or auditors to hold office from the conclusion of that meeting until the conclusion of the next annual general meeting and shall, within seven days of the appointment, give intimation thereof to every auditor so appointed, unless he is a retiring auditor.

(1A) Every auditor appointed under sub-section (1), unless he is a retiring auditor, shall within thirty days of the receipt from the company of the intimation of his appointment, inform the Registrar in writing that he has accepted, or refused to accept, the appointment."

68. In section 286 of the principal Act, in sub-section (2), in Amendment clause (a), for the words "those territories", the word "India" shall be substituted.
of section
226.

Amendment
of section
227.

69. In section 227 of the principal Act,—

(a) in sub-section (3), after clause (b), the following clause shall be inserted, namely:—

“(bb) whether the report on the accounts of any branch office audited under section 228 by a person other than the company's auditor has been forwarded to him as required by clause (c) of sub-section (3) of that section and how he has dealt with the same in preparing the auditor's report;”;

(b) in sub-section (4), after the brackets and letter “(b)”, the brackets and letters “(bb)” shall be inserted;

(c) for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) The accounts of a company shall not be deemed as not having been, and the auditor's report shall not state that those accounts have not been, properly drawn up on the ground merely that the company has not disclosed certain matters if—

(a) those matters are such as the company is not required to disclose by virtue of any provisions contained in this or any other Act, and

(b) those provisions are specified in the balance-sheet and profit and loss account of the company.”.

Amendment
of section
228.

70. In section 228 of the principal Act,—

(a) in sub-section (1),—

(i) for the words “unless the company in general meeting decides otherwise, be audited”, the words and figures “be audited by the company's auditor appointed under section 224 or” shall be substituted;

(ii) for the words “by a person qualified as aforesaid”, the words “by the company's auditor or a person qualified as aforesaid” shall be substituted;

(b) in sub-section (2), for the words “not so audited”, the words “audited by a person other than the company's auditor” shall be substituted;

(c) after sub-section (2), the following sub-sections shall be inserted, namely:—

“(3) (a) Where a company in general meeting decides to have the accounts of a branch office audited otherwise

than by the company's auditor, the company in that meeting shall for the audit of those accounts appoint a person qualified for appointment as auditor of the company under section 226, or where the branch office is situate in a country outside India, a person who is either qualified as aforesaid or an accountant duly qualified to act as an auditor of the accounts of the branch office in accordance with the laws of that country, or authorise the Board of directors to appoint such a person in consultation with the company's auditor;

(b) the person so appointed (hereafter in this section referred to as the branch auditor) shall have the same powers and duties in respect of audit of the accounts of the branch office as the company's auditor has in respect of the same;

(c) the branch auditor shall prepare a report on the accounts of the branch office examined by him and forward the same to the company's auditor who shall in preparing the auditor's report, deal with the same in such manner as he considers necessary;

(d) the branch auditor shall receive such remuneration and shall hold his appointment subject to such terms and conditions as may be fixed either by the company in general meeting or by the Board of directors if so authorised by the company in general meeting.

(4) Notwithstanding anything contained in the foregoing provisions of this section, the Central Government may, by rules made in this behalf, exempt any branch office from the provisions of this section to the extent specified in the rules and in making such rules the Central Government shall have regard to all or any of the following matters, namely:—

(a) the arrangement made by the company for the audit of accounts of the branch office by a person otherwise qualified for appointment as branch auditor even though such person may be an officer or employee of the company;

(b) the nature and quantum of activity carried on at the branch office during a period of three years immediately preceding the date on which the branch office is exempted from the provisions of this section;

(c) the availability at a reasonable cost of a branch auditor for the audit of accounts of the branch office;

(d) any other matter which in the opinion of the Central Government justifies the grant of exemption to the branch office from the provisions of this section.”.

Insertion of
new section
233A.

71. After section 233 of the principal Act, the following section shall be inserted, namely:—

“233A. (1) Where the Central Government is of the opinion—

(a) that the affairs of any company are not being managed in accordance with sound business principles or prudent commercial practices; or

(b) that any company is being managed in a manner likely to cause serious injury or damage to the interests of the trade, industry or business to which it pertains; or

(c) that the financial position of any company is such as to endanger its solvency;

the Central Government may at any time by order direct that a special audit of the company's accounts for such period or periods as may be specified in the order, shall be conducted and may by the same or a different order appoint either a chartered accountant as defined in clause (b) of sub-section (1) of section 2 of the Chartered Accountants Act, 1949, (whether or not such ^{38 of 1949.} chartered accountant is a chartered accountant in practice within the meaning of that Act) or the company's auditor himself to conduct such special audit.

(2) The chartered accountant or the company's auditor appointed under sub-section (1) to conduct a special audit as aforesaid is hereafter in this section referred to as the special auditor.

(3) The special auditor shall have the same powers and duties in relation to the special audit as an auditor of a company has under section 227:

Provided that the special auditor shall, instead of making his report to the members of the company, make the same to the Central Government.

(4) The report of the special auditor shall, as far as may be, include all the matters required to be included in an auditor's report under section 227 and, if the Central Government so directs, shall also include a statement on any other matter which may be referred to him by that Government.

Power of
Central
Government
to direct
special audit
in certain
cases.

(5) The Central Government may by order direct any person specified in the order to furnish to the special auditor within such time as may be specified therein such information or additional information as may be required by the special auditor in connection with the special audit; and on failure to comply with such order such person shall be punishable with fine which may extend to five hundred rupees.

(6) On receipt of the report of the special auditor, the Central Government may take such action on the report as it considers necessary in accordance with the provisions of this Act or any other law for the time being in force:

Provided that if the Central Government does not take any action on the report within four months from the date of its receipt, that Government shall send to the company either a copy of, or relevant extract from, the report with its comments thereon and require the company either to circulate that copy or those extracts to the members or to have such copy or extracts read before the company at its next general meeting.

(7) The expenses of, and incidental to, any special audit under this section (including the remuneration of the special auditor) shall be determined by the Central Government (which determination shall be final) and paid by the company and in default of such payment shall be recoverable from the company as an arrear of land revenue.”.

72. In section 234 of the principal Act,—

Amendment
of section
234.

(a) in sub-section (1), for the words “in order that such document may afford full particulars of the matter to which it”, the words “with respect to any matter to which such document” shall be substituted;

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) If no information or explanation is furnished within the time specified or if the information or explanation furnished is, in the opinion of the Registrar, inadequate, the Registrar may by another written order call on the company to produce before him for his inspection such books and papers as he considers necessary within such time as he may specify in the order; and it shall be the duty of the company, and of all persons who are officers of the company, to produce such books and papers.”;

(c) in sub-section (4),—

(i) after the words "any such information or explanation", the words "or if the company or any such person as is referred to in sub-section (3A) refuses or neglects to produce any such books and papers" shall be inserted;

(ii) for clauses (a) and (b), the following clauses shall be substituted, namely:—

"(a) the company and each such person shall be punishable with fine which may extend to five hundred rupees and in the case of a continuing offence, with an additional fine which may extend to fifty rupees for every day after the first during which the offence continues; and

(b) the Court trying the offence may, on the application of the Registrar and after notice to the company, make an order on the company for production before the Registrar of such books and papers as in the opinion of the Court, may reasonably be required by the Registrar for the purpose referred to in sub-section (1).";

(d) for sub-section (5), the following sub-section shall be substituted, namely:—

"(5) On receipt of any writing containing the information or explanation referred to in sub-section (1), or of any book or paper produced whether in pursuance of an order of the Registrar under sub-section (3A) or of an order of the Court under sub-section (4), the Registrar may annex that writing, book or paper, or where that book or paper is required by the company, any copy or extract thereof, to the document referred to in sub-section (1); and any writing or any book or paper or copy or extract thereof so annexed shall be subject to the like provisions as to inspection, the taking of extracts and the furnishing of copies, as that document is subject.";

(e) for sub-section (6), the following sub-section shall be substituted, namely:—

"(6) If such information or explanation is not furnished within the specified time or if after perusal of such information or explanation or of the books and papers produced

whether in pursuance of an order of the Registrar under sub-section (3A) or of an order of the Court under sub-section (4), the Registrar is of opinion that the document referred to in sub-section (1), together with such information or explanation or such books and papers discloses an unsatisfactory state of affairs or does not disclose a full and fair statement of any matter to which the document purports to relate, the Registrar shall report in writing the circumstances of the case to the Central Government.”;

(f) in sub-section (7), after the brackets and figure “(3)” the brackets, figure and letter “(3A)” shall be inserted.”.

73. After section 234 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 234A.

“234A. (1) Where, upon information in his possession or otherwise, the Registrar has reasonable ground to believe that books and papers of, or relating to, any company or other body corporate, or any managing agent or secretaries and treasurers or managing director or manager of such company or other body corporate, or any associate of such managing agent or secretaries and treasurers, may be destroyed, mutilated, altered, falsified or secreted, the Registrar may make an application to the Magistrate of the First Class or, as the case may be, the Presidency Magistrate having jurisdiction for an order for the seizure of such books and papers.

(2) After considering the application and hearing the Registrar, if necessary, the Magistrate may, by order, authorise the Registrar—

(a) to enter, with such assistance as may be required, the place or places where such books and papers are kept;

(b) to search that place or those places in the manner specified in the order; and

(c) to seize such books and papers as he considers necessary.

(3) The Registrar shall return the books and papers seized under this section as soon as may be, and in any case not later than the thirtieth day, after such seizure, to the company or the other body corporate or, as the case may be, to the managing agent or the secretaries and treasurers or the associate of such

managing agent or secretaries and treasurers or the managing director or the manager or any other person, from whose custody or power they were seized and inform the Magistrate of such return:

Provided that the Registrar may, before returning such books and papers as aforesaid, take copies of, or extracts from them or deal with the same in such other manner as he considers necessary.

(4) Save as otherwise provided in this section, every search made under this section shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1898, relating to searches ⁵ of 1898 made under that Code."

**Substitution
of new sec-
tion for sec-
tion 239.**

74. For section 239 of the principal Act, the following section shall be substituted, namely:—

**Powers of
inspectors to
carry investi-
gation into
affairs of re-
lated Compa-
nies or of
managing
agent or
associate,
etc.**

"239. (1) If an inspector appointed under section 235 or 237 to investigate the affairs of a company thinks it necessary for the purposes of his investigation to investigate also the affairs of—

(a) any other body corporate which is, or has at any relevant time been the company's subsidiary or holding company, or a subsidiary of its holding company, or a holding company of its subsidiary;

(b) any other body corporate which is, or has at any relevant time been, managed—

(i) by any person as managing agent or as secretaries and treasurers or as managing director or as manager, who is, or was at the relevant time, either the managing agent or the secretaries and treasurers or the managing director or the manager of the company; or

(ii) by any person who is, or was at the relevant time, an associate of the managing agent or secretaries and treasurers of the company; or

(iii) by any person of whom the managing agent or secretaries and treasurers of the company is, or was at the relevant time, an associate;

(c) any other body corporate which is, or has at any relevant time been, managed by the company or whose Board of directors comprises of nominees of the company or is accustomed to act in accordance with the directions or instructions of—

(i) the company, or

- (ii) any of the directors of the company, or
- (iii) any company any of whose directorships is held by the employees or nominees of those having the control and management of the first-mentioned company; or
- (d) any person who is or has at any relevant time been the company's managing agent or secretaries and treasurers or managing director or manager or an associate of such managing agent or secretaries and treasurers,

the inspector shall, subject to the provisions of sub-section (2), have power so to do and shall report on the affairs of the other body corporate or of the managing agent, secretaries and treasurers, managing director, manager or associate of the managing agent or secretaries and treasurers, so far as he thinks that the results of his investigation thereof are relevant to the investigation of the affairs of the first-mentioned company.

(2) In the case of any body corporate or person referred to in clause (b) (ii), (b) (iii), (c) or (d) of sub-section (1), the inspector shall not exercise his power of investigating into, and reporting on, its or his affairs without first having obtained the prior approval of the Central Government thereto:

Provided that before according approval under this sub-section, the Central Government shall give the body corporate or person a reasonable opportunity to show cause why such approval should not be accorded.”.

75. In section 240 of the principal Act,—

Amendment
of section
240.

(a) in sub-section (1), for the words “all officers” wherever they occur, the words “all officers and other employees” shall be substituted;

(b) in sub-section (2), the words “and for that purpose may require any of those persons to appear before him personally” shall be inserted at the end;

(c) for sub-section (3), the following sub-sections shall be substituted, namely:

“(3) If any such person fails without reasonable cause or refuses—

(a) to produce to an inspector any book or paper which it is his duty under sub-section (1) to produce; or

(b) to appear before the inspector personally when required to do so under sub-section (2) or to answer any question which is put to him by the inspector in pursuance of that sub-section;

the inspector may certify the failure or refusal under his hand to the Court and make an application to the Court to hold an enquiry into the case; and the Court may, thereupon, after taking such evidence, if any, as may be produced against or on behalf of the alleged offender and hearing his explanation, if any, make an order for the production by him before the inspector of all such books or papers within a date to be specified in the order or requiring such person to answer any question which may be put to him by the inspector.

(3A) Any such person who disobeys an order of the Court under sub-section (3), shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both and also with a further fine which may extend to two hundred rupees for every day after the first during which the disobedience continues.”;

(d) in sub-section (6), in clause (c), for the word “officers” occurring at both the places, the words “officers and other employees” shall be substituted.

*Insertion of
new section
240A.*

76. After section 240 of the principal Act, the following section shall be inserted, namely:—

*Seizure of
documents
by inspector.*

“240A. (1) Where in the course of investigation under section 235 or section 237 or section 239 or section 247, the inspector has reasonable ground to believe that the books and papers of, or relating to, any company or other body corporate or any managing agent or secretaries and treasurers or managing director or manager of such company or other body corporate, or any associate of such managing agent or secretaries and treasurers may be destroyed, mutilated, altered, falsified or secreted, the inspector may make an application to the Magistrate of the First Class or, as the case may be, the Presidency Magistrate, having jurisdiction for an order for the seizure of such books and papers.

(2) After considering the application and hearing the inspector, if necessary, the Magistrate may by order authorise the inspector—

(a) to enter, with such assistance, as may be required, the place or places where such books and papers are kept;

(b) to search that place or those places in the manner specified in the order; and

(c) to seize books and papers he considers necessary for the purposes of his investigation.

(3) The inspector shall keep in his custody the books and papers seized under this section for such period not later than the conclusion of the investigation as he considers necessary and thereafter shall return the same to the company or the other body corporate, or, as the case may be, to the managing agent, or the secretaries and treasurers or the associate of such managing agent or secretaries and treasurers or the managing director or the manager or any other person, from whose custody or power they were seized and inform the Magistrate of such return.

(4) Save as otherwise provided in this section, every search made under this section shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1898, relating to searches made under that Code."

5 of 1898

77. In section 242 of the principal Act, in sub-section (1), for the Amendment of section words "all officers", the words "all officers and other employees" ^{242.} shall be substituted.

78. In section 245 of the principal Act,—

Amendment of section

(a) in sub-section (1), in clause (c), for sub-clause (i), ^{245.} the following sub-clause shall be substituted, namely:—

"(i) any company, body corporate, managing agent, secretaries and treasurers, associate, managing director or manager dealt with by the report of the inspector shall be liable to reimburse the Central Government in respect of the whole of the expenses, unless and except in so far as, the Central Government otherwise directs; and";

(b), for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The amount of expenses in respect of which any company, body corporate, managing agent, secretaries and treasurers, associate, managing director or manager is liable under sub-clause (i) of clause (c) of sub-section (1) to reimburse the Central Government shall be recoverable from that company, body corporate, managing agent, secretaries and treasurers, associate, managing director or manager, as an arrear of land revenue."

**Amendment
of section
247.**

**Substitution
of new sec-
tion for
section 250.**

**Imposition of
restrictions
upon shares
and deben-
tures and
prohibition
of transfer of
shares or
debentures
in certain
cases.**

79. In section 247 of the principal Act, in sub-section (5), in the first proviso, for the words "officers and agents", the words "officers and other employees and agents" shall be substituted.

80. For section 250 of the principal Act, the following section shall be substituted, namely:—

"250. (1) Where it appears to the Central Government, whether in connection with any investigation under sections 247, 248 or 249 or otherwise, that there is good reason to find out the relevant facts about any shares (whether issued or to be issued) and the Central Government is of the opinion that such facts cannot be found out unless the restrictions specified in sub-section (2) are imposed, the Central Government may, by order, direct that the shares shall be subject to the restrictions imposed by sub-section (2) for such period not exceeding three years as may be specified in the order.

(2) So long as any shares are directed to be subject to the restrictions imposed by this sub-section—

(a) any transfer of those shares shall be void;

(b) where those shares are to be issued, they shall not be issued; and any issue thereof or any transfer of the right to be issued therewith, shall be void;

(c) no voting right shall be exercisable in respect of those shares;

(d) no further shares shall be issued in right of those shares or in pursuance of any offer made to the holder thereof; and any issue of such shares or any transfer of the right to be issued therewith, shall be void; and

(e) except in a liquidation, no payment shall be made of any sums due from the company on those shares, whether in respect of dividend, capital or otherwise.

(3) Where a transfer of shares in a company has taken place and as a result thereof a change—

(a) in the composition of the Board of directors, or

(b) where the managing agent is an individual, of the managing agent, or

(c) where the managing agent is a firm or a body corporate, in the constitution of the managing agent,

of the company is likely to take place and the Central Government is of the opinion that any such change would be

prejudicial to the public interest, that Government may, by order, direct that—

(i) the voting rights in respect of those shares shall not be exercisable for such period not exceeding three years as may be specified in the order;

(ii) no resolution passed or action taken to effect a change in the composition of the Board of directors or of, or in the constitution of, the managing agent before the date of the order shall have effect unless confirmed by the Central Government.

(4) Where the Central Government has reasonable ground to believe that a transfer of shares in a company is likely to take place whereby a change—

(a) in the composition of the Board of directors, or

(b) where the managing agent is an individual, of the managing agent, or

(c) where the managing agent is a firm or a body corporate, in the constitution of the managing agent,

of the company is likely to take place and the Central Government is of the opinion that any such change would be prejudicial to the public interest, that Government may by order direct that any transfer of shares in the company during such period not exceeding three years as may be specified in the order shall be void.

(5) The Central Government may, by order at any time, vary or rescind any order made by it under sub-section (1) or sub-section (3) or sub-section (4).

(6) Where the Central Government makes an order under sub-section (1) or sub-section (3) or sub-section (4) or sub-section (5) or refuses to rescind any such order, any person aggrieved thereby may apply to the Court and the Court may, if it thinks fit, by order, vacate any such order of the Central Government:

Provided that no order, whether interim or final, shall be made by the Court without giving the Central Government an opportunity of being heard.

(7) Any order of the Central Government rescinding an order under sub-section (1), or any order of the Court vacating any such order, which is expressed to be made with a view to

permitting a transfer of any shares, may continue the restrictions mentioned in clauses (d) and (e) of sub-section (2), either in whole or in part, so far as they relate to any right acquired, or offer made, before the transfer.

(8) Any order made by the Central Government under sub-section (5) shall be served on the company within fourteen days of the making of the order.

(9) Any person who—

(a) exercises or purports to exercise any right to dispose of any shares or of any right to be issued with any such shares when to his knowledge he is not entitled to do so by reason of any of the said restrictions applicable to the case under sub-section (2); or

(b) votes in respect of any shares whether as holder or proxy, or appoints a proxy to vote in respect thereof, when to his knowledge he is not entitled to do so by reason of any of the said restrictions applicable to the case under sub-section (2) or by reason of any order made under sub-section (3); or

(c) transfers any shares in contravention of any order made under sub-section (4); or

(d) being the holder of any shares in respect of which an order under sub-section (2) or sub-section (3) has been made, fails to give notice of the fact of their being subject to any such order to any person whom he does not know to be aware of that fact but whom he knows to be otherwise entitled to vote in respect of those shares, whether as holder or as proxy,

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

(10) Where shares in any company are issued in contravention of such of the restrictions as may be applicable to the case under sub-section (2), the company, and every officer of the company who is in default, shall be punishable with fine which may extend to five thousand rupees.

(11) A prosecution shall not be instituted under this section except by, or with the consent of, the Central Government.

(12) This section shall apply in relation to debentures as it applies in relation to shares.”.

81. In section 252 of the principal Act,—

(a) in sub-section (1), the words “, and every private company which is a subsidiary of a public company,” shall be omitted;

Amendment
of section
252.

(b) in sub-section (2), the words “which is not a subsidiary of a public company” shall be omitted.

82. In section 253 of the principal Act, the words “public or private” shall be omitted.

Amendment
of section
253.

83. In section 255 of the principal Act, in sub-section (1), for the words “Not less than two-thirds”, the words “Unless the articles provide for the retirement of all directors at every annual general meeting, not less than two-thirds” shall be substituted.

Amendment
of section
255.84. In section 256 of the principal Act, after sub-section (5), the following *Explanation* shall be inserted, namely:Amendment
of section
256.

Explanation.—In this section and in section 257, the expression “retiring director” means a director retiring by rotation.

85. In section 257 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:

Amendment
of section
257.

“(1A) The company shall inform its members of the candidature of a person for the office of director or the intention of a member to propose such person as a candidate for that office, by serving individual notices on the members not less than seven days before the meeting:

Provided that it shall not be necessary for the company to serve individual notices upon the members as aforesaid if the company advertises such candidature or intention not less than seven days before the meeting in at least two newspapers circulating in the place where the registered office of the company is located, of which one is published in the English language and the other in the regional language of that place.”.

86. In section 261 of the principal Act,—

Amendment
of section
261.

(a) in sub-section (1), for the words “none of the following persons shall be appointed as a director of the company whose period of office is liable to determination by retirement of directors by rotation, except by a special resolution passed by the company:—”, the following words and figures shall be substituted, namely:

“none of the following persons shall be appointed—

(i) as a director of the company whose period of office is liable to determination by retirement of directors by rotation, or

- (ii) to fill a casual vacancy in the office of a director under section 262, or
 (iii) as an additional director under section 260, or
 (iv) as an alternate director under section 313, except by a special resolution passed by the company:—
- (b) in sub-section (2), for the words “as a director of the company”, the words and figures “as a director or an additional or alternate director of the company or to fill a casual vacancy in the office of a director under section 262” shall be substituted.

Amendment
of section
263.

87. In section 263 of the principal Act, in sub-section (2), in the proviso, for the words “retiring directors”, the words “the director retiring by rotation” shall be substituted.

Insertion of
new section
263A.

88. After section 263 of the principal Act, the following section shall be inserted, namely:—

Sections 177,
255, 256 and
263 not to
apply in re-
lation to
companies
not carrying
business for
profit, etc.

“263A. Nothing contained in sections 177, 255, 256 and 263 shall affect any provision in the articles of a company for the election by ballot of all its directors at each annual general meeting if such company does not carry on business for profit or prohibits the payment of a dividend to its members.”

Substitution
of new sec-
tion for sec-
tion 264.

89. For section 264 of the principal Act, the following section shall be substituted, namely:—

Consent of
candidate for
directorship
to be filed
with the
company and
consent to
act as direc-
tor to be
filed with
the Regis-
trar.

“264. (1) Every person (other than a person who has left at the office of the company a notice under section 257 signifying his candidature for the office of a director) proposed as a candidate for the office of a director shall sign, and file with the company, his consent in writing to act as a director, if appointed.

(2) A person other than a director re-appointed after retirement by rotation shall not act as a director of a company unless he has within thirty days of his appointment signed, and filed with the Registrar, his consent in writing to act as such director.

(3) This section shall not apply to a private company unless it is a subsidiary of a public company.”

Amendment
of section
267.

90. In section 267 of the principal Act, in clause (c), the words “in India” shall be omitted.

91. For section 269 of the principal Act, the following section shall be substituted, namely:—

"269. (1) In the case of a public company or a private company which is a subsidiary of a public company, whether such public company or private company is an existing company or not, the appointment of a person for the first time as a managing or whole-time director shall not have any effect unless approved by the Central Government:

Substitution
of new sec-
tion for sec-
tion 269.

Provided that in the case of a public company, or a private company which is a subsidiary of a public company, incorporated after the commencement of the Companies (Amendment) Act, 1960, the appointment of a person as a managing or whole-time director for the first time after such incorporation may be made without the approval of the Central Government but such appointment shall cease to have effect after the expiry of three months from the date of such incorporation unless the appointment has been approved by that Government.

(2) Where a public company or a private company which is a subsidiary of a public company, is an existing company, the re-appointment of a person as a managing or whole-time director for the first time after the commencement of the Companies (Amendment) Act, 1960, shall not have any effect unless approved by the Central Government."

92. In section 271 of the principal Act, for the words "this Act", the words, brackets and figures "the Companies (Amendment) Act, 1960," and for the words "file with the company", the words "file with the Registrar" shall be substituted.

Amendment
of section
271.

93. In section 274 of the principal Act, in sub-section (1), in clause (d), the words "in India" shall be omitted.

Amendment
of section
274.

94. In section 280 of the principal Act,—

Amendment
of section
280.

(a) in sub-section (2), after the existing proviso, the following further proviso shall be inserted, namely:—

"Provided further that where a person has been appointed as a director of a public company, or of a private company which is a subsidiary of a public company, before he has attained the age of sixty-five years, he shall not be required to vacate his office within a period of three years after his appointment merely on the ground that he has attained that age within that period.";

(b) in sub-section (3), for the words "retiring directors", the words "a director retiring by rotation" shall be substituted.

Amendment
of section
283.

95. In section 283 of the principal Act,—

(a) in sub-section (1),—

(i) for the words "The office of a director shall be vacated if—", the words "The office of a director shall become vacant if—" shall be substituted;

(ii) for clause (e), the following clause shall be substituted, namely:—

"(e) he is convicted by a Court of any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months;";

(iii) in clause (f), the words "unless the Central Government has, by notification in the Official Gazette, removed the disqualification incurred by such failure" shall be added at the end;

(iv) in clause (h), for the words "he, or any firm in which", the words and brackets "he (whether by himself or by any person for his benefit or on his account), or any firm in which" shall be substituted;

(v) the word "or" at the end of clause (j) shall be omitted and the word ";" or" shall be added at the end of clause (k) and after that clause, the following clause shall be inserted, namely:—

"(l) having been appointed a director by virtue of his holding any office or other employment in the company, or as a nominee of the managing agent of the company, he ceases to hold such office or other employment in the company or, as the case may be, the managing agency comes to an end.";

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) Subject to the provisions of sub-sections (1) and (2), if a person functions as a director when he knows that the office of director held by him has become vacant on account of any of the disqualifications, specified in the several clauses of sub-section (1), he shall be punishable with fine which may extend to five hundred rupees for each day on which he so functions as a director.".

96. For section 285 of the principal Act, the following section shall be substituted, namely:—

Substitution
of new sec-
tion for sec-
tion 285.

"285. In the case of every company, a meeting of its Board to meet at least once in every three calendar months; and not more than two months shall intervene between the last day of the calendar month in which such meeting is held and the date of the next meeting:

Provided that the Central Government may, by notification in the Official Gazette, direct that the provisions of this section shall not apply in relation to any class of companies or shall apply in relation thereto subject to such exceptions, modifications or conditions as may be specified in the notification".

97. In section 287 of the principal Act, in sub-section (2), in the Amendment proviso, after the words "who are not interested", the words "present of section 287. at the meeting being not less than two" shall be inserted.

98. In section 292 of the principal Act,—

Amendment
of section
292.

(a) in sub-section (1), for the proviso, the following provisos and Explanations shall be substituted, namely:—

"Provided that the Board may, by a resolution passed at a meeting, delegate to any committee of directors, the managing director, the managing agent, secretaries and treasurers, the manager or any other principal officer of the company or in the case of a branch office of the company, a principal officer of the branch office, the powers specified in clauses (c), (d) and (e) to the extent specified in sub-sections (2), (3) and (4) respectively, on such conditions as the Board may prescribe:

Provided further that the acceptance by a banking company in the ordinary course of its business of deposits of money from the public repayable on demand or otherwise and withdrawable by cheque, draft, order or otherwise, or the placing of moneys on deposit by a banking company with another banking company on such conditions as the Board may prescribe, shall not be deemed to be a borrowing of moneys or, as the case may be, a making of loans by a banking company within the meaning of this section.

Explanation I.—Nothing in clause (c) of sub-section (1) shall apply to borrowings by a banking company from other

banking companies or from the Reserve Bank of India, the State Bank of India or any other banks established by or under any Act.

Explanation II.—In respect of dealings between a company and its bankers, the exercise by the company of the power specified in clause (c) of sub-section (1) shall mean the arrangement made by the company with its bankers for the borrowing of money by way of overdraft or cash credit or otherwise and not the actual day to day operation on overdraft, cash credit or other accounts by means of which the arrangement so made is actually availed of.”;

(b) in sub-section (2), after the words “the total amount”, the words “outstanding at any one time” shall be inserted.

Amendment
of section
293.

99. In section 293 of the principal Act, in sub-section (1),—

(a) in clause (b), the words “except in the case of renewal or continuance of an advance made by a banking company to its director in the ordinary course of business” shall be added at the end;

(b) in clause (c), for the words “the sale proceeds resulting from the acquisition, after the commencement of this Act, without the consent of the company”, the words “the amount of compensation received by the company in respect of the compulsory acquisition, after the commencement of this Act” shall be substituted;

(c) the existing *Explanation* shall be numbered as *Explanation III* and before the *Explanation* as so numbered, the following *Explanations* shall be inserted, namely:—

'Explanation I.'—Every resolution passed by the company in general meeting in relation to the exercise of the power referred to in clause (d) or in clause (e) shall specify the total amount up to which moneys may be borrowed by the Board of directors under clause (d) or as the case may be, the total amount which may be contributed to charitable and other funds in any financial year under clause (e).

Explanation II.—The expression “temporary loans” in clause (d) means loans repayable on demand or within six months from the date of the loan such as short term, cash credit arrangements, the discounting of bills and the issue of other short term loans of a seasonal character, but does

not include loans raised for the purpose of financing expenditure of a capital nature.'

100. After section 293 of the principal Act, the following section shall be inserted, namely:—

"293A. (1) Notwithstanding anything contained in section 293, neither a company in general meeting nor its Board of directors shall, after the commencement of the Companies (Amendment) Act, 1960, contribute—

Insertion of new section 293A.

Restrictions on the power to make political contributions.

(a) to any political party, or

(b) for any political purpose to any individual or body, any amount or amounts which or the aggregate of which will, in any financial year, exceed twenty-five thousand rupees or five per cent. of its average net profits as determined in accordance with the provisions of sections 349 and 350 during the three financial years immediately preceding, whichever is greater.

Explanation.—Where a portion of a financial year of the company falls before the commencement of the Companies (Amendment) Act, 1960, and a portion falls after such commencement, the latter portion shall be deemed to be a financial year within the meaning, and for the purposes, of this sub-section.

(2) Every company shall disclose in its profit and loss account any amount or amounts contributed by it under sub-section (1) to any political party or for any political purpose to any individual or body during the financial year to which that account relates, giving particulars of the total amount contributed and the name of the party, individual or body to which or to whom such amount has been contributed.

(3) If a company makes default in complying with the provisions of sub-section (2), the company, and every officer of the company who is in default, shall be punishable with fine which may extend to five thousand rupees".

101. In section 294 of the principal Act,—

Amendment of section 294.

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

"Appointment of sole selling agents."

(1) No company shall, after the commencement of the Companies (Amendment) Act, 1960, appoint a sole selling agent for any area for a term exceeding five years at a time:

Provided that nothing in this sub-section shall be deemed to prohibit the re-appointment, or the extension of the term of office, of any sole selling agent by further periods not exceeding five years on each occasion.

(2) After the commencement of the Companies (Amendment) Act, 1960, the Board of directors of a company shall not appoint a sole selling agent for any area except subject to the condition that the appointment shall cease to be valid if it is not approved by the company in the first general meeting held after the date on which the appointment is made.

(2A) If the company in general meeting as aforesaid disapproves the appointment, it shall cease to be valid with effect from the date of that general meeting.”;

(b) after sub-section (3), the following sub-sections shall be inserted, namely:—

“(4) Notwithstanding anything contained in the foregoing provisions of this section—

(a) where at any time during the period beginning on the 1st day of April, 1956 and ending on the commencement of the Companies (Amendment) Act, 1960, a managing agent has ceased to hold office as such and has been appointed as the sole selling agent of the company whose managing agent he was, the sole selling agency agreement whether taken in his own name or in association with, or in the name of, any other person for his benefit or on his own account, shall unless approved by the Central Government within a period of six months from such commencement, become void and inoperative and the appointment as sole selling agent shall, unless it has terminated by efflux of time, come to an end on the expiry of that period;

(b) no managing agent—

(i) who has ceased to hold office as such before the commencement of the Companies (Amendment) Act, 1960, but has not been appointed before such commencement as the sole selling agent of the company whose managing agent he was, or

(ii) who has ceased to hold office as such after the commencement of the Companies (Amendment) Act, 1960,

shall be appointed after such commencement during a period of three years from the date of such cessation as the sole selling agent of the company whose managing agent he was except with the approval of the Central Government obtained in this behalf.

(5) (a) Where a company has a sole selling agent (by whatever name called) for an area and it appears to the Central Government that there is good reason so to do, the

Central Government may require the company to furnish to it such information regarding the terms and conditions of the appointment of the sole selling agent as it considers necessary for the purpose of determining whether or not such terms and conditions are prejudicial to the interests of the company;

(b) if the company refuses or neglects to furnish any such information, the Central Government may appoint a suitable person to investigate and report on the terms and conditions of appointment of the sole selling agent;

(c) if after perusal of the information furnished by the company or, as the case may be, the report submitted by the person appointed under clause (b), the Central Government is of the opinion that the terms and conditions of appointment of the sole selling agent are prejudicial to the interests of the company, the Central Government may, by order, make such variations in those terms and conditions as would in its opinion make them no longer prejudicial to the interests of the company;

(d) as from such date as may be specified by the Central Government in the order aforesaid, the appointment of the sole selling agent shall be regulated by the terms and conditions as varied by the Central Government.

(6) (a) Where a company has more selling agents than one (by whatever name called) in any area or areas and it appears to the Central Government that there is good reason so to do, the Central Government may require the company to furnish to it such information regarding the terms and conditions of appointment of all the selling agents as it considers necessary for the purpose of determining whether any of those selling agents should be declared to be the sole selling agent for such area or any of such areas;

(b) if the company refuses or neglects to furnish any such information, the Central Government may appoint a suitable person to investigate and report on the terms and conditions of appointment of all the selling agents;

(c) if after perusal of the information furnished by the company or, as the case may be, the report submitted by the person appointed under clause (b), the Central Government is of the opinion that having regard to the terms and conditions of appointment of any of the selling agents and to any other relevant factors, that selling agent is to all intents and purposes the sole selling agent for such

area, although there may be one or more other selling agents of the company operating in that area, the Central Government may by order declare that selling agent to be the sole selling agent of the company for that area with effect from such date as may be specified in the order and may make suitable variations in such of the terms and conditions of appointment of that selling agent as are in the opinion of the Central Government prejudicial to the interests of the company;

(d) as from the date specified in clause (c) the appointment of the selling agent declared to be the sole selling agent shall be regulated by the terms and conditions as varied by the Central Government.

(7) It shall be the duty of the company—

(a) to produce to the person appointed under clause (b) of sub-section (5) or clause (b) of sub-section (6), all books and papers of, or relating to, the company which are in its custody or power; and

(b) otherwise to give to that person all assistance in connection with the investigation which the company is reasonably able to give.

(8) If a company refuses or neglects—

(a) to furnish the information required by the Central Government under clause (a) of sub-section (5) or clause (a) of sub-section (6), or

(b) to produce to the person appointed under clause (b) of sub-section (5) or clause (b) of sub-section (6) any books and papers which are in its custody or power or otherwise to give to that person any assistance which it is reasonably able to give,

the company and every officer of the company who is in default shall be punishable with fine which may extend to five thousand rupees and with a further fine of not less than fifty rupees for every day after the first during which such refusal or neglect continues.”

Amendment
of section
295.

102. In section 295 of the principal Act,—

(a) in sub-section (1), for the words “shall, without obtaining the previous approval of the Central Government in that behalf,”, the words “without obtaining the previous approval of the Central Government in that behalf shall, directly or indirectly,” shall be substituted;

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Sub-section (1) shall not apply to—

(a) any loan made, guarantee given or security provided—

(i) by a private company unless it is a subsidiary of a public company, or

(ii) by a banking company;

(b) any loan made—

(i) by a holding company to its subsidiary, or

(ii) by a company which is the managing agent or secretaries and treasurers of another company to that other company;

(c) any guarantee given or security provided—

(i) by a holding company in respect of any loan made to its subsidiary, or

(ii) by a company which is the managing agent or secretaries and treasurers of another company in respect of any loan made to that other company.”;

(c) in sub-section (6), after the words “or security provided”, the words, letters and figures “after the 1st day of April, 1956,” shall be inserted.

103. For section 296 of the principal Act, the following section shall be substituted, namely:—

Substitution
of new sec-
tion for sec-
tion 296.

“296. Section 295 shall apply to any transaction represented by a book debt which was from its inception in the nature of a loan or an advance.”

Application
of section
295 to book
debts in cer-
tain cases.

104. In section 297 of the principal Act, for sub-sections (2), (3), (4) and (5), the following sub-sections shall be substituted, namely:—

Amendment
of section
297.

“(2) Nothing contained in clause (a) of sub-section (1) shall affect—

(a) the purchase of goods and materials from the company, or the sale of goods and materials to the company, by any director, relative, firm, partner or private company as aforesaid for cash at prevailing market prices: or

(b) any contract or contracts between the company on one side and any such director, relative, firm, partner or private company on the other for sale, purchase or supply of

any goods, materials and services in which either the company or the director, relative, firm, partner or private company, as the case may be, regularly trades or does business:

Provided that such contract or contracts do not relate to goods and materials the value of which, or services the cost of which, exceeds five thousand rupees in the aggregate in any year comprised in the period of the contract or contracts; or

(c) in the case of a banking or insurance company any transaction in the ordinary course of business of such company with any director, relative, firm, partner or private company as aforesaid.

(3) Notwithstanding anything contained in sub-sections (1) and (2), a director, relative, firm, partner or private company as aforesaid may, in circumstances of urgent necessity, enter, without obtaining the consent of the Board, into any contract with the company for the sale, purchase or supply of any goods, materials or services even if the value of such goods or cost of such services exceeds five thousand rupees in the aggregate in any year comprised in the period of the contract; but in such a case, the consent of the Board shall be obtained at a meeting within three months of the date on which the contract was entered into.

(4) Every consent of the Board required under this section shall be accorded by a resolution passed at a meeting of the Board and not otherwise; and the consent of the Board required under sub-section (1) shall not be deemed to have been given within the meaning of that sub-section unless the consent is accorded before the contract is entered into or within three months of the date on which it was entered into.

(5) If consent is not accorded to any contract under this section, anything done in pursuance of the contract shall be voidable at the option of the Board.

(6) Nothing in this section shall apply to any case where the consent has been accorded to the contract before the commencement of the Companies (Amendment) Act, 1960.”.

**Amendment
of section
298.**

105. In section 298 of the principal Act, the words “notwithstanding anything contained in this Act,” shall be omitted.

**Amendment
of section
299.**

106. In section 299 of the principal Act, after sub-section (5), the following sub-section shall be inserted, namely:—

“(6) Nothing in this section shall apply to any contract or arrangement entered into or to be entered into between two com-

panies where any of the directors of the one company or two or more of them together holds or hold not more than two per cent. of the paid-up share capital in the other company.”.

107. In section 300 of the principal Act, in sub-section (2), in clause (d), for the words, brackets and figure “consists solely in his being a director of such company and the holder of not more than shares of such number or value therein as is requisite to qualify him for appointment as a director thereof, he having been nominated as such director by the company referred to in sub-section (1)”, the following words, brackets and figures shall be substituted, namely:—

“consists solely—

(i) in his being a director of such company and the holder of not more than shares of such number or value therein as is requisite to qualify him for appointment as a director thereof, he having been nominated as such director by the company referred to in sub-section (1), or

(ii) in his being a member holding not more than two per cent. of its paid-up share capital”.

108. In section 301 of the principal Act, for sub-sections (1), (2) and (3), the following sub-sections shall be substituted, namely:—

Amendment
of section
301.

“(1) Every company shall keep one or more registers in which shall be entered separately particulars of all contracts or arrangements to which section 297 or section 299 applies, including the following particulars to the extent they are applicable in each case, namely:—

(a) the date of the contract or arrangement;

(b) the names of the parties thereto;

(c) the principal terms and conditions thereof;

(d) in the case of a contract to which section 297 applies or in the case of a contract or arrangement to which sub-section (2) of section 299 applies, the date on which it was placed before the Board;

(e) the names of the directors voting for and against the contract or arrangement and the names of those remaining neutral.

(2) Particulars of every such contract or arrangement to which section 297 or, as the case may be, sub-section (2)

of section 299 applies, shall be entered in the relevant register aforesaid—

(a) in the case of a contract or arrangement requiring the Board's approval, within seven days (exclusive of public holidays) of the meeting of the Board at which the contract or arrangement is approved;

(b) in the case of any other contract or arrangement, within seven days of the receipt at the registered office of the company of the particulars of such other contract or arrangement or within thirty days of the date of such other contract or arrangement whichever is later;

and the register shall be placed before the next meeting of the Board and shall then be signed by all the directors present at the meeting.

(3) The register aforesaid shall also specify, in relation to each director of the company, the names of the firms and bodies corporate of which notice has been given by him under sub-section (3) of section 299.

(3A) Nothing in sub-sections (1), (2) and (3) shall apply—

(a) to any contract or arrangement for the sale, purchase or supply of any goods, materials or services if the value of such goods and materials or the cost of such services does not exceed one thousand rupees in the aggregate in any year; or

(b) to any contract or arrangement (to which section 297 or, as the case may be, section 299 applies) by a banking company for the collection of bills in the ordinary course of its business or to any transaction referred to in clause (c) of sub-section (2) of section 297.”.

Amendment
of section
302.

109. In section 302 of the principal Act, in sub-section (7), the words “or proposed resolution” and the words “or proposed contract” shall be omitted.

Amendment
of section
303.

110. In section 303 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (a), after the words “any former name or surname in full”, the words “his father's name and surname in full or where the individual is a married woman, the husband's name and surname in full”, shall be inserted;

(ii) in clause (b) after the words “that nationality”, the words “the father's name or where a director is a married woman, the husband's name” shall be inserted;

(iii) in clause (c), after the words "that nationality", the words "the father's name or where a partner is a married woman, the husband's name" shall be inserted;

(iv) in clause (1) of the *Explanation*, for the words "whose instructions", the words "whose directions or instructions" shall be substituted;

(b) in sub-section (2),—

(i) for the words "a return in the prescribed form", the words "a return in duplicate in the prescribed form" shall be substituted;

(ii) for the words "a notification in the prescribed form", the words "a notification in duplicate in the prescribed form" shall be substituted;

(iii) the following proviso shall be added at the end, namely:—

"Provided that the notification of any change in any of the particulars contained in the register shall be sent within twenty-eight days of the close of the year during which the change occurred."

111. For section 305 of the principal Act, the following section shall be substituted, namely:

of new sec-
tion for sec-
tion 305.

"305. (1) Every director, managing director, managing agent, secretaries and treasurers, manager or secretary of any company, who is appointed to, or relinquishes, the office of director, managing director, managing agent, secretaries and treasurers, manager or secretary of any other body corporate, shall, within twenty days of his appointment to, or as the case may be, relinquishment of, such office, disclose to the company aforesaid the particulars relating to the office in the other body corporate which are required to be specified under sub-section (1) of section 303; and if he fails to do so, he shall be punishable with fine which may extend to five hundred rupees.

(2) The provisions of sub-section (1) shall also apply to a person deemed to be a director of the company by virtue of the *Explanation* to sub-section (1) of section 303 when such person is appointed to, or relinquishes, any of the offices in the other body corporate referred to in sub-section (1)."

Amendment
of section
307.

112. In section 307 of the principal Act, after sub-section (10), the following sub-section shall be inserted, namely:—

“(11) The provisions of this section and section 308 shall apply to managing agents, secretaries and treasurers and managers as they apply to directors.”

Amendment
of section
309.

113. In section 309 of the principal Act,—

(a) for sub-sections (2) and (3), the following sub-sections shall be substituted, namely:—

“(2) A director may receive remuneration by way of a fee for each meeting of the Board, or a committee thereof, attended by him:

Provided that where immediately before the commencement of the Companies (Amendment) Act, 1960, fees for meetings of the Board and any committee thereof, attended by a director are paid on a monthly basis, such fees may continue to be paid on that basis for a period of two years after such commencement or for the remainder of the term of office of such director, whichever is less, but no longer.

(3) A director who is either in the whole-time employment of the company or a managing director may be paid remuneration either by way of a monthly payment or at a specified percentage of the net profits of the company or partly by one way and partly by the other:

Provided that except with the approval of the Central Government such remuneration shall not exceed five per cent. of the net profits for one such director, and if there is more than one such director, ten per cent. for all of them together.”;

(b) in sub-section (4), the following proviso shall be added at the end, namely:—

“(Provided that the company in general meeting may, with the approval of the Central Government, authorise the payment of commission at a rate exceeding one per cent., or, as the case may be, three per cent. of its net profits.”;

(c) after sub-section (5), the following sub-sections shall be inserted, namely:—

“(5A) If any director draws or receives, directly or indirectly, by way of remuneration any such sums in excess

of the limit prescribed by this section or without the prior sanction of the Central Government, where it is required, he shall refund such sums to the company and until such sum is refunded, hold it in trust for the company.

(5B) The company shall not waive the recovery of any sum refundable to it under sub-section (5A) unless permitted by the Central Government.”.

114. In section 310 of the principal Act, for the words “In the case of a public company, or a private company which is a subsidiary of a public company, an amendment of any provision relating to the remuneration of any director including a managing or whole-time director, which purports to increase”, the words “In the case of a public company, or a private company which is a subsidiary of a public company, any provision relating to the remuneration of any director including a managing or whole-time director, or any amendment thereof, which purports to increase” shall be substituted.

115. In section 313 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:

“(2) An alternate director appointed under sub-section (1) shall not hold office as such for a period longer than that permissible to the original director in whose place he has been appointed and shall vacate office if and when the original director returns to the State in which meetings of the Board are ordinarily held.”.

116. In section 314 of the principal Act,

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

“(1) Except with the previous consent of the company accorded by a special resolution,—

(a) no director of a company shall hold any office or place of profit, and

(b) no partner or relative of such a director, no firm in which such a director or relative is a partner, no private company of which such a director is a director or member, and no director, managing agent, secretaries and treasurers, or manager of such a private company shall hold any office or place of profit carrying a total monthly remuneration of five hundred rupees or more,

except that of managing director, managing agent, secretaries and treasurers, manager, legal or technical advisor,

banker or trustee for the holders of debentures of the company,—

(i) under the company; or

(ii) under any subsidiary of the company, unless the remuneration received from such subsidiary in respect of such office or place of profit is paid over to the company or its holding company:

Provided that where a relative of a director or a firm in which such a relative is a partner, is appointed to an office or place of profit under the company or a subsidiary thereof without the knowledge of the director, the consent of the company may be obtained within three months from the date of the appointment; and if such consent is not obtained within that period or is refused, the relative or the firm shall be deemed to have vacated his or its office or place on and from the date of expiry of that period and shall be liable to refund to the company any remuneration drawn by him or it for the period immediately preceding that date.

Explanation.—For the purpose of this sub-section, a special resolution according consent shall be necessary for every appointment in the first instance to an office or place of profit and to every subsequent appointment to such office or place of profit on a higher remuneration not covered by the special resolution, except where an appointment on a time scale has already been approved by the special resolution.

(1A) Nothing in sub-section (1) shall apply where a relative of a director or a firm in which such relative is a partner holds any office or place of profit under the company or a subsidiary thereof having been appointed to such office or place before such director becomes a director of the company.”;

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) Every individual, firm, private company or other body corporate proposed to be appointed to any office or place of profit to which this section applies shall, before or at the time of such appointment, declare in writing whether he or it is or is not connected with a director of the company in any of the ways referred to in sub-section (1).”;

(c) in sub-section (3),—

- (i) the words "in a company" shall be omitted;
- (ii) in clause (a), for the words "obtains anything", the words "obtains from the company anything" shall be substituted;
- (iii) in clause (b), for the words "obtains anything", the words "obtains from the company anything" shall be substituted.

117. Section 315 of the principal Act shall be omitted.

Omission of
section 315.

118. In section 316 of the principal Act,—

Amendment
of section
316.

(a) in sub-section (1),—

(i) for clause (j), the following clause shall be substituted—"any other company which is not a subsidiary of a public company and no private company which is a subsidiary of a public company," shall be substituted;

(ii) for the words "any other company", the words and brackets "any other company (including a private company which is not a subsidiary of a public company)" shall be substituted;

(b) in sub-section (2),—

(i) for the words "A company", the words "A public company or a private company which is a subsidiary of a public company" shall be substituted;

(ii) for the words "other company", the words and brackets "other company (including a private company which is not a subsidiary of a public company)" shall be substituted;

(c) in sub-section (3), for the words "two companies", the words "two companies of which each one or at least one is a public company or a private company which is a subsidiary of a public company" shall be substituted and for the words "this Act" occurring for the second time, the words, brackets and figures "the Companies (Amendment) Act, 1960," shall be substituted.

Amendment
of section
317.

119. In section 317 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) This section shall not apply to a private company unless it is a subsidiary of a public company.”.

Amendment
of section
318.

120. In section 318 of the principal Act, in sub-section (3),—

(a) in clause (a), the words “secretaries and treasurers” shall be omitted;

(b) in clause (c), for the brackets and letter “(k)”, the brackets and letter “(l)” shall be substituted.

Insertion of
new section
325A.

121. After section 325 of the principal Act, the following section shall be inserted, namely:—

Subsidiary of
a body cor-
porate not to
be appointed
as managing
agent.

“325A. After the commencement of the Companies (Amendment) Act, 1960, no company shall appoint as its managing agent any body corporate which is a subsidiary either of itself or of any other body corporate unless immediately before such commencement the company has any such subsidiary as its managing agent.”.

Amendment
of section
332.

122. In section 332 of the principal Act,—

(a) in sub-section (4), for clause (b), the following clause shall be substituted, namely:—

“(b) where the managing agent of the company is itself a company, every person who is a director, the secretaries and treasurers or a manager of the latter company, and where the latter company is a public company, every member who is entitled to exercise not less than ten per cent. of the total voting power therein and, where the latter company is a private company, every member thereof who is entitled to exercise not less than five per cent. of the total voting power therein.”;

(b) after sub-section (4), the following sub-section shall be inserted, namely:—

“(4A) A director or member referred to in clause (b) of sub-section (4) shall include any person in accordance

with whose directions or instructions any director or, as the case may be, any member is in the opinion of the Central Government accustomed to act."

123. In section 342 of the principal Act,—

Amendment
of section
342:

(a) in sub-section (1), for the words "resign his office with effect from such date as may be specified in the notice", the words, brackets and figure "resign his office as from such date as may be specified in the notice but such resignation shall not be effective until it is accepted by the company under sub-section (7)" shall be substituted;

(b) in sub-section (2), for the words, brackets and figure "but his resignation shall not be effective until it is considered as provided in sub-section (3)", the words "but the managing agent shall not be absolved from liability to the company for his acts whether of commission or omission, during the period of his managing agency" shall be substituted;

(c) for sub-sections (3), (4) and (5), the following sub-sections shall be substituted, namely:—

"(3) When notice of resignation is given as aforesaid, the Board shall require the managing agent within such time as may be fixed by it or such further time as may be allowed by it, to prepare, and the managing agent shall prepare, a report on the state of affairs of the company as on the date specified in the notice of resignation or such subsequent date as the Board may think suitable, not being later than that on which the managing agent ceases to act as such under sub-section (2), together with a balance-sheet made out as on that date and a profit and loss account for the period commencing from the date up to which the last such account was prepared and ending with the date on which the managing agent ceases to act as such.

(4) In case of default by the managing agent in complying with the requisition of the Board under sub-section (3), the Board shall itself cause a report on the state of affairs of the company as on the date specified in the notice of

resignation or such subsequent date as the Board may think suitable, not being later than that on which the managing agent ceases to act as such under sub-section (2), together with a balance-sheet made out as on that date and a profit and loss account for the period specified in sub-section (3), to be prepared.

(5) The Board shall also obtain a report from the auditors of the company on such balance-sheet and profit and loss account in accordance with sections 227, 228 and 229 and place the managing agent's resignation together with the report on the state of the company's affairs, balance-sheet, profit and loss account and auditors' report mentioned above, before the company in general meeting.

(6) In relation to any report made by the auditors as aforesaid, sections 230 to 233 shall apply in like manner as they apply in relation to auditors' report referred to therein.

(7) The company in general meeting may, by a resolution, accept the resignation or take such other action with reference thereto as it may deem fit."

Substitution of new section for section 343. 124. For section 343 of the principal Act, the following section shall be substituted, namely:—

Transfer of office by managing agent.

"343. (1) The managing agent of a company shall not transfer his office to another person or enter into any agreement or arrangement with another person by or under which the managing agent parts with, or which has the effect of transferring, his right to manage the whole or substantially the whole of the affairs of the company in favour of or to that other person unless approval of the company in general meeting and also of the Central Government has been accorded to such transfer, agreement or arrangement.

(2) If the other person and the managing agent referred to in sub-section (1) contravene the provisions of that sub-section, that other person and the managing agent, and where the

managing agent is a firm, every partner in the firm and where the managing agent is a body corporate, every director of the body corporate, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.”.

125. In section 346 of the principal Act,—

Amendment
of section
346.

(a) in sub-section (1),—

(i) for the words “before such expiry”, the words “before the expiry of six months aforesaid or where further time has been allowed by the Central Government, before the expiry of that time” shall be substituted;

(ii) in the *Explanation*, after clause (c), the following words shall be inserted as a separate paragraph, namely:—

“and where the managing agent, being a body corporate is a subsidiary of another body corporate, includes a change in the constitution of that other body corporate within the meaning of clause (a), clause (b) or clause (c).”;

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Where the managing agent is a body corporate (whether or not it is a subsidiary of another body corporate) and its shares are for the time being dealt in, or quoted on, a recognised stock exchange, a change in the ownership of its shares, or

where a managing agent being a body corporate is a subsidiary of another body corporate and the shares of the other body corporate are for the time being dealt in, or quoted on, a recognised stock exchange, a change in the ownership of the shares of the other body corporate,

shall not be deemed to be a change in the constitution of the managing agent within the meaning and for the pur-

poses of sub-section (1), unless the Central Government, by notification in the Official Gazette, otherwise directs:

Provided that no such notification shall be issued in respect of any such, or such other, body corporate as aforesaid, unless the Central Government is of the opinion that any change in the ownership of its shares has taken place or is likely to take place, which has affected or is likely to affect prejudicially the affairs of any company which is being managed by the managing agent.”.

Amendment
of section
348.

126. Section 348 of the principal Act shall be re-numbered as sub-section (1) of that section and—

(a) in that sub-section as so re-numbered, the words “Save as otherwise expressly provided in this Act,” shall be omitted;

(b) after that sub-section as so re-numbered, the following sub-sections shall be inserted, namely:—

“(2) For the purposes of this section, any payment made by way of remuneration to any of the following persons shall be deemed to be included in the remuneration of the managing agent:—

(a) where the managing agent of the company is a firm, every partner in the firm;

(b) where the managing agent of the company is a public company, every director of that public company;

(c) where the managing agent of the company is a private company, every director and member of that private company.

(3) Nothing contained in sub-section (1) or sub-section (2) shall be deemed to affect the operation of sections 352, 354 and 356 to 360.”.

Amendment
of section
349.

127. In section 349 of the principal Act,—

(a) in sub-section (3),—

(i) in clause (c), for the words “profits from the sale”, the words “profits of a capital nature including profits from the sale” shall be substituted;

(ii) the following proviso shall be inserted at the end, namely:—

“Provided that where the amount for which any fixed asset is sold exceeds the written-down value thereof referred to in section 350, credit shall be given for so much of the excess as is not higher than the difference between the original cost of that fixed asset and its written-down value.”;

(b) in sub-section (4),—

(i) for clause (j), the following clause shall be substituted, namely:—

“(j) outgoings inclusive of contributions made under clause (e) of sub-section (1) of section 293;”;

(ii) for clause (l), the following clause shall be substituted, namely:—

“(l) the excess of expenditure over income, which had arisen in computing the net profits in accordance with this section in any year which begins at or after the commencement of this Act, in so far as such excess has not been deducted in any subsequent year preceding the year in respect of which the net profits have to be ascertained;”;

(iii) after clause (n), the following clause shall be inserted, namely:—

“(o) debts considered bad and written off or adjusted during the year of account.”;

(c) in sub-section (5), after clause (c), the following clause shall be inserted, namely:—

“(d) loss of a capital nature including loss on sale of the undertaking or any of the undertakings of the company or of any part thereof not including any excess referred to in the proviso to section 350 of the written-down value of any asset which is sold, discarded, demolished or destroyed over its sale proceeds or its scrap value.”.

Substitution
of new sec-
tion for sec-
tion 350.

Ascertion
ment of dep-
reciation.

128. For section 350 of the principal Act, the following section shall be substituted, namely:—

"350. The amount of depreciation to be deducted in pursuance of clause (k) of sub-section (4) of section 349 shall be the amount calculated with reference to the written-down value of the assets as shown by the books of the company at the end of the financial year expiring at the commencement of this Act or immediately thereafter and at the end of each subsequent financial year, at the rate specified for the assets by the Indian Income-tax Act, 1922, and the rules made thereunder for the ~~11~~ of 1922. time being in force, as normal depreciation including therein extra and multiple shift allowances but not including therein any special, initial or other depreciation or any development rebate, whether allowed by that Act or those rules or otherwise:

Provided that if any asset is sold, discarded, demolished or destroyed for any reason before depreciation of such asset has been provided for in full, the excess, if any, of the written-down value of such asset over its sale proceeds or, as the case may be, its scrap value, shall be written off in the financial year in which the asset is sold, discarded, demolished or destroyed."

Amendment
of section
356.

129. In section 356 of the principal Act, in sub-section (2), in clause (a), the words "or any other company managed by the managing agent" shall be added at the end.

Amendment
of section
358.

130. In section 358 of the principal Act, in sub-section (2), after the words "not connected with that of the company", the words "or any other company managed by the managing agent" shall be inserted.

Amendment
of section
359.

131. In section 359 of the principal Act, in sub-section (1), the words "managing agent, secretaries and treasurers, manager" shall be omitted.

Amendment
of section
360.

132. In section 360 of the principal Act,—

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

"(1) A contract between a company and its managing agent or an associate of the managing agent,—

(a) for the sale, purchase or supply of any property, movable or immovable, or for the supply or rendering of any service other than that of managing agent; or

(b) for the underwriting of any shares or debentures to be issued or sold by the company;

shall not be valid against the company—

(i) unless the contract has been approved by the company by a special resolution passed by it, and

(ii) where the contract is for the supply or rendering of any service other than that of managing agent, unless further the contract has been approved by the Central Government,

either before the date of the contract or at any time within three months next after that date.”;

(b) in sub-section (2)—

(i) in clause (a), after the words “proposed to be entered into”, the words “or entered into” shall be inserted;

(ii) in clause (b), for the word “goods”, the word “property” shall be substituted;

(c) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) Nothing in clause (a) of sub-section (1) shall affect any contract or contracts for the sale, purchase or supply of any property or the supply or rendering of any services, in which either the company or the managing agent or associate, as the case may be, regularly trades or does business, provided that the value of such property or the cost of such services does not exceed five thousand rupees in the aggregate in any year comprised in the period of the contract or contracts.”.

133. Section 363 of the principal Act shall be re-numbered as sub-section (1) of that section and—

Amendment
of section
363.

(a) in sub-section (1) as so re-numbered, for the words “shall account to the company for such sum as if he held it in trust for the company”, the words “shall refund such sum to the company and until such sum is so refunded, hold it in trust for the company” shall be substituted;

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) The company shall not waive the recovery of any sum refundable to it under sub-section (1) unless permitted by the Central Government.”.

Amendment
of section
369.

134. In section 369 of the principal Act,—

(a) in sub-section (1), for the words "shall make", the words "shall, directly or indirectly, make" shall be substituted;

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Nothing contained in sub-section (1) or section 295 shall apply to—

(a) any credit given by the company to its managing agent for the purpose of facilitating the company's business and held by such agent in his own name in one or more current accounts, subject to limits previously approved by the directors of company and on no account exceeding twenty thousand rupees in the aggregate; or

(b) any loan made by a holding company to its subsidiary.

Explanation.—Credit referred to in clause (a) of sub-section (2) is confined to any cash advance given by way of a permanent advance or imprest for facilitating the carrying on of the company's business, transactions on such advance or imprest account being settled as far as possible on a monthly basis.”.

Amendment
of section
370.

135. In section 370 of the principal Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Where the lending company—

(a) makes any loan to, or

(b) gives any guarantee, or provides any security, in connection with a loan made by any other person to, or to any other person by,

a firm in which a partner is a body corporate under the same management as the lending company—

(i) the loan shall be deemed to have been made to, or

(ii) the guarantee or the security shall be deemed to have been given or provided in connection with the

loan made by such other person to, or to such other person by,

a body corporate under the same management.”;

(b) the *Explanation* to sub-section (1) shall be numbered and lettered as sub-section (1B) and in sub-section (1B) as so numbered and lettered,—

(i) for the words “For the purposes of this sub-section”, the words, brackets, figures and letter “For the purposes of sub-sections (1) and (1A)” shall be substituted;

(ii) at the end of clause (ii), the word “or” shall be added;

(iii) after clause (ii), the following clauses shall be inserted, namely:—

“(iii) if not less than one-third of the total voting power with respect to any matter relating to each of the two bodies corporate is exercised or controlled by the same individual or body corporate, or

(iv) if the holding company of the one body corporate is under the same management as the other body corporate within the meaning of clause (i), clause (ii) or clause (iii), or

(v) if one or more directors of the one body corporate while holding, whether by themselves or together with their relatives, the majority of shares in that body corporate also hold, whether by themselves or together with their relatives, the majority of shares in the other body corporate.”;

(c) after sub-section (1B) as so numbered and lettered, the following sub-sections shall be inserted, namely:—

“(1C) Every lending company shall keep a register showing—

(a) the names of all bodies corporate under the same management as the lending company and the name of every firm in which a partner is a body corporate under the same management as the lending company, and

(b) the following particulars in respect of every loan made, guarantee given or security provided by the lending company under this section:—

(i) the name of the body corporate to which the loan has been made whether such loan has been

made before or after that body corporate came under the same management as the lending company,

(ii) the amount of the loan,

(iii) the date on which the loan has been made,

(iv) the date on which the guarantee has been given or security has been provided in connection with a loan made by any other person to, or to any other person by, any body corporate or firm referred to in sub-section (1) or (1A) together with the name of the person, body corporate or firm.

(1D) Particulars of every such loan, guarantee or security shall be entered in the register aforesaid within three days of the making of such loan, or the giving of such guarantee or the provision of such security or in the case of any loan made, guarantee given or security provided before the commencement of the Companies (Amendment) Act, 1960, within three months from such commencement or such further time not exceeding six months as the company may by special resolution allow.

(1E) If default is made in complying with the provisions of sub-section (1C) or (1D), the company and every officer of the company who is in default, shall be punishable with fine which may extend to five hundred rupees and also with a further fine which may extend to fifty rupees for every day after the first during which the default continues.

(1F) The register aforesaid shall be kept at the registered office of the lending company and—

(a) shall be open to inspection at such office, and

(b) extracts may be taken therefrom or copies thereof may be required,

by any member of the company to the same extent and in the same manner and on the payment of the same fees as in the case of the register of members of the company; and the provisions of section 163 shall apply accordingly.”;

(d) for sub-section (2), the following sub-sections shall be substituted, namely:—

“(2) Nothing contained in the foregoing provisions of this section shall apply to—

(a) any loan made—

(i) by a holding company to its subsidiary, or

(ii) by the managing agent or secretaries and treasurers to any company under his or their management, or

(iii) by a banking company in the ordinary course of its business;

(b) any guarantee given or any security provided—

(i) by a holding company in respect of any loan made to its subsidiary, or

(ii) by the managing agent or secretaries and treasurers in respect of any loan made to any company under his or their management; or

(iii) by a banking company in the ordinary course of its business

(3) Nothing in this section shall apply to a book debt unless the transaction represented by the book debt was from its inception in the nature of a loan or an advance

(4) For the purposes of this section, any person in accordance with whose directions or instructions the Board of directors of a company is accustomed to act shall be deemed to be a director of the company.”.

136. After section 370 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
370A.

“370A. Where any loan made, guarantee given or security provided by a company and outstanding at the commencement of the Companies (Amendment) Act, 1960 would not have been made, given or provided if section 369 or section 370 had been in force at the time when such loan was made, guarantee given or security provided, the company shall, within six months from the commencement of that Act, enforce the repayment of the

Provisions
as to certain
loans which
could not
have been
made if sec-
tions 369 and
370 were
in force.

loan made or, as the case may be, revoke the guarantee given or the security provided, notwithstanding any agreement to the contrary:

Provided that the period of six months within which the company is required by this section to enforce the repayment of the loan or to revoke the guarantee or security, may be extended—

(a) in the case of a loan, guarantee or security under section 369, by the Central Government on an application made to it by the company for that purpose;

(b) in the case of a loan, guarantee or security under section 370, by a special resolution of the company.”.

Amendment
of section
371.

137. In section 371 of the principal Act, in sub-section (1), for the words and figures “section 369 or 370”, the words, brackets, figures and letters “section 369 or section 370 [excluding sub-section (1C) or (1D)], or section 370A” shall be substituted.

Substitution
of new sec-
tion for sec-
tion 372.

138. For section 372 of the principal Act, the following section shall be substituted, namely:—

Purchase by
company of
shares, etc.,
of other
companies.

“372. (1) A company (hereafter in this section and section 373 referred to as the investing company) shall not be entitled to subscribe for, or purchase (whether by itself, or by any individual or association of individuals in trust for it or for its benefit or on its account) the shares of any other body corporate except to the extent and except in accordance with the restrictions and conditions specified in this section.”

(2) The Board of directors of the investing company shall be entitled to invest in any shares of any other body corporate up to ten per cent. of the subscribed capital of such other body corporate:

Provided that the aggregate of the investments so made by the Board in all other bodies corporate shall not exceed thirty per cent. of the subscribed capital of the investing company:

Provided further that the aggregate of the investments made in all other bodies corporate in the same group shall not exceed twenty per cent. of the subscribed capital of the investing company.

(3) In computing at any time the percentages specified in sub-section (2) and the provisos thereto, the aggregate of the investments made by the investing company in other body or bodies corporate [whether before or after the commencement

of the Companies (Amendment) Act, 1960] up to that time shall be taken into account.

(4) The investing company shall not make any investment in the shares of any other body corporate in excess of the percentages specified in sub-section (2) and the provisos thereto, unless the investment is sanctioned by a resolution of the investing company in general meeting and unless further it is approved by the Central Government:

Provided that the investing company may at any time invest up to any amount in shares offered to it under clause (a) of sub-section (1) of section 81 (hereafter in this section referred to as rights shares) irrespective of the aforesaid percentages:

Provided further that when at any time the investing company intends to make any investments in shares other than rights shares, then, in computing at that time any of the aforesaid percentages, all existing investments, if any, made in rights shares up to that time shall be included in the aggregate of the investments of the company.

(5) No investment shall be made by the Board of directors of an investing company in pursuance of sub-section (2), unless it is sanctioned by a resolution passed at a meeting of the Board with the consent of all the directors present at the meeting, except those not entitled to vote thereon, and unless further notice of the resolution to be moved at the meeting has been given to every director in the manner specified in section 286.

(6) Every investing company shall keep a register of all investments made by it in shares of any other body or bodies corporate (whether in the same group or not and whether in the case of a body corporate in the same group, such investments were made before or after that body came within the same group as the investing company), showing in respect of each investment the following particulars:—

- (a) the name of the body corporate in which the investment has been made;
- (b) the date on which the investment has been made;
- (c) where the body corporate is in the same group as the investing company, the date on which the body corporate came in the same group;
- (d) the names of all bodies corporate in the same group as the investing company.

(7) Particulars of every investment to which sub-section (6) applies shall be entered in the register aforesaid within seven days of the making thereof or in the case of investments made before the commencement of the Companies (Amendment) Act, 1960, within six months from such commencement, or such further time as the Central Government may grant on an application by the company in that behalf.

(8) If default is made in complying with the provisions of sub-section (6) or (7), the company, and every officer of the company who is in default, shall be punishable with fine which may extend to five hundred rupees and also with a further fine which may extend to fifty rupees for every day after the first during which the default continues.

(9) The register aforesaid shall be kept at the registered office of the investing company and—

- (a) shall be open to inspection at such office, and
- (b) extracts may be taken therefrom and copies thereof may be required,

by any member of the investing company to the same extent, in the same manner, and on the payment of the same fees as in the case of the register of members of the investing company; and the provisions of section 163 shall apply accordingly.

(10) Every investing company shall annex in each balance-sheet prepared by it after the commencement of the Companies (Amendment) Act, 1960, a statement showing the bodies corporate (indicating separately the bodies corporate in the same group) in the shares of which investments have been made by it (including all investments, whether existing or not, made subsequent to the date as at which the previous balance-sheet was made out) and the nature and extent of the investments so made in each body corporate:

Provided that in the case of a company whose principal business is the acquisition of shares, stock, debentures or other securities (hereafter in this section referred to as an investment company), it shall be sufficient if the statement shows only the investments existing on the date as at which the balance-sheet to which the statement is annexed has been made out.

(11) For the purposes of this section, a body corporate shall be deemed to be in the same group as the investing company—

- (a) if the body corporate is the managing agent of the investing company; or

(b) if the body corporate and the investing company should, in virtue of sub-section (1B) of section 370, be deemed to be under the same management.

(12) References in the foregoing provisions of this section to shares shall in the case of investments made by the investing company in other bodies corporate in the same group, be deemed to include references to debentures also.

(13) The provisions of this section except the first proviso to sub-section (2) shall also apply to an investment company.

(14) This section shall not apply—

(a) to any banking or insurance company;

(b) to a private company, unless it is a subsidiary of a public company;

(c) to any company established with the object of financing, whether by way of making loans or advances to, or subscribing to the capital of, private industrial enterprises in India, in any case where the Central Government has made or agreed to make to the company a special advance for the purpose or has guaranteed or agreed to guarantee the payment of moneys borrowed by the company from any institution outside India;

(d) to investments by a holding company in its subsidiary; or

(e) to investments by a managing agent or secretaries and treasurers in a company managed by him or them."

139. In section 373 of the principal Act,—

Amendment
of section
373.

(a) after the words "made by a company", the words "in any other body corporate in the same group" shall be inserted; and

(b) for the words "the proviso to that sub-section", the words "the second proviso to that sub-section" shall be substituted.

140. In section 374 of the principal Act, for the words and figures "section 372 or 373", the words, figures and brackets "section 372 [excluding sub-sections (6) and (7)] or section 373" shall be substituted.

Amendment
of section
374.

Amendment
of section
377.

141. In section 377 of the principal Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Nothing contained in sub-section (1), or in any other provision of this Act, or in the memorandum or articles of a company, or in any agreement executed by it, or in any resolution passed by the company in general meeting, or by its Board of directors shall be deemed to authorise the managing agent to appoint the chairman of the Board of directors.”;

(b) after sub-section (5), the following sub-section shall be inserted, namely:—

"(6) Where from any cause the total number of directors is so reduced as not to exceed five, but the number of directors appointed by the managing agent exceeds, after such reduction, the number authorised under sub-section (1), the managing agent shall determine which of them shall continue to hold office and intimate the choice made by him to the company before the expiry of one month from the happening of the cause and only the director so chosen shall continue to hold office as director with effect from such expiry:

Provided that if no choice is made by the managing agent as aforesaid, all the directors appointed by him shall, with effect from such expiry, be deemed to have vacated their offices.”.

Amendment
of section
378.

142. In section 378 of the principal Act, the proviso shall be omitted.

Amendment
of section
379.

143. In section 379 of the principal Act, after the words “subject as aforesaid”, the words “and unless the context otherwise requires” shall be inserted.

Amendment
of section
381.

144. In section 381 of the principal Act, the word “annual” occurring at both the places shall be omitted.

Amendment
of section
384.

145. In section 384 of the principal Act, for the words “No public company, and no private company which is a subsidiary of a public company,”, the words “No company” shall be substituted.

Amendment
of section
386.

146. In section 386 of the principal Act, sub-section (5) shall be omitted.

147. In section 387 of the principal Act,—

Amendment
of section
387.

(a) the words "not exceeding five," shall be omitted;

(b) the following proviso shall be added at the end, namely:—

"Provided that except with the approval of the Central Government such remuneration shall not exceed in the aggregate five per cent. of the net profits."

148. In section 388 of the principal Act, for the figures "310", the figures "269, 310" shall be substituted.

Amendment
of section
388.

149. After section 388 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
388A.

"388A. Sections 386, 387 and 388 shall not apply to a private company unless it is a subsidiary of a public company."

Sections 386
to 388 not
to apply to
certain pri-
vate compa-
nies.

150. Section 389 of the principal Act shall be omitted.

Omission of
section 389.

151. In section 391 of the principal Act, in sub-section (2), after the words "where proxies are allowed", the words and figures "under the rules made under section 643" shall be inserted.

Amendment
of section
391.

152. In section 396 of the principal Act, in sub-section (1), for the words "national interest", the words "public interest" shall be substituted.

Amendment
of section
396.

153. In section 398 of the principal Act, in sub-section (1), in clause (b), after the words "secretaries and treasurers", where they occur for the first time, the words "or manager" shall be inserted.

Amendment
of section
398.

154. In section 407 of the principal Act, in sub-section (1), in clause (b), for the words "the order terminating the agreement", the words "the order terminating or setting aside the agreement" shall be substituted.

Amendment
of section
407.

155. In section 408 of the principal Act,—

Amendment
of section
408.

(a) in sub-section (1),—

(i) the words "being members of the company," shall be omitted;

(ii) for the words "two hundred", the words "one hundred" shall be substituted;

(b) in sub-section (2), for the words "two members of the company", the words "two persons" shall be substituted;

(c) after sub-section (3), the following sub-sections shall be inserted, namely :—

"(4) A person appointed under sub-section (1) to hold office as a director or a person directed under sub-section (2) to hold office as an additional director, shall not be required to hold any qualification shares nor his period of office shall be liable to determination by retirement of directors by rotation; but any such director or additional director may be removed by the Central Government from his office at any time and another person may be appointed by that Government in his place to hold office as a director or, as the case may be, an additional director.

(5) No change in the Board of directors made after a person is appointed or directed to hold office as a director or additional director under this section shall, so long as such director or additional director holds office, have effect unless confirmed by the Central Government."

156. In section 409 of the principal Act, in sub-section (1),—

(a) for the words "or the secretaries and treasurers", the words "the secretaries and treasurers or the manager" shall be substituted;

(b) for the words "no resolution passed or action taken", the words "no resolution passed or that may be passed or no action taken or that may be taken" shall be substituted.

157. In section 411 of the principal Act, the following provisos shall be added at the end, namely:—

"Provided that it shall not be necessary for the Central Government to refer to the Advisory Commission any application under section 408 or section 409 which in the opinion of that Government is of a frivolous nature or deals with matters of minor importance:

Provided further that the Central Government may, in the case of any application under section 408 or section 409 which has been, or may be, referred to the Advisory Commission, make such interim order as it thinks fit but it shall not make any final order on such application except after considering the advice tendered by the Advisory Commission."

158. In section 417 of the principal Act,—

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

"(1) Any money or security deposited with a company by any of its employee in pursuance of his contract of

Amendment
of section
409.

Amendment
of section
411.

Amendment
of section
417.

service with the company shall be kept or deposited by the company within fifteen days from the date of deposit—

- (a) in a post office savings bank account, or
 - (b) in a special account to be opened by the company for the purpose in the State Bank of India or in a Scheduled Bank, or
 - (c) where the company itself is a Scheduled Bank, in a special account to be opened by the company for the purpose either in itself or in the State Bank of India or in any other Scheduled Bank.”;
- (b) in sub-section (3), the words “with a Scheduled Bank” shall be omitted.

159. In section 418 of the principal Act,—

Amendment
of section
418.

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

“(1) Where a provident fund has been constituted by a company for its employees or any class of its employees, all moneys contributed to such fund (whether by the company or by the employees) or received or accruing by way of interest or otherwise to such fund shall, within fifteen days from the date of contribution, receipt or accrual, as the case may be, either—

- (a) be deposited
 - (i) in a post office savings bank account, or
 - (ii) in a special account to be opened by the company for the purpose in the State Bank of India or in a Scheduled Bank, or
 - (iii) where the company itself is a Scheduled Bank, in a special account to be opened by the company for the purpose either in itself or in the State Bank of India or in any other Scheduled Bank; or
- (b) be invested in the securities mentioned or referred to in clauses (a) to (e) of section 20 of the Indian Trusts Act, 1882.”;

(b) in sub-section (4),—

- (i) the word “separate” shall be omitted;
- (ii) after the words “to the trustees”, the words “within fifteen days from the date of collection” shall be inserted.

Amendment
of section
420.

160. In section 420 of the principal Act, for the words "fine which may extend to five hundred rupees", the words "imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees" shall be substituted.

Amendment
of section
426.

161. In section 426 of the principal Act, in sub-section (1), in clause (g), for the words "any other creditor who is not a past or present member of the company", the words "any creditor claiming otherwise than in the character of a past or present member of the company" shall be substituted.

Amendment
of section
439.

162. In section 439 of the principal Act, in sub-section (5),—

(a) for the words, brackets and letters "clauses (b), (c) and (e)", the words, brackets and letters "clauses (b), (c), (d), (e) and (f)" shall be substituted;

(b) in the first proviso, for the words "an inspector", the words, figures and letter "a special auditor appointed under section 233A or an inspector" shall be substituted.

Amendment
of section
444.

163. In section 444 of the principal Act, for the words "Official Liquidator", the words "Official Liquidator and the Registrar" shall be substituted.

Amendment
of section
445.

164. In section 445 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) In computing the period of one month from the date of the making of a winding up order under sub-section (1), the time requisite for obtaining a certified copy of the order shall be excluded."

Amendment
of section
446.

165. In section 446 of the principal Act,—

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

"(2) The Court which is winding up the company shall, notwithstanding anything contained in any other law for the time being in force, have jurisdiction to entertain, or dispose of—

(a) any suit or proceeding by or against the company;

(b) any claim made by or against the company (including claims by or against any of its branches in India);

(c) any application made under section 391 by or in respect of the company;

(d) any question of priorities or any other question whatsoever, whether of law or fact, which may relate to or arise in course of the winding up of the company;

whether such suit or proceeding has been instituted or is instituted, or such claim or question has arisen or arises or such application has been made or is made before or after the order for the winding up of the company, or before or after the commencement of the Companies (Amendment) Act, 1960.”;

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) Nothing in sub-section (1) or sub-section (3) shall apply to any proceeding pending in appeal before the Supreme Court or a High Court.”

166. In section 448 of the principal Act,—

Amendment
of section
448.

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) The Central Government may appoint one or more Deputy or Assistant Official Liquidators to assist the Official Liquidator in the discharge of his functions.”;

(b) in sub-section (2), the words, brackets, figure and letter “and as including references to Deputy or Assistant Official Liquidators appointed under sub-section (1A)” shall be inserted at the end.

167. In section 454 of the principal Act,—

Amendment
of section
454.

(a) for sub-section (5), the following sub-sections shall be substituted, namely:—

“(5) If any person, without reasonable excuse, makes default in complying with any of the requirements of this section, he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one hundred rupees for every day during which the default continues, or with both.

(5A) The Court by which the winding up order is made or the provisional liquidator is appointed, may take cognizance of an offence under sub-section (5) upon receiving a

complaint of facts constituting such an offence and trying the offence itself in accordance with the procedure laid down in the Code of Criminal Procedure, 1898, for the trial of summons cases by magistrates." 5 of 1898.

Amendment
of section
455.

168. In section 455 of the principal Act, in sub-section (1), after the words "six months from the date of the order", the words "or such extended period as may be allowed by the Court" shall be inserted.

Amendment
of section
456.

169. In section 456 of the principal Act,—

(a) in sub-section (1), after the words "the liquidator", the words "or the provisional liquidator, as the case may be," shall be inserted;

(b) after sub-section (1), the following sub-sections shall be inserted, namely :—

"(1A) For the purpose of enabling the liquidator or the provisional liquidator, as the case may be, to take into his custody or under his control, any property, effects or actionable claims to which the company is or appears to be entitled, the liquidator or the provisional liquidator, as the case may be, may by writing request the Chief Presidency Magistrate or the District Magistrate within whose jurisdiction such property, effects or actionable claims or any books of account or other documents of the company may be found, to take possession thereof, and the Chief Presidency Magistrate or the District Magistrate may thereupon after such notice as he may think fit to give to any party, take possession of such property, effects, actionable claims, books of account or other documents and deliver possession thereof to the liquidator or the provisional liquidator.

(1B) For the purpose of securing compliance with the provisions of sub-section (1A), the Chief Presidency Magistrate or the District Magistrate may take or cause to be taken such steps and use or cause to be used such force as may in his opinion be necessary."

Amendment
of section
457.

170. In section 457 of the principal Act, in sub-section (2), after clause (i), the following clause shall be inserted, namely:—

"(ia) to inspect the records and returns of the company on the files of the Registrar without payment of any fee;"

171. After section 458 of the principal Act, the following section Insertion of new section 458A:

"458A. Notwithstanding anything in the Indian Limitation Exclusion of certain time in computing application in the name and on behalf of a company which is being wound up by the Court, the period from the date of commencement of the winding up of the company to the date on which the winding up order is made (both inclusive) and a period of one year immediately following the date of the winding up order shall be excluded."

172. In section 463 of the principal Act, in sub-section (1),—

(a) after the words "imposed on him by this Act", the words 463. and figures "or by the Indian Companies Act, 1913" shall be inserted;

(b) the following proviso shall be added at the end, namely:—

"Provided that where the winding up of a company has commenced before the commencement of this Act, the Court may, on the application of the Central Government, appoint in place of such liquidator the Official Liquidator as the liquidator in such winding up."

173. In section 464 of the principal Act,—

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

"(1) (a) The Court may, at the time of making an order for the winding up of a company or at any time thereafter, direct that there shall be appointed a committee of inspection to act with the liquidator.

(b) Where a direction is given by the Court as aforesaid, the liquidator shall, within two months from the date of such direction, convene a meeting of the creditors of the company (as ascertained from its books and documents) for the purpose of determining who are to be members of the committee.";

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2). The liquidator shall, within fourteen days from the date of the creditors' meeting or such further time as the

Court in its discretion may grant for the purpose, convene a meeting of the contributories to consider the decision of the creditors' meeting with respect to the membership of the committee; and it shall be open to the meeting of the contributories to accept the decision of the creditors' meeting with or without modifications or to reject it.”;

(c) in sub-section (3), the words “whether there shall be a committee of inspection; and, if so,” shall be omitted.

Amendment
of section
465.

174. In section 465 of the principal Act, in sub-section (3), the words “and, failing such appointment, at least once a month,” shall be omitted.

Amendment
of section
468.

175. In section 468 of the principal Act,—

(a) for the words “or officer”, the words “officer or other employee” shall be substituted;

(b) for the words “in his hands”, the words “in his custody or under his control” shall be substituted.

Amendment
of section
477.

176. In section 477 of the principal Act, after sub-section (4), the following sub-sections shall be inserted, namely:—

“(5) If, on his examination, any officer or person so summoned admits that he is indebted to the company, the Court may order him to pay to the provisional liquidator or, as the case may be, the liquidator at such time and in such manner as to the Court may seem just, the amount in which he is indebted, or any part thereof, either in full discharge of the whole amount or not, as the Court thinks fit, with or without costs of the examination.

(6) If, on his examination, any such officer or person admits that he has in his possession any property belonging to the company, the Court may order him to deliver to the provisional liquidator or, as the case may be, the liquidator, that property or any part thereof, at such time, in such manner and on such terms as to the Court may seem just.

(7) Orders made under sub-sections (5) and (6) shall be executed in the same manner as decrees for the payment of money or for the delivery of property under the Code of Civil Procedure, 1908, respectively.

5 of 1908.

(8) Any person making any payment or delivery in pursuance of an order made under sub-section (5) or sub-section (6) shall by such payment or delivery be, unless otherwise

directed by such order, discharged from all liability whatsoever in respect of such debt or property.”.

177. In section 481 of the principal Act, in sub-section (1), after the words “completely wound up”, the words “or when the Court is of the opinion that the liquidator cannot proceed with the winding up of a company for want of funds and assets or for any other reason whatsoever and it is just and reasonable in the circumstances of the case that an order of dissolution of the company should be made” shall be inserted.

178. In section 488 of the principal Act, in sub-section (2), for clause (b), the following clause shall be substituted, namely:—

“(b) it is accompanied by a copy of the report of the auditors of the company (prepared, as far as circumstances admit, in accordance with the provisions of this Act) on the profit and loss account of the company for the period commencing from the date up to which the last such account was prepared and ending with the latest practicable date immediately before the making of the declaration and the balance-sheet of the company made out as on the last-mentioned date and also embodies a statement of the company's assets and liabilities as at that date.”.

179. In section 512 of the principal Act, in sub-section (1), in clause (a), for the words, brackets and figures “clauses (i) to (iv) of sub-section (2)”, the words, brackets, letters and figure “clauses (a) to (d) of sub-section (1)” shall be substituted.

180. In section 515 of the principal Act,—

(a) in sub-section (1), for the words “the Court may appoint a liquidator”, the words “the Court may appoint the Official Liquidator or any other person as a liquidator” shall be substituted;

(b) for sub-section (2), the following sub-sections shall be substituted, namely:—

“(2) The Court may, on cause shown, remove a liquidator and appoint the Official Liquidator or any other person as a liquidator in place of the removed liquidator.

(3) The Court may also appoint or remove a liquidator on the application made by the Registrar in this behalf.

(4) If the Official Liquidator is appointed as liquidator under the proviso to sub-section (2) of section 502 or under

Omission of section 521. this section, the remuneration to be paid to him shall be fixed by the Court and shall be credited to the Central Government.”.

181. Section 521 of the principal Act shall be omitted.

Amendment of section 524. **182.** In section 524 of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely:—

“(3) The Court may appoint the Official Liquidator as a liquidator under sub-section (1) or to fill any vacancy occasioned under sub-section (2).

(4) The Court may also appoint or remove a liquidator on an application made by the Registrar in this behalf.”.

Amendment of section 529. **183.** In section 529 of the principal Act, in sub-section (2), the following proviso shall be added at the end, namely:—

“Provided that if a secured creditor instead of relinquishing his security and proving for his debt proceeds to realise his security, he shall be liable to pay the expenses incurred by the liquidator (including a provisional liquidator, if any) for the preservation of the security before its realization by the secured creditor.”.

Amendment of section 530. **184.** In section 530 of the principal Act, in sub-section (1), in clause (b), after the words “relevant date”, the following words, letters and figures shall be inserted, namely:—

“and any compensation payable to any workman under any of the provisions of Chapter VA of the Industrial Disputes Act, 1947.”.

x4 of 1947.

Insertion of new section 531A. **185.** After section 531 of the principal Act, the following section shall be inserted, namely:—

Avoidance of voluntary transfer. “531A. Any transfer of property, movable or immovable, or any delivery of goods, made by a company, not being a transfer or delivery made in the ordinary course of its business or in favour of a purchaser or encumbrancer in good faith and for valuable consideration, if made within a period of one year before the presentation of a petition for winding up by or subject to the supervision of the Court or the passing of a resolution for voluntary winding up of the company, shall be void against the liquidator.”.

Amendment of section 535. **186.** In section 535 of the principal Act, in sub-section (4), for the words “the company shall be deemed to have adopted it”, the words “he shall be deemed to have adopted it” shall be substituted.

187. In section 537 of the principal Act, for sub-section (2), the Amendment of section 537 following sub-section shall be substituted, namely:—

“(2) Nothing in this section applies to any proceedings for the recovery of any tax or impost or any dues payable to the Government.”.

188. In section 546 of the principal Act, after sub-section (1), the Amendment of section 546 following sub-section shall be inserted, namely:—

“(1A) Notwithstanding anything contained in sub-section (1), in the case of a winding up by the Court, the Supreme Court may make rules under section 643 providing that the liquidator may, under such circumstances, if any, and subject to such conditions, restrictions and limitations, if any, as may be specified in the rules, exercise any of the powers referred to in sub-clause (ii) or sub-clause (iii) of sub-section (1) without the sanction of the Court.”.

189. In section 549 of the principal Act, in sub-section (1), for the words “the Central Government”, the words “the Supreme Court” shall be substituted. Amendment of section 549.

190. In section 551 of the principal Act,—

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

“(1) If the winding up of a company is not concluded within one year after its commencement, the liquidator shall, unless he is exempted from so doing either wholly or in part by the Central Government, within two months of the expiry of such year and thereafter until the winding up is concluded, at intervals of not more than one year or at such shorter intervals, if any, as may be prescribed, file a statement in the prescribed form and containing the prescribed particulars duly audited, by a person qualified to act as auditor of the company, with respect to the proceedings in, and position of, the liquidation,—

(a) in the case of a winding up by or subject to the supervision of the Court, in Court; and

(b) in the case of a voluntary winding up, with the Registrar:

Provided that no such audit as is referred to in this sub-section shall be necessary where the provisions of section 462 supply.”;

(b) in sub-section (5), the following proviso shall be added at the end, namely:—

"Provided that if the liquidator makes wilful default in causing the statement referred to in sub-section (1) to be audited by a person qualified to act as auditor of the company, the liquidator shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both."

Amendment
of section
555-

191. In section 555 of the principal Act,—

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

"(1) Where any company is being wound up, if the liquidator has in his hands or under his control any money representing—

(a) dividends payable to any creditor which had remained unpaid for six months after the date on which they were declared, or

(b) assets refundable to any contributory which have remained undistributed for six months after the date on which they became refundable,

the liquidator shall forthwith pay the said money into the public account of India in the Reserve Bank of India in a separate account to be known as the Company's Liquidation Account.";

(b) in sub-section (2), for the word "unclaimed", the word "unpaid" shall be substituted;

(c) in sub-section (9), in clause (a), the following proviso shall be added at the end, namely:—

"Provided that the Central Government may in any proper case remit either in part or in whole the amount of interest which the liquidator is required to pay under this clause."

Amendment
of section
582.

192. In section 582 of the principal Act, in clause (b), the words "at the time when the petition for winding up the partnership, association or company, as the case may be, is presented before the Court" shall be inserted at the end.

Amendment
of section
595.

193. In section 595 of the principal Act, in clause (c), the word "advertisements" shall be omitted.

194. In section 610 of the principal Act,—

Amendment
of section
610.

(a) in sub-section (1),—

(i) for the words "Any person may", the words "Save as otherwise provided elsewhere in this Act, any person may" shall be substituted;

(ii) in clause (a), after the word "Registrar", the words and figures "in accordance with the rules made under the Destruction of Records Act, 1917" shall be inserted;

(iii) in clause (b), for the words "on payment of a fee of five rupees in the case of a certificate of incorporation, and of six annas for every one hundred words or fractional part thereof", the words "on payment in advance of a fee of five rupees in the case of a certificate of incorporation, and of one rupee for every one hundred words or fractional part thereof" shall be substituted;

(b) sub-section (4) shall be omitted.

195. Section 611 of the principal Act shall be re-numbered as sub-section (1) of that section and—

Amendment
of section
611.

(a) in that sub-section as so re-numbered, after the proviso, the following further proviso shall be inserted, namely:—

"Provided further that in the case of resolutions to which section 192 applies, not more than one fee shall be required for the filing of more resolutions than one passed in the same meeting if such resolutions are filed with the Registrar at the same time.";

(b) after that sub-section as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) Any document required or authorised by this Act to be filed or registered, or any fact required or authorised by this Act to be registered, with the Registrar on payment of the fee specified therefor in Schedule X, may, without prejudice to any other liability, be filed or registered after the time, if any, specified in this Act for its filing or registration on payment of such additional fee not exceeding ten times the amount of the fee so specified as the Registrar may determine."

Insertion of
new section
614A in
Part XII.

Power of
Court trying
offences
under the
Act to direct
the filing of
documents
with Regis-
trar.

196. In Part XII, after section 614 of the principal Act, the following section shall be inserted, namely:—

"614A. (1) Any Court trying an offence for a default in compliance with any provision of this Act which requires a company or its officers to file or register with, or deliver or send to, the Registrar, any return, account or other document, may at the time of sentencing, acquitting or discharging the accused, direct by order, if it thinks fit to do so, any officer or other employee of the company to file or register with, deliver or send to, the Registrar on payment of the fee including the additional fee required to be paid under section 611, such return, account or other document within such time as may be specified in the order.

(2) Any officer or other employee of the company who fails to comply with an order of the Court under sub-section (1) shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both."

Amendment
of section
616.

197. In section 616 of the principal Act, in clause (c), after the words "the provisions of", the words and figures "the Indian Electricity Act, 1910, or" shall be inserted.

9 of 1956.

Amendment
of section
617.

198. In section 617 of the principal Act,—

(a) for the words and figures "sections 618, 619 and 620", the words "this Act" shall be substituted;

(b) for the words "share capital", the words "paid-up share capital" shall be substituted;

(c) the words "and includes a company which is a subsidiary of a Government company as thus defined" shall be added at the end.

Substitution
of new
section for
section 618.
Government
companies
not to have
managing
agents.

199. For section 618 of the principal Act, the following section shall be substituted, namely:—

"618. No Government company, whether formed before or after the 1st day of April, 1956, shall, after the commencement of the Companies (Amendment) Act, 1960, appoint or employ, or after the expiry of six months from such commencement, continue the appointment or employment of, any managing agent:

Provided that where a company has become a Government company after the 1st day of April, 1956, nothing in this section shall prevent that company from continuing after the commencement of the Companies (Amendment) Act, 1960, the appointment or employment of a managing agent appointed or employed before such commencement."

200. After section 619 of the principal Act, the following section Insertion
shall be inserted, namely:— of new sec-
tion 619A.

"619A. (1) Where the Central Government is a member of Annual re-
a Government company, the Central Government shall cause ports on
an annual report on the working and affairs of that company Government
to be— companies.

(a) prepared within three months of its annual general meeting before which the audit report is placed under sub-section (5) of section 619; and

(b) as soon as may be after such preparation, laid before both Houses of Parliament together with a copy of the audit report and any comments upon, or supplement to, the audit report, made by the Comptroller and Auditor-General of India.

(2) Where in addition to the Central Government, any State Government is also a member of a Government company, that State Government shall cause a copy of the annual report prepared under sub-section (1) to be laid before the House or both Houses of the State Legislature together with a copy of the audit report and the comments or supplement referred to in sub-section (1).

(3) Where the Central Government is not a member of a Government company, every State Government which is a member of that company, or where only one State Government is a member of the company, that State Government shall cause an annual report on the working and affairs of the company to be—

(a) prepared within the time specified in sub-section (1); and

(b) as soon as may be after such preparation, laid before the House or both Houses of the State Legislature with a copy of the audit report and comments or supplement referred to in sub-section (1).".

201. After section 620 of the principal Act, the following heading Insertion of
and section shall be inserted, namely:— new heading
and new section 620A.

'Modification of Act in its application to Nidhis and Mutual Benefit Societies'

620A. (1) In this section, "Nidhi" or "Mutual Benefit Society" means a company which the Central Government may, by notification in the Official Gazette, declare to be a Nidhi or Mutual Benefit Society, as the case may be.

(2) The Central Government may, by notification in the Official Gazette, direct that any of the provisions of this Act specified in the notification—

(a) shall not apply to any *Nidhi* or Mutual Benefit Society, or

(b) shall apply to any *Nidhi* or Mutual Benefit Society with such exceptions, modifications and adaptations as may be specified in the notification.

(3) A copy of every notification issued under sub-section (1) shall be laid as soon as may be after it is issued, before each House of Parliament.'

Amendment
of section
621.

202. In section 621 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, where the complainant under sub-⁵ of 1898. section (1) is the Registrar or a person authorised by the Central Government, the personal attendance of the complainant before the Court trying the offence shall not be necessary unless the Court for reasons to be recorded in writing requires his personal attendance at the trial."

Insertion
of new sec-
tions 624A
and 624B.

Power of
Central
Government
to appoint
company
prosecutors.

203. After section 624 of the principal Act, the following sections shall be inserted, namely:—

"624A. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, the Central Government may appoint ⁵ of 1898. generally, or in any case, or for any specified class of cases in any local area, one or more persons, as company prosecutors for the conduct of prosecutions arising out of this Act; and the persons so appointed as company prosecutors shall have all the powers and privileges conferred by that Code on public prosecutors appointed by a State Government under section 492 of that Code.

Appeal
against
acquittal.

624B. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, the Central Government may, in any ⁵ of 1898. case arising out of this Act, direct any company prosecutor or authorise any other person either by name or by virtue of his office, to present an appeal from an order of acquittal passed by any Court other than a High Court and an appeal presented by such prosecutor or other person shall be deemed to have been validly presented to the appellate Court."

204. In section 627 of the principal Act, in sub-section (1), after Amendment of section 627, the words "by the Central Government", the words, figures and letter "or by a company prosecutor appointed under section 624A" shall be inserted.

205. After section 629 of the principal Act, the following section Insertion of new section 629A. shall be inserted, namely:—

"629A. If a company or any other person contravenes any provision of this Act for which no punishment is provided elsewhere in this Act or any condition, limitation or restriction subject to which any approval, sanction, consent, confirmation, re-cognition, direction or exemption in relation to any matter has been accorded, given or granted, the company and every officer of the company who is in default or such other person 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 the contravention continues.".

206. In section 633 of the principal Act,—

(a) in sub-section (1), the following proviso shall be added at the end, namely:—

"Provided that in a criminal proceeding under this sub-section, the Court shall have no power to grant relief from any civil liability which may attach to an officer in respect of such negligence, default, breach of duty, misfeasance or breach of trust.";

(b) for sub-section (2), the following sub-sections shall be substituted, namely:—

"(2) Where any such officer has reason to apprehend that any proceeding will or might be brought against him in respect of any negligence, default, breach of duty, misfeasance or breach of trust, he may apply to the High Court for relief and the High Court on such application shall have the same power to relieve him as it would have had if it had been a Court before which a proceeding against that officer for negligence, default, breach of duty, misfeasance or breach of trust had been brought under sub-section (1).

(3) No Court shall grant any relief to any officer under sub-section (1) or sub-section (2) unless it has, by notice served in the manner specified by it, required the Registrar and such other person, if any, as it thinks necessary, to show cause why such relief should not be granted."

Insertion of
new heading
and new sec-
tion 637A.

207. After section 637 of the principal Act, the following heading and section shall be inserted and shall be deemed always to have been inserted, namely:—

"Grant of approval, etc., subject to conditions and levy of fees on applications"

Power of
Central Go-
vernment to
accord ap-
proval, etc.,
subject to
conditions
and to pres-
cribe fees on
applications.

637A. (1) Where the Central Government is required or authorised by any provision of this Act,—

- (a) to accord approval, sanction, consent, confirmation or recognition to or in relation to, any matter;
- (b) to give any direction in relation to any matter; or
- (c) to grant any exemption in relation to any matter,

then, in the absence of anything to the contrary contained in such or any other provision of this Act, the Central Government may accord, give or grant such approval, sanction, consent, confirmation, recognition, direction or exemption subject to such conditions, limitations or restrictions as it may think fit to impose and may, in the case of contravention of any such condition, limitation or restriction, rescind or withdraw such approval, sanction, consent, confirmation, recognition, direction or exemption.

(2) Save as otherwise expressly provided in this Act, every application which may be, or is required to be, made to the Central Government under any provision of this Act—

- (a) in respect of any approval, sanction, consent, confirmation or recognition to be accorded by that Government to, or in relation to, any matter; or
- (b) in respect of any direction or exemption to be given or granted by that Government in relation to any matter; or
- (c) in respect of any other matter,

shall be accompanied by such fee not exceeding one hundred rupees as may be prescribed:

Provided that different fees may be prescribed for applications in respect of different matters or in case of applications by companies, for applications by different classes of companies.

Omission of
heading and
section 639.

208. (1) Section 639 of the principal Act and the heading above it shall be omitted.

(2) For the removal of doubt it is hereby declared that nothing in section 639 of the principal Act before its omission by sub-section (1) of this section shall be deemed ever to have required the Central Government to prepare, and lay before both Houses of Parliament, any annual report on the working and affairs of a Government company of which the Central Government is not a member.

~~209.~~ After section 640 of the principal Act, the following heading and section shall be inserted, namely:—

In insertion of
new head-
ing and
new section
after section
640.

"Computation of time for filing orders of Court"

640A. Except as expressly provided in this behalf elsewhere in this Act, where by any provision of this Act, any order of the Court is required to be filed with the Registrar, or a company or any other person within a period specified therein, then, in computing that period, the time taken in drawing up the order and in obtaining a copy thereof shall be excluded.”

210. In section 641 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:

Amendment
of section
641.

“(3) Every alteration made by the Central Government under sub-section (1) 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 successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the alteration, or both Houses agree that the alteration should not be made, the alteration 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 in pursuance of that alteration.”

211. In section 642 of the principal Act, for sub-sections (2) and (3), the following sub-sections shall be substituted, namely:

Amendment
of section
642.

“(2) Any rule made under sub-section (1) may provide that a contravention thereof 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.

(3) Every rule made by the Central Government under sub-section (1) 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 successive sessions, and if before the expiry of the session in

*sections 209 to 218 rep. by Act 52 of 1964, S. 24 Sch. I
(w.e.f. 29.12.64).*

which it is so laid or the session immediately following both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

Amendment
of section
643.

212. In section 643 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (a), for the words, brackets and figures “sub-section (1) of section 549 and sub-section (3) of section 550”, the words, brackets and figures “sub-section (3) of section 550, section 552 and sub-section (3) of section 555” shall be substituted;

(ii) in clause (b), in sub-clause (iv), the words “and the sub-division of the shares of a company” shall be omitted;

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) All rules made by the Central Government under sub-section (1) of section 549 and in force immediately before the commencement of the Companies (Amendment) Act, 1960 shall continue in force and be deemed to have been made by the Supreme Court unless and until they are superseded by rules made by the Supreme Court after such commencement.”.

Amendment
of section
647.

213. In section 647 of the principal Act, the following proviso shall be added at the end, namely:—

“Provided that where the proceedings in any such winding up are pending at the commencement of the Companies (Amendment) Act, 1960,—

(a) sections 463, 502, 515 and 524 shall, as far as may be, also apply in relation thereto;

(b) the liquidator appointed by the Court and functioning in any such winding up shall in such manner and at such time as may be prescribed by the Central Government, pay the moneys received by him as such liquidator, into the public account of India in the Reserve Bank of India.”.

- 214.** Section 650 of the principal Act shall be omitted. Omission of section 650.
- 215.** In Schedule I to the principal Act, in Table A, in regulation 3, in clauses (1) and (2), the word “general” shall be omitted. Amendment of Schedule I.
- 216.** After Schedule I to the principal Act, the following Schedule shall be inserted, namely:— Insertion of new Schedule IA.

“SCHEDULE IA

[See section 6(c)]

LIST OF RELATIVES

1. Father.
2. Mother (including step-mother).
3. Son (including step-son).
4. Son's wife.
5. Daughter (including step-daughter).
6. Father's father.
7. Father's mother.
8. Mother's mother.
9. Mother's father.
10. Son's son.
11. Son's son's wife.
12. Son's daughter.
13. Son's daughter's husband.
14. Daughter's husband.
15. Daughter's son.
16. Daughter's son's wife.
17. Daughter's daughter.
18. Daughter's daughter's husband.

19. Brother (including step-brother).
20. Brother's wife.
21. Sister (including step-sister).
22. Sister's husband.
23. Husband's father.
24. Husband's mother.
25. Husband's sister.
26. Wife's father.
27. Wife's mother.
28. Wife's brother.
29. Wife's sister.
30. Wife's sister's husband.
31. Father's brother.
32. Father's sister.
33. Mother's brother.
34. Mother's sister.
35. Father's brother's wife.
36. Father's sister's husband.
37. Mother's brother's wife.
38. Mother's sister's husband.
39. Brother's son.
40. Brother's son's wife.
41. Brother's daughter.
42. Sister's son.
43. Sister's daughter.
44. Father's brother's son.
45. Father's brother's daughter.
46. Father's sister's son.
47. Father's sister's daughter.
48. Mother's brother's son.
49. Mother's brother's daughter.".

Amendment 217. In Schedule VI to the principal Act,—
 of Schedule VI.
 (a) for Part I, the following Part shall be substituted, namely:—

PART I—FORM OF BALANCE-SHEET

*Balance-Sheet of.....(Here enter the name of the company)
 As at.....(Here enter the date as at which the balance-sheet is made out)*

Instructions in accordance with which liabilities should be made out	Liabilities Figures for the previous year	Assets Figures for the current year	Instructions in accordance with which assets should be made out
*Terms of redemption or conversion (if any) of any Redeemable Preference Capital to be stated, together with earliest date of redemption or conversion.	Rs. (h) *SHARE CAPITAL : Authorised.....shares of Rs. each issued (distinguishing between the various classes of capital and stating the particulars specified below, in respect of each class)shares of Rs. each subscribed (distinguishing between the various classes of capital and stating the particulars specified below, in respect of each class.) (c) shares of Rs. each.	Rs. (h) *FIXED ASSETS : Distinguishing as far as possible between expenditure upon (a) goodwill, (b) land, (c) buildings, (d) lease-holds, (e) railway sidings, (f) plant and machinery, (g) furniture and fittings, (h) development of property, (i) patents, trade marks and designs, (j) live-stock and (k) vehicles, etc.	*Under each head the original cost, and the additions thereto to and deductions therefrom during the year, and the total depreciation written off or provided up to the end of the year to be stated. In case where original cost cannot be ascertained, the valuation shown by the books shall be given and where any of the assets are sold and the original cost in respect thereof is not ascertainable, the amount of the sale proceeds shall be shown as deduction.

Companies (Amendment)

[ACT 65]

Instructions in accordance with which liabilities should be made out	Liabilities		Assets		Instructions in accordance with which assets should be made out
	Figures for the previous year	Figures for the current year	Figures for the previous year	Figures for the current year	
	Rs. (b)	Rs.	Rs. (b)	Rs.	Rs. (b)

Rs..... called up.
Of the above shares... shares are allotted as fully paid up pursuant to a contract without payments being received in cash.
Of the above shares... shares are allotted as fully paid up by way of bonus shares or other shares by way of capitalisation of profits or reserves or/and from share premium account.

Less : Calls unpaid :
(i) By managing agent or secretaries and treasurers and where the managing agent or secretaries and treasurers are a firm, by the partners thereof, and where the managing agent or secretaries and treasurers are a private

Where sums have been written off on a reduction of capital or a revaluation of assets, every balance-sheet, (after the first balance-sheet) subsequent to the reduction or revaluation shall show the reduced figures

company, by the directors or members of that company.

(ii) By directors.

(iii) By others.

Art. 5 : Forfeited shares

and with the date of the reduction in place of the original cost.

Each balance-sheet for the first five years subsequent to the date of the reduction, shall show also the amount of the reduction made.

Similarly, where sums have been added by writing up the assets, every balance-sheet subsequent to such writing up shall show the increased figures with the date of the increase in place of the original cost. Each balance-sheet for the first five years subsequent to the date of writing up shall also show the amount of increase made.

*Aggregate amount of company's quoted investments and also the market value thereof shall be shown. Aggregate amount of company's unquoted investments shall also be shown.

INVESTMENTS :

Showing nature of investments and mode of valuation, for example cost or market value and distinguishing between—

**RESERVES AND SURPLUS :*

- (1) Capital Reserves not available for Dividend.
- (2) Capital Redemption Reserve.
- (3) Share Premium Account(cc).
- (4) Other Reserves specifying the nature of each reserve and the amount in respect thereof.

Less : Debit balance in Profit and Loss Account (if any).

- (5) Any other Reserve created out of Net Profit.
- (6) Surplus that is balance in Profit and Loss Account after providing for proposed allocations, *viz.*,

*(i) Investments in Government or Trust Securities.

*(2) Investments in shares, debentures or bonds (showing separately shares, fully paid up and partly paid up and also distinguishing the different classes of shares

*Additions and deductions since last balance-sheet to be shown, under each of the specified heads. The word "fund" in relation to any "Reserve" should be used only where such Reserve is specifically represented by readily realisable and earmarked assets.

Instructions in accordance with which liabilities should be made out	Liabilities		Assets		Instructions in accordance with which assets should be made out
	Figures for the previous year	Figures for the current year	Figures for the previous year	Figures for the current year	
	Rs. (b)	Rs. (b)	Rs. (b)	Rs. (b)	

SECURED LOANS :

- *(1) Debentures
- *(2) Loans and Advances from Banks.
- *(3) Loans and Advances from subsidiaries.
- *(4) Other Loans and Advances.

*The nature of the security to be specified in each case. Where loans have been guaranteed by managing agents, secretaries and treasurers, managers and/or directors, a mention thereof shall also be made and also the aggregate amount of such loans under each head.

CURRENT ASSETS, LOANS AND ADVANCES :

- (A) Current Assets.
- (i) Interest accrued on Investments.
- ††(2) Stores and Spare Parts.
- ††(3) Loose Tools.
- ††(4) Stock-in-trade.
- ††(5) Works in Progress.
- ††(6) Sundry Debtors.
- (a) Debts outstanding for a period exceeding six months.
- (b) Other debts.
- Less : Reserve.
- †(7) Cash and bank balances.

TERMS OF REDEMPTION OR CONVERSION (IF ANY) OF DEBENTURES ISSUED TO BE STATED TOGETHER WITH EARLIEST DATE OF REDEMPTION OR CONVERSION.

TERMS OF VALUATION OF STOCK

†Mode of valuation of stock shall be stated and the amount in respect of raw materials shall also be stated separately where practicable.

TERMS OF VALUATION OF WORKS-IN-PROGRESS

**Mode of valuation of works-in-progress shall be stated.

TERMS OF PAYMENT OF DEBTORS

†In regard to Sundry Debtors particulars to be given separately of—(a) debts considered good and in respect of which the company is fully secured;

and (b) debts considered good for which the company holds no security other than the debtor's personal security; and (c) debts considered doubtful or bad.

Debts due by directors or other officers of the company or any of them either severally or jointly with any other person or debts due by firms or private companies respectively in which any director is a partner or a director or a member to be separately stated.

Debts due from other companies under the same management to be disclosed with the names of the companies (vide section 370).

The maximum amount due by directors or other officers of the company at any time during the year to be shown by way of a note.

The Reserves to be shown under this head should not exceed the amount of debts stated to be considered doubtful or bad and any surplus of such Reserves, if already created, should be shown at every closing under "Reserves and Surplus" (in the Liabilities side) under a separate sub-head "Reserve for Doubtful or Bad Debts".

Instructions in accordance with which liabilities should be made out	Liabilities		Assets		Instructions in accordance with which assets should be made out
	Figures for the previous year	Figures for the current year	Figures for the previous year	Figures for the current year	
	Rs. (b)	Rs. (b)	Rs. (b)	Rs. (b)	
UNSECURED LOANS :					
<p>†Where loans have been guaranteed by managing agents, secretaries and treasurers, managers and/or directors, a mention thereof shall also be made and also the aggregate amount of such loans under each head.</p> <p>*See note (d) at foot of Form.</p>					
<p>(1) Fixed Deposits.</p> <p>(2) Loans and Advances from Subsidiaries.</p> <p>* (3) Short Term Loans and Advances :</p> <p>(a) From Banks.</p> <p>(b) From others.</p> <p>(4) Other Loans and Advances :</p> <p>(a) From Banks.</p> <p>(b) From others.</p>					
<p>CURRENT LIABILITIES AND PROVISIONS :</p> <p>A. Current Liabilities.</p> <p>(1) Acceptances.</p> <p>(2) Sundry Creditors.</p> <p>(3) Subsidiary Companies.</p> <p>(4) Provision for Taxation.</p> <p>(5) Proposed Dividends.</p>					
<p>†(B) Loans and Advances.</p> <p>(8) Advances and Loans to</p>					

Instructions in accordance with which assets should be made out

Figures for the current year

Figures for the previous year

The balances lying with bankers on current accounts, call accounts and deposit accounts shall be shown separately.

UNSECURED LOANS :

- (1) Fixed Deposits.
- (2) Loans and Advances from Subsidiaries.
- * (3) Short Term Loans and Advances :
 - (a) From Banks.
 - (b) From others.
- (4) Other Loans and Advances :
 - (a) From Banks.
 - (b) From others.

*See note (d) at foot of Form.

CURRENT LIABILITIES AND PROVISIONS :

A. Current Liabilities.

- (1) Acceptances.
- (2) Sundry Creditors.
- (3) Subsidiary Companies.
- (4) Provision for Taxation.
- (5) Proposed Dividends.

†(B) Loans and Advances.

- (8) Advances and Loans to

		†The above instructions regarding "Sundry Debts and Advances" also.
(6) Advance Payments and Unexpired Discounts for the portion for which value has still to be given, e.g., in the case of the following classes of companies : (Newspaper, Fire Insurance, Theatre, Clubs, Banking, Steamship Companies, etc.)	<p>(9) Bills of Exchange.</p> <p>(10) Advances recoverable in cash or in kind or for value to be received, e.g., Rates, Taxes, Insurance, etc.</p> <p>(11) Balances on current account with Managing Agents or Secretaries and Treasurers.</p> <p>(12) Balances with Customs, Port Trust, etc. (where payable on demand).</p>	
	<p>(7) Undeclared Dividends.</p> <p>(8) Other Liabilities (if any).</p> <p>(9) Interest accrued and accruing on secured loans.</p> <p>(10) Interest accrued and accruing on unsecured loans.</p>	
	B. Provisions.	
	<p>(11) For contingencies.</p> <p>(12) For Provident Fund scheme.</p> <p>(13) For insurance, pension and similar staff benefit schemes.</p> <p>(14) Other provisions.</p>	
		†A foot-note to the balance-sheet may be added to show separately :—
		<p>†† The period for which the dividends are in arrear or if there is more than one class of shares, the dividends on each such class are in arrear, shall be stated.</p> <p>(1) Claims against the company not acknowledged as debts.</p> <p>(2) Uncalled liability on shares partly paid.</p> <p>(3) Arrears of fixed cumulative dividends.</p> <p>(4) Estimated amount of contracts remaining to be executed on capital account and not provided for.</p>
		The amount shall be stated before deduction of Income-tax, except that

Instructions in accordance with which liabilities should be made out	Assets		Instructions in accordance with which assets should be made out
	Liabilities	Figures for the previous year	
in the case of tax-free dividends the amount shall be shown free of income-tax and the fact that it is so shown shall be stated.	Rs. (b) † ^(S) Other money for which the company is contingently liable.]	Rs. (b) Figures for the current year	Figures for the current year
+The amount of guarantees given by the company on behalf of directors or other officers of the company shall be stated practicable, and where such amount of each contingent liability, material, shall also be specified.	Rs. (b) MISCELLANEOUS EXPENDITURE (to the extent not written off) : (1) Preliminary expenses. (2) Expenses including commission or brokerage on underwriting or subscription of shares or debentures. (3) Discount allowed on the issue of shares or debentures. (4) Interest paid out of capital during construction (also stating the rate of interest). (5) Development expenditure not adjusted. (6) Other items (specifying nature).	Rs. (b) Figures for the previous year	Figures for the previous year

PROFIT AND LOSS ACCOUNT
Loss brought forward.
Less : Reserves set off.

NOTES

General instructions for preparation of balance-sheet.—(a) The information required to be given under any of the items or sub-items in this Form, if it cannot be conveniently included in the balance-sheet itself, shall be furnished in a separate Schedule or Schedules to be annexed to and to form part of the balance-sheet. This is recommended when items are numerous.

- (b) *Naya Paisa* can also be given in addition to Rupees, if desired.
- (c) In the case of subsidiary companies, etc., the number of shares held by the holding company as well as by the ultimate holding company and its subsidiaries must be separately stated.

The auditor is not required to certify the correctness of such share-holdings as certified by the management.

- (cc) The item "Share Premium Account" shall include full details of its utilization in the manner provided in section 78.
- (d) Short Term Loans will include those which are due for not more than one year as at the date of the balance-sheet.
- (e) Depreciation written off or provided shall be allocated under the different asset heads and deducted in arriving at the value of Fixed Assets.
- (f) Dividends declared by subsidiary companies after the date of the balance-sheet [cannot be included unless they are in respect of period which closed on or before the date of the balance-sheet].
- (g) Any reference to benefits expected from contracts to the extent not executed shall not be made in the balance-sheet but shall be made in ~~the Board's report.~~
- (h) The debit balance in the Profit and Loss Account shall be set off against the General Reserve, if any.

(i) As regards Loans and Advances, amounts due by the Managing Agents or Secretaries and Treasurers, either severally or jointly with any other persons, to be separately stated; the amounts due from other companies under the same management should also be given with the names of the companies ~~wide~~ section 370; the maximum amount due from every one of these at any time during the year must be shown.

- (j) Particulars of any redeemed debentures which the company has power to issue should be given.
- (k) Where any of the company's debentures are held by a nominee or a trustee for the company, the nominal amount of the debentures and the amount at which they are stated in the books of the company shall be stated.

(l) A statement of investments (whether shown under "Investments" or under "Current Assets" as stock-in-trade) separately classifying trade investments and other investments should be annexed to the balance-sheet showing the names of the bodies corporate, indicating separately the names of the bodies corporate in the same group (with the name of the managing agent or secretaries and treasurers, if any, of every body corporate) in whose shares or debentures investments have been made (including all investments whether existing or not, made subsequent to the date as at which the previous balance-sheet was made out) and the nature and extent of the investments so made, in each such body corporate; provided that in the case of an investment company, that is to say, a company whose principal business is the acquisition of shares, stock, debentures or other securities, it shall be sufficient if the statement shows only the investments existing on the date as at which the balance-sheet has been made out; provided further that it shall not be necessary to give any particulars in respect of investments made by a managing agent or secretaries and treasurers company in the managed companies' shares or debentures.

A "Trade Investment" means an investment by a company in the shares or debentures of another company, not being its subsidiary, for the purpose of promoting the trade or business of the first company.

(m) If, in the opinion of the Board, any of the current assets have not a value on realisation in the ordinary course of business at least equal to the amount at which they are stated, the fact that the Board is of that opinion shall be stated.

(n) Except in the case of the first balance-sheet laid before the company after the commencement of the Act, the corresponding amounts for the immediately preceding financial year for all items shown in the balance-sheet shall be also given in the balance-sheet. The requirement in this behalf shall in the case of companies preparing quarterly or half-yearly accounts, etc., relate to the balance-sheet for the corresponding date in the previous year.

(o) The amounts to be shown under Sundry Debtors shall include the amounts due in respect of goods sold or services rendered or in respect of other contractual obligations but shall not include the amounts which are in the nature of loans or advances.

(p) Advances by Directors, Managing Agents, Secretaries and Treasurers, Managers as also balances on current account with them whether they are in credit or debit shall be shown separately;

(b) in Part II,—

(i) in paragraph 3,—

(1) in sub-paragraph (iii), for the words "works remained to be executed", the words "such works have been completed" shall be substituted;

(2) in sub-paragraph (v), for the word "payable", the words "paid or payable" shall be substituted;

(3) in sub-paragraph (x), in item (f) (3), the following words shall be added at the end, namely:—

"to the extent not adjusted from any previous provision or reserve.

Note.—Information in respect of this item should also be given in the balance-sheet under the relevant provision or reserve account.;

(4) in sub-paragraph (xii) (a), the following words shall be added at the end, namely:—

"to the extent not adjusted from any previous provision or reserve.

Note.—Information in respect of this item should also be given in the balance-sheet under the relevant provision or reserve account.;

(ii) for paragraph 4, the following paragraphs shall be substituted, namely:—

"4. The profit and loss account shall also contain or give by way of a note detailed information in regard to the following payments received during the financial year by the directors (including managing directors), the managing agent, secretaries and treasurers or manager, if any, from the company, the subsidiaries of the company:—

(i) managerial remuneration, that is to say, amounts paid during the financial year to the

directors (including managing directors), the managing agent, secretaries and treasurers or manager, if any;

(ii) expenses reimbursed to the managing agent under section 354;

(iii) commission or other remuneration payable separately to a managing agent or his associate under sections 356, 357 and 358;

(iv) commission received by the managing agent as buying or selling agent of other concerns under section 359;

(v) the money value of the contracts for the sale or purchase of goods and materials or supply of services, entered into by the company with the managing agent or his associate under section 360 during the financial year;

(vi) other allowances (details to be given);

(vii) any other perquisites or benefits in cash or in kind (stating approximate money value where practicable);

(viii) pensions, etc.—

(a) pensions,

(b) gratuities,

(c) payments from provident funds, in excess of own subscriptions and interest thereon,

(d) compensation for loss of office,

(e) consideration in connection with retirement from office.

4A. The profit and loss account shall further contain or give by way of a note detailed information in regard to amounts paid to the auditor, whether as fees, or otherwise for services rendered—

(a) as auditor; and

(b) in any other capacity.”.

Amendment of Schedule VII. In Schedule VII to the principal Act, clause (1) shall be omitted.

Rep. by Act 52 of 1964, s. 2 + Sch. I (w.e.f. 28.12.64).

THE INDUSTRIAL FINANCE CORPORATION

(AMENDMENT) ACT, 1960

No. 66 OF 1960

[29th December, 1960]

An Act further to amend the Industrial Finance Corporation
Act, 1948

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

1. This Act may be called the Industrial Finance Corporation Short title.
(Amendment) Act, 1960.

2. In section 2 of the Industrial Finance Corporation Act, 1948 Amendment
(hereinafter referred to as the principal Act), in clause (c), for the words "in the manufacture or processing of goods", the words "in the manufacture, preservation or processing of goods" shall be substituted.

3. In section 4 of the principal Act, after sub-section (7), the Amendment
following sub-section shall be inserted, namely:— of section 4.

'(8) In this section the expression "insurance companies" or
"insurance company" includes the Life Insurance Corporation of
India established under section 3 of the Life Insurance Corpora-
tion Act, 1956.'

4. In section 11 of the principal Act, for sub-section (4), the Amendment
following sub-section shall be substituted, namely:— of section 11.

"(4) Directors shall be paid such fees as may be prescribed for attending the meetings of the Board and, if they are members of the Central Committee or any other Committee appointed by the Corporation, for attending meetings of such Committee:

Provided that nothing in this sub-section shall apply to the Chairman or to any other Director who is a servant of the Government".

Amendment
of section 23.

5. In section 23 of the principal Act,—

(1) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The Corporation shall, subject to the provisions of this Act, be authorised to carry on and transact the following kinds of business, namely:—

(a) guaranteeing, on such terms and conditions as may be agreed upon,—

(i) loans raised by industrial concerns which are repayable within a period not exceeding twenty-five years, and are floated in the public market;

(ii) loans raised by industrial concerns from scheduled banks or State Co-operative Banks;

(b) guaranteeing, on such terms and conditions as may be agreed upon, deferred payments due from any industrial concern—

(i) in connection with its import of capital goods from outside India; or

(ii) in connection with its purchase of capital goods within India:

Provided that no guarantee under sub-clause (i) shall be given without the prior approval of the Central Government;

(c) guaranteeing, on such terms and conditions as may be agreed upon, loans raised from, or credit arrangements made with, any bank or financial institution in any country outside India by industrial concerns in foreign currency:

Provided that no such guarantee shall be given without the prior approval of the Central Government;

(d) underwriting the issue of stock, shares, bonds or debentures by industrial concerns;

(e) acting as agent for the Central Government or, with its approval, for the International Bank for Reconstruction and Development in the transaction of any

Rep. by Act 52 of 1964.

1960]

Industrial Finance Corporation (Amendment)

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business with an industrial concern in respect of loans or advances granted, or debentures subscribed, by either of them;

(f) subscribing to the stock or shares of any industrial concern;

(g) receiving in consideration of the services mentioned in clauses (a) to (f), such commission as may be agreed upon;

(h) retaining as part of its assets any stock, shares, bonds or debentures which it may have to take up in fulfilment of its underwriting liabilities, so however that it disposes of the stock, shares, bonds or debentures so acquired as early as practicable but in no case, the stocks, shares, bonds or debentures so acquired shall be retained beyond a period of seven years from the date of such acquisition, except with the permission of the Central Government;

(i) granting loans or advances to, or subscribing to debentures of, industrial concerns, repayable within a period not exceeding twenty-five years from the date on which they are granted or subscribed to, as the case may be:

Provided that nothing contained in this clause shall be deemed to preclude the Corporation from granting loans or advances to, or subscribing to debentures of, an industrial concern, which may at the option of the Corporation be convertible into stock or shares of that concern within the period the loan, advance or debenture is repayable; and

(j) generally, the doing of all such matters and things as may be incidental to or consequential upon the exercise of its powers or the discharge of its duties under this Act.”;

(2) in sub-section (2), for the words, brackets, letters and figure “clauses (a) and (e) of sub-section (1)”, the words, brackets, letters and figure “clauses (a), (b), (c) and (i) of sub-section (1)” shall be substituted.

Rep. by Act 52 of 1964.

864 *Industrial Finance Corporation (Amendment)* [ACT 66 OF 1960]

Amendment
of section
24.

6. In section 24 of the principal Act,—

(1) for the words, brackets, letters and figure "clauses (a) and (e) of sub-section (1)", the words, brackets, letters and figure "clauses (a) and (i) of sub-section (1)" shall be substituted;

(2) for the proviso, the following proviso shall be substituted, namely:—

"Provided that the aforesaid limit of one crore of rupees may be exceeded with the prior approval of the Central Government."

Amendment
of section
26.

7. In section 26 of the principal Act, clause (b) and the proviso shall be omitted.

Amendment
of section
42.

8. Section 42 of the principal Act shall be re-numbered as sub-section (1) of that section and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

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

THE CONSTITUTION (EIGHTH AMENDMENT) ACT,
1959

[5th January, 1960]

C
An Act further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Eighth Amendment) Short title. Act, 1959.
2. In article 334 of the Constitution, for the words "ten years", Amendment of article the words "twenty years" shall be substituted. 334.

THE CONSTITUTION (NINTH AMENDMENT)
ACT, 1960

[28th December, 1960.]

An Act further to amend the Constitution of India to give effect to the transfer of certain territories to Pakistan in pursuance of the agreements entered into between the Governments of India and Pakistan.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Constitution (Ninth Amendment) Act, 1960.

Definitions. 2. In this Act,—

(a) "appointed day" means such date¹ as the Central Government may, by notification in the Official Gazette, appoint as the date for the transfer of territories to Pakistan in pursuance of the Indo-Pakistan agreements, after causing the territories to be so transferred and referred to in the First Schedule demarcated for the purpose, and different dates may be appointed for the transfer of such territories from different States and from the Union territory of Tripura;

(b) "Indo-Pakistan agreements" mean the Agreements dated the 10th day of September, 1958, the 23rd day of October, 1959 and the 11th day of January, 1960, entered into between the Governments of India and Pakistan, the relevant extracts of which are set out in the Second Schedule;

(c) "transferred territory" means so much of the territories comprised in the Indo-Pakistan agreements and referred to in the First Schedule as are demarcated for the purpose of being transferred to Pakistan in pursuance of the said agreements.

Amendment of the First Schedule to the Constitution. 3. As from the appointed day, in the First Schedule to the Constitution,—

(a) in the paragraph relating to the territories of the State of Assam, the words, brackets and figures "and the territories

¹17-1-1961, for Pt. II of the Sch. I, vide Notification No. G.S.R. 73, dated 14-1-1961, Gazette of India, Pt. II, Sec. 3 (i), p. 15.

referred to in Part I of the First Schedule to the Constitution (Ninth Amendment) Act, 1960" shall be added at the end;

(b) in the paragraph relating to the territories of the State of Punjab, the words, brackets and figures "but excluding the territories referred to in Part II of the First Schedule to the Constitution (Ninth Amendment) Act, 1960" shall be added at the end;

(c) in the paragraph relating to the territories of the State of West Bengal, the words, brackets and figures "but excluding the territories referred to in Part III of the First Schedule to the Constitution (Ninth Amendment) Act, 1960" shall be added at the end;

(d) in the paragraph relating to the extent of the Union territory of Tripura, the words, brackets and figures "but excluding the territories referred to in Part IV of the First Schedule to the Constitution (Ninth Amendment) Act, 1960" shall be added at the end.

THE FIRST SCHEDULE

[See sections 2(a), 2(c) and 3]

PART I

The transferred territory in relation to item (7) of paragraph 2 of the Agreement dated the 10th day of September, 1958, and item (i) of paragraph 6 of the Agreement dated the 23rd day of October, 1959.

PART II

¹The transferred territory in relation to item (i) and item (iv) of paragraph 1 of the Agreement dated the 11th day of January, 1960.

PART III

The transferred territory in relation to item (3), item (5) and item (10) of paragraph 2 of the Agreement dated the 10th day of

¹ 17-1-1961, *vide* foot-note on pre-page.

September, 1958, and paragraph 4 of the Agreement dated the 23rd day of October, 1959.

PART IV

The transferred territory in relation to item (8) of paragraph 2 of the Agreement dated the 10th day of September, 1958.

THE SECOND SCHEDULE

[See section 2(b)]

**1. EXTRACTS FROM THE NOTE CONTAINING THE AGREEMENT DATED THE
10TH DAY OF SEPTEMBER, 1958.**

* * * * *

**2. As a result of the discussions, the following agreements were
arrived at:—**

* * * * *

(3) Berubari Union No. 12

This will be so divided as to give half the area to Pakistan, the other half adjacent to India being retained by India. The division of Berubari Union No. 12 will be horizontal, starting from the north-east corner of Debiganj thana.

The division should be made in such a manner that the Cooch Behar enclaves between Pachagar thana of East Pakistan and Berubari Union No. 12 of Jalpaiguri thana of West Bengal will remain connected as at present with Indian territory and will remain with India. The Cooch Behar enclaves lower down between Boda thana of East Pakistan and Berubari Union No. 12 will be exchanged along with the general exchange of enclaves and will go to Pakistan.

* * * * *

**(5) 24 Parganas—Khulna }
24 Parganas—Jessore } Boundary disputes.**

It is agreed that the mean of the two respective claims of India and Pakistan should be adopted, taking the river as a guide, as far as possible, in the case of the latter dispute. (Ichhamati river).

* * * * *

(7) Piyain and Surma river regions to be demarcated in accordance with the relevant notifications, cadastral survey maps and, if necessary, record of rights. Whatever the result of this demarcation might be, the nationals of both the Governments to have the facility of navigation on both these rivers.

(8) Government of India agree to give in perpetual right to Pakistan the land belonging to Tripura State to the west of the railway line as well as the land appurtenant to the railway line at Bhagalpur.

* * * * *

(10) Exchange of old Cooch Behar enclaves in Pakistan and Pakistan enclaves in India without claim to compensation for extra area going to Pakistan, is agreed to.

* * * * *

(Sd.) M. S. A. BAIG,

Foreign Secretary,

Ministry of Foreign Affairs and
Commonwealth Relations,
Government of Pakistan.

(Sd.) M. J. DESAI,

Commonwealth Secretary,

Ministry of External Affairs,
Government of India.

NEW DELHI, THE SEPTEMBER 10, 1958.

2. EXTRACTS FROM AGREEMENT ENTITLED "AGREED DECISIONS AND PROCEDURES TO END DISPUTES AND INCIDENTS ALONG THE INDO-EAST PAKISTAN BORDER AREAS" DATED THE 23RD DAY OF OCTOBER, 1959.

* * * * *

4. West Bengal—East Pakistan Boundary

Over 1,200 miles of this boundary have already been demarcated. As regards the boundary between West Bengal and East Pakistan in the areas of Mahananda, Burung and Karatoa rivers, it was agreed that demarcation will be made in accordance with the latest cadastral survey maps supported by relevant notifications and record-of-rights.

* * * * *

6. Assam—East Pakistan Boundary

* * * * *

(i) The dispute concerning Bagge Award III has been settled by adopting the following rational boundary in the Patharia Forest Reserve region:

From a point marked X (H522558) along the Radcliffe Line BA on the old Patharia Reserve Boundary as shown in the topographical map sheet No. 83D/5, the boundary line shall run in close proximity and parallel to the cart road to its south to a point A (H531554); thence in a southerly direction up the spur and along the ridge to a hill top marked B (H523529); thence in a south-easterly direction along the ridge down the spur across a steam to a hill top marked C (H532523); thence in a southerly direction to a point D (H530517); thence in a south-westerly direction to a flat top E (H523507); thence in a southerly direction to a point F (H524500); thence in a south-easterly direction in a straight line to the midstream point of the Gandhai Nala marked G (H540494); thence in south-westerly direction up the mid-stream of Gandhai Nala to a point H (H533482); thence in a south-westerly direction up a spur and along the ridge to a point I (H517460); thence in a southerly direction to a point on the ridge marked J (H518455); thence in a south-westerly direction along the ridge to a point height 364, then continues along the same direction along the same ridge to a point marked K (H500428); thence in a south and south-westerly direction along the same ridge to a point marked L (H496420); thence in a south-easterly direction along the same ridge to a point marked M (H499417); thence in a south-westerly direction along the ridge to a point on the bridle path with a height 587; then up the spur to the hill top marked N (H487393); then in a south-easterly and southerly direction along the ridge to the hill top with height 692; thence in a southerly direction down the spur to a point on Buracherra marked O (H484344); thence in a south-westerly direction up the spur along the ridge to the trigonometrical survey station with height 690; thence in a southerly direction along the ridge to a point height 490 (H473292); thence in a straight line due south to a point on the eastern boundary of the Patharia Reserve Forest marked Y (H473263); along the Radcliffe Line BA.

The line described above has been plotted on two copies of topographical map sheets Nos. 83D/5, 83D/6, and 83D/2.

The technical experts responsible for the ground demarcation will have the authority to make minor adjustments in

order to make the boundary alignment agree with the physical features as described.

The losses and gains to either country as a result of these adjustments with respect to the line marked on the map will be balanced by the technical experts.

* * * *

(Sd.) J. G. KHARAS,
Acting Foreign Secretary,
Ministry of Foreign Affairs
and Commonwealth Relations,
Karachi.

(Sd.) M. J. DESAI,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

NEW DELHI;

OCTOBER 23, 1959.

3. EXTRACTS FROM THE AGREEMENT ENTITLED "AGREED DECISIONS AND PROCEDURES TO END DISPUTES AND INCIDENTS ALONG THE INDO-WEST PAKISTAN BORDER AREAS", DATED THE 11TH DAY OF JANUARY, 1960.

"1. West Pakistan—Punjab border.—Of the total of 325 miles of the border in this sector, demarcation has been completed along about 252 miles. About 73 miles of the border has not yet been demarcated due to differences between the Governments of India and Pakistan regarding interpretation of the decision and Award of the Punjab Boundary Commission presented by Sir Cyril Radcliffe as Chairman of the Commission. These differences have been settled along the lines given below in a spirit of accommodation:

(i) *Theh Sarja Marja, Rakh Hardit Singh and Pathanke (Amritsar—Lahore border).*—The Governments of India and Pakistan agree that the boundary between West Pakistan and India in this region should follow the boundary between the Tehsils of Lahore and Kasur as laid down under Punjab Government Notification No. 2183-E, dated 2nd June, 1939. These three villages will in consequence, fall within the territorial jurisdiction of the Government of Pakistan.

* * * *

Constitution (Ninth Amendment)

(iv) Suleimanke (Ferozepur—Montgomery border).—The Governments of India and Pakistan agree to adjust the district boundaries in this region as specified in the attached Schedule and as shown in the map appended thereto as Annexure I.

* * * * *

(Sd.) M. J. DESAI,
Commonwealth Secretary,
Ministry of External Affairs,
Government of India.

(Sd.) J. G. KHARAS,
Joint Secretary,
Ministry of Foreign Affairs and
Commonwealth Relations,
Government of Pakistan.

NEW DELHI;
JANUARY 11, 1960.

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