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PART I—CENTRAL ACTS AMENDED, REPEALED OR OTHERWISE AFFECTED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 1983 Act by which affected
1	2	3	4	5
1856	15	Hindu Widows, Re-marriage Act, 1856	Repealed	24, s.2.
1857	13	Opium Act, 1857	S. 32 inserted (w.e.f. 15-3-1984)	20, s.2 and the Schedule.
1860	21	Societies Registration Act, 1860 (as in force in the Union Territory of Delhi)	Long title, preamble and S. 20 amended (w.e.f. 22-6-1983).	26, s.2.
1860	45	Indian Penal Code, 1860	S.228A inserted	43, s.2.
			S. 375, 376, 376A, 376B, 376C and 376D substitu- ted Chapter XXA (s. 498A) inserted	<i>Ibid</i> , s.3.
1863	20	Religious Endowments Act, 1863	S. 8 amended (w.e.f. 15-3-1984)	20, s.2 and the Schedule.
1867	25	Press and Registration of Books Act, 1867	S.20 substituted (w.e.f. 15-3-1984). S. 20 Amended (w.e.f. 15-3-1984)	20, s.2 and the Schedule. <i>Ibid</i> , s.2 and the Schedule.
1872	1	Indian Evidence Act, 1872	S. 113A inserted	46, s.7.
			S. 114A inserted	43, s.6.
1872	15	Indian Christian Marriage Act, 1872	S.83 amended (w.e.f. 15-3-1984)	20, s.2 and the Schedule.
1873	5	Government Savings Bank Act, 1873	S.15 amended (w.e.f. 15-3-1984)	20, s.2 and the Schedule.
1888	4	Indian Reserve Force Act, 1888	S.4 amended (w.e.f. 15-3-1984)	20, s.2 and the Schedule.
1890	9	Indian Railways Act, 1890	S. 82A, 82B and 82C amended	44, ss. 2, 3 and 4.
1898	3	Lepers Act, 1898 as in force in the Union Territories of Delhi, Andaman and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli and Chandigarh	Repealed	47, s.2.
1898	6	Indian Post Office Act, 1898	The First Schedule amended	11, s. 58.
1901	2	Indian Tolls (Army and Air Force) Act, 1901.	S.7 amended (w.e.f. 15-3-1984)	20, s.2 and the Schedule.
1908	5	Code of Civil Procedure, 1908.	S.67 amended (w.e.f. 15-3-1984)	20, s.2 and the Schedule.
1908	15	Indian Ports Act, 1908.	S.6 amended (w.e.f. 15-3-1984)	20, s.2 and the Schedule.

1	2	3	4	5
1908	16	Registration Act, 1908	S.91 amended (w.e.f. 15-3-1984)	20, s.2 and the Schedule.
1910	9	Indian Electricity Act, 1910	Ss. 35 and 38 amended (w.e.f. 15-3-1984)	20, s.2 and the Schedule
1910	10	Indian Museum Act, 1910	S.8 and 15A amended (w.e.f. 15-3-1984)	20, s.2 and the Schedule
1913	2	Official Trustees Act, 1913	S.30 amended (w.e.f. 15-3-1984)	20, s.2 and the Schedule
1914	9	Local Authorities Loans Act, 1914	S.4 amended (w.e.f. 15-3-1984)	20, s.2 and the Schedule
1921	18	Maintenance Orders Enforcement Act, 1921	S.12 amended (w.e.f. 15-3-1984)	20, s.2 and the Schedule
1923	6	Garrisonments (House-Accommodation) Act, 1923.	S.35 amended (w.e.f. 15-3-1984)	20, s.2 and the Schedule
1924	2	Garrisonments Act, 1924	Ss. 2, 3, 10, 13, 14, 15, 16, 17, 19, 20, 21, 22, 28, 31, 32, 33, 34, 36, 39, 41, 42 and 43, 43A, 44, 45, 46, 47, 48, 51, 56, 57, 58, 60, 62, 65, 66, 67, 68, 72, 74, 75, 76 and 77, 77A, 79, 82, 83, 84, 85, 86, 87, 88, 91, 92, 94, 95, 96, 99, 102, 103, 105, 107, 109, 113, 114, 116, 117, 118, 119, 121, 123, 124, 125, 128, 131, 132, 133, 134, 135, 136, 139, 143, 145, 159, 164, 167, 173, 178, 179, 180, 181, 184, 186, 190, 191, 192, 193, 194, 196, 200, 202, 204, 205, 207, 208, 209, 210, 213, 214, 215, 216, 219, 221, 224, 226, 230, 231, 232, 236, 238, 239, 240, 241, 243, 247, 249, 250, 251, 253, 256, 257, 259, 266, 268, 270, 271, 274, 280, 281, 282, 283, 284, 287, 289, 291, Schedule I, II amended (w.e.f. 1-10-1983)	15, ss. 2, 3, 4, 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, 19, 29, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 42, 43/44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 84, 85, 86, 87, 88, 89, 90, 92, 93, 95, 96, 97, 98, 99, 101, 102, 104, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 147, 148, 149, 150, 153, 154, 155, 157, 158, 159, 160, 161, 163, 164, 165, 166, 167, <i>Ibid.</i> , ss. 11, 16, 18, 91, 94, 100, 152, 156, 162 and 168
1925	39	Indian Succession Act, 1925	Ss. 35A, 51A, 63A, 92A, 94A, 130A, 180A, 181A, 183B, 256A and 268A inserted (w.e.f. 1-10-1983)	<i>Ibid.</i> , ss. 23, 35, 41, 61, 63, 83, 103, 105, 106, 146, 151.
1930	2	Dangerous Drugs Act, 1930	S. 12 omitted (w.e.f. 1-10-1983)	<i>Ibid.</i> , s.5
1932	9	Indian Partnership Act, 1932	Ss. 223 and 236 amended (w.e.f. 15-3-1984)	20, s.2 and the Schedule
			S. 236 inserted (w.e.f. 15-3-1984)	<i>Ibid.</i> , s.2 and the Schedule
			S. 36 amended (w.e.f. 15-3-1984)	20, s.2 and the Schedule
			S.71 amended (w.e.f. 15-3-1984)	20, s.2 and the Schedule

1	2	3	4	5
1934	22 Air Craft Act, 1934	Ss. 5 and 14A amended S. 3 amended (w.e.f. 15-3-1984)	1, ss. 2 and 3. 20, s. 2 and the Schedule.	
1937	1 Agricultural Produce (Grading and Marking) Act, 1937	S. 4 amended (w.e.f. 15-3-1984)	20, s. 2 and the Schedule.	
1937	26 Muslim Personal Law (Shariat) Application Act, 1937	S. 34H, 64UB and 114 amended (w.e.f. 15-3-1984)	20, s. 2 and the Schedule.	
1938	4 Insurance Act, 1938	First Schedule partly amended, w.e.f. 13-5-1983 and partly amended, w.e.f. 1-8-1983	11, s. 54.	
1944	1 Central Excises and Salt Act, 1944	S. 12 Amended (w.e.f. 15-3-1984)	20, s. 2 and the Schedule.	
1947	29 Capital Issues (Control) Act, 1947	S. 67 substituted (w.e.f.) S. 67A inserted (w.e.f. 1-4-1985) <i>Ibid.</i> , Ss. 4 Ss. 4C and 79 amended 20, s. 2 and the Schedule. (w.e.f. 15-3-1984)	16, ss. 2, 5 and 6. <i>Ibid.</i> , s. 3	
1948	54 Electricity (Supply) Act, 1948	S. 79A inserted (w.e.f. 15-3-1984)	<i>Ibid.</i> , s. 2 and the Schedule.	
1949	38 Chartered Accountants Act, 1949	S. 30B inserted (w.e.f. 15-3-1984)	20, s. 2 and the Schedule.	
1950	40 Army and Air Force (Disposal of Private property) Act, 1950	S. 16 amended (w.e.f. 15-3-1984)	20, s. 2 and the Schedule.	
1950	46 Army Act, 1950	S. 193A inserted (w.e.f. 15-3-1984)	20, s. 2 and the Schedule.	
1951	70 Displaced Persons (Debts Adjustment) Act, 1951	S. 58A inserted (w.e.f. 15-3-1984)	20, s. 2 and the Schedule.	
1952	35 Mines Act, 1952	Ss. 2, 3, 5, 7, 8, 10, 11, 15, 42, ss. 2, 3, 4, 5, 6, 8, 9, 16, 19, 22, 23, 27, 33, 11, 12, 14, 15, 17, 18, 38, 39, 48, 49, 52, 57, 19, 20, 21, 27, 28, 29, 58, 59, 60, 61, 65, 72B, 30, 31, 32, 33, 34, 36, 72C, 75, 76, 79, 80, 81, 38, 39, 40, 41, 42, 43, 83, 84 amended (w.e.f. 45, 46, 47. 31-5-1984)		
		Ss. 12, 13, and 14, 17 and 18, <i>Ibid.</i> , ss. 10, 13, 22, 24, 40, 43, 45, 68 substituted (w.e.f. 31-5-1984) 26, 37.		
		Ss. 9A, 22A, 61A, 85B and 85C inserted (w.e.f. 31-5-1984)	<i>Ibid.</i> , ss. 7, 16, 35 and 48.	
		Ss. 41 and 42, 44 and 80A omitted (w.e.f. 31-5-1984)	<i>Ibid.</i> , ss. 23, 25 and 44,	
1952	53 Notaries Act, 1952	S. 15 amended (w.e.f. 15-3-1984)	20, s. 2 and the Schedule.	
1953	29 Tea Act, 1953	Ss. 16D and 16I amended (w.e.f. 7-10-1983)	ss. 2.	
1954	30 Salary, Allowances and Pension of Members of Parliament Act, 1954	S. 3 amended	22, ss. 2.	
1954	43 Special Marriage Act, 1954	S. 50 amended (w.e.f. 15-3-1984)	20, s. 2 and the Schedule.	

		1	2	3	4	5
1955	16	Medicinal and Toilet Preparations (Excise Duties) Act, 1955	S. 19 amended (w.e.f. 15-3-1984)		20, s. 2 and the Schedule.	
1955	36	Durgah Khawaja Saheb Act, 1955	S. 20 amended (w.e.f. 15-3-1984)		20, s. 2 and the Schedule.	
1956	42	Securities Contracts (Regulation) Act, 1956	S. 30 amended (w.e.f. 15-3-1984)		20, s. 2 and the Schedule.	
1957	14	Copyright Act, 1957		Throughout the Act, unless expressly provided, for the word "radio diffusion" wherever it occurs, the words "broadcast" shall be substituted (w.e.f. 9-8-1984)	23, s. 2.	
				Ss. 2, 3, 6, 12, 15, 17, 19, 32, 37, 45, 52, 53, 59, 60, 70, 78 amended (w.e.f. 9-8-1984)	<i>Ibid.</i> , ss. 3, 4, 5, 6, 7, 8, 9, 13, 15, 16, 18, 19, 20, 21, 22, 23.	
					Ss. 19A, 28A, 31A, 32A and 32B, 50A inserted (w.e.f. 9-8-1984)	<i>Ibid.</i> , ss. 10, 11, 12, 14 and 17
1957	27	Wealth Tax Act, 1957		S. 5 partly amended w.e.f. 1-4-1983 and 1-4-1984	11, s. 41.	
1957	38	Inter-State Corporation Act, 1957		S. 4 amended (w.e.f. 15-3-1984)	20, S. 2 and the Schedule.	
1957	58	Additional Duties of Excise (goods of Special Importance) Act, 1957			The First Schedule amended 11, S. 56 and the fifth Schedule.	
1957	66	Delhi Municipal Corporation Act, 1957		S. 5A inserted (w.e.f. 2-1-1983). 481 A inserted 20, s. 2, and the Schedule. w.e.f. (.....)	8, s. 2.	
1958	18	Gift-tax Act, 1958		S. 5 partly amended w.e.f. 1-4-1983 and partly amended w.e.f. 1-4-1984	11, s. 42.	
1958	42	International Finance Corporation (Status, Immunities and Privileges) Act, 1958		S. 4 amended (w.e.f. 15-3-1984)	20, s. 2 and the schedule.	
1958	44	Merchant Shipping Act, 1958		Ss. 3, 22, 74, 87, 175, 282, 344, 417, 435 and 436 amended	12, ss. 3, 4, 5, 6, 7, 8, 9, 13, 14 and 16.	
				Ss. 35, 132, 145, 146, 184, 361, 372, 383, 401, 402, 439, 440, 442, 445 and 447 amended	<i>Ibid.</i> , s. 17 and the Schedule.	
				S. 2 and Part XIA (ss. 356A, 356B, 356C, 356D, 356E, 356F, 356G, 356H, 356I, 356J, 356K, 356L, 356M, 356N, 356O) substituted	<i>Ibid.</i> , ss. 2 and 11.	
				Part XB (ss. 352G, 352H, 352I, 352J, 352K, 352L, 352M, 352N, 352O, 352P, 352Q, 352R) inserted	<i>Ibid.</i> , s. 10.	

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1958	44	Merchant Shipping Act, 1958— <i>Contd.</i>	S. 411A and Part XVA (ss. 435A, 435B, 435C, 435D, 435E, 435F, 435G, 435H, 435I, 435J, 435K, 435L, 435M, 435N, 435O, 435P, 435Q, 435R, 435S, 435T, 435U, 435V, 435W, 435X) inserted	12, s. 12 and 15.
1959	23	Cost and Works Accountants Act, 1959	S. 39 amended (w.e.f. 15-3-1984)	20, s. 2 and the Schedule.
1959	46	Government Savings Certificates Act, 1959	S. 12 amended (w.e.f. 15-3-1984)	20, s. 2 and the Schedule.
1959	54	Arms Act, 1959	Ss. 2, 3, 5, 9, 13, 25, 27 and 28, 29, 30, 34, 37 and 38, 41, 44 amended (w.e.f. 22-6-1983)	25, s. 8, 2, 3, 4, 5, 6, 8, 10, 11, 12, 13, 14, 15, 16.
			S. 26 substituted (w.e.f. 22-6-1983)	<i>Ibid.</i> , s. 9.
			Ss. 24A and 24B inserted (w.e.f. 22-6-1983)	<i>Ibid.</i> , s. 7.
1960	32	International Development Association (Status, Immunities and Privileges) Act, 1960	S. 5 amended (w.e.f. 15-3-1984)	20, s. 2 and the Schedule.
1961	26	Salar Jung Museum Act, 1961	Ss. 27 and 28 amended (w.e.f. 15-3-1984)	20, s. 2 and the Schedule.
1961	28	Dowry Prohibition Act, 1961	S. 9 amended (w.e.f. 15-3-1984)	20, s. 2 and the Schedule.
1961	43	Income Tax Act, 1961	S. 37 partly amended w.e.f. 1-4-1976, partly amended w.e.f. 1-4-1979 and partly amended w.e.f. 1-4-1984	11, s. 17
			S. 9 partly amended from 1-4-1979 and partly amended retros- pectively.	<i>Ibid.</i> , s. 4.
			S. 10 partly amended w.e.f. 1-4-1982 and partly amended w.e.f. 1-4-1983 and partly amended w.e.f. 1-4-1984	<i>Ibid.</i> , s. 5.
			Ss. 11, 13, 80A and 80P partly amended w.e.f. 1-4-1983 and partly amended w.e.f. 1-4-1984	<i>Ibid.</i> , ss. 6, 7 and 39.
			Ss. 35B, 35CC, 35CCA, 54B, 80GGA amended (w.e.f. 1-4-1983)	<i>Ibid.</i> , ss. 13, 15, 16, 20, 23.
			S. 80HHC inserted w.e.f. 1-4-1983	<i>Ibid.</i> , s. 24.
			S. 89A omitted w.e.f. 1-4-1983	<i>Ibid.</i> , s. 33.
			S. 2 partly amended w.e.f. 2-4-1983 and partly amended w.e.f. 1-4-1984	<i>Ibid.</i> , s. 3.
			Ss. 32A (Partly) 44D, 115A amended w.e.f. 1-6-1984	<i>Ibid.</i> , ss. 11, 19, 35.

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1961	43	Income-Tax Act, 1961— <i>Contd.</i>	Chapter XII-A (ss. 115C, 115D, 115E, 115F, 115G, 115H and 115I) inserted (w.e.f. 1-6-1983) Ss. 16, 24, 32, 32A (Partly) 35, 35C, 80C, 80GG, 80I, 80JJ, 80L, 80P, 80R, 109, 164, 280ZA amended (w.e.f. 1-4-1984) S. 80G amended (w.e.f. 1-4-1984)	14, s. 36. <i>Ibid.</i> , ss. 8, 9, 10, 11, 12, 14, 21, 22, 25, 26, 28, 30, 31, 34, 37 and 38. <i>Ibid.</i> , s. 39.
1962	52	Customs Act, 1962	S. 43B and Chapter VIB (s. 80VVA) inserted (w.e.f. 1-4-1984) Ss. 80JJ-A and 80MM omitted (w.e.f. 1-4-1984)	<i>Ibid.</i> , ss. 18 and 32. <i>Ibid.</i> , ss. 27 and 29.
1962	57	Delhi Motor Vehicles Taxation Act, 1962	Throughout the Act for the words "Chief Commissioner" wherever they occur, the words "administrator" shall be substituted (w.e.f.) Ss. 2, 3, and 23 amended (w.e.f.) Schedule I substituted	17, s. 2. <i>Ibid.</i> , ss. 3, 4, 5. <i>Ibid.</i> , s. 6.
1963	45	Administrators General Act, 1963	Ss. 9, 10, 29, 36, 62, 63 amended	18, ss. 2; 3, 4.
1966	18	Asian Development Bank Act, 1966	S. 7 amended (w.e.f. 15-3-1984)	20, s. 2 and the Schedule.
1966	19	Delhi Administration Act, 1966	Ss. 3 and 4 amended (w.e.f. 2-1-1983)	9, ss. 2 and 3.
1968	27	Civil Defence Act, 1968	Ss. 20 amended (w.e.f. 15-3-1984)	20, ss. 2 and the Schedule.
1968	45	Gold Control Act, 1968	Ss. 114 amended (w.e.f. 15-3-1984)	20, s. 2 and the Schedule.
1968	50	Central Industries Security Force Act, 1968	Long title amended (w.e.f. 15-6-1983) Ss. 2, 3, 4, 5, 6, 7, 11, 18, 22 amended (w.e.f. 15-6-1983)	14, s. 2. <i>Ibid.</i> , ss. 3, 4, 6, 7, 8, 9, 11, 12.
			S. 15A inserted (w.e.f. 15-6-1983)	<i>Ibid.</i> , s. 10.
			Ss. 8, 9, 10, 12, 13, 14, 15, 17, 19, 21 and the Schedule amended (w.e.f. 15-6-1983)	<i>Ibid.</i> , s. 13 and the Schedule.
1969	33	Foreign Marriage Act, 1969	Ss. 28 amended (w.e.f. 15-3-1984)	20, s. 2 and the Schedule.
1969	54	Monopolies and Restrictive Trade Practices Act, 1969	Ss. 66 and 67 amended (w.e.f. 15-3-1984)	20, s. 2 and the Schedule.
1970	48	Indian Medicine Central Council Act, 1970	Ss. 35 and 36 amended (w.e.f. 15-3-1984)	20, s. 2 and the Schedule.

	2	3	4	5
1971	59	Naval and Aircraft Prize Act, 1971 S. 17 amended (w.e.f. 15-3-1984)		20, s. 2 and the Schedule.
1973	59	Homeopathy Central Council Act, 1973 S. 33 amended (w.e.f. 15-3-1984)		20, s. 2 and the Schedule.
1974	42	Code of Criminal Procedure, 1973 Ss. 174, 176 and the first Schedule amended	46, s. 3, 4, 6.	
		S. 198A inserted S. 327 and first schedule amended	Ibid., s. 5. 43, s. 4 and 5.	
1974	38	Compulsory Deposit Scheme (In- come-tax Payers) Act, 1974 Ss. 3 and 4 partly amended w.e.f. 13-5-1983 and partly amended w.e.f. 1-6-1983 s. 6 and 8 amended (w.e.f. 1-6-1983)	11, s. 59.	
1974	45	Interest-tax Act, 1974 S. 4 amended (w.e.f. 1-4-1983)	11, s. 43.	
1975	51	Customs Tariff Act, 1975 First Schedule amended	11, s. 44 and the Second Schedule.	
1978	37	Press Council Act, 1978 S. 26 amended (w.e.f. 15-3-1984)	20, s. 2 and the Schedule.	

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PART II—CENTRAL ORDINANCES REPEALED

Year of Ordinance	No. of Ordin- ance	Short title of Ordinance	No. and section of 1983 Act by which affected
1	2	3	4
1983	1	Delhi Administration (Amendment) Ordinance, 1983	9, s. 4 (w.e.f. 2-1-1983).
1983	2	Delhi Municipal Corporation (Amendment) Ordinance, 1983	8, s. 3 (w.e.f. 2-1-1983).
1983	3	Societies Registration (Delhi Amendment) Ordinance, 1983	26, s. 3 (w.e.f. 22-6-1983).
1983	4	Arms (Amendment) Ordinance, 1983	25, s. 17 (w.e.f. 22-6-1983).
1983	5	Punjab Disturbed Areas Ordinance, 1983	32, s. 7 (w.e.f. 7-10-1983).
1983	6	Chandigarh Disturbed Areas Ordinance, 1983	33, s. 7 (w.e.f. 7-10-1983).
1983	7	Tea Amendment Ordinance, 1983	38, s. 3 (w.e.f. 7-10-1983).
1983	8	Illegal Migrants (Determination by Tribunals) Ordinance, 1983	39, s. 29.
1983	9	Armed Forces (Punjab and Chandigarh) Special Powers Ordinance, 1983	34, s. 8 (w.e.f. 15-10-1983).
1983	10	Textile Undertakings (Taking over of Management) Ordinance, 1983	40, s. 17 (w.e.f. 18-10-1983).
1983	11	Transformer and Switchgear Limited (Acquisition and Transfer of Undertakings) Ordinance, 1983	41, s. 32 (w.e.f. 8-11-1983).

PART III—STATE ACTS AMENDED

Year of the Act	No. of the Act	Short title of of Act	How affected	No. and section of 1983 Act by which affected
1	2	3	4	5
1978	29	Punjab Panchayat Samitis and Zila Parishads (Temporary Supersession) Act, 1978	S. 3 amended	45, s. 2

THE AIRCRAFT (AMENDMENT) ACT, 1983

NO. 1 OF 1983

[26th March, 1983.]

An Act further to amend the Aircraft Act, 1934.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:

22 of 1934.

1. This Act may be called the Aircraft (Amendment) Act, 1983.
2. In section 5 of the Aircraft Act, 1934 (hereinafter referred to as the principal Act), clause (ab) of sub-section (2) shall be re-settled as clause (ac) thereof and before it, as so re-lettered, the following clause shall be inserted, namely:—

Short title.
Amend-
ment of
section
5.

(ab) the economic regulation of civil aviation and air transport services, including the approval, disapproval or revision of tariff of operators of air transport services; the officers or authorities who may exercise powers in this behalf; the procedure to be followed and the factors to be taken into account by such officers or authorities; appeals to the Central Government against orders of such officers or authorities and all other matters connected with such tariff.

Explanation.—For the purposes of this clause, “tariff” includes fares, rates, valuation charges and other charges for air transport of passengers or goods, the rules, regulations, practices or services affecting such fares, rates, valuation charges and other charges and the rates; terms and conditions of commission payable to passenger or cargo sales agents;

3. In section 14A of the principal Act, for the words “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”, the words “for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid” shall be substituted.

Amend-
ment of
section
14A.

THE APPROPRIATION (VOTE ON ACCOUNT) ACT, 1983

No. 2 of 1983

[26th March, 1983.]

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1983-84.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title.

With-
drawal of
Rs.2,16,68,
33,35,000
from and
out of the
Consoli-
dated
Fund of
India
for the
financial
year
1983-84.

Approp-
riation.

Construc-
tion of
references
to

Ministries
and De-
partments
in the
Schedule.

1. This Act may be called the Appropriation (Vote on Account) Act, 1983.
2. From and out of the Consolidated Fund of India there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of twenty-one thousand six hundred and sixty-eight crores, thirty-three lakhs and thirty-five thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1983-84.
3. The sums authorised to be withdrawn from and out of the Consolidated Fund by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.
4. References to Ministries or Departments in the Schedule are to such Ministries or Departments as existing immediately before the 18th day of February, 1983 and shall, on or after that date, be construed as references to the appropriate Ministries or Departments as reconstituted from time to time.

THE SCHEDULE
(See sections 2, 3 and 4)

No. of Vote	Services and purposes	Sums not exceeding			3
		Voted by Parliament	Charged on the Consolidated Fund	Total	
		Rs.	Rs.	Rs.	
1	Department of Agriculture and Co-operation . . . Revenue	66,37,000	2,000	66,39,000	
2	Agriculture . . . Revenue	15,36,74,000	2,000	15,36,76,000	
	Capital	123,55,26,000	25,00,07,000	148,55,33,000	
3	Fisheries . . . Revenue	3,15,39,000	..	3,15,39,000	
	Capital	67,90,000	29,56,000	97,46,000	
4	Animal Husbandry and Dairy Development . . . Revenue	27,86,99,000	3,000	27,87,02,000	
	Capital	70,17,000	16,17,000	86,34,000	
5	Forest . . . Revenue	6,37,49,000	..	6,37,49,000	
	Capital	11,93,000	2,81,17,000	2,93,10,000	
6	Co-operation . . . Revenue	1,63,46,000	..	1,63,46,000	
	Capital	36,88,88,000	81,63,000	37,70,51,000	
7	Department of Agricultural Research and Education . . . Revenue	12,52,000	..	12,52,000	
8	Payments to Indian Council of Agricultural Research . . . Revenue	19,76,22,000	..	19,76,22,000	
9	Ministry of Chemicals and Fertilizers . . . Revenue	119,12,13,000	..	119,12,13,000	
	Capital	32,77,00,000	..	32,77,00,000	
10	Ministry of Commerce . . . Revenue	40,47,000	..	40,47,000	
11	Foreign Trade and Export Production . . . Revenue	116,54,02,000	..	116,54,02,000	
	Capital	102,58,48,000	..	102,58,48,000	
12	Textiles, Handloom and Handicrafts . . . Revenue	26,45,06,000	..	26,45,06,000	
	Capital	14,40,31,000	1,70,45,000	16,10,76,000	

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
13	Ministry of Communications	Revenue	70,17,000	70,17,000
		Capital	8,12,83,000	8,12,83,000
14	Overseas Communications Service	Revenue	6,09,24,000	6,09,24,000
		Capital	3,00,00,000	3,00,00,000
15	Posts and Telegraphs—Working Expenses	Revenue	227,89,33,000	227,89,50,000
16	Posts and Telegraphs—Dividend to General Revenues, Appropriation to Reserve Funds and Repayment of Loans from General Revenues	Revenue	53,89,04,000	53,89,04,000
17	Capital Outlay on Posts and Telegraphs	Capital	101,55,63,000	101,55,80,000
18	Ministry of Defence	Revenue	38,82,96,000	38,82,96,000
		Capital	25,16,25,000	25,53,42,000
19	Defence Services—Army	Revenue	571,46,87,000	571,55,37,000
20	Defence Services—Navy	Revenue	75,28,58,000	75,28,93,000
21	Defence Services—Air Force	Revenue	220,94,50,000	220,95,17,000
22	Defence Services—Pensions	Revenue	73,37,67,000	73,37,84,000
23	Capital Outlay on Defence Services	Capital	100,59,00,000	101,25,67,000
24	Department of Education	Revenue	37,66,000	37,66,000
25	Education	Revenue	56,48,93,000	56,48,93,000
		Capital	19,73,000	86,40,000
26	Department of Culture	Revenue	2,75,88,000	2,75,88,000
27	Archaeology	Revenue	1,47,44,000	1,47,44,000
28	Department of Petroleum	Revenue	1,75,04,000	1,75,04,000
		Capital	54,20,47,000	54,20,47,000
29	Department of Power	Revenue	26,79,43,000	26,79,43,000
		Capital	148,10,52,000	148,65,52,000
30	Department of Coal	Revenue	20,80,74,000	20,80,74,000
		Capital	170,17,67,000	170,17,67,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
31	Department of Non-Conventional Energy Sources . . . Revenue	Rs. 5,10,18,000	Rs. ...	Rs. 5,10,18,000
	Capital	1,92,000	..	1,92,000
32	Ministry of External Affairs . . . Revenue	31,13,88,000	4,000	31,13,92,000
	Capital	6,33,83,000	..	6,33,83,000
33	Ministry of Finance . . . Revenue	8,80,22,000	4,000	8,80,26,000
	Capital	55,29,000	..	55,29,000
34	Customs . . . Revenue	8,75,18,000	8,000	8,75,26,000
	Capital	3,80,44,000	..	3,80,44,000
35	Union Excise Duties . . . Revenue	12,50,50,000	68,000	12,51,18,000
36	Taxes on Income, Estate Duty, Wealth Tax and Gift Tax . . . Revenue	13,54,93,000	23,000	13,55,16,000
37	Stamps . . . Revenue	5,96,96,000	8,000	5,97,04,000
	Capital	27,50,000	..	27,50,000
38	Audit . . . Revenue	15,29,30,000	29,40,000	15,58,70,000
39	Currency, Coinage and Mint . . . Revenue	12,05,07,000	92,000	12,05,99,000
	Capital	2,20,88,000	..	2,20,88,000
40	Pensions . . . Revenue	18,19,24,000	40,95,24,000	59,14,48,000
41	Opium and Alkaloid Factories . . . Revenue	23,50,16,000	1,000	23,50,17,000
	Capital	13,84,000	..	13,84,000
42	Transfers to State Governments . . . Revenue	551,18,75,000	771,25,48,000	1322,44,23,000
	Capital	..	1203,15,33,000	1203,15,33,000
	CHARGED.— <i>Interest Payments</i> . . . Revenue	..	783,33,33,000	783,33,33,000
43	Other Expenditure of the Ministry of Finance . . . Revenue	141,11,76,000	140,000	141,12,16,000
	Capital	219,24,24,000	..	219,24,24,000
44	Loans to Government Servants, etc. . . Capital	17,01,20,000	..	17,01,20,000
	CHARGED.— <i>Repayment of Debt.</i> Capital	..	13608,37,40,000	13608,37,40,000
45	Department of Food . . . Revenue	157,97,96,000	2,000	157,97,98,000
	Capital	6,55,68,000	17,000	6,55,85,000

No. of Vote	Services and purposes	Sums not exceeding			Total
		Voted by Parliament	Charged on the Consolidated Fund		
		Rs.	Rs.	Rs.	
46	Department of Civil Supplies	Revenue	79,08,000	..	79,08,000
		Capital	1,38,50,000	71,58,000	2,10,08,000
47	Ministry of Health and Family Welfare	Revenue	24,83,000	..	24,83,000
48	Medical and Public Health	Revenue	34,33,81,000	10,000	34,33,91,000
		Capital	12,11,40,000	17,000	12,11,57,000
49	Family Welfare	Revenue	60,19,53,000	..	60,19,53,000
		Capital	16,000	..	16,000
50	Ministry of Home Affairs	Revenue	83,57,000	..	83,57,000
51	Cabinet	Revenue	73,46,000	..	73,46,000
52	Department of Personnel and Administrative Reforms	Revenue	1,90,25,000	1,000	1,90,26,000
		Capital	3,25,000	50,00,000	53,25,000
53	Police	Revenue	64,06,88,000	22,000	64,07,10,000
		Capital	2,95,58,000	83,50,000	3,75,08,000
54	Census	Revenue	2,57,26,000	..	2,57,26,000
55	Other Expenditure of the Ministry of Home Affairs	Revenue	75,08,40,000	32,03,06,000	107,11,46,000
		Capital	33,68,68,000	44,47,000	34,13,15,000
56	Delhi	Revenue	48,37,58,000	19,71,000	48,57,29,000
		Capital	41,71,45,000	1,33,33,000	43,04,78,000
57	Chandigarh	Revenue	8,22,43,000	22,84,000	8,45,27,000
		Capital	3,84,38,000	19,17,000	4,03,55,000
58	Andaman and Nicobar Islands	Revenue	6,71,27,000	2,000	6,71,29,000
		Capital	4,66,28,000	..	4,66,28,000
59	Dadra and Nagar Haveli	Revenue	82,92,000	..	82,92,000
		Capital	89,32,000	..	89,32,000
60	Lakshadweep	Revenue	2,17,10,000	..	2,17,10,000
		Capital	33,79,000	..	33,79,000
61	Ministry of Industry	Revenue	84,63,000	..	84,63,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding			Total
		Voted by Parliament	Charged on the Consolidated Fund		
		Rs.	Rs.	Rs.	
62	Industries . . . Revenue	16,90,79,000	..	16,90,79,000	
	Capital	51,35,67,000	..	51,35,67,000	
63	Village and Small Industries . . . Revenue	17,08,90,000	4,16,66,000	21,25,56,000	
	Capital	17,41,67,000	1,74,66,000	19,16,33,000	
64	Ministry of Information and Broadcasting Revenue	19,59,000	..	19,59,000	
65	Information and Publicity . . . Revenue	5,55,87,000	..	5,55,87,000	
	Capital	22,00,000	..	22,00,000	
66	Broadcasting . . . Revenue	18,59,16,000	16,000	18,59,32,000	
	Capital	11,53,34,000	83,000	11,54,17,000	
67	Ministry of Irrigation Revenue	16,69,73,000	..	16,69,73,000	
	Capital	1,86,52,000	7,20,33,000	9,06,85,000	
68	Department of Labour Revenue	21,72,000	..	21,72,000	
69	Labour and Employment . . . Revenue	15,75,46,000	4,000	15,75,50,000	
	Capital	43,000	..	43,000	
70	Department of Rehabilitation . . . Revenue	4,16,54,000	16,000	4,16,70,000	
	Capital	90,26,000	1,75,31,000	2,65,57,000	
71	Ministry of Law, Justice and Company Affairs Revenue	2,90,88,000	..	2,90,88,000	
	Capital	16,000	..	16,000	
72	Administration of Justice . . . Revenue	19,76,000	25,00,000	44,76,000	
73	Ministry of Planning Revenue	92,000	..	92,000	
74	Statistics . . . Revenue	3,52,94,000	..	3,52,94,000	
75	Planning Commission Revenue	1,21,04,000	..	1,21,04,000	
76	Ministry of Rural Development . . . Revenue	80,62,31,000	1,000	80,62,32,000	
	Capital	62,000	..	62,000	
77	Ministry of Shipping and Transport Revenue	77,48,000	..	77,48,000	
78	Roads . . . Revenue	28,42,72,000	42,000	28,43,14,000	
	Capital	32,25,56,000	95,48,000	33,21,04,000	

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
79	Ports, Lighthouses and Shipping . . .	Revenue	Rs. 14,42,76,000	Rs. 1,000 14,42,77,000
		Capital	18,43,83,000	1,66,000 18,45,49,000
80	Road and Inland Water Transport . . .	Revenue	42,03,000	.. 42,03,000
		Capital	12,18,02,000	6,83,000 12,24,85,000
81	Ministry of Social Welfare . . .	Revenue	12,26,41,000	.. 12,26,41,000
		Capital	22,18,000	.. 22,18,000
82	Department of Steel . . .	Revenue	54,54,000	.. 54,54,000
		Capital	82,83,00,000	1,05,08,000 83,88,08,000
83	Department of Mines . . .	Revenue	13,23,94,000	83,000 13,24,77,000
		Capital	29,34,33,000	.. 29,34,33,000
84	Ministry of Tourism and Civil Aviation . . .	Revenue	19,33,000	.. 19,33,000
85	Meteorology . . .	Revenue	3,79,22,000	.. 3,79,22,000
		Capital	82,61,000	.. 82,61,000
86	Aviation . . .	Revenue	6,78,80,000	3,000 6,78,83,000
		Capital	11,64,00,000	33,000 11,64,33,000
87	Tourism . . .	Revenue	1,52,19,000	.. 1,52,19,000
		Capital	2,52,34,000	.. 2,52,34,000
88	Ministry of Works and Housing . . .	Revenue	29,17,000	.. 29,17,000
89	Public Works . . .	Revenue	19,66,25,000	8,000 19,66,33,000
		Capital	9,73,55,000	1,67,000 9,75,22,000
90	Water Supply and Sewerage . . .	Revenue	33,50,00,000	.. 33,50,00,000
91	Housing and Urban Development . . .	Revenue	5,85,06,000	20,58,000 6,05,64,000
		Capital	22,54,32,000	3,12,42,000 25,66,74,000
92	Stationery and Printing . . .	Revenue	9,53,50,000	1,000 9,53,51,000
93	Department of Atomic Energy . . .	Revenue	15,37,000	.. 15,37,000
94	Atomic Energy Res- earch, Development and Industrial Projects . . .	Revenue	23,12,54,000	.. 23,12,54,000
		Capital	35,28,45,000	.. 35,28,45,000
95	Nuclear Power Schemes . . .	Revenue	48,25,52,000	.. 48,25,52,000
		Capital	18,83,11,000	.. 18,83,11,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
96	Department of Electronics	Revenue	3,25,28,000	3,25,28,000
		Capital	2,54,75,000	2,54,75,000
97	Department of Environment	Revenue	3,10,67,000	3,10,67,000
98	Department of Ocean Development	Revenue	4,21,12,000	4,21,12,000
		Capital	4,01,33,000	4,01,33,000
99	Department of Science and Technology	Revenue	6,16,63,000	6,16,63,000
		Capital	39,74,000	39,74,000
100	Survey of India	Revenue	5,26,74,000	5,26,74,000
		Capital	77,000	77,000
101	Grants to Council of Scientific and Industrial Research	Revenue	16,24,96,000	16,24,96,000
102	Department of Space	Revenue	13,63,19,000	13,63,19,000
		Capital	27,90,53,000	27,90,53,000
103	Department of Sports	Revenue	2,34,89,000	2,34,89,000
		Capital	1,48,000	1,48,000
104	Department of Supply	Revenue	6,13,000	6,13,000
105	Supplies and Disposals	Revenue	1,95,45,000	1,97,95,000
106	Lok Sabha	Revenue	1,57,95,000	1,58,67,000
107	Rajya Sabha	Revenue	54,45,000	54,64,000
108	Department of Parliamentary Affairs	Revenue	5,50,000	5,50,000
CHARGED.—				
	<i>Staff, Household and Allowances of the President</i>	Revenue	..	18,08,000
109	Secretariat of the Vice-President	Revenue	1,45,000	1,45,000
CHARGED.—				
	<i>Union Public Service Commission</i>	Revenue	..	73,09,000
	TOTAL		5169,78,49,000	16498,54,86,000
				21668,53,35,100

THE APPROPRIATION ACT, 1983

No. 3 of 1983

[26th March, 1983.]

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 1982-83.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Appropriation Act, 1983.

**Issue of
RS. 13899
72,20,000
out of the
Consolidated
Fund of India
for the
year
1982-83.**
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 thirteen thousand eight hundred and ninety-nine crores, seventy-two lakhs and twenty thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1982-83, 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)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Department of Agriculture and Co-operation . . . Revenue	14,45,000		14,45,000
2	Agriculture . . . Revenue	..	1,50,000	1,50,000
4	Animal Husbandry and Dairy Development . . . Revenue	41,12,33,000	..	41,12,33,000
5	Forest . . . Revenue	1,000	..	1,000
6	Co-operation . . . Capital	..	2,91,50,000	2,91,50,000
7	Department of Food . . . Revenue	45,73,72,000	..	45,73,72,000
8	Department of Agricultural Research and Education . . . Revenue	5,89,000	..	5,89,000
10	Ministry of Civil Supplies . . . Revenue	1,000	..	1,000
11	Ministry of Commerce . . . Revenue	22,01,000	..	22,01,000
12	Foreign Trade and Export Production . . . Revenue	1,000	..	1,000
13	Textiles, Handloom and Handicrafts . . . Revenue	720,62,08,000	..	720,62,08,000
		Capital	2,000	2,000
		Capital	48,68,09,000	48,68,09,000
14	Ministry of Communications . . . Revenue	10,06,000	..	10,06,000
15	Overseas Communications Service . . . Revenue	4,53,82,000	..	4,53,82,000
		Capital	..	1,000
16	Posts and Telegraphs—Working Expenses . . . Revenue	115,55,43,000	..	115,55,43,000
19	Ministry of Defence . . . Revenue	12,27,28,000	..	12,27,28,000
		Capital	8,79,60,000	8,79,60,000
20	Defence Services—Army . . . Revenue	124,31,58,000	..	124,31,58,000
22	Defence Services—Air Force . . . Revenue	112,29,50,000	1,50,000	112,31,00,000
23	Defence Services—Pensions . . . Revenue	14,65,00,000	..	14,65,00,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
24	Capital Outlay on Defence Services	Capital	42,09,00,000	60,00,000
25	Department of Education	Revenue	8,80,000	8,80,000
26	Education	Revenue	29,84,27,000	29,84,27,000
27	Department of Culture	Capital	71,51,000	71,51,000
28	Archaeology	Revenue	45,87,000	45,87,000
29	Department of Coal	Capital	1,000	1,000
30	Department of Power	Revenue	13,40,26,000	13,40,26,000
		Capital	93,10,59,000	93,10,59,000
31	Ministry of External Affairs	Revenue	17,73,78,000	17,73,78,000
		Capital	17,84,37,000	17,84,37,000
32	Ministry of Finance	Revenue	5,12,28,000	84,000
33	Customs	Revenue	1,27,93,000	1,27,93,000
34	Union Excise Duties	Revenue	6,64,56,000	6,64,56,000
35	Taxes on Income Estate Duty, Wealth Tax and Gift Tax	Revenue	8,75,76,000	9,000
37	Audit	Revenue	10,38,09,000	19,92,000
38	Currency, Coinage and Mint	Revenue	5,96,64,000	95,000
39	Pensions	Revenue	24,80,09,000	24,80,09,000
41	Transfers to State Governments	Revenue	222,80,80,000	49,64,00,000
		Capital	..	419,80,20,000
	CHARGED.—Interest Payments	Revenue	..	150,00,00,000
42	Other Expenditure of the Ministry of Finance	Capital	31,00,37,000	1,02,83,000
	CHARGED.—Repayment of Debt	Capital	..	11000,00,00,000
44	Ministry of Health and Family Welfare	Revenue	18,18,000	18,18,000
45	Medical and Public Health	Revenue	3,25,71,000	..
		Capital	1,000	1,000
46	Family Welfare	Revenue	50,40,81,000	50,40,81,000
47	Ministry of Home Affairs	Revenue	55,04,000	55,04,000
48	Cabinet	Revenue	73,19,000	73,19,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
49	Department of Personnel and Administrative Reforms	Revenue	98,52,000	98,52,000
50	Police	Revenue	44,90,16,000	44,90,16,000
52	Other Expenditure of the Ministry of Home Affairs	Revenue	14,91,54,000	15,41,67,000
		Capital	22,38,03,000	22,65,19,000
53	Delhi	Revenue	31,30,13,000	31,55,26,000
		Capital	29,06,80,000	32,73,48,000
54	Chandigarh	Revenue	4,25,57,000	4,49,15,000
		Capital	..	23,000
55	Andaman and Nicobar Islands	Revenue	15,57,000	15,57,000
56	Dadra and Nagar Haveli	Revenue	8,05,000	8,05,000
57	Lakshadweep	Capital	16,65,000	16,65,000
58	Ministry of Industry	Revenue	43,03,000	43,03,000
59	Industries	Revenue	117,11,74,000	117,11,74,000
		Capital	51,80,71,000	51,80,71,000
61	Ministry of Information and Broadcasting	Revenue	10,00,000	10,00,000
62	Information and Publicity	Revenue	62,00,000	62,00,000
63	Broadcasting	Revenue	284,00,000	284,00,000
		Capital	1,000	1,000
64	Ministry of Irrigation	Revenue	1,000	1,000
65	Ministry of Labour	Revenue	18,38,000	18,38,000
68	Administration of Justice	Revenue	..	19,00,000
69	Ministry of Petroleum, Chemicals and Fertilizers	Revenue	8,00,000	8,00,000
70	Petroleum and Petro-Chemicals Industries	Capital	5,000	5,000
71	Chemicals and Fertilizers Industries	Revenue	46,99,000	46,99,000
		Capital	2,000	2,000
76	Ministry of Shipping and Transport	Revenue	46,54,000	46,54,000
77	Roads	Revenue	8,05,66,000	8,05,66,000
		Capital	25,31,60,000	25,31,60,000
78	Ports, Lighthouses and Shipping	Revenue	8,69,48,000	8,69,48,000
79	Road and Inland Water Transport	Capital	4,99,00,000	4,99,00,000
81	Department of Steel	Capital	1,000	1,000
82	Department of Mines	Revenue	1,000	1,000
		Capital	1,000	1,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
83	Department of Supply . . . Revenue	Rs. 2,94,000	Rs. ..	Rs. 2,94,000
84	Supplies and Disposals . . . Revenue	50,00,000	..	50,00,000
86	Ministry of Tourism and Civil Aviation . . . Revenue	11,93,000	..	11,93,000
88	Aviation . . . Revenue	79,13,000	..	79,13,000
89	Tourism . . . Capital	2,000	..	2,000
90	Ministry of Works and Housing . . . Revenue	5,20,00,000	..	5,20,00,000
91	Public Works . . . Revenue	14,35,000	..	14,35,000
92	Water Supply and Sewerage . . . Revenue	1,78,70,000	33,000	33,000
93	Housing and Urban Development . . . Revenue	..	6,80,000	6,80,000
	Capital	3,12,01,000	..	3,12,01,000
94	Stationery and Printing . . . Revenue	4,18,54,000	30,000	4,18,84,000
95	Department of Atomic Energy . . . Revenue	3,50,000	..	3,50,000
96	Atomic Energy, Research, Development and Industrial Projects . . . Capital	11,00,00,000	..	11,00,00,000
98	Department of Electronics . . . Revenue	1,000	..	1,000
100	Department of Ocean Development . . . Revenue	12,43,50,000	..	12,43,50,000
	Capital	17,00,00,000	..	17,00,00,000
101	Department of Science and Technology . . . Revenue	2,000	..	2,000
103	Grants to Council of Scientific and Industrial Research . . . Revenue	6,75,00,000	..	6,75,00,000
104	Department of Space . . . Revenue	..	70,000	70,000
	Capital	..	1,66,000	1,66,000
106	Rajya Sabha . . . Revenue	15,13,000	..	15,13,000
107	Department of Parliamentary Affairs . . . Revenue	2,30,000	..	2,30,000
	CHARGED.—Staff, Household and Allowances of the President . . . Revenue	..	27,40,000	27,40,000
108	Secretariat of the Vice-President . . . Revenue	73,000	..	73,000
	CHARGED.—Union Public Service Commission . . . Revenue	..	47,66,000	47,66,000
	TOTAL . . .	2269,52,10,000	11630,20,10,000	13899,72,20,000

THE APPROPRIATION (No. 2) ACT, 1983

No. 4 OF 1983

[26th March, 1983.]

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, 1981, in excess of the amounts granted for those services and for that year.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (No. 2) Act, 1983.
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 one hundred and eleven crores, eighty-six lakhs, eight thousand, three hundred and eighty-eight 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, 1981, in excess of the amounts granted for those services and for that year.
Issue of Rs. 111,86,08,388 out of the Consolidated Fund of India to meet certain expenditure for the year ended on the 31st March, 1981.
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, 1981.
Appropriation.

THE SCHEDULE
(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Excess		
		Voted portion	Charged portion	Total
11	Ministry of Commerce . . Revenue	Rs. 1,13,982	..	Rs. 1,13,982
17	Posts and Telegraphs— Working Expenses Revenue	19,49,66,591	..	19,49,66,591
21	Defence Services— Army . . Revenue	45,95,82,358	..	45,95,82,358
22	Defence Services— Navy . . Revenue	5,96,54,577	..	5,96,54,577
23	Defence Services— Air Force . . Revenue	3,06,12,952	..	3,06,12,952
24	Defence Services— Pensions . . Revenue	3,68,08,901	..	3,68,08,901
38	Currency, Coinage and Mint . . Revenue	3,26,333	..	3,26,333
39	Pensions . . Revenue	5,75,09,752	..	5,75,09,752
CHARGED—				
	<i>Repayment of Debt</i> Capital		7,80,85,407	7,80,85,407
50	Police . . Capital	33,57,969	..	33,57,969
53	Delhi . . Revenue Capital	3,65,93,506 5,60,20,192	2,46,95,494	3,65,93,506 8,07,15,686
55	Andaman and Nicobar Islands . . Revenue	2,93,64,712	..	2,93,64,712
81	Department of Mines . . Revenue	3,11,37,588	..	3,11,37,588
83	Department of Supply . . Revenue	28,897	..	28,897
84	Supplies and Disposals . . Revenue	8,07,234	..	8,07,234
91	Public Works . . Revenue	1,89,41,943	..	1,89,41,943
TOTAL . .		101,58,27,487	10,37,80,907	111,86,08,388

THE APPROPRIATION (RAILWAYS) ACT, 1983

No. 5 OF 1983

[26th March, 1983.]

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 1983-84 for the purposes of Railways.

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

1. This Act may be called the Appropriation (Railways) Act, 1983.
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 eight thousand seven hundred and thirty-nine crores, eighteen lakhs and ninety-seven thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1983-84, 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.

Short title.
Issue of
Rs. 8739,
18,97,000
out of
the Con-
solidated
Fund of
India for
the finan-
cial year
1983-84.

Appro-
priation.

THE SCHEDULE
(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidat- ed Fund	Total
		Rs.	Rs.	Rs.
1	Railway Board	4,38,34,000		4,38,34,000
2	Miscellaneous Expenditure (General)	32,12,65,000		32,12,65,000
3	General Superintendence and Services	197,63,19,000	3,77,000	197,66,96,000
4	Repairs and Maintenance of Permanent Way and Works	399,73,03,000	4,10,000	399,77,73,000
5	Repairs and Maintenance of Motive Power	337,86,28,000	1,89,000	337,88,17,000
6	Repairs and Maintenance of Carriages and Wagons	501,24,86,000	3,25,000	501,28,11,000
7	Repairs and Maintenance of Plant and Equipment	212,77,25,000	2,70,000	212,79,95,000
8	Operating Expenses— Rolling Stock and Equipment	371,19,12,000	2,86,000	371,21,98,000
9	Operating Expenses— Traffic	399,40,84,000	4,35,000	399,45,19,000
10	Operating Expenses— Fuel	810,45,32,000	1,10,000	810,46,42,000
11	Staff Welfare and Amenities	145,75,32,000	1,37,000	145,76,69,000
12	Miscellaneous Working Expenses	205,68,11,000	5,79,82,000	211,47,93,000
13	Provident Fund, Pension and other Retirement Benefits	185,62,71,000	1,00,000	185,63,71,000
14	Appropriation to Funds	1094,43,15,000		1094,43,15,000
15	Dividend to General Revenues, Repayment of loan taken from General Revenues and Amorti- zation of Over-Capitalization	636,62,01,000		636,62,01,000
16	Assets— Acquisition, Construction and Replacement—			
	Revenue	11,99,50,000	50,000	12,00,00,000
	Other Expenditure	3184,20,48,000	1,99,50,000	3186,19,98,000
	TOTAL	8731,12,76,000	8,06,21,000	8739,18,97,000

THE APPROPRIATION (RAILWAYS) NO. 2 ACT, 1983

No. 6 OF 1983

[26th March, 1983.]

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 1982-83 for the purposes of Railways.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (Railways) No. 2 Act, 1983.

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 three hundred and fifty crores, forty-nine lakhs and sixty-five thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1982-83, in respect of the services relating to Railways specified in column 2 of the Schedule.

Issue of
Rs. 350,49,
65,000 out
of the
Conso-
lidated
Fund of
India
for the
finan-
cial year
1982-83.

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.

Appro-
priation.

THE SCHEDULE
(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
1	Railway Board	Rs. 27,68,000	Rs.	Rs. 27,68,000
3	General Superintendence and Services	6,42,78,000	..	6,42,78,000
4	Repairs and Maintenance of Permanent Way and Works	18,45,77,000	1,49,000	18,47,26,000
5	Repairs and Maintenance of Motive Power	2,00,89,000	..	2,00,89,000
6	Repairs and Maintenance of Carriages and Wagons	20,10,20,000	..	20,10,20,000
7	Repairs and Maintenance of Plant and Equipment	6,08,53,000	..	6,08,53,000
8	Operating Expenses—Rolling Stock and Equipment	9,78,76,000	..	9,78,76,000
9	Operating Expenses—Traffic	12,27,49,000	..	12,27,49,000
10	Operating Expenses—Fuel	51,99,19,000	3,88,000	52,03,07,000
11	Staff Welfare and Amenities	3,00,91,000	..	3,00,91,000
12	Miscellaneous Working Expenses	18,43,17,000	..	18,43,17,000
13	Provident Fund, Pension and other Retirement Benefits	19,92,74,000	..	19,92,74,000
14	Appropriation to Funds	55,94,50,000	..	55,94,50,000
15	Dividend to General Revenues, Repayment of loan taken from General Revenues and Amortization of Over-capitalization	21,75,34,000	..	21,75,34,000
16	Assets—Acquisition, Construction and Replacement Other Expenditure	103,96,33,000	..	103,96,33,000
	TOTAL	350,44,28,000	5,37,000	350,49,65,000

THE APPROPRIATION (RAILWAYS) No. 3 ACT, 1983

No. 7 OF 1983

[26th March, 1983.]

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, 1981 in excess of the amounts granted for those services and for that year.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (Railways) No. 3 Act, 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 two hundred forty-seven crores, twenty-eight lakhs, eighty-seven thousand, six hundred and thirty rupees shall be deemed to have been authorised to be paid and applied to meet the amounts spent for defraining 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, 1981, in excess of the amounts granted for those services and for that year.

Issue of
Rs. 247,
28,87,630
out of the
Consolidated
Fund of India
to meet
certain
expenditure
for
the year
ended on
the 31st
March,
1981.

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, 1981.

Appropriation.

THE SCHEDULE

(See sections 2 and 3)

No. of Vote	Services and purposes	Sums aggregating to		
		Voted by Parliament	Charged on the Consolidated Fund	Total
3	General Superintendence and Services .	Rs. 2,06,16,289	Rs.	Rs. 2,06,16,289
4	Repairs and Maintenance of Permanent Way and Works	3,54,41,845		3,54,41,845
5	Repairs and Maintenance of Motive Power	4,96,57,930		4,96,57,930
6	Repairs and Maintenance of Carriages and Wagons	10,03,79,527		10,03,79,527
7	Repairs and Maintenance of Plant and Equipment	5,77,08,884		5,77,08,884
9	Operating Expenses—Traffic	6,57,60,855		6,57,60,855
10	Operating Expenses—Fuel	10,23,53,364		10,23,53,364
11	Staff Welfare and Amenities	3,55,14,944		3,55,14,944
12	Miscellaneous Working Expenses	8,25,26,575		8,25,26,575
13	Provident Fund, Pension and other Retirement Benefits	10,57,90,209		10,57,90,209
16	Assets—Acquisition, Construction and Replacement	181,71,37,208		181,71,37,208
	TOTAL	247,28,87,630		247,28,87,630

THE DELHI MUNICIPAL CORPORATION (AMENDMENT)
ACT, 1983

No. 8 OF 1983

[31st March, 1983.]

An Act further to amend the Delhi Municipal Corporation Act, 1957.

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

1. (1) This Act may be called the Delhi Municipal Corporation (Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the 2nd day of January, 1983.

2. In the Delhi Municipal Corporation Act, 1957 (hereinafter referred to as the principal Act), after section 5, the following section shall be inserted, namely:—

“5A. Notwithstanding anything contained in section 3 or section 5, until the relevant figures for the first census taken after the year 2000 have been published, it shall not be necessary,

(a) to alter the number of councillors and the number of councillors to be reserved for the members of the Scheduled Castes as determined under section 3 on the basis of the population of Delhi as ascertained at the 1971 census, or

(b) to alter the number of wards, or the extent of any ward, and determined under section 5 on the basis of the population of Delhi as ascertained at the 1971 census,

and for this purpose, the reference in sub-section (6) of section 3 to each census and the references to population in that sub-section and in sub-section (1) of section 5 shall be construed, respectively, as references to the 1971 census and to the population as ascertained at the 1971 census.”.

3. (1) The Delhi Municipal Corporation (Amendment) Ordinance, 1983, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

2 of
1983.

Short title
and com-
mence-
ment.

Insertion
of new
section
5A.

Special
provision
as to deli-
mitation,
etc.

Repeal
and
saving.

THE DELHI ADMINISTRATION (AMENDMENT) ACT, 1983

NO. 9 OF 1983

[31st March, 1983.]

An Act to amend the Delhi Administration Act, 1966.

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

Short title
and com-
mence-
ment.

1. (1) This Act may be called the Delhi Administration (Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the 2nd day of January, 1983.

Amend-
ment of
section 3.

2. In the Delhi Administration Act, 1966 (hereinafter referred to as the principal Act), in section 3, for sub-section (5), the following sub-section shall be substituted, namely:—

19 of 1966.

(5) For the purposes of this section and section 4, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published:

Provided that the reference in this sub-section to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2000 have been published, be construed as a reference to the 1971 census.

Amend-
ment of
section 4.

3. In section 4 of the principal Act, after sub-section (5), the following sub-section shall be inserted, namely:—

(6) For the removal of doubts, it is hereby declared that until the relevant figures for the first census taken after the year 2000 have been published, it shall not be necessary to readjust the division of Delhi into constituencies under this section."

Repeal
and
saving.

4. (1) The Delhi Administration (Amendment) Ordinance, 1983, is hereby repealed.

1 of
1983.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

THE APPROPRIATION (No. 3) ACT, 1983

NO. 10 OF 1983

[6th May, 1983.]

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 1983-84.

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

1. This Act may be called the Appropriation (No. 3) Act, 1983.

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, 1983] to the sum of one lakh twenty-two thousand nine hundred and twenty-seven crores, thirty-nine lakhs and thirty-six thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1983-84 in respect of the services specified in column 2 of the Schedule.

Issue of
Rs. 122927,
39,36,000
out of the
Consolidat-
ed Fund
of India
for the
year
1983-84.

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.

Appro-
priation.

4. References to Ministries or Departments in the Schedule are to such Ministries or Departments as existing immediately before the 18th day of February, 1983, and shall, on or after that date, be construed as references to the appropriate Ministries or Departments as reconstituted from time to time.

Construc-
tion of
references
to Minis-
tries and
Depart-
ments in
the
Schedule.

THE SCHEDULE

(See sections 2, 3 and 4)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding			Total Rs.
		Voted by Parliament Rs.	Charged on the Consolidated Fund Rs.		
1	Department of Agriculture and Co-operation Revenue	3,98,22,000	10,000		3,98,32,000
2	Agriculture	Revenue	92,20,45,000	11,000	92,20,56,000
		Capital	741,31,57,000	150,00,40,000	891,31,97,000
3	Fisheries	Revenue	18,92,32,000	..	18,92,32,000
		Capital	4,07,37,000	1,77,38,000	5,84,75,000
4	Animal Husbandry and Dairy Development	Revenue	167,21,92,000	20,000	167,22,12,000
		Capital	4,21,00,000	97,02,000	5,18,02,000
5	Forest	Revenue	38,24,93,000	..	38,24,93,000
		Capital	71,60,000	16,87,00,000	17,58,60,000
6	Co-operation	Revenue	9,80,75,000	..	9,80,75,000
		Capital	221,33,25,000	4,89,75,000	226,23,00,000
7	Department of Agricultural Research and Education	Revenue	75,14,000	..	75,14,000
8	Payments to Indian Council of Agricultural Research	Revenue	118,57,30,000	..	118,57,30,000
9	Ministry of Chemicals and Fertilizers	Revenue	714,72,75,000	..	714,72,75,000
		Capital	196,62,01,000	..	196,62,01,000
10	Ministry of Commerce	Revenue	2,42,83,000	..	2,42,83,000
11	Foreign Trade and Export Production	Revenue	699,24,11,000	..	699,24,11,000
		Capital	615,50,87,000	..	615,50,87,000
12	Textiles, Handloom and Handicrafts	Revenue	158,70,36,000	..	158,70,36,000
		Capital	86,41,87,000	10,22,67,000	96,64,54,000
13	Ministry of Communications	Revenue	4,21,00,000	..	4,21,00,000
		Capital	48,77,00,000	..	48,77,00,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
14	Overseas Communications Service	Revenue 36,55,45,000 Capital 18,00,00,000	36,55,45,000 18,00,00,000
15	Posts and Telegraphs—Working Expenses	Revenue 1367,35,95,000	1,00,000	1367,36,95,000
16	Posts and Telegraphs—Dividend to General Revenues, Appropriation to Reserve Funds and Repayment of Loans from General Revenues	Revenue 323,34,26,000	..	323,34,26,000
17	Capital Outlay on Posts and Telegraphs	Capital 609,33,80,000	1,00,000	609,34,80,000
18	Ministry of Defence	Revenue 232,97,76,000 Capital 145,42,47,000	.. 2,23,00,000	232,97,76,000 145,45,47,000
19	Defence Services—Army	Revenue 3428,81,20,000	57,00,000	3429,38,20,000
20	Defence Services—Navy	Revenue 451,71,47,000	2,10,000	451,73,57,000
21	Defence Services—Air Force	Revenue 1325,67,00,000	4,00,000	1325,71,00,000
22	Defence Services—Pensions	Revenue 440,26,00,000	1,10,000	440,27,00,000
23	Capital Outlay on Defence Services	Capital 603,54,00,000	4,00,00,000	607,54,00,000
24	Department of Education	Revenue 2,25,96,000	..	2,25,96,000
25	Education	Revenue 338,93,58,000 Capital 5,18,40,000	.. 4,00,00,000	338,93,58,000 5,18,40,000
26	Department of Culture	Revenue 16,55,26,000	..	16,55,26,000
27	Archaeology	Revenue 8,84,63,000	..	8,84,63,000
28	Department of Petroleum	Revenue 10,50,21,000 Capital 325,22,79,000	10,50,21,000 325,22,79,000
29	Department of Power	Revenue 160,76,56,000 Capital 870,34,42,000	.. 3,30,00,000	160,76,56,000 873,64,42,000
30	Department of Coal	Revenue 124,84,43,000 Capital 1003,06,05,000	124,84,43,000 1003,06,05,000
31	Department of Non-Conventional Energy Sources	Revenue 30,61,10,000 Capital 11,50,000	30,61,10,000 11,50,000

No. of Vote	Services and purposes	Sums not exceeding			Total
		Voted by Parliament	Charged on the Consolidated Fund	Rs.	
32	Ministry of External Affairs	Revenue	186,83,29,000	25,000	186,83,54,000
		Capital	38,03,00,000	..	38,03,00,000
33	Ministry of Finance	Revenue	52,81,34,000	25,000	52,81,59,000
		Capital	3,31,71,000	..	3,31,71,000
34	Customs	Revenue	52,51,05,000	45,000	52,51,50,000
		Capital	22,82,62,000	..	22,82,62,000
35	Union Excise Duties	Revenue	75,02,97,000	4,11,000	75,07,08,000
36	Taxes on Income, Estate Duty, Wealth Tax and Gift Tax	Revenue	81,29,60,000	1,36,000	81,30,96,000
37	Stamps	Revenue	35,81,76,000	50,000	35,82,26,000
		Capital	1,65,00,000	..	1,65,00,000
38	Audit	Revenue	91,75,78,000	1,76,38,000	93,52,16,000
39	Currency, Coinage and Mint	Revenue	72,30,40,000	5,50,000	72,35,90,000
		Capital	13,25,27,000	..	13,25,27,000
40	Pensions	Revenue	109,15,42,000	245,71,45,000	354,86,87,000
41	Opium and Alkaloid Factories	Revenue	37,37,62,000	1,000	37,37,63,000
		Capital	83,01,000	..	83,01,000
42	Transfers to State Governments	Revenue	1866,49,54,000	4384,21,57,000	6250,71,11,000
		Capital	..	3860,46,00,000	3860,46,00,000
	CHARGED.—Interest Payments	Revenue	..	4700,00,00,000	4700,00,00,000
43	Other Expenditure of the Ministry of Finance	Revenue	846,70,57,000	2,37,000	846,72,94,000
		Capital	624,73,48,000	..	624,73,48,000
44	Loans to Government Servants, etc.	Capital	102,07,23,000	..	102,07,23,000
	CHARGED.—Repayment of Debt	Capital	..	80984,24,41,000	80984,24,41,000
45	Department of Food	Revenue	947,87,75,000	10,000	947,87,85,000
		Capital	39,34,07,000	1,00,000	39,35,07,000

No. of Vote	Services and purposes	3		
		Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
46	Department of Civil Supplies . . . Revenue	4,74,45,000	..	4,74,45,000
	Capital	8,30,99,000	4,29,50,000	12,60,49,000
47	Ministry of Health and Family Welfare . . . Revenue	1,48,96,000	..	1,48,96,000
48	Medical and Public Health . . . Revenue	206,02,87,000	60,000	206,03,47,000
	Capital	72,68,39,000	1,00,000	72,69,39,000
49	Family Welfare . . . Revenue	361,17,16,000	..	361,17,16,000
	Capital	1,00,000	..	1,00,000
50	Ministry of Home Affairs . . . Revenue	5,01,41,000	..	5,01,41,000
51	Cabinet . . . Revenue	4,40,79,000	..	4,40,79,000
52	Department of Personnel and Administrative Reforms . . . Revenue	11,41,52,000	5,000	11,41,57,000
	Capital	19,48,000	3,00,00,000	3,19,48,000
53	Police . . . Revenue	384,41,28,000	1,30,000	384,42,58,000
	Capital	17,73,49,000	5,01,00,000	22,74,49,000
54	Census . . . Revenue	15,43,58,000	..	15,43,58,000
55	Other Expenditure of the Ministry of Home Affairs . . . Revenue	434,90,26,000	130,17,33,000	565,07,59,000
	Capital	176,08,13,000	1,77,87,000	177,86,00,000
56	Delhi . . . Revenue	290,25,48,000	1,18,29,000	291,43,77,000
	Capital	218,96,10,000	8,00,00,000	226,96,10,000
57	Chandigarh . . . Revenue	49,34,58,000	1,37,03,000	50,71,61,000
	Capital	23,06,26,000	1,15,00,000	24,21,26,000
58	Andaman and Nicobar Islands . . . Revenue	40,27,65,000	10,000	40,27,75,000
	Capital	27,97,71,000	..	27,97,71,000
59	Dadra and Nagar Haveli . . . Revenue	4,97,52,000	..	4,97,52,000
	Capital	5,35,93,000	..	5,35,93,000
60	Lakshadweep . . . Revenue	13,02,59,000	..	13,02,59,000
	Capital	8,02,76,000	..	8,02,76,000
61	Ministry of Industry . . . Revenue	5,07,80,000	..	5,07,80,000
62	Industries . . . Revenue	101,44,77,000	..	101,44,77,000
	Capital	276,78,99,000	..	276,78,99,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
63	Village and Small Industries	Revenue	102,53,40,000	25,00,00,000
		Capital	104,50,00,000	10,48,00,000
64	Ministry of Informa- tion and Broadcasting	Revenue	1,17,55,000	1,17,55,000
65	Information and Publicity	Revenue	33,35,22,000	33,35,22,000
		Capital	1,32,00,000	1,32,00,000
66	Broadcasting	Revenue	111,54,97,000	1,00,000
		Capital	69,20,02,000	5,00,000
67	Ministry of Irrigation	Revenue	100,18,38,000	..
		Capital	11,19,11,000	43,22,00,000
68	Department of Labour	Revenue	1,30,32,000	..
69	Labour and Employment	Revenue	94,52,75,000	25,000
		Capital	2,56,000	..
70	Department of Rehabilitation	Revenue	24,99,23,000	1,00,000
		Capital	5,41,57,000	10,51,88,000
71	Ministry of Law, Justice and Company Affairs	Revenue	17,45,30,000	..
		Capital	1,00,000	..
72	Administration of Justice	Revenue	1,18,59,000	1,50,00,000
73	Ministry of Planning	Revenue	5,55,000	..
74	Statistics	Revenue	21,17,65,000	..
75	Planning Commission	Revenue	7,26,22,000	..
76	Ministry of Rural Development	Revenue	483,73,88,000	6,000
		Capital	3,70,000	..
77	Ministry of Shipping and Transport	Revenue	4,64,89,000	..
78	Roads	Revenue	170,56,32,000	2,50,000
		Capital	193,53,38,000	5,72,89,000
79	Ports, Lighthouses and Shipping	Revenue	82,89,52,000	3,000
		Capital	110,63,00,000	10,00,000
80	Road and Inland Water Transport	Revenue	2,52,21,000	..
		Capital	73,08,11,000	41,00,000
				73,49,11,000

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
81	Ministry of Social Welfare . . . Revenue	73,58,45,000	..	73,58,45,000
	Capital	1,33,08,000	..	1,33,08,000
82	Department of Steel . . . Revenue	3,27,27,000	..	3,27,27,000
	Capital	496,98,00,000	6,30,50,000	503,28,50,000
83	Department of Mines . . . Revenue	79,43,60,000	5,00,000	79,48,60,000
	Capital	176,05,95,000	..	176,05,95,000
84	Ministry of Tourism and Civil Aviation . . . Revenue	1,16,00,000	..	1,16,00,000
85	Meteorology . . . Revenue	22,75,32,000	..	22,75,32,000
	Capital	4,95,68,000	..	4,95,68,000
86	Aviation . . . Revenue	40,72,78,000	20,000	40,72,98,000
	Capital	69,84,00,000	2,00,000	69,86,00,000
87	Tourism . . . Revenue	9,13,13,000	..	9,13,13,000
	Capital	15,14,03,000	..	15,14,03,000
88	Ministry of Works and Housing . . . Revenue	1,75,01,000	..	1,75,01,000
89	Public Works . . . Revenue	117,97,48,000	50,000	117,97,98,000
	Capital	58,41,31,000	10,00,000	58,51,31,000
90	Water Supply and Sewerage . . . Revenue	201,00,00,000	..	201,00,00,000
91	Housing and Urban Development . . . Revenue	35,10,38,000	1,23,50,000	36,33,88,000
	Capital	80,25,94,000	18,74,49,000	99,00,43,000
92	Stationery and Printing . . . Revenue	57,21,02,000	3,000	57,21,05,000
93	Department of Atomic Energy . . . Revenue	92,20,000	..	92,20,000
94	Atomic Energy Research, Development and Industrial Projects . . . Revenue	138,75,27,000	..	138,75,27,000
	Capital	211,70,72,000	..	211,70,72,000
95	Nuclear Power Schemes . . . Revenue	118,63,14,000	..	118,63,14,000
	Capital	112,98,67,000	..	112,98,67,000
96	Department of Electronics . . . Revenue	19,51,70,000	..	19,51,70,000
	Capital	15,28,50,000	..	15,28,50,000
97	Department of Environment . . . Revenue	18,64,02,000	..	18,64,02,000
98	Department of Ocean Development . . . Revenue	25,26,75,000	..	25,26,75,000
	Capital	7,00,00,000	..	7,00,00,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
99	Department of Science and Technology . . . Revenue	Rs. 36,99,81,000	Rs.	Rs. 36,99,81,000
	Capital	2,38,45,000		2,38,45,000
100	Survey of India . . . Revenue	31,60,42,000		31,60,42,000
	Capital	4,62,000		4,62,000
101	Grants to Council of Scientific and Indus- trial Research . . . Revenue	97,49,75,000		97,49,75,000
102	Department of Space. Revenue	75,79,12,000		75,79,12,000
	Capital	52,23,19,000		52,23,19,000
103	Department of Sports Revenue	14,09,37,000		14,09,37,000
	Capital	8,87,000		8,87,000
104	Department of Supply Revenue	36,81,000		36,81,000
105	Supplies and Disposals Revenue	11,72,71,000	15,00,000	11,87,71,000
106	Lok Sabha . . . Revenue	9,17,71,000	4,33,000	9,22,04,000
107	Rajya Sabha . . . Revenue	3,26,68,000	1,15,000	3,27,83,000
108	Department of Parlia- mentary Affairs . . . Revenue	33,03,000		33,03,000
	CHARGED.— <i>Staff, House- hold and Allowances of the President</i> . . . Revenue	..	1,08,49,000	1,08,49,000
109	Secretariat of the Vice- President . . . Revenue	8,70,000	..	8,70,000
	CHARGED.— <i>Union Public Service Commission</i> . . . Revenue	..	3,73,76,000	3,73,76,000
	TOTAL . . .	28267,42,29,000	94659,97,07,000	122927,39,36,000

THE FINANCE ACT, 1983

ARRANGEMENT OF SECTIONS

CHAPTER I PRELIMINARY

SECTIONS

1. Short title and commencement.

CHAPTER II

RATES OF INCOME TAX

2. Income-tax.

CHAPTER III

DIRECT TAXES

Income-tax

3. Amendment of section 2.
4. Amendment of section 9.
5. Amendment of section 10.
6. Amendment of section 11.
7. Amendment of section 13.
8. Amendment of section 16.
9. Amendment of section 24.
10. Amendment of section 32.
11. Amendment of section 32A.
12. Amendment of section 35.
13. Amendment of section 35B.
14. Amendment of section 35C.
15. Amendment of section 35CC.
16. Amendment of section 35CCA.
17. Amendment of section 37.
18. Insertion of new section 43B.
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26. Amendment of section 80JJ.
27. Omission of section 80JJA.
28. Amendment of section 80LA.
29. Omission of section 80MM.
30. Amendment of section 80P.
31. Amendment of section 80R.
32. Insertion of new Chapter VIB.
33. Omission of section 89A.

SECTIONS

34. Amendment of section 109.
35. Amendment of section 115A.
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40. Revival of levy of wealth-tax in the case of closely-held companies.
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44. Amendment of Act 51 of 1975.
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48. Amendment of section 23.
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THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

THE THIRD SCHEDULE.

THE FOURTH SCHEDULE.

THE FIFTH SCHEDULE.

THE FINANCE ACT, 1983

No. 11 of 1983

[13th May, 1983]

An Act to give effect to the financial proposals of the Central Government for the financial year 1983-84.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Finance Act, 1983.

(2) Save as otherwise provided in this Act, sections 2 to 43 and section 59 shall be deemed to have come into force on the 1st day of April, 1983.

Short title and commencement.

CHAPTER II

RATES OF INCOME-TAX

Income tax.

2. (1) Subject to the provisions of sub-sections (2) and (3), for the assessment year commencing on the 1st day of April, 1983, income-tax shall be charged at the rates specified in Part I of the First Schedule and shall be increased,—

(a) in the cases to which Paragraphs A, B, C and D of that Part apply, by a surcharge for purposes of the Union; and

(b) in the cases to which Paragraph E of that Part applies, by a surcharge,

calculated in each case in the manner provided therein.

(2) In the cases to which Sub-Paragraph I or Sub-Paragraph II of Paragraph A of Part I of the First Schedule applies, where the assessee has, in the previous year, any net agricultural income exceeding six hundred rupees, in addition to total income, and the total income exceeds,—

(i) in a case to which the said Sub-Paragraph I applies, fifteen thousand rupees, and

(ii) in a case to which the said Sub-Paragraph II applies, twelve thousand rupees,

then,—

(a) the net agricultural income shall be taken into account, in the manner provided in clause (b) (that is to say, as if the net agricultural income were comprised in the total income after,—

(i) in a case to which the said Sub-Paragraph I applies, the first fifteen thousand rupees, and

(ii) in a case to which the said Sub-Paragraph II applies, the first eight thousand rupees,

of the total income but without being liable to tax), only for the purpose of charging income-tax in respect of the total income; and

(b) the income-tax chargeable shall be calculated as follows:—

(i) the total income and the net agricultural income shall be aggregated and the amount of income-tax shall be determined in respect of the aggregate income at the rates specified in Sub-Paragraph I or, as the case may be, Sub-Paragraph II of the said Paragraph A, as if such aggregate income were the total income:

Provided that in a case referred to in the said Sub-Paragraph II, for the purpose of determining the amount of income-tax in accordance with the sub-clause, the provisions of clause (ii) of the proviso below Sub-Paragraph II and the provisions relating to surcharge on income-tax in the said Sub-Paragraph II shall not apply;

(ii) the net agricultural income shall be increased,—

(A) in a case to which the said Sub-Paragraph I applies, by a sum of fifteen thousand rupees; and

(B) in a case to which the said Sub-Paragraph II applies, by a sum of eight thousand rupees,

and the amount of income-tax shall be determined in respect of the net agricultural income as so increased at the rates specified in Sub-Paragraph I or, as the case may be, Sub-Paragraph II of the said Paragraph A, as if the net agricultural income as so increased were the total income:

Provided that in a case referred to in the said Sub-Paragraph II, for the purposes of determining the amount of income-tax in accordance with this sub-clause, the provisions of clause (ii) of the proviso below the said Sub-Paragraph II and the provisions relating to surcharge on income-tax in the said Sub-Paragraph II shall not apply;

(iii) the amount of income-tax determined in accordance with sub-clause (i) shall be reduced by the amount of income-tax determined in accordance with sub-clause (ii);

Provided that in a case referred to in the said Sub-Paragraph II, where the sum so arrived at exceeds sixty per cent. of the amount by which the total income exceeds twelve thousand rupees, the excess shall be disregarded;

(iv) the amount of income-tax determined in accordance with sub-clause (iii) shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax and the sum so arrived at shall be the income-tax in respect of the total income.

43 of
1961.

(3) In cases to which the provisions of Chapter XII or section 164 or section 164A or section 167A of the Income-tax Act, 1961 (hereinafter referred to as the Income-tax Act) apply, the tax chargeable shall be determined as provided in that Chapter or that section, and with reference to the rates imposed by sub-section (1) or the rates as specified in that Chapter or section, as the case may be.

(4) In cases in which tax has to be deducted under sections 193, 194, 194A, 194B, 194BB, 194D and 195 of the Income-tax Act at the rates in force, the deduction shall be made at the rates specified in Part II of the First Schedule.

(5) Subject to the provisions of sub-section (6), in cases in which income-tax has to be calculated under the first proviso to sub-section (5) of section 132 of the Income-tax Act or charged under sub-section (4) of section 172 or sub-section (2) of section 174 or section 175 or sub-section (2) of section 176 of the said Act or deducted under section 192 of the said Act from income chargeable under the head "Salaries" or deducted under sub-section (9) of section 80E of the said Act from any payment referred to in the said sub-section (9) or in which the "advance tax" payable under Chapter XVII-C of the said Act has to be computed, at the rate or rates in force, such income-tax or, as the case may be, "advance tax" shall be so calculated, charged, deducted or computed at the rate or rates specified in Part III of the First Schedule:

Provided that in cases to which the provisions of Chapter XII or Chapter XIII A or section 164 or section 164A or section 167A of the Income-tax Act apply, "advance tax" shall be computed with reference to the rates imposed by this sub-section or the rates as specified in that Chapter or section, as the case may be;

Provided further that an assessee, being a company, may, in lieu of payment of one-half of the amount of surcharge on income-tax at the rate specified in Paragraph E of Part III of the First Schedule, make a deposit under the scheme framed under sub-section (7) before the last instalment of "advance tax" is due in its case, and where it does so, the surcharge on income-tax payable by it shall be reduced,—

(i) in a case where the amount of the deposit so made is equal to, or exceeds, one-half of the amount of surcharge on income-tax payable by it, by one-half of the amount of surcharge payable by it; and

(ii) in a case where the amount of the deposit so made falls short of one-half of the amount of surcharge on income-tax payable by it, by the amount of the deposit.

(6) In the cases to which Sub-Paragraph I or Sub-Paragraph II of Paragraph A of Part III of the First Schedule applies, where the assessee has, in the previous year or, if by virtue of any provision of the Income-tax Act, income-tax is to be charged in respect of the income of a period other than the previous year, in such other period, any net agricultural income exceeding six hundred rupees, in addition to total income and the total income exceeds,—

(i) in a case to which the said Sub-Paragraph I applies, fifteen thousand rupees, and

(ii) in a case to which the said Sub-Paragraph II applies, twelve thousand rupees,

then, in calculating income-tax under the first proviso to sub-section (5) of section 132 of the Income-tax Act or in charging income-tax under sub-section (2) of section 174 or section 175 or sub-section (2) of section 176 of the said Act or in computing the "advance tax" payable under Chapter XVII-C of the said Act, at the rate or rates in force,—

(a) the net agricultural income shall be taken into account, in the manner provided in clause (b) (that is to say, as if the net agricultural income were comprised in the total income after,—

(i) in a case to which the said Sub-Paragraph I applies, the first fifteen thousand rupees, and

(ii) in a case to which the said Sub-Paragraph II applies, the first eight thousand rupees,

of the total income but without being liable to tax), only for the purpose of calculating, charging or computing such income-tax or, as the case may be, "advance tax" in respect of the total income; and

(b) such income-tax or, as the case may be, "advance tax" shall be so calculated, charged or computed as follows:—

(i) the total income and the net agricultural income shall be aggregated and the amount of income-tax or "advance tax" shall be determined in respect of the aggregate income at the rates specified in Sub-Paragraph I or, as the case may be, Sub-Paragraph II of the said Paragraph A, as if such aggregate income were the total income:

Provided that in a case referred to in the said Sub-Paragraph II, for the purposes of determining the amount of income-tax or "advance tax" in accordance with this sub-clause, the provisions of clause (ii) of the proviso below the said Sub-Paragraph II and the provisions relating to surcharge on income-tax in the said Sub-Paragraph II shall not apply;

(ii) the net agricultural income shall be increased,—

(A) in a case to which the said Sub-Paragraph I applies, by a sum of fifteen thousand rupees; and

(B) in a case to which the said Sub-Paragraph II applies, by a sum of eight thousand rupees,

and the amount of income-tax or "advance tax" shall be determined in respect of the net agricultural income as so increased at the rates specified in the said Sub-Paragraph I or, as the case may be, the said Sub-Paragraph II, as if the net agricultural income as so increased were the total income:

Provided that in a case referred to in the said Sub-Paragraph II, for the purposes of determining the amount of income-tax or "advance tax" in accordance with this sub-clause, the provisions of clause (ii) of the proviso below the said Sub-Paragraph II and the provisions relating to surcharge on income-tax in the said Sub-Paragraph II shall not apply;

(iii) the amount of income-tax or "advance tax" determined in accordance with sub-clause (i) shall be reduced by the amount of income-tax or, as the case may be, "advance tax" determined in accordance with sub-clause (ii):

Provided that in a case referred to in the said Sub-Paragraph II, where the sum so arrived at exceeds sixty per cent. of the amount by which the total income exceeds twelve thousand rupees, the excess shall be disregarded;

(iv) the amount of income-tax or "advance tax" determined in accordance with sub-clause (iii) shall be increased by a surcharge for purposes of the Union calculated at the rate of twelve and one-half per cent. of such income-tax or, as the case may be, "advance tax" and the sum so arrived at shall be the income-tax or, as the case may be, "advance tax" in respect of the total income.

(7) Where an assessee, being a company, makes, during the financial year commencing on the 1st day of April, 1983, any deposit with the Industrial Development Bank of India established under the Industrial Development Bank of India Act, 1964 under any such scheme as the Central Government may, by notification in the Official Gazette, frame in this behalf, then the surcharge on income-tax payable by the company for the assessment year commencing on the 1st day of April, 1984 shall be reduced—

(i) in a case where the amount of the deposit so made is equal to, or exceeds, one-half of the amount of surcharge on income-tax payable by it, by one-half of the amount of surcharge payable by it; and

(ii) in a case where the amount of the deposit so made falls short of one-half of the amount of surcharge on income-tax payable by it, by the amount of the deposit.

(8) For the purposes of this section and the First Schedule,—

(a) "company in which the public are substantially interested" means a company which is such a company as is referred to in section 108 of the Income-tax Act;

(b) "domestic company" means an Indian company, or any other company which, in respect of its income liable to income-tax under the Income-tax Act for the assessment year commencing on

the 1st day of April, 1983, has made the prescribed arrangements for the declaration and payment within India of the dividends (including dividends on preference shares) payable out of such income in accordance with the provisions of section 194 of that Act;

(c) "industrial company" means a company which is mainly engaged in the business of generation or distribution of electricity or any other form of power or in the construction of ships or in the manufacture or processing of goods or in mining.

Explanation.—For the purposes of this clause, a company shall be deemed to be mainly engaged in the business of generation or distribution of electricity or any other form of power or in the construction of ships or in the manufacture or processing of goods or in mining, if the income attributable to any one or more of the aforesaid activities included in its total income of the previous year (as computed before making any deduction under Chapter VIA of the Income-tax Act) is not less than fifty-one per cent. of such total income:

Provided that this clause shall not apply for the purposes of Paragraph E of Part III of the First Schedule, and for the purposes of that Paragraph, the expression "industrial company" shall have the meaning assigned to it in the *Explanation* at the end of that Paragraph;

(d) "insurance commission" means any remuneration or reward, whether by way of commission or otherwise, for soliciting or procuring insurance business (including business relating to the continuance, renewal or revival of policies of insurance);

(e) "net agricultural income", in relation to a person, means the total amount of agricultural income, from whatever source derived, of that person computed in accordance with the rules contained in Part IV of the First Schedule;

(f) "tax-free security" means any security of the Central Government issued or declared to be income-tax free, or any security of a State Government issued income-tax free, the income-tax whereon is payable by the State Government;

(g) all other words and expressions used in this section or in the First Schedule but not defined in this sub-section and defined in the Income-tax Act shall have the meanings respectively assigned to them in that Act.

CHAPTER III

DIRECT TAXES

Income-tax

3. In section 2 of the Income-tax Act,—

(a) in clause (15), the words "not involving the carrying on of any activity for profit" shall be omitted with effect from the 1st day of April, 1984;

(b) in clause (18), in sub-clause (b), for item (B), the following item shall be substituted with effect from the 2nd day of April, 1983, namely:—

'(B) shares in the company (not being shares entitled to a fixed rate of dividend whether with or without a further right to participate in profits) carrying not less than fifty per cent. of the voting power have been allotted unconditionally to, or acquired unconditionally by, and were throughout the relevant previous year beneficially held by—

(a) the Government, or

(b) a corporation established by a Central, State or Provincial Act, or

(c) any company to which this clause applies or any subsidiary company of such company where such subsidiary company fulfils the conditions laid down in clause (b) of section 108.

Explanation.—In its application to an Indian company whose business consists mainly in the construction of ships or in the manufacture or processing of goods or in mining or in the generation or distribution of electricity or any other form of power, item (B) shall have effect as if for the words "not less than fifty per cent.", the words "not less than forty per cent." had been substituted;.

4. In section 9 of the Income-tax Act, in sub-section (1),—

(a) in clause (i), in the *Explanation*, after clause (b), the following clause shall be inserted and shall be deemed always to have been inserted, namely:—

"(c) in the case of a non-resident, being a person engaged in the business of running a news agency or of publishing newspapers, magazines or journals, no income shall be deemed to accrue or arise in India to him through or from activities which are confined to the collection of news and views in India for transmission out of India;"

(b) to clause (ii), the following *Explanation* shall be added and shall be deemed to have been added with effect from the 1st day of April, 1979, namely:—

Explanation.—For the removal of doubts, it is hereby declared that income of the nature referred to in this clause payable for service rendered in India shall be regarded as income earned in India;".

5. In section 10 of the Income-tax Act,—

(a) after clause (6), the following clause shall be inserted with effect from the 1st day of April, 1984, namely:—

'(6A) where in the case of a foreign company deriving income by way of royalty or fees for technical services received from

Amend.
ment of
section 9

Amend.
ment of
section 10

Government or an Indian concern in pursuance of an agreement made by the foreign company with Government or the Indian concern after the 31st day of March, 1976 and approved by the Central Government, the tax on such income is payable, under the terms of such agreement, by Government or the Indian concern to the Central Government, the tax so paid.

Explanation.—For the purposes of this clause,—

(a) "fees for technical services" shall have the same meaning as in *Explanation 2* to clause (vii) of sub-section (I) of section 9;

(b) "foreign company" shall have the same meaning as in section 80B;

(c) "royalty" shall have the same meaning as in *Explanation 2* to clause (vi) of sub-section (I) of section 9; ;

(b) in clause (10),—

(i) for the words "thirty thousand rupees", at the three places where they occur, the words "thirty-six thousand rupees" shall be substituted and shall be deemed to have been substituted with effect from the 1st day of April, 1982;

(ii) after the provisos and before the *Explanation*, the following provisos shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1982, namely:—

'Provided also that the Central Government may, having regard to the maximum amount which may for the time being be exempt under sub-clause (i), increase, by notification in the Official Gazette, the limit of thirty-six thousand rupees, for all the three purposes for which it has been mentioned in the foregoing provisions of this clause, up to such maximum amount:

Provided also that in relation to cases in which the event (that is to say, retirement of the employee or his becoming incapacitated or termination of his employment or his death, as the case may be) on which gratuity is received had taken place before the 31st day of January, 1982, the proviso immediately preceding this proviso shall not apply and the remaining provisions of this clause shall have effect as if for the words "thirty-six thousand rupees", at the three places where they occur, the words "thirty thousand rupees" had been substituted.'

(c) in clause (15),—

(i) in sub-clause (iib) [directed to be inserted by clause (d) of section 4 of the Finance Act, 1982], for the words "interest on such Capital Investment Bonds", the words "in the case of an individual or a Hindu undivided family, interest on such Capital Investment Bonds" shall be substituted;

(ii) in sub-clause (iv),—

(1) for item (a), the following item shall be substituted, namely:—

“(a) by Government or a local authority on moneys borrowed by it from, or debts owed by it to, sources outside India;”;

(2) in item (c),—

(A) after the words “raw materials”, the words “or components” shall be inserted;

(B) the following *Explanation* shall be inserted at the end, namely:—

Explanation.—For the purposes of this item, “purchase of capital plant and machinery” includes the purchase of such capital plant and machinery under a hire-purchase agreement or a lease agreement with an option to purchase such plant and machinery;”;

(3) in item (d), after the words and figures “Industrial Development Bank of India Act, 1964”, the words and figures “or the Export-Import Bank of India established under the Export-Import Bank of India Act, 1981” shall be inserted;

(4) after item (f) and before the *Explanation*, the following item shall be inserted, namely:—

“(g) by a public company formed and registered in India with the main object of carrying on the business of providing long-term finance for construction or purchase of houses in India for residential purposes, being a company approved by the Central Government for the purposes of clause (viii) of sub-section (1) of section 36, on any moneys borrowed by it in foreign currency from sources outside India under a loan agreement approved by the Central Government, to the extent to which such interest does not exceed the amount of interest calculated at the rate approved by the Central Government in this behalf, having regard to the terms of the loan and its repayment.”;

(5) in the *Explanation*, for the words “this item”, the words, brackets and letters “items (f) and (g)” shall be substituted;

(d) in clause (21), the following proviso shall be inserted at the end with effect from the 1st day of April, 1984, namely:—

“Provided that nothing contained in this clause shall apply if for any period during the previous year—

(i) any sums by way of contributions received by the association are invested or deposited after the 28th day of February, 1983 otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11; or

18 of 1964.

28 of 1981.

(ii) any funds of the association invested or deposited before the 1st day of March, 1983 otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11 continue to remain so invested or deposited after the 30th day of November, 1983; or

(iii) any shares in a company (not being a Government company as defined in section 617 of the Companies Act 1956 or a corporation established by or under a Central, State or Provincial Act) are held by the association after the 30th day of November, 1983;";

1 of 1956.

(e) in clause (26A),—

(i) for the figures, letters and words "1st day of April, 1983", the figures, letters and words "1st day of April, 1986" shall be substituted;

(ii) the *Explanation* shall be numbered and shall be deemed to have been numbered with effect from the 1st day of April, 1980 as *Explanation* (1) and after *Explanation* 1 as so numbered, the following *Explanation* shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1980, namely:—

"Explanation 2.—In this clause, references to the district of Ladakh shall be construed as references to the areas comprised in the said district on the 30th day of June, 1979."

**Amend-
ment of
section 11.**

6. In section 11 of the Income-tax Act,—

(a) in sub-section (2), for clause (b), the following clause shall be substituted, namely:—

"(b) the money so accumulated or set apart is invested or deposited in the forms or modes specified in sub-section (5).";

(b) after sub-section (4), the following sub-section shall be inserted with effect from the 1st day of April, 1984, namely:—

"(4A) Sub-section (1) or sub-section (2) or sub-section (3) or sub-section (3A) shall not apply in relation to any income, being profits and gains of business, unless—

(a) the business is carried on by a trust wholly for public religious purposes and the business consists of printing and publication of books or publication of books or is of a kind notified by the Central Government in this behalf in the Official Gazette; or

(b) the business is carried on by an institution wholly for charitable purposes and the work in connection with the business is mainly carried on by the beneficiaries of the institution,

and separate books of account are maintained by the trust or institution in respect of such business.";

(c) after sub-section (4), the following sub-section shall be inserted, namely:—

(5) The forms and modes of investing or depositing the money referred to in clause (b) of sub-section (2) shall be the following, namely:—

(i) investment in savings certificates as defined in clause (c) of section 2 of the Government Savings Certificates Act, 1959, and any other securities or certificates issued by the Central Government under the Small Savings Schemes of that Government;

(ii) deposit in any account with the Post Office Savings Bank;

(iii) deposit in any account with a scheduled bank or a co-operative society engaged in carrying on the business of banking (including a co-operative land mortgage bank or a co-operative land development bank).

Explanation.—In this clause, “scheduled bank” means the State Bank of India constituted under the State Bank of India Act, 1955, a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959, a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, or under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, or any other bank being a bank included in the Second Schedule to the Reserve Bank of India Act, 1934;

(iv) investment in units of the Unit Trust of India established under the Unit Trust of India Act, 1963;

(v) investment in any security for money created and issued by the Central Government or a State Government;

(vi) investment in debentures issued by, or on behalf of, any company or corporation both the principal whereof and the interest whereon are fully and unconditionally guaranteed by the Central Government or by a State Government;

(vii) investment or deposit in any Government company as defined in section 617 of the Companies Act, 1956;

(viii) deposits with or investment in any bonds issued by a financial corporation which is engaged in providing long-term finance for industrial development in India and which is approved by the Central Government for the purposes of clause (viii) of sub-section (1) of section 36;

(ix) deposits with or investment in any bonds issued by a public company formed and registered in India with the main object of carrying on the business of providing long-term finance for construction or purchase of houses in India for residential purposes and which is approved by the Central Government for the purposes of clause (viii) of sub-section (1) of section 36;

(x) investment in immovable property.

Explanation.—“Immovable property” does not include any machinery or plant (other than machinery or plant installed in a building for the convenient occupation of the building) even though attached to, or permanently fastened to anything attached to, the earth.’

Amend.
ment of
section 13.

7. In section 13 of the Income-tax Act,—

(a) in sub-section (1),—

(i) clause (bb) shall be omitted with effect from the 1st day of April, 1984;

(ii) for clause (d), the following clause shall be substituted, namely:—

“(d) in the case of a trust for charitable or religious purposes or a charitable or religious institution, any income thereof, if for any period during the previous year—

(i) any fund of the trust or institution invested or deposited after the 28th day of February, 1983 otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11; or

(ii) any funds of the trust or institution invested or deposited before the 1st day of March, 1983 otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11 continue to remain so invested or deposited after the 30th day of November, 1983; or

(iii) any shares in a company (not being a Government company as defined in section 617 of the Companies Act, 1956 or a corporation established by or under a Central, State or Provincial Act) are held by the trust or institution after the 30th day of November, 1983:

Provided that nothing in this clause shall apply in relation to—

(i) any assets held by the trust or institution where such assets form part of the corpus of the trust or institution as on the 1st day of June, 1973 and such assets were not purchased by the trust or institution or acquired by it by conversion of, or in exchange for, any other asset;

(ii) any assets (being debentures issued by, or on behalf of, any company or corporation) acquired by the trust or institution before the 1st day of March, 1983;

(iii) any funds representing the profits and gains of business, being profits and gains of any previous year relevant to the assessment year commencing on the 1st day of April, 1984 or any subsequent assessment year.

1 of 1956

Explanation.—Where the trust or institution has any other income in addition to profits and gains of business, the provisions of clause (iii) of this proviso shall not apply unless the trust or institution maintains separate books of account in respect of such business.”;

(b) in sub-section (2), in the opening portion, for the words, brackets and letter “provisions of clause (c)”, the words, brackets and letters “provisions of clause (c) and clause (d)” shall be substituted;

(c) in sub-section (4), in the opening portion, for the words “, in a case where”, the words, brackets and letter “but without prejudice to the provisions contained in clause (d) of that sub-section, in a case where” shall be substituted;

(d) sub-sections (5) and (6) shall be omitted.

8. In section 16 of the Income-tax Act, in clause (i), for the words “five thousand rupees”, the words “six thousand rupees” shall be substituted with effect from the 1st day of April, 1984.

Amend.
ment of
section 16.

9. In section 24 of the Income-tax Act, in sub-section (1), to clause (vi), the following *Explanation* shall be added with effect from the 1st day of April, 1984, namely:—

Amend.
ment of
section 24.

“Explanation.—Where the property has been acquired or constructed with borrowed capital, the interest, if any, payable on such capital for the period prior to the previous year in which the property has been acquired or constructed, as reduced by any part thereof allowed as a deduction under any other provision of this Act, shall be deducted under this clause in equal instalments for the said previous year and for each of the four immediately succeeding previous years.”.

10. In section 32 of the Income-tax Act, in sub-section (1), with effect from the 1st day of April, 1984,—

Amend.
ment of
section 32

(a) in clause (ii), in the first proviso, for the words “seven hundred and fifty rupees”, the words “five thousand rupees” shall be substituted;

(b) in clause (iv), the words, brackets and figures “but any such sum shall not be deductible in determining the written down value for the purposes of clause (ii) of sub-section (1);” shall be omitted;

(c) in clause (v), the words, brackets and figures “but any such sum shall not be deductible in determining the written down value for the purposes of clause (ii);” shall be omitted.

11. In section 32A of the Income-tax Act,—

Amend.
ment of
section
32A.

(a) in sub-section (2),—

(i) after clause (b) and before the *Explanation*, the following clause shall be inserted with effect from the 1st day of April, 1984, namely:—

“(c) any new machinery or plant installed after the 31st day of March, 1983, but before the 1st day of April, 1988, for

the purposes of business of repairs to ocean-going vessels or other powered craft if the business is carried on by an Indian company and the business so carried on is for the time being approved for the purposes of this clause by the Central Government.”;

(ii) in the *Explanation*, for the words, brackets, figures and letter “this sub-section and sub-sections (2B) and (4)”, the words, brackets, figures and letters “this sub-section and sub-sections (2B), (2C) and (4)” shall be substituted with effect from the 1st day of June, 1983;

(b) after sub-section (2B), the following sub-section shall be inserted with effect from the 1st day of June, 1983, namely:—

‘(2C) Where any new machinery or plant, being machinery or plant which would assist in control of pollution or protection of environment and which has been notified in this behalf by the Central Government in the Official Gazette is installed after the 31st day of May, 1983 in any industrial undertaking referred to in sub-clause (i) or sub-clause (ii) or sub-clause (iii) of clause (b) of sub-section (2), the provisions of sub-section (1) shall have effect in relation to such machinery or plant as if for the words “twenty-five per cent.”, the words “thirty-five per cent.” had been substituted.’

Amend-
ment of
section
35.

12. In section 35 of the Income-tax Act, in sub-section (2A), after the words “pays any sum”, the brackets and words “(being any sum paid with a specific direction that the sum shall not be used for the acquisition of any land or building or construction of any building)” shall be inserted with effect from 1st day of April, 1984.

Amend-
ment of
section
35B.

13. In section 35B of the Income-tax Act, in sub-section (1), in clause (a), after the words, figures and letters “after the 29th day of February, 1968”, the words, figures and letters “but before the 1st day of March, 1983” shall be inserted.

Amend-
ment of
section
35C.

14. In section 35C of the Income-tax Act, in sub-section (1), with effect from the 1st day of April, 1984,—

(a) in clause (a), the words “a sum equal to one and one-fifth times” shall be omitted;

(b) in the *Explanation*, for the words “expenditure with reference to which deduction under this section is to be allowed”, the words “expenditure which is to be allowed as deduction under this section” shall be substituted.

Amend-
ment of
section
35CC.

15. In section 35CC of the Income-tax Act, in sub-section (1), after the proviso, the following proviso shall be inserted, namely:—

“Provided further that the prescribed authority shall not approve any programme unless such programme is a programme falling within any such class or category of programmes of rural development as may be specified by the Central Government in this behalf.”.

16. In section 35CCA of the Income-tax Act,—

(a) in sub-section (1),—

(i) in clause (b), the word "or" shall be added at the end;

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

“(c) to a rural development fund set up and notified by the Central Government in this behalf;”;

(b) for sub-section (2), the following sub-sections shall be substituted, namely:—

(2) The deduction under clause (a) of sub-section (1) shall not be allowed in respect of expenditure by way of payment of any sum to any association or institution referred to in the said clause unless the assessee furnishes a certificate from such association or institution to the effect that—

(a) the programme of rural development had been approved by the prescribed authority before the 1st day of March, 1983; and

(b) where such payment is made after the 28th day of February, 1983, such programme involves work by way of construction of any building or other structure (whether for use as a dispensary, school, training or welfare centre, workshop or for any other purpose) or the laying of any road or the construction or boring of a well or tube-well or the installation of any plant or machinery, and such work has commenced before the 1st day of March, 1983.

(2A) The deduction under clause (b) of sub-section (1) shall not be allowed in respect of expenditure by way of payment of any sum to any association or institution unless the assessee furnishes a certificate from such association or institution to the effect that—

(a) the prescribed authority had approved the association or institution before the 1st day of March, 1983; and

(b) the training of persons for implementing any programme of rural development had been started by the association or institution before the 1st day of March, 1983.

(2B) No certificate of the nature referred to in sub-section (2) or sub-section (2A) shall be issued by any association or institution unless such association or institution has obtained from the prescribed authority authorisation in writing to issue certificates of such nature.”.

17. In section 37 of the Income-tax Act,—

(a) in sub-section (2A),—

(i) for clauses (iii) and (iv), the following shall be substituted with effect from the 1st day of April, 1984, namely:—

“(iii) on the balance of the profits at the rate and gains of the business or profession of 1/8 per cent. (computed in the manner aforesaid)

so, however, that the allowance shall in no case exceed Rs. 50,000:”;

Amend.
ment of
section
35CCAAmend.
ment of
section 37

(ii) the *Explanation* shall be numbered and shall be deemed to have been numbered with effect from the 1st day of April, 1976 as *Explanation 1* and after *Explanation 1* as so numbered, the following *Explanation* shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1976, namely:—

'Explanation 2.—For the removal of doubts, it is hereby declared that for the purposes of this sub-section and sub-section (2B), as it stood before the 1st day of April, 1977, "entertainment expenditure" includes expenditure on provision of hospitality of every kind by the assessee to any person, whether by way of provision of food or beverages or in any other manner whatsoever and whether or not such provision is made by reason of any express or implied contract or custom or usage of trade, but does not include expenditure on food or beverages provided by the assessee to his employees in office, factory or other place of their work.'

(b) after sub-section (3), the following sub-sections shall be inserted with effect from the 1st day of April, 1984, namely:—

'(3A) Notwithstanding anything contained in sub-section (1), where the expenditure or, as the case may be, the aggregate expenditure incurred by an assessee on any one or more of the items specified in sub-section (3B) exceeds one hundred thousand rupees; twenty per cent. of such excess shall not be allowed as deduction in computing the income chargeable under the head "Profits and gains of business or profession".

(3B) The expenditure referred to in sub-section (3A) is that incurred on—

- (i) advertisement, publicity and sales promotion; or
- (ii) running and maintenance of aircraft and motor cars; or
- (iii) payments made to hotels.

Explanation.—For the purposes of sub-sections (3A) and (3B),—

(a) the expenditure specified in clause (i) to clause (iii) of sub-section (3B) shall be the aggregate amount of expenditure incurred by the assessee as reduced by so much of such expenditure as is not allowed under any other provision of this Act;

(b) expenditure on advertisement, publicity and sales promotion shall not include remuneration paid to employees of the assessee engaged in one or more of the said activities;

(c) expenditure on running and maintenance of aircraft and motor cars shall include,—

(i) expenditure incurred on chartering any aircraft and expenditure on hire charges for engaging cars plied for hire;

(ii) conveyance allowance paid to employees and, where the assessee is a company, conveyance allowance paid to its directors also.

(3C) Nothing contained in sub-section (3A) shall apply in respect of expenditure incurred by an assessee, being a domestic company as defined in clause (2) of section 80B, or a person (other than a company) who is resident in India in respect of expenditure incurred wholly and exclusively on—

- (i) advertisement, publicity and sales promotion outside India in respect of the goods, services or facilities which the assessee deals in or provides in the course of his business;
- (ii) running and maintenance of motor cars in any branch, office or agency maintained outside India for the promotion of the sale outside India of such goods, services or facilities.

(3D) No disallowance under sub-section (3A) shall be made—

- (i) in the case of an assessee engaged in the business of operation of aircraft, in respect of expenditure incurred on running and maintenance of such aircraft;
- (ii) in the case of an assessee engaged in the business of running motor cars on hire, in respect of expenditure incurred in running and maintenance of such motor cars.;

(c) after sub-section (4), the following sub-section shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1979, namely:—

“(5) For the removal of doubts, it is hereby declared that any accommodation, by whatever name called, maintained, hired, reserved or otherwise arranged by the assessee for the purpose of providing lodging or boarding and lodging to any person (including any employee or, where the assessee is a company, also any director of, or the holder of any other office in, the company) on tour or visit to the place at which such accommodation is situated, is accommodation in the nature of a guest house within the meaning of sub-section (4).”.

18. In the Income-tax Act, after section 43A, the following section shall be inserted with effect from the 1st day of April, 1984, namely:—

Insertion
of new
section
43B.

“43B. Notwithstanding anything contained in any other provision of this Act, a deduction otherwise allowable under this Act in respect of—

(a) any sum payable by the assessee by way of tax or duty under any law for the time being in force, or

(b) any sum payable by the assessee as an employer by way of contribution to any provident fund or superannuation fund or gratuity fund or any other fund for the welfare of employees,

Certain
deductions
to be
only on
actual
payment.

shall be allowed (irrespective of the previous year in which the liability to pay such sum was incurred by the assessee according to the method of accounting regularly employed by him) only in computing the income referred to in section 28 of that previous year in which such sum is actually paid by him.

Explanation.—For the removal of doubts, it is hereby declared that where a deduction in respect of any sum referred to in clause (a) or clause (b) of this section is allowed in computing the income referred to in section 28 of the previous year (being a previous year relevant to the assessment year commencing on the 1st day of April, 1983 or any earlier assessment year) in which the liability to pay such sum was incurred by the assessee, the assessee shall not be entitled to any deduction under this section in respect of such sum in computing the income of the previous year in which the sum is actually paid by him.”.

Amend.
ment of
section
44D.

19. In section 44D of the Income-tax Act, with effect from the 1st day of June, 1983,—

(a) in clauses (a) and (b), for the portion beginning with the words “from an Indian concern” and ending with the words “with the Indian concern”, the following shall be substituted, namely:—

“from Government or an Indian concern in pursuance of an agreement made by the foreign company with Government or with the Indian concern”;

(b) after clause (b) and before the *Explanation*, the following clause shall be inserted, namely:—

“(c) no deduction in respect of any expenditure or allowance shall be allowed under any of the said sections in computing income by way of interest received from Government or an Indian concern on moneys borrowed or debt incurred by the Government or the Indian concern in foreign currency.”;

(c) in the *Explanation*, in clause (d), for the portion beginning with the words “from an Indian concern” and ending with the words “with the Indian concern”, the following shall be substituted, namely:—

“from Government or an Indian concern in pursuance of an agreement made by a foreign company with Government or the Indian concern”.

Amend.
ment of
section
54E.

20. In section 54E of the Income-tax Act,—

(a) in sub-section (1),—

(i) after clause (b) and before *Explanation 1*, the following proviso shall be inserted, namely:—

“Provided that in a case where the original asset is transferred after the 28th day of February, 1983, the provisions of this sub-section shall not apply unless the assessee has invested or deposited the whole or as the case may be any part of the net consideration in the new asset by initially subscribing to such new asset.”;

(ii) in *Explanation 1*,—

(A) in clause (b), after the words, figures and letters “after the 28th day of February, 1979”, the words, figures and letters “but before the 1st day of March, 1983” shall be inserted;

(B) after clause (b), the following clause shall be inserted, namely:—

“(c) in a case where the original asset is transferred after the 28th day of February, 1983, any of the following assets, namely:—

(i) securities of the Central Government which that Government may, by notification in the Official Gazette, specify in this behalf;

(ii) special series of units of the Unit Trust of India established under the Unit Trust of India Act, 1963, which the Central Government may, by notification in the Official Gazette, specify in this behalf;

(iii) such National Rural Development Bonds as have been notified under clause (b) of *Explanation 1* or as may be notified in this behalf under this clause by the Central Government;

(iv) such debentures issued by the Housing and Urban Development Corporation Limited (a Government company as defined in section 617 of the Companies Act, 1956), as the Central Government may, by notification in the Official Gazette, specify in this behalf.”;

(b) in sub-section (2), the *Explanation* shall be numbered as *Explanation 1* and after *Explanation 1* as so numbered, the following *Explanation* shall be inserted, namely:—

“*Explanation 2*.—In a case where the original asset is transferred after the 28th day of February, 1983 and the assessee invests the whole or any part of the net consideration in respect of the original asset in any new asset and such assessee takes any loan or advance on the security of such new asset, he shall be deemed to have converted (otherwise than by transfer) such new asset on the date on which such loan or advance is taken.”;

(c) in sub-section (3), in the *Explanation*, in clause (iiia), after sub-clause (b), the following sub-clause shall be inserted, namely:—

“(c) in relation to any additional compensation or additional consideration received after the 28th day of February, 1983, in any of the assets referred to in clause (c) of *Explanation 1* below sub-section (1) by way of initial subscription thereto.”.

21. In section 80C of the Income-tax Act, with effect from the 1st day of April, 1984,—

(a) in sub-section (2),—

(i) for clause (b) (occurring before the *Explanation*), the following clause shall be substituted, namely:—

“(b) where the assessee is a Hindu undivided family,—

(i) any sums paid in the previous year by the assessee out of its income chargeable to tax—

(1) to effect or to keep in force an insurance on the life of any member of the family; or

Amend-
ment of
section
80C.

(2) as a contribution to any provident fund referred to in sub-clause (iv) of clause (a), where such contribution is to an account standing in the name of any member of the family; or

(ii) any sums deposited in the previous year by the assessee out of its income chargeable to tax in a ten-year account or a fifteen-year account under the Post Office Savings Bank (Cumulative Time Deposits) Rules, 1959, as amended from time to time, where such sums are deposited in an account standing in the name of any member of the family.”;

(ii) in the *Explanation* below clause (b), for the word, brackets and letter “clause (b)”, the words, brackets, figure and letter “sub-clause (i) of clause (b)” shall be substituted;

(b) in sub-section (4), for clauses (i) to (iv), the following clauses shall be substituted, namely:—

“(i) in the case of an individual, being an author, playwright, artist, musician, actor or sportsman (including an athlete), sixty thousand rupees;

(ii) in the case of any other individual or a Hindu undivided family or any such association of persons or a body of individuals as is referred to in clause (g) of sub-section (2), forty thousand rupees.”.

**Amend.
ment of
section
80GG.**

22. In section 80GG of the Income-tax Act, for the proviso, the following proviso shall be substituted with effect from the 1st day of April, 1984, namely:—

“Provided that nothing in this section shall apply to an assessee in any case where any residential accommodation is,—

(i) owned by the assessee or by his spouse or minor child or, where such assessee is a member of a Hindu undivided family, by such family, at the place where he ordinarily resides or performs duties of his office or employment or carries on his business or profession; or

(ii) owned by the assessee at any other place, being accommodation in the occupation of the assessee, the value of which is to be determined under clause (i) or, as the case may be, clause (ii) of sub-section (2) of section 23.”.

23. In section 80GGA of the Income-tax Act, in sub-section (2),—

**Amend-
ment of
section
80 GGA.**

(a) in clause (b), for the proviso, the following proviso shall be substituted, namely:—

“Provided that the assessee furnishes the certificate referred to in sub-section (2) or, as the case may be, sub-section (2A) of section 35CCA from such association or institution.”;

(b) after clause (c), the following clause shall be inserted, namely:—

“(d) any sum paid by the assessee in the previous year to a rural development fund set up and notified by the Central

14 of 1982.

Government for the purposes of clause (c) of sub-section (1) of section 35CCA.”.

24. In the Income-tax Act, after section 80HHC (directed to be inserted by section 18 of the Finance Act, 1982), the following section shall be inserted, namely:—

'80HHC. (1) Where the assessee, being an Indian company or a person (other than a company) who is resident in India, exports out of India during the previous year relevant to an assessment year any goods or merchandise to which this section applies, there shall, in accordance with and subject to the provisions of this section, be allowed, in computing the total income of the assessee, the following deductions, namely:—

Insertion of new section 80HHC.

Deduction in respect of export turnover.

(a) a deduction of an amount equal to one per cent of the export turnover of such goods or merchandise during the previous year; and

(b) a deduction of an amount equal to five per cent of the amount by which the export turnover of such goods or merchandise during the previous year exceeds the export turnover of such goods or merchandise during the immediately preceding previous year.

(2) (a) This section applies to all goods or merchandise [other than those specified in clause (b)] if the sale proceeds of such goods or merchandise exported out of India are receivable by the assessee in convertible foreign exchange.

(b) The goods or merchandise referred to in clause (a) are the following, namely:—

(i) agricultural primary commodities, not being produce of plantations;

(ii) mineral oil;

(iii) minerals and ores; and

(iv) such other goods or merchandise as the Central Government may, by notification in the Official Gazette, specify in this behalf.

(3) No deduction under clause (b) of sub-section (1) shall be allowed unless the assessee had, during the immediately preceding previous year, exported out of India goods or merchandise to which this section applies.

Explanation.—For the purposes of this section,

(a) “convertible foreign exchange” means foreign exchange which is for the time being treated by the Reserve Bank of India as convertible foreign exchange for the purposes of the Foreign Exchange Regulation Act, 1973, and any rules made thereunder;

46 of 1973.

(b) “export turnover” means the sale proceeds of any goods or merchandise exported out of India, but does not include freight or insurance attributable to the transport of the goods

or merchandise beyond the customs station as defined in the Customs Act, 1962.''

52 of 1962.

Amendment of section 80-I. 25. In section 80-I of the Income-tax Act, with effect from the 1st day of April, 1984,—

(a) in sub-section (1),—

(i) in the opening portion, after the words "business of a hotel", the words "or the business of repairs to ocean-going vessels or other powered craft" shall be inserted;

(ii) in the proviso, for the words "shall have effect", the words "shall have effect in relation to profits and gains derived from an industrial undertaking or a ship or the business of a hotel" shall be substituted;

(b) after sub-section (4), the following sub-section shall be inserted, namely:—

"(4A) This section applies to the business of repairs to ocean-going vessels or other powered craft which fulfils all the following conditions, namely:—

(i) the business is not formed by the splitting up, or the re-construction, of a business already in existence;

(ii) it is not formed by the transfer to a new business of machinery or plant previously used of any purpose;

(iii) it is carried on by an Indian company and the work by way of repairs to ocean-going vessels or other powered craft has been commenced by such company after the 31st day of March, 1983 but before the 1st day of April, 1988; and

(iv) it is for the time being approved for the purposes of this sub-section by the Central Government.";

(c) in sub-section (5),—

(i) in the opening portion, after the words "hotel starts functioning", the words "or the company commences work by way of repairs to ocean-going vessels or other powered craft" shall be inserted;

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

'Provided further that in the case of an assessee carrying on the business of repairs to ocean-going vessels or other powered craft, the provisions of this sub-section shall have effect as if for the words "seven assessment years", the words "four assessment years" had been substituted.'

(d) in sub-section (6), after the word "hotel", at both the places where it occurs, the words "or the business of repairs to ocean-going vessels or other powered craft" shall be inserted;

(e) in sub-section (8), after the words "operation of the ship", wherever they occur, the words "or the business of repairs to ocean-going vessels or other powered craft" shall be inserted;

(f) in sub-section (9), after the word "ship", wherever it occurs, the words "or the business of repairs to ocean-going vessels or other powered craft" shall be inserted.

26. In section 80JJ of the Income-tax Act, with effect from the 1st day of April, 1984,—

(a) in clause (b), for the word "one-fifth", the words "fifteen per cent." shall be substituted;

(b) in the proviso, for the words "seventy-five thousand rupees", the words "one hundred thousand rupees" shall be substituted.

27. Section 80JJA of the Income-tax Act shall be omitted with effect from the 1st day of April, 1984.

28. In section 80L of the Income-tax Act, in sub-section (1), with effect from the 1st day of April, 1984,—

(a) after clause (vi), the following clause shall be inserted, namely:—

"(via) interest on deposits with any such bank, not being a banking company or a co-operative society referred to in clause (vi) but being a bank established by or under any law made by Parliament, as may be approved by the Central Government for the purposes of this clause;";

(b) for the portion beginning with the words "a deduction as specified hereunder" and ending with the words "shall not exceed two thousand rupees" (directed to be substituted by section 19 of the Finance Act, 1982), the following shall be substituted, namely:—

"a deduction as specified hereunder, namely:—

(1) in a case where the amount of such income does not exceed in the aggregate seven thousand rupees, the whole of such amount; and

(2) in any other case, seven thousand rupees".

29. Section 80MM of the Income-tax Act shall be omitted with effect from the 1st day of April, 1984.

30. In section 80P of the Income-tax Act, in sub-section (2), for clause (b), the following clause shall be substituted with effect from the 1st day of April, 1984, namely:—

"(b) in the case of a co-operative society, being a primary society engaged in supplying milk, oilseeds, fruits or vegetables raised or grown by its members to—

(i) a Federal co-operative society, being a society engaged in the business of supplying milk, oilseeds, fruits or vegetables, as the case may be; or

(ii) the Government or a local authority; or

(iii) a Government company as defined in section 617 of the Companies Act, 1956 or a corporation established by or under a

Amend-
ment
of section
80JJ.

Omission
of section
80JJA.

Amend-
ment of
section
80L.

Omission
of section
80MM.

Amend-
ment of
section
80P.

Amend-
ment of
section
80R.

Insertion
of new
Chapter
VIB.

Central, State or Provincial Act (being a company or corporation engaged in supplying milk, oilseeds, fruits or vegetables, as the case may be, to the public),

the whole of the amount of profits and gains of such business;".

31. In section 80R of the Income-tax Act, for the words "such other association or body established outside India as may be notified in this behalf by the Central Government in the Official Gazette", the words "any other association or body established outside India" shall be substituted with effect from the 1st day of April, 1984.

32. In the Income-tax Act, after Chapter VIA, the following Chapter shall be inserted with effect from the 1st day of April, 1984, namely:—

"CHAPTER VIB

RESTRICTION ON CERTAIN DEDUCTIONS IN THE CASE OF COMPANIES

Restriction
on certain
deduc-
tions in
the case
of com-
panies.

80VVA. (1) Notwithstanding anything contained in any other provision of this Act, where in the case of an assessee being a company, the amount or, as the case may be, the aggregate amount which, but for the provisions of this section, would have been admissible as deduction for any assessment year under any one or more of the provisions of this Act specified in sub-section (2) exceeds seventy per cent. of the amount of total income as computed had no deduction been allowed under any of the said provisions (such total income being hereinafter referred to as the pre-incentive total income), the amount or, as the case may be, the aggregate amount to be allowed as deduction for that year in respect of any one or more of the said provisions shall be restricted, in the manner specified in sub-section (3), to seventy per cent. of the pre-incentive total income.

(2) The provisions referred to in sub-section (1) shall be the following, namely:—

- (i) clause (iii) of sub-section (1) of section 35;
- (ii) clause (ia) of sub-section (2) of section 35;
- (iii) sub-section (2A) of section 35, to the extent to which the deduction under the said sub-section exceeds the sum paid by the assessee;
- (iv) sub-section (2B) of section 35, to the extent to which the deduction under the said sub-section exceeds the expenditure incurred by the assessee;
- (v) section 35C;
- (vi) section 35CC;
- (vii) section 35CCA;
- (viii) section 35CCB;
- (ix) clause (ii) of sub-section (2) of section 33;
- (x) clause (ii) of sub-section (2) of section 38A;

- (xi) sub-section (1), or, as the case may be, sub-section (1), read with clause (i) of sub-section (2) of section 33A;
- (xii) clause (ii) of sub-section (3) of section 32A;
- (xiii) sub-section (1), or, as the case may be, sub-section (1), read with clause (i) of sub-section (3) of section 32A;
- (xiv) section 80G;
- (xv) clause (b) of sub-section (2) of section 80GGA;
- (xvi) clause (c) of sub-section (2) of section 80GGA;
- (xvii) section 80HH;
- (xviii) section 80HHA;
- (xix) section 80HHB;
- (xx) section 80HHC;
- (xxi) section 80-I;
- (xxii) section 80J;
- (xxiii) section 80JJ;
- (xxiv) section 80K;
- (xxv) section 80M;
- (xxvi) section 80N;
- (xxvii) section 80O; and
- (xxviii) section 80QQ.

(3) The deduction under the provisions specified in sub-section (2) shall, for the purposes of restricting under sub-section (1), the amount or, as the case may be, the aggregate amount of deduction, under those provisions, be allowed in the order in which the said provisions have been specified in sub-section (2), and accordingly—

(a) deduction shall first be allowed under the provision specified in clause (i) of sub-section (2); and

(b) if no deduction is allowable under the provision specified in the said clause (i) or the deduction allowable under that provision is less than seventy per cent. of the pre-incentive total income, deduction shall next be allowed under the provision specified in clause (ii) of sub-section (2); and

(c) if no deduction is allowable under the provision specified in the said clause (ii), or the deduction under that provision together with the deduction allowed under the provision referred to in the said clause (i), is less than seventy per cent. of the pre-incentive total income, deduction shall next be allowed under the provision specified in clause (iii) of sub-section (2) and so on until the aggregate deduction so allowed is equal to seventy per cent. of the pre-incentive total income.

(4) To the extent to which full deduction cannot be allowed in the assessment year in respect of any provision specified in sub-section (2), by virtue only of the restriction under sub-section (1) (and not by virtue of anything contained in any other section), the amount remaining unallowed shall be added to the amount, if any, to be allowed to the assessee under the said provision for the next following assessment year and be deemed to be part of the

deduction admissible to the assessee under the said provision for that year or, if no such deduction is admissible to the assessee for that year, be deemed to be the deduction admissible to the assessee for that year, and so on for succeeding assessment years.”

Omission
of section
89A.

33. Section 89A of the Income-tax Act shall be omitted.

Amend-
ment of
section
109.

34. In section 109 of the Income-tax Act, in clause (ib), for the *Explanation*, the following *Explanation* shall be substituted with effect from the 1st day of April, 1984, namely:—

Explanation.—In this clause and in sub-clause (3) of clause (iii), the expression “provision of technical know-how” means,—

- (i) the transfer of all or any rights (including the granting of a licence) in respect of a patent, invention, model, design, secret formula or process or similar property;
- (ii) the imparting of any information concerning the working of, or the use of, a patent, invention, model, design, secret formula or process or similar property;
- (iii) the use of any patent, invention, model, design, secret formula or process or similar property;
- (iv) the imparting of any information concerning industrial, commercial or scientific knowledge, experience or skill;.

Amend-
ment of
section
115A.

35. In section 115A of the Income-tax Act, in sub-section (1), with effect from the 1st day of June, 1983,—

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

“(aa) interest received from Government or an Indian concern on moneys borrowed or debt incurred by Government or the Indian concern in foreign currency; or”;

(b) for clause (b), the following clause shall be substituted, namely:—

“(b) royalty or fees for technical services received from Government or an Indian concern in pursuance of an agreement made by the foreign company with Government or the Indian concern after the 31st day of March, 1976, and where such agreement is with an Indian concern, such agreement is approved by the Central Government;”;

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

“(ia) the amount of income-tax calculated on the income by way of interest referred to in clause (aa) if any, included in the total income, at the rate of twenty-five per cent.;”;

(d) in clause (iv), for the words, brackets and letter “and clause (b)”, the words, brackets and letters “, clause (aa) and clause (b)” shall be substituted;

(e) in the Explanation, after clause (b), the following clause shall be inserted, namely:—

‘(bb) “foreign currency” shall have the same meaning as in the Explanation below item (g) of sub-clause (w) of clause (15) of section 10;’.

36. In the Income-tax Act, after Chapter XII, the following Chapter shall be inserted with effect from the 1st day of June, 1983, namely:—

CHAPTER XII-A

SPECIAL PROVISIONS RELATING TO CERTAIN INCOMES OF NON-RESIDENTS

115C. In this Chapter, unless the context otherwise requires,—

(a) “convertible foreign exchange” means foreign exchange which is for the time being treated by the Reserve Bank of India as convertible foreign exchange for the purposes of the Foreign Exchange Regulation Act, 1973, and any rules made thereunder;

(b) “foreign exchange asset” means any specified asset which the assessee has acquired or purchased with, or subscribed to in, convertible foreign exchange;

(c) “investment income” means any income derived from a foreign exchange asset;

(d) “long-term capital gains” means income chargeable under the head “Capital gains” relating to a capital asset, being a foreign exchange asset which is not a short-term capital asset;

(e) “non-resident Indian” means an individual, being a citizen of India or a person of Indian origin who is not a “resident”.

Explanation.—A person shall be deemed to be of Indian origin if he, or either of his parents or any of his grand-parents, was born in undivided India;

(f) “specified asset” means any of the following assets, namely:—

(i) shares in an Indian company;

(ii) debentures issued by an Indian company which is not a private company as defined in the Companies Act, 1956;

(iii) deposits with an Indian company which is not a private company as defined in the Companies Act, 1956;

(v) such other assets as the Central Government may specify in this behalf by notification in the Official Gazette.

115D. (1) No deduction in respect of any expenditure or allowance shall be allowed under any provision of this Act in computing the investment income of a non-resident Indian.

(2) Where in the case of an assessee, being a non-resident Indian,—

(a) the gross total income consists only of investment income or come or income by way of long-term capital gains or both, no deduction shall be allowed to the assessee under Chapter VIA;

Insertion
of new
Chapter
XII-A.

Defini-
tions.

46 of 1973.

1 of 1956.

1 of 1956.

18 of 1944.

Special
provision
for com-
putation
of total
income
of non-
residents.

(b) the gross total income includes any income referred to in clause (a), the gross total income shall be reduced by the amount of such income and the deductions under Chapter VIA shall be allowed as if the gross total income as so reduced were the gross total income of the assessee.

Tax on investment income and long-term capital gains.

115E. (1) Where the total income of an assessee, being a non-resident Indian, consists only of investment income or income by way of long-term capital gains or both, the tax payable by him on his total income shall be the amount of income-tax calculated on such total income at the rate of twenty per cent. of such income as increased by a surcharge for purposes of the Union at the rate of twelve and a half per cent. of such income-tax.

(2) Where the total income of an assessee, being a non-resident Indian includes any income of the nature referred to in sub-section (1), the tax payable by him on his total income shall be—

(i) the aggregate of the income-tax and surcharge payable by him in accordance with the provisions of sub-section (1) on income of the nature referred to in that sub-section included in the total income; plus

(ii) the amount of income-tax chargeable on the total income as reduced by the amount of income of the nature referred to in sub-section (1), had the total income so reduced been his total income.

Capital gains on transfer of foreign exchange assets not to be charged in certain cases.

115F. (1) Where, in the case of an assessee being a non-resident Indian, any long-term capital gains arise from the transfer of a foreign exchange asset (the asset so transferred being hereafter in this section referred to as the original asset), and the assessee has, within a period of six months after the date of such transfer, invested or deposited the whole or any part of the net consideration in any specified asset or in an Account referred to in clause (4A), or in any savings certificates referred to in clause (4B), of section 10 (such specified asset or such deposit in the Account aforesaid or such savings certificates being hereafter in this section referred to as the new asset), the capital gain shall be dealt with in accordance with the following provisions of this section, that is to say,—

(a) if the cost of the new asset is not less than the net consideration in respect of the original asset, the whole of such capital gain shall not be charged under section 45;

(b) if the cost of the new asset is less than the net consideration in respect of the original asset, so much of the capital gain as bears to the whole of the capital gain the same proportion as the cost of acquisition of the new asset bears to the net consideration shall not be charged under section 45.

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

(i) "cost", in relation to any new asset, being a deposit referred to in clause (4A) of section 10 or referred to in sub-clause (iii), or specified under sub-clause (v), of clause (f) of section 115C, means the amount of such deposit;

(ii) "net consideration", in relation to the transfer of the original asset, means the full value of the consideration received or accruing as a result of the transfer of such asset

as reduced by any expenditure incurred wholly and exclusively in connection with such transfer.

(2) Where the new asset is transferred or converted (otherwise than by transfer) into money, within a period of three years from the date of its acquisition, the amount of capital gain arising from the transfer of the original asset not charge under section 45 on the basis of the cost of such new asset as provided in clause (a) or, as the case may be, clause (b) of sub-section (1) shall be deemed to be income chargeable under the head "Capital gains" relating to capital assets other than short-term capital assets of the previous year in which the new asset is transferred or converted (otherwise than by transfer) into money.

115G. It shall not be necessary for a non-resident Indian to furnish under sub-section (1) of section 139 a return of his income if—

(a) his total income in respect of which he is assessable under this Act during the previous year consisted only of investment income or income, by way of long-term capital gains or both; and

(b) the tax deductible at source under the provisions of Chapter XVII-B has been deducted from such income.

115H. Where a person, who is a non-resident Indian in any previous year, becomes assessable as resident in India in respect of the total income of any subsequent year, he may furnish to the Income-tax Officer a declaration in writing along with his return of income under section 139 for the assessment year for which he is so assessable, to the effect that the provisions of this Chapter shall continue to apply to him in relation to the investment income derived from any foreign exchange asset being an asset of the nature referred to in sub-clause (ii) or sub-clause (iii) or sub-clause (iv) or sub-clause (v) of clause (f) of section 115C; and if he does so, the provisions of this Chapter shall continue to apply to him in relation to such income for that assessment year and for every subsequent assessment year until the transfer or conversion (otherwise than by transfer) into money of such assets.

115-I. A non-resident Indian may elect not to be governed by the provisions of this Chapter for any assessment year by furnishing to the Income-tax Officer his return of income for that assessment year under section 139 together with a declaration in writing to the effect that the provisions of this Chapter shall not apply to him for that assessment year and if he does so, the provisions of this Chapter shall not apply to him for that assessment year and his total income for that assessment year shall be computed and tax on such total income shall be charged in accordance with the other provisions of this Act.

37. In section 164 of the Income-tax Act, with effect from the 1st day of April, 1984,—

(a) in sub-section (2), after the word and figure "section 2," the words, brackets and figures "or which is of the nature referred to in sub-section (4A) of section 11," shall be inserted;

(b) in sub-section (3), in the opening portion, after the word and figure "section 2," the words, brackets and figures "or is of the nature referred to in sub-section (4A) of section 11," shall be inserted.

Return
of income
not to be
filed in
certain
cases.

Benefit
under
Chapter
to be
available
in certain
cases even
after the
assessee
becomes
resident.

Chapter
not to
apply if
the
assessee
so chooses.

Amend-
ment of
section
164.

Amend-
ment of
section
280ZA.

38. In section 280ZA of the Income-tax Act, with effect from the 1st day of April, 1984,—

(a) in sub-section (2), for the portion beginning with the words "arising from the transfer" and ending with the words "shifting its machinery", the following shall be substituted, namely:—

"arising from the transfer of capital assets, being machinery or plant or buildings or lands or any rights in buildings or lands used for the purposes of the business of the said undertaking in the urban area, effected in the course of or in consequence of the shifting of such industrial undertaking, namely:—

(a) the amount of expenditure incurred by the company in—

(i) purchasing new machinery or plant for the purposes of the business of the company in the area to which the undertaking is shifted;

(ii) acquiring lands or constructing buildings for the purposes of its business in the said area; and

(iii) shifting its machinery";

(b) in sub-section (4), for the portion beginning with the words "Where a capital asset" and ending with the words "completion of construction", the following shall be substituted, namely:—

"Where a capital asset, being machinery or plant purchased for the purposes of the business of the company in the area to which the undertaking is shifted or building or land, or any right in building or land, acquired, or as the case may be, constructed in the said area, is transferred by the company within a period of five years from the date of purchase, acquisition or, as the case may be, the date of completion of construction".

Conse-
quential
amend-
ments to
certain
sections.

39. The following amendments (being amendments of a consequential nature) shall be made in the Income-tax Act, namely:—

(a) in sub-section (3) of section 11, for clause (b), the following clause shall be substituted, namely:—

"(b). ceases to remain invested or deposited in any of the forms or modes specified in sub-section (5), or",

(b) in sub-section (3) of section 80A—

(i) after the words, figures and letters "or section 80HHB", the words, figures and letters "or section 80HHC" shall be inserted;

(ii) the words, figures and letters "or section 80JJA" shall be omitted with effect from the 1st day of April, 1984;

(c) in sub-section (5) of section 80G, to clause (i), the following proviso shall be added with effect from the 1st day of April, 1984, namely:—

"Provided that, where an institution or fund derives any income, being profits and gains of business, the condition that such income would not be liable to inclusion in its total income under the provisions of section 11 shall not apply in relation to such income if,—

(a) the institution or fund maintains separate books of account in respect of such business;

(b) the donations made to the institution or fund are not used by it, directly or indirectly, for the purposes of such business; and

(c) the institution or fund issues to the person making the donation a certificate to the effect that it maintains separate books of account in respect of such business and that the donations received by it will not be used, directly or indirectly, for the purposes of such business;"

(d) in sub-section (3) of section 80P—

(i) after the words, figures and letters "or section 80HHC", the words, figures and letters "or section 80HJC" shall be inserted;

(ii) the words, figures and letters "or section 80JJA" shall be omitted with effect from the 1st day of April, 1984;

(iii) for the words, figures and letters "section 80HBC, section 80-I", the words, figures and letters "section 80HHC, section 80HJC, section 80-I" shall be substituted;

(iv) for the words, figures and letters "section 80J, section 80JJ and section 80JJA", the words, figures and letters "section 80J and section 80JJ" shall be substituted with effect from the 1st day of April, 1984.

Wealth-tax

40. (1) Notwithstanding anything contained in section 13 of the Finance Act, 1960, relating to exemption of companies from levy of wealth-tax under the Wealth-tax Act, 1957 (hereinafter referred to as the Wealth-tax Act), wealth-tax shall be charged under the Wealth-tax Act for every assessment year commencing on and from the 1st day of April, 1984 in respect of the net wealth on the corresponding valuation date of every company, not being a company in which the public are substantially interested, at the rate of two per cent. of such net wealth.

Revival
of levy of
wealth-
tax in the
case of
closely-
held
companies.

Explanation—For the purposes of this sub-section, "company in which the public are substantially interested" shall have the meaning assigned to it in clause (18) of section 2 of the Income-tax Act.

(2) For the purposes of sub-section (1), the net wealth of a company shall be the amount by which the aggregate value of all the assets

referred to in sub-section (3), wherever located, belonging to the company on the valuation date is in excess of the aggregate value of all the debts owed by the company on the valuation date which are secured on, or which have been incurred in relation to, the said assets:

Provided that where any debt secured on any asset belonging to the assessee is incurred for, or enures to, the benefit of any other person, or is not represented by any asset belonging to the assessee, the value of such debt shall not be taken into account in computing the net wealth of the assessee.

(3) The assets referred to in sub-section (2) shall be the following, namely:—

(i) gold, silver, platinum or any other precious metal or any alloy containing one or more of such precious metals;

(ii) precious or semi-precious stones whether or not set in any furniture, utensil or other article or worked or sewn into any wearing apparel;

(iii) ornaments made of gold, silver, platinum or any other precious metal or any alloy containing one or more of such precious metals, whether or not containing any precious or semi-precious stone, and whether or not worked or sewn into any wearing apparel;

(iv) utensils made of gold, silver, platinum or any other precious metal or any alloy containing one or more of such precious metals;

(v) land other than agricultural land;

(vi) building or land appurtenant thereto, other than building or part thereof used by the assessee as factory, godown, warehouse, hotel or office for the purposes of its business or as residential accommodation for its employees or as a hospital, creche, school, canteen, library, recreational centre, shelter, rest-room or lunch room mainly for the welfare of its employees and the land appurtenant to such building or part:

Provided that each such employee is an employee whose income (exclusive of the value of all benefits or amenities not provided for by way of monetary payment) chargeable under the head "Salaries" under the Income-tax Act does not exceed eighteen thousand rupees;

(vii) motor-cars; and

(viii) any other asset which is acquired or represented by a debt secured on any one or more of the assets referred to in clause (i) to clause (vii).

(4) The value of any asset specified in sub-section (3) shall, subject to the provisions of sub-section (3) of section 7 of the Wealth-tax Act, be estimated to be the price which, in the opinion of the Wealth-tax Officer, it would fetch if sold in the open market on the valuation date.

(5) For the purposes of the levy of wealth-tax under the Wealth-tax Act, in pursuance of the provisions of this section,

(a) section 5, clause (a) of sub-section (2) of section 7 and clause (d) of section 45 of that Act and Part II of Schedule I to that Act shall not apply and shall have no effect;

(b) the remaining provisions of that Act shall be construed so as to be in conformity with the provisions of this section.

(6) Nothing in this section shall apply to any institution, association or body, whether incorporated or not and whether Indian or non-Indian, which the Central Government may, having regard to the nature and object of such institution, association or body, specify by notification in the Official Gazette and every notification issued under this sub-section shall be laid, as soon as may be after it is issued, before each House of Parliament.

(7) Subject to the provisions of sub-section (5), this section shall be construed as one with the Wealth-tax Act.

41. In section 5 of the Wealth-tax Act, in sub-section (1),—

(a) for clause (xa), the following clause shall be substituted with effect from the 1st day of April, 1984, namely:—

“(xa) in the case of an assessee who is carrying on a profession (being legal, medical, engineering or architectural profession or the profession of accountancy or such other profession as is notified by the Central Government in this behalf) and who regularly maintains books of account on the cash system of accounting, the amount of any fee due to him in respect of the services rendered by him in such professional capacity;”;

(b) for clause (xvic) [directed to be inserted by sub-clause (v) of clause (a) of section 34 of the Finance Act, 1982], the following clauses shall be substituted with effect from the 1st day of April, 1984, namely:—

“(xvic). in the case of an individual, being a citizen of India or a person of Indian origin who is not resident in India, during the year ending on the valuation date, any foreign exchange asset.

Explanation.—For the purposes of this clause,—

(a) a person shall be deemed to be of Indian origin if he or either of his parents or any of his grand-parents was born in undivided India;

(b) an individual shall be deemed to be not resident in India during the year ending on the valuation date if in respect of that year the individual is not resident in India within the meaning of the Income-tax Act;

(c) “foreign exchange asset” shall have the meaning assigned to it in clause (b) of section 115C of the Income-tax Act;

(xvica) in the case of an individual, being a citizen of India or a person of Indian origin who is resident in India, during the year ending on the valuation date, any foreign exchange asset [being an asset referred to in sub-clause (ii) or sub-clause (iii) or sub-clause (iv) or sub-clause (v) of clause (f) of section 115C of the Income-tax Act], where such asset was not includable by virtue of the provisions of clause (xvic) in computing his net wealth on any earlier valuation date.

14 of 1982.

Amend
ment
of sec
tion 5.

Explanation.—For the purposes of this clause,—

(a) an individual shall be deemed to be resident in India during the year ending on the valuation date if in respect of that year the individual is resident in India within the meaning of the Income-tax Act;

(b) the expressions "person of Indian origin" and "foreign exchange asset" shall have the same meanings as in the *Explanation* below clause (xvic);;

(c) in clause (xvid) [directed to be inserted by sub-clause (v) of clause (a) of section 34 of the Finance Act, 1982], for the words "such Capital Investment Bonds", the words "in the case of an individual or a Hindu undivided family, such Capital Investment Bonds" shall be substituted; 14 of 1982.

(d) after clause (xviii), the following clause shall be inserted, namely:—

"(xviiiia) any property being a medal, trophy or an award in kind received by the assessee for any attainment, work or contribution in any field if such medal, trophy or award in kind is received by the assessee from Government or from a University established by law or an institution affiliated to such University or from any such institution, association or body as is approved for the purposes of this clause by the Central Government.

Explanation.—Any approval for the purposes of this clause may be given by the Central Government so as to have effect from a date not earlier than the 1st day of April, 1983;”.

Gift-tax

42. In section 5 of the Gift-tax Act, 1958, in sub-section (1),—

18 of 1958.

(a) in clause (iid) [directed to be inserted by clause (a) of section 38 of the Finance Act, 1982], for the portion beginning with the words "savings certificates" and ending with the words "rules made thereunder", the following shall be substituted with effect from the 1st day of April, 1984, namely:—

14 of 1982.

"any foreign exchange assets as defined in clause (b) of section 115C of the Income-tax Act";

(b) in clause (iiic) [directed to be inserted by clause (b) of section 38 of the Finance Act, 1982], for the words "of property in the form of such Capital Investment Bonds", the words "being an individual or a Hindu undivided family, of property in the form of such Capital Investment Bonds" shall be substituted.

14 of 1982.

Interest-tax

43. In section 4 of the Interest-tax Act, 1974, the following proviso shall be inserted at the end, namely:—

45 of 1974.

"Provided that the rate at which interest-tax shall be charged in respect of any chargeable interest accruing or arising after the 31st day of March, 1983 shall be three and a half per cent. of such chargeable interest.”.

Amend.
ment
of
section

Amend.
ment
of
section
4.

CHAPTER IV

INDIRECT TAXES

Customs

44. The Customs Tariff Act, 1975 (hereinafter referred to as the Customs Tariff Act), shall be amended in the manner specified in the Second Schedule.

52 of 1962.

10 of 1897.

45. (1) In the case of goods mentioned in the First Schedule to the Customs Tariff Act, or in that Schedule, as amended from time to time, there shall be levied and collected as an auxiliary duty of customs an amount equal to fifty per cent of the value of the goods as determined in accordance with the provisions of section 14 of the Customs Act, 1962 (hereinafter referred to as the Customs Act).

Amend-
ment of
Act 51 of
1975.Auxiliary
duties of
customs.

(2) Sub-section (1) shall cease to have effect after the 31st day of March, 1984, except as respects things done or omitted to be done before such cesser; and section 6 of the General Clauses Act, 1897, shall apply upon such cesser as if the said sub-section had then been repealed by a Central Act.

(3) The auxiliary duties of customs referred to in sub-section (1) shall be in addition to any duties of customs chargeable on such goods under the Customs Act, or any other law for the time being in force.

(4) The provisions of the Customs Act and the rules and regulations made thereunder, including those relating to refunds and exemptions from duties, shall, as far as may be, apply in relation to the levy and collection of the auxiliary duties of customs leviable under this section in respect of any goods as they apply in relation to the levy and collection of the duties of customs on such goods under that Act or those rules and regulations, as the case may be.

46. In section 2 of the Customs Act, in clause (12), after the words "a customs port", the words, brackets and letters "and includes a place appointed under clause (aa) of that section to be an inland container depot" shall be inserted.

Amend-
ment of
section 2.

47. In section 7 of the Customs Act, after clause (a), the following clause shall be inserted, namely:—

Amend-
ment of
section 7.

"(aa) the places which alone shall be inland container depots for the unloading of imported goods and the loading of export goods or any class of such goods;"

48. In section 23 of the Customs Act, in sub-section (1),

Amend-
ment of
section
23.

(a) for the words "Where it is shown", the words and figures "Without prejudice to the provisions of section 13, where it is shown" shall be substituted;

(b) after the words "have been lost", the brackets and words "(otherwise than as a result of pilferage)" shall be inserted.

49. In section 25 of the Customs Act, after sub-section (2), the following sub-section and Explanation shall be inserted, namely:—

Amend-
ment of
section 25.

(3) An exemption under sub-section (1) or sub-section (2) in respect of any goods from any part of the duty of customs leviable

thereon (the duty of customs leviable thereon being hereinafter referred to as the statutory duty) may be granted by providing for the levy of a duty on such goods at a rate expressed in a form or method different from the form or method in which the statutory duty is leviable and any exemption granted in relation to any goods in the manner provided in this sub-section shall have effect subject to the condition that the duty of customs chargeable on such goods shall in no case exceed the statutory duty.

Explanation.—“Form or method”, in relation to a rate of duty of customs, means the basis, namely, valuation, weight, number, length, area, volume or other measure with reference to which the duty is leviable.’

Amend-
ment of
section 61.

50. Section 61 of the Customs Act shall be numbered as sub-section (1) thereof, and—

(a) in sub-section (1), as so numbered, for the words “three years” and “one year”, wherever they occur [except the second place at which the words “one year” occur in sub-clause (ii) of that sub-section], the words “one year” and “three months” shall, respectively, be substituted and for the words “one year” at the second place where they occur in the said sub-clause (ii), the words “six months” shall be substituted;

(b) after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:—

“(2) Where any warehoused goods remain in a warehouse beyond the period of one year or three months specified in clause (a) or clause (b) of sub-section (1) by reason of the extension of the aforesaid period or otherwise, interest at such rate, not exceeding eighteen per cent. per annum as is for the time being fixed by the Board, shall be payable on the amount of duty on the warehoused goods for the period from the expiry of the period of one year or, as the case may be, three months, till the date of the clearance of the goods from the warehouse.”

Amend-
ment of
section 74.

51. In section 74 of the Customs Act, in sub-section (1), for the words “exported to any place outside India”, the words and figures “entered for export and the proper officer makes an order permitting clearance and loading of the goods for exportation under section 51” shall be substituted.

Amend-
ment of
section 75.

52. In section 75 of the Customs Act, in sub-section (1), for the words “and exported to any place outside India,” the words and figures “, being goods which have been entered for export and in respect of which an order permitting the clearance and loading thereof for exportation has been made under section 51 by the proper officer,” shall be substituted.

Amend-
ment of
section 76.

53. In section 76 of the Customs Act, in sub-section (1),—

- (a) clause (a) shall be omitted;
- (b) in clause (c), for the words “five rupees”, the words “fifty rupees” shall be substituted.

Excise

54. The First Schedule to the Central Excises and Salt Act, 1944 (hereinafter referred to as the Central Excises Act),—

(a) shall be amended in the manner specified in the Third Schedule; and

(b) shall, with effect from such date as the Central Government may, by notification in the Official Gazette, appoint, be also amended in the manner specified in the Fourth Schedule.

55. (1) In the case of goods chargeable with a duty of excise under the Central Excises Act, as amended from time to time, read with any notification for the time being in force issued by the Central Government in relation to the duty so chargeable (not being a notification providing for any exemption for giving credit with respect to, or reduction of duty of excise under the said Act on such goods equal to, any duty of excise under the said Act, or the additional duty under section 3 of the Customs Tariff Act, already paid on the raw material or component parts used in the production or manufacture of such goods), there shall be levied and collected a special duty of excise equal to ten per cent. of the amount so chargeable on such goods.

(2) Sub-section (1) shall cease to have effect after the 31st day of March, 1984, except as respects things done or omitted to be done before such cesser; and section 6 of the General Clauses Act, 1897, shall apply upon such cesser as if the said sub-section had then been repealed by a Central Act.

(3) The special duties of excise referred to in sub-section (1) shall be in addition to any duties of excise chargeable on such goods under the Central Excises Act, or any other law for the time being in force.

(4) The provisions of the Central Excises Act and the rules made thereunder, including those relating to refunds and exemptions from duties, shall, as far as may be, apply in relation to the levy and collection of the special duties of excise leviable under this section in respect of any goods as they apply in relation to the levy and collection of the duties of excise on such goods under that Act or those rules, as the case may be.

56. The Additional Duties of Excise (Goods of Special Importance) Act, 1957 (hereinafter referred to as the Additional Duties of Excise Act), shall be amended in the manner specified in the Fifth Schedule.

57. In section 3 of the Additional Duties of Excise (Textiles and Textile Articles) Act, 1978, for sub-section (1), the following sub-section shall be substituted, namely:—

(1) When goods of the description mentioned in the Schedule chargeable with a duty of excise under the Central Excises and Salt Act, 1944, read with any notification for the time being in force issued by the Central Government in relation to the duty so chargeable (not being a notification providing for any exemption for giving credit with respect to, or reduction of duty of excise under the said Act on such goods equal to, any duty of excise under the said Act, or the additional duty under section 3 of the Customs

1 of 1944.

Tariff Act, 1975, already paid on the raw material used in the production or manufacture of such goods), are assessed to duty, there shall be levied and collected a duty of excise equal to fifteen per cent. of the total amount so chargeable on such goods.”.

51 of 1975.

CHAPTER V

MISCELLANEOUS

Amend-
ment of
Act 6 of
1898.

58. In the First Schedule to the Indian Post Office Act, 1898, for the sub-heading “Parcels” and the entries thereunder, the following shall be substituted, namely:—

“Parcels

For a weight not exceeding five hundred grams	Rs. 3.00
For every five hundred grams or fraction thereof, exceeding five hundred grams	Rs. 3.00.”.

Amend-
ment of
Act 38 of
1974.

59. In the Compulsory Deposit Scheme (Income-tax Payers) Act, 1974,—

(a) in section 3,—

(i) in sub-section (1), for the figures, letters and words “1st day of April, 1984”, the figures, letters and words “1st day of April, 1986” shall be substituted;

(ii) in sub-section (3), for the words “seventy years”, the words “sixty-five years” shall be substituted with effect from the 1st day of June, 1983;

(b) in section 4,—

(i) in sub-section (1), in clause (iv), for the words, figures and letters “and the assessment year commencing on the 1st day of April, 1983”, the words, brackets, figures and letters “and every subsequent assessment year (not being an assessment year commencing on or after the 1st day of April, 1986)” shall be substituted;

(ii) in sub-section (3), after the words, brackets and figures “clause (24) of section 2”, wherever they occur, the words, brackets, letters and figures “and in clause (c) of section 115C” shall be inserted with effect from the 1st day of June, 1983;

(c) in section 6, in sub-section (2), after the words, brackets and figures “clause (24) of section 2”, at both the places where they occur, the words, brackets, letters and figures “and in clause (c) of section 115C” shall be inserted with effect from the 1st day of June, 1983;

(d) in section 8, in sub-section (1A), for clauses (i) and (ii), the following clauses shall be substituted with effect from the 1st day of June, 1983, namely:—

“(i) where such individual has attained the age of sixty-five years before the 1st day of April, 1983, on the 1st day of June, 1983; and

“(ii) in any other case, on the first day of the financial year immediately succeeding the financial year in which such individual attained sixty-five years of age.”.

THE FIRST SCHEDULE

(See section 2)

PART I

INCOME-TAX AND SURCHARGE ON INCOME-TAX

Paragraph A.

Sub-Paragraph I

In the case of every individual or Hindu undivided family or unregistered firm or other association of persons or body of individuals whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, not being a case to which Sub-Paragraph II of this Paragraph or any other Paragraph of this Part applies,—

Rates of income-tax

(1) where the total income does not exceed Rs. 15,000	Nil;
(2) where the total income exceeds Rs. 15,000 but does not exceed Rs. 25,000	30 per cent. of the amount by which the total income exceeds Rs. 15,000;
(3) where the total income exceeds Rs. 25,000 but does not exceed Rs. 30,000	Rs. 3,000 plus 34 per cent. of the amount by which the total income exceeds Rs. 25,000;
(4) where the total income exceeds Rs. 30,000 but does not exceed Rs. 50,000	Rs. 4,700 plus 40 per cent. of the amount by which the total income exceeds Rs. 30,000;
(5) where the total income exceeds Rs. 50,000 but does not exceed Rs. 60,000	Rs. 12,700 plus 50 per cent. of the amount by which the total income exceeds Rs. 50,000;
(6) where the total income exceeds Rs. 60,000 but does not exceed Rs. 70,000	Rs. 17,700 plus 52.5 per cent. of the amount by which the total income exceeds Rs. 60,000;
(7) where the total income exceeds Rs. 70,000 but does not exceed Rs. 85,000	Rs. 22,950 plus 55 per cent. of the amount by which the total income exceeds Rs. 70,000;
(8) where the total income exceeds Rs. 85,000 but does not exceed Rs. 1,00,000	Rs. 31,200 plus 57.5 per cent. of the amount by which the total income exceeds Rs. 85,000;
(9) where the total income exceeds Rs. 1,00,000	Rs. 39,825 plus 60 per cent. of the amount by which the total income exceeds Rs. 1,00,000.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Sub-Paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax.

Sub-Paragraph II

In the case of every Hindu undivided family which at any time during the previous year has at least one member whose total income of the previous year relevant to the assessment year commencing on the 1st day of April, 1983 exceeds Rs. 15,000,—

Rates of income-tax

(1) where the total income does not exceed Rs. 8,000	Nil;
(2) where the total income exceeds Rs. 8,000 but does not exceed Rs. 15,000	22 per cent. of the amount by which the total income exceeds Rs. 8,000;
(3) where the total income exceeds Rs. 15,000 but does not exceed Rs. 20,000	Rs. 1,540 plus 27 per cent. of the amount by which the total income exceeds Rs. 15,000;
(4) where the total income exceeds Rs. 20,000 but does not exceed Rs. 25,000	Rs. 2,890 plus 35 per cent. of the amount by which the total income exceeds Rs. 20,000;
(5) where the total income exceeds Rs. 25,000 but does not exceed Rs. 30,000	Rs. 4,640 plus 40 per cent. of the amount by which the total income exceeds Rs. 25,000;
(6) where the total income exceeds Rs. 30,000 but does not exceed Rs. 50,000	Rs. 6,640 plus 50 per cent. of the amount by which the total income exceeds Rs. 30,000;
(7) where the total income exceeds Rs. 50,000	Rs. 16,640 plus 60 per cent. of the amount by which the total income exceeds Rs. 50,000:

Provided that for the purposes of this Sub-Paragraph,—

- (i) no income-tax shall be payable on a total income not exceeding Rs. 12,000;
- (ii) where the total income exceeds Rs. 12,000 but does not exceed Rs. 17,610, the income-tax payable thereon shall not exceed forty per cent. of the amount by which the total income exceeds Rs. 12,000.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Sub-Paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax.

Paragraph B

In the case of every co-operative society,—

Rates of income-tax

(1) where the total income does not exceed Rs. 10,000	15 per cent. of the total income;
(2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 20,000	Rs. 1,500 plus 25 per cent. of the amount by which the total income exceeds Rs. 10,000;
(3) where the total income exceeds Rs. 20,000	Rs. 4,000 plus 40 per cent. of the amount by which the total income exceeds Rs. 20,000.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax.

*Paragraph C**Sub-Paragraph I*

In the case of every registered firm, not being a case to which Sub-Paragraph II of this Paragraph applies,—

Rates of income-tax

(1) where the total income does not exceed Rs. 10,000	Nil;
(2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 25,000	5 per cent. of the amount by which the total income exceeds Rs. 10,000;
(3) where the total income exceeds Rs. 25,000 but does not exceed Rs. 50,000	Rs. 750 plus 7 per cent. of the amount by which the total income exceeds Rs. 25,000;
(4) where the total income exceeds Rs. 50,000 but does not exceed Rs. 1,00,000	Rs. 2,500 plus 15 per cent. of the amount by which the total income exceeds Rs. 50,000;
(5) where the total income exceeds Rs. 1,00,000	Rs. 10,000 plus 24 per cent. of the amount by which the total income exceeds Rs. 1,00,000.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Sub-Paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax.

Sub-Paragraph II

In the case of every registered firm whose total income includes income derived from a profession carried on by it and the income so included is not less than fifty-one per cent. of such total income,—

Rates of income-tax

(1) where the total income does not exceed Rs. 10,000	Nil;
(2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 25,000	4 per cent. of the amount by which the total income exceeds Rs. 10,000;
(3) where the total income exceeds Rs. 25,000 but does not exceed Rs. 50,000	Rs. 600 plus 7 per cent. of the amount by which the total income exceeds Rs. 25,000;
(4) where the total income exceeds Rs. 50,000 but does not exceed Rs. 1,00,000	Rs. 2,350 plus 13 per cent. of the amount by which the total income exceeds Rs. 50,000;
(5) where the total income exceeds Rs. 1,00,000	Rs. 8,850 plus 22 per cent. of the amount by which the total income exceeds Rs. 1,00,000.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Sub-Paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax.

Explanation.—For the purposes of this Paragraph, “registered firm” includes an unregistered firm assessed as a registered firm under clause (b) of section 183 of the Income-tax Act.

Paragraph D

In the case of every local authority,—

Rate of income-tax

On the whole of the total income 50 per cent.

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 calculated at the rate of ten per cent. of such income-tax.

Paragraph E

In the case of a company,—

Rate of income-tax

I. In the case of a domestic company,—

(1) where the company is a company in which the public are substantially interested,—

(i) in a case where the 45 per cent. of the total income; total income exceeds

Rs. 1,00,000

(ii) in a case where the 45 per cent. of the total income; total income exceed

Rs. 1,00,000 ~~does not~~

(2) where the company is not a company in which the public are substantially interested,—

(i) in the case of an industrial Company—

(a) where the total income does not exceed Rs. 2,00,000 55 per cent. of the total income;

(b) where the total income exceeds Rs. 2,00,000 60 per cent. of the total income;

(ii) in any other case 65 per cent. of the total income;

Provided that—

(i) the income-tax payable by a domestic company, being a company in which the public are substantially interested, the total income of which exceeds Rs. 1,00,000, shall not exceed the aggregate of—

(a) the income-tax which would have been payable by the company if its total income had been Rs. 1,00,000 (the income of

Rs. 1,00,000 for this purpose being computed as if such income included income from various sources in the same proportion as the total income of the company); and

(b) eighty per cent. of the amount by which its total income exceeds Rs. 1,00,000;

(ii) the income-tax payable by a domestic company, not being a company in which the public are substantially interested, which is an industrial company and the total income of which exceeds Rs. 2,00,000, shall not exceed the aggregate of—

(a) the income-tax which would have been payable by the company if its total income had been Rs. 2,00,000 (the income of Rs. 2,00,000 for this purpose being computed as if such income included income from various sources in the same proportion as the total income of the company); and

(b) eighty per cent. of the amount by which its total income exceeds Rs. 2,00,000.

II. In the case of a company other than a domestic company,—

(i) on so much of the total income as consists of—

(a) royalties received from an Indian concern in pursuance of an agreement made by it with the Indian concern after the 31st day of March, 1961 but before the 1st day of April, 1976, or

(b) fees for rendering technical services received from an Indian concern in pursuance of an agreement made by it with the Indian concern after the 29th day of February, 1964 but before the 1st day of April, 1976,

and where such agreement has, in either case, been approved by the Central Government

(ii) on the balance, if any, of the total income

50 per cent.;

70 per cent.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph shall be increased by a surcharge calculated at the rate of two and a half per cent. of such income-tax.

PART II

Rates for deduction of tax at source in certain cases

In every case in which under the provisions of sections 193, 194, 194A, 194B, 194BB, 194D and 195 of the Income-tax Act, tax is to be deducted

at the rates in force, deduction shall be made from the income subject to deduction at the following rates:—

	Income-tax	
	Rate of income-tax	Rate of surcharge
1. In the case of a person other than a company—		
(a) where the person is resident in India—		
(i) on income by way of interest other than "Interest on securities"	10 per cent.	<i>Nil</i> ;
(ii) on income by way of winnings from lotteries and crossword puzzles	30 per cent	3.75 per cent.
(iii) on income by way of winnings from horse races	30 per cent.	3.75 per cent.;
(iv) on income by way of insurance commission	10 per cent.	<i>Nil</i> ;
(v) on income by way of interest payable on	10 per cent.	<i>Nil</i> :
(A) any security, other than a tax-free security, of the Central or a State Government;		
(B) any debentures or other securities for money issued by or on behalf of any local authority or a corporation established by a Central, State or Provincial Act;		
(C) any debentures issued by a company where such debentures are listed in a recognised stock exchange in India in accordance with the Securities Contracts (Regulation) Act, 1956, and any rules made thereunder		
(vi) on any other income (excluding interest payable on a tax-free security),	20 per cent.	2.5 per cent.;
(b) where the person is not resident in India—		
(i) in the case of a non-resident Indian—		
(A) on investment income and long term capital gains	20 per cent.	2.5 per cent.;
(B) on income by way of interest payable on a tax-free security	15 per cent.	1.875 per cent.;
(C) on the whole of the other income		income-tax at 30 per cent. and surcharge at 3.75 per cent. of the amount of the income,
		or
		income-tax and surcharge on income-tax in respect of the income at the rates

	Income-tax	Rate of income-tax	Rate of surcharge
	prescribed in Sub-Paragraph I of Paragraph A of Part III of this Schedule, if such income had been the total income, whichever is higher;		
(ii) in the case of any other person— (A) on the whole of income (excluding interest payable on a tax-free security)	income-tax at 30 per cent. and surcharge at 3.75 per cent. of the amount of income, or income-tax and surcharge on income-tax in respect of the income at the rates prescribed in Sub-Paragraph I of Paragraph A of Part III of this Schedule, if such income had been the total income, whichever is higher;		
	15 per cent. 1,875 per cent.;		
(B) on income by way of interest payable on a tax-free security.			
2. In the case of a company— (a) where the company is a domestic company— (i) on income by way of interest other than "Interest on securities"	20 per cent. 1 per cent.;		
	21.5 per cent. 1.075 per cent.;		
(ii) on any other income (excluding interest payable on a tax-free security)			
(b) where the company is not a domestic company— (i) on income by way of dividends payable by any domestic company	25 per cent. Nil;		
	25 per cent. Nil;		
(ii) on income by way of interest payable by Government or an Indian concern on moneys borrowed or debt incurred by Government or the Indian concern in foreign currency			
	40 per cent. Nil;		
(iii) on income by way of royalty payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 31st day of March, 1976, where such royalty is in consideration for the transfer of all or any rights (including the granting of a			

Income-tax	Rate of income-tax	Rate of surcharge
licence) in respect of copyright in any book on a subject referred to in the proviso to sub-section (1A) of section 115A of the Income-tax Act, to the Indian concern		
(iv) on income by way of royalty [not being royalty of the nature referred to in sub-item (b) (iii)] payable by Government or Indian concern in pursuance of an agreement made by it with the Government or the Indian concern and which has been approved by the Central Government,—		
(A) where the agreement is made after the 31st day of March, 1961 but before the 1st day of April, 1976	50 per cent.	2.5 per cent.;
(B) where the agreement is made after the 31st day of March, 1978—		
(1) on so much of the amount of such income as consists of lump sum consideration for the transfer outside India of, or the imparting of information outside India in respect of, any data, documentation, drawing or specification relating to any patent, invention, model, design, secret formula or process, or trade mark or similar property	20 per cent.	<i>Nil</i> ;
(2) on the balance, if any, of such income	40 per cent.	<i>Nil</i> ;
(v) on income by way of fees for technical services payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern and which has been approved by the Central Government—		
(A) where the agreement is made after the 29th day of February, 1964 but before the 1st day of April, 1976	50 per cent.	2.5 per cent.;
(B) where the agreement is made after the 31st day of March, 1976	40 per cent.	<i>Nil</i> ;

(vi) or income by way of interest payable on a tax-free security	44 per cent.	2.2 per cent.;
(vii) on any other income	70 per cent.	3.5 per cent.

Explanation.—For the purpose of this Part, “investment income”, “long-term capital gains” and “non-resident Indian” shall have the meanings assigned to them in Chapter XII-A as directed to be inserted in the Income-tax Act by section 36 of this Act.

PART III

Rates for calculating or charging income-tax in certain cases, deducting income-tax from income chargeable under the head “Salaries” or any payment referred to in sub-section (9) of section 80E and computing “advance tax”.

In cases in which income-tax has to be calculated under the first proviso to sub-section (5) of section 132 of the Income-tax Act or charged under sub-section (4) of section 172 or sub-section (2) of section 174 or section 175 or sub-section (2) of section 176 of the said Act or deducted under section 192 of the said Act from income chargeable under the head “Salaries” or deducted under sub-section (9) of section 80E of the said Act from any payment referred to in the said sub-section (9) or in which the “advance tax” payable under Chapter XVII-C of the said Act has to be computed, at the rate or rates in force, such income-tax or, as the case may be, “advance tax” (not being “advance tax” in respect of any income chargeable to tax under Chapter XII or Chapter XII-A or section 164 or section 164A or section 167A of the Income-tax Act at the rates as specified in that Chapter or section), shall be so calculated, charged, deducted or computed at the following rate or rates:—

Paragraph A

Sub-Paragraph I

In the case of every individual or Hindu undivided family or unregistered firm or other association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, not being a case to which Sub-Paragraph II of this Paragraph or any other Paragraph of this Part applies,—

Rates of income-tax

(1) where the total income does not exceed Rs. 15,000	Nil;
(2) where the total income exceeds Rs. 15,000 but does not exceed Rs. 20,000	25 per cent. of the amount by which the total income exceeds Rs. 15,000;
(3) where the total income exceeds Rs. 20,000 but does not exceed Rs. 25,000	Rs. 1,250 plus 30 per cent. of the amount by which the total income exceeds Rs. 20,000;
(4) where the total income exceeds Rs. 25,000 but does not exceed Rs. 30,000	Rs. 2,750 plus 35 per cent. of the amount by which the total income exceeds Rs. 25,000;
(5) where the total income exceeds Rs. 30,000 but does not exceed Rs. 50,000	Rs. 4,500 plus 40 per cent. of the amount by which the total income exceeds Rs. 30,000;

- (6) where the total income exceeds Rs. 50,000 but does not exceed Rs. 60,000
Rs. 12,500 plus 50 per cent. of the amount by which the total income exceeds Rs. 50,000;
- (7) where the total income exceeds Rs. 60,000 but does not exceed Rs. 70,000
Rs. 17,500 plus 52.5 per cent. of the amount by which the total income exceeds Rs. 60,000;
- (8) where the total income exceeds Rs. 70,000 but does not exceed Rs. 85,000
Rs. 22,750 plus 55 per cent. of the amount by which the total income exceeds Rs. 70,000;
- (9) where the total income exceeds Rs. 85,000 but does not exceed Rs. 1,00,000
Rs. 31,000 plus 57.5 per cent. of the amount by which the total income exceeds Rs. 85,000;
- (10) where the total income exceeds Rs. 1,00,000
Rs. 39,625 plus 60 per cent. of the amount by which the total income exceeds Rs. 1,00,000.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Sub-Paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of twelve and a half per cent. of such income-tax.

Sub-Paragraph II

In the case of every Hindu undivided family which at any time during the previous year has at least one member whose total income of the previous year relevant to the assessment year commencing on the 1st day of April, 1984 exceeds Rs. 15,000,—

Rates of income-tax

- (1) where the total income does not exceed Rs. 8,000 Nil;
- (2) where the total income exceeds Rs. 8,000 but does not exceed Rs. 15,000 22 per cent. of the amount by which the total income exceeds Rs. 8,000;
- (3) where the total income exceeds Rs. 15,000 but does not exceed Rs. 20,000 Rs. 1,540 plus 27 per cent. of the amount by which the total income exceeds Rs. 15,000;
- (4) where the total income exceeds Rs. 20,000 but does not exceed Rs. 25,000 Rs. 2,890 plus 35 per cent. of the amount by which the total income exceeds Rs. 20,000;
- (5) where the total income exceeds Rs. 25,000 but does not exceed Rs. 30,000 Rs. 4,640 plus 40 per cent. of the amount by which the total income exceeds Rs. 25,000;
- (6) where the total income exceeds Rs. 30,000 but does not exceed Rs. 50,000 Rs. 6,640 plus 50 per cent. of the amount by which the total income exceeds Rs. 30,000;
- (7) where the total income exceeds Rs. 50,000 Rs. 16,640 plus 60 per cent. of the amount by which the total income exceeds Rs. 50,000;

Provided that for the purposes of this Sub-Paragraph,—

- (i) no income-tax shall be payable on a total income not exceeding Rs. 12,000;

(ii) where the total income exceeds Rs. 12,000 but does not exceed Rs. 17,610, the income-tax payable thereon shall not exceed forty per cent. of the amount by which the total income exceeds Rs. 12,000.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Sub-Paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of twelve and a half per cent. of such income-tax:

Paragraph B

In the case of every co-operative society,—

Rates of income-tax

(1) where the total income does not exceed Rs. 10,000	15 per cent. of the total income;
(2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 20,000	Rs. 1,500 plus 25 per cent. of the amount by which the total income exceeds Rs. 10,000;
(3) where the total income exceeds Rs. 20,000	Rs. 4,000 plus 40 per cent. of the amount by which the total income exceeds Rs. 20,000.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of twelve and a half per cent. of such income-tax.

Paragraph C

Sub-Paragraph I

In the case of every registered firm, not being a case to which Sub-Paragraph II of this Paragraph applies,—

Rates of income-tax

(1) where the total income does not exceed Rs. 10,000	Nil;
(2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 25,000	5 per cent. of the amount by which the total income exceeds Rs. 10,000;
(3) where the total income exceeds Rs. 25,000 but does not exceed Rs. 50,000	Rs. 750 plus 7 per cent. of the amount by which the total income exceeds Rs. 25,000;
(4) where the total income exceeds Rs. 50,000 but does not exceed Rs. 1,00,000	Rs. 2,500 plus 15 per cent. of the amount by which the total income exceeds Rs. 50,000;
(5) where the total income exceeds Rs. 1,00,000	Rs. 10,000 plus 24 per cent. of the amount by which the total income exceeds Rs. 1,00,000.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Sub-Paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of twelve and a half per cent. of such income-tax.

Sub-Paragraph II

In the case of every registered firm whose total income includes income derived from a profession carried on by it and the income so included is not less than fifty-one per cent. of such total income,—

Rates of income-tax

- | | |
|--|---|
| (1) where the total income does not exceed Rs. 10,000 | <i>Nil;</i> |
| (2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 25,000 | 4 per cent. of the amount by which the total income exceeds Rs. 10,000; |
| (3) where the total income exceeds Rs. 25,000 but does not exceed Rs. 50,000. | Rs. 600 plus 7 per cent. of the amount by which the total income exceeds Rs. 25,000; |
| (4) where the total income exceeds Rs. 50,000 but does not exceed Rs. 1,00,000 | Rs. 2,350 plus 13 per cent. of the amount by which the total income exceeds Rs. 50,000; |
| (5) where the total income exceeds Rs. 1,00,000 | Rs. 8,850 plus 22 per cent. of the amount by which the total income exceeds Rs. 1,00,000. |

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Sub-Paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of twelve and a half per cent. of such income-tax.

Explanation.—For the purposes of this Paragraph, “registered firm” includes an unregistered firm assessed as a registered firm under clause (b) of section 183 of the Income-tax Act.

Paragraph D

In the case of every local authority,—

Rate of income-tax

On the whole of the total income 50 per cent.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph shall be increased by a surcharge for purposes of the Union calculated at the rate of twelve and a half per cent. of such income-tax.

Paragraph E

In the case of a company,—

Rates of income-tax

I. In the case of a domestic company—

(1) where the company is a company in which the public are substantially interested 55 per cent. of the total income;

(2) where the company is not a company in which the public are substantially interested,—

(i) in the case of an industrial company 60 per cent. of the total income;

(ii) in any other case 65 per cent. of the total income.

II. In the case of a company other than a domestic company,—

(i) on so much of the total income as consists of—

(a) royalties received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 31st day of March, 1961 but before the 1st day of April, 1976, or

(b) fees for rendering technical services received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 29th day of February, 1964 but before the 1st day of April, 1976.

and where such agreement has, in either case, been approved by the Central Government 50 per cent.;

(ii) on the balance, if any, of the total income 70 per cent.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph shall be increased by a surcharge calculated at the rate of five per cent. of such income-tax.

Explanation.—For the purposes of this Paragraph, “industrial company” means a company which is mainly engaged in the business of generation or distribution of electricity or any other form of power or carriage, by road or inland waterways, of passengers or goods or in the construction of ships or in the execution of projects or in the manufacture or processing of goods or in mining.

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

(i) a company shall be deemed to be mainly engaged in the business of generation or distribution of electricity or any other

form of power or carriage, by road or inland waterways, of passengers or goods or in the construction of ships or in the execution of projects or in the manufacture or processing of goods or in mining, if the income attributable to any one or more of the aforesaid activities included in its total income of the previous year (as computed before making any deduction under Chapter VIA of the Income-tax Act) is not less than fifty-one per cent. of such total income;

(ii) "project" means a project for the construction of a building, road, dam, bridge or other structure or assembly or installation of any machinery or plant.

PART IV

[See section 2(7) (e)]

RULES FOR COMPUTATION OF NET AGRICULTURAL INCOME

Rule 1.—Agricultural income of the nature referred to in sub-clause (a) of clause (1) of section 2 of the Income-tax Act shall be computed as if it were income chargeable to income-tax under that Act under the head "Income from other sources" and the provisions of sections 57 to 59 of that Act shall, so far as may be, apply accordingly:

Provided that sub-section (2) of section 58 shall apply subject to the modification that the reference to section 40A therein shall be construed as not including a reference to sub-sections (3) and (4) of section 40A.

Rule 2.—Agricultural income of the nature referred to in sub-clause (b) or sub-clause (c) of clause (1) of section 2 of the Income-tax Act [other than income derived from any building required as a dwelling house by the receiver of the rent or revenue or the cultivator or the receiver of rent-in-kind referred to in the said sub-clause (c)] shall be computed as if it were income chargeable to income-tax under that Act under the head "Profits and gains of business or profession" and the provisions of sections 30, 31, 32, 34, 36, 37, 38, 40, 40A [other than sub-sections (3) and (4) thereof], 41, 43 and 43A of the Income-tax Act shall, so far as may be, apply accordingly.

Rule 3.—Agricultural income of the nature referred to in sub-clause (c) of clause (1) of section 2 of the Income-tax Act, being income derived from any building required as a dwelling house by the receiver of the rent or revenue or the cultivator or the receiver of rent-in-kind referred to in the said sub-clause (c) shall be computed as if it were income chargeable to income-tax under that Act under the head "Income from house property" and the provisions of sections 23 to 27 of that Act shall, so far as may be, apply accordingly:

Provided that sub-section (2) of the said section 23 shall apply subject to the modifications that the references to "total income" therein shall be construed as references to net agricultural income and that the words, figures and letter "and before making any deduction under Chapter VIA" shall be omitted.

Rule 4.—Notwithstanding anything contained in any other provisions of these rules, in a case where the assessee derives income from sale of tea grown and manufactured by him in India, such income shall be computed in accordance with rule 8 of the Income-tax Rules, 1962, and sixty per cent. of such income shall be regarded as the agricultural income of the assessee.

Rule 5.—Where the assessee is a partner of a registered firm or an unregistered firm assessed as a registered firm under clause (b) of section 183 of the Income-tax Act, which in the previous year has any agricultural income, or is a partner of an unregistered firm which has not been assessed as a registered firm under clause (b) of the said section 183 and which in the previous year has either no income chargeable to tax under the Income-tax Act or has total income not exceeding the maximum amount not chargeable to tax in the case of an unregistered firm but has any agricultural income, then, the agricultural income or loss of the firm shall be computed in accordance with these rules and his share in the agricultural income or loss of the firm shall be computed in the manner laid down in sub-section (1), sub-section (2), and sub-section (3) of section 67 of the Income-tax Act and the share so computed shall be regarded as the agricultural income or loss of the assessee.

Rule 6.—Where the assessee is a member of an association of persons or a body of individuals (other than a Hindu undivided family, a company or a firm) which in the previous year has either no income chargeable to tax under the Income-tax Act or has total income not exceeding the maximum amount not chargeable to tax in the case of an association of persons or a body of individuals (other than a Hindu undivided family, a company or a firm) but has any agricultural income, then, the agricultural income or loss of the association or body shall be computed in accordance with these rules and the share of the assessee in the agricultural income or loss so computed shall be regarded as the agricultural income or loss of the assessee.

Rule 7.—Where the result of the computation for the previous year in respect of any source of agricultural income is a loss, such loss shall be set off against the income of the assessee, if any, for that previous year from any other source of agricultural income:

Provided that where the assessee is a partner of an unregistered firm which has not been assessed as a registered firm under clause (b) of section 183 of the Income-tax Act or is a member of an association of persons or a body of individuals and the share of the assessee in the agricultural income of the firm, association or body, as the case may be, is a loss, such loss shall not be set off against any income of the assessee from any other source of agricultural income.

Rule 8.—Any sum payable by the assessee on account of any tax levied by the State Government on the agricultural income shall be deducted in computing the agricultural income.

Rule 9.—(1) Where the assessee has, in the previous year relevant to the assessment year commencing on the 1st day of April, 1983, any agricultural income and the net result of the computation of the agricultural income of the assessee for any one or more of the previous years

relevant to the assessment years commencing on the 1st day of April, 1975 or the 1st day of April, 1976 or the 1st day of April, 1977 or the 1st day of April, 1978 or the 1st day of April, 1979 or the 1st day of April, 1980 or the 1st day of April, 1981 or the 1st day of April, 1982, is a loss, then, for the purposes of sub-section (2) of section 2 of this Act,—

- (i) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1975, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1978 or the 1st day of April, 1977 or the 1st day of April, 1978 or the 1st day of April, 1979 or the 1st day of April, 1980 or the 1st day of April, 1981 or the 1st day of April, 1982,
- (ii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1976, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1977 or the 1st day of April, 1978 or the 1st day of April, 1979 or the 1st day of April, 1980 or the 1st day of April, 1981 or the 1st day of April, 1982,
- (iii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1977, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1978 or the 1st day of April, 1979 or the 1st day of April, 1980 or the 1st day of April, 1981 or the 1st day of April, 1982,
- (iv) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1978, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1979 or the 1st day of April, 1980 or the 1st day of April, 1981 or the 1st day of April, 1982,
- (v) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1979, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1980 or the 1st day of April, 1981 or the 1st day of April, 1982,
- (vi) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1980, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1981 or the 1st day of April, 1982,
- (vii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1981, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1982, and

(viii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1982, shall be set off against the agricultural income of the assessee for the previous year relevant to the assessment year commencing on the 1st day of April, 1983.

(2) Where the assessee has, in the previous year relevant to the assessment year commencing on the 1st day of April, 1984 or, if by virtue of any provision of the Income-tax Act, income-tax is to be charged in respect of the income of a period other than that previous year, in such other period, any agricultural income and the net result of the computation of the agricultural income of the assessee for any one or more of the previous years relevant to the assessment years commencing on the 1st day of April, 1976 or the 1st day of April, 1977 or the 1st day of April, 1978 or the 1st day of April, 1979 or the 1st day of April, 1980 or the 1st day of April, 1981 or the 1st day of April, 1982 or the 1st day of April, 1983, is a loss, then, for the purposes of sub-section (6) of section 2 of this Act,—

(i) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1976, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1977 or the 1st day of April, 1978 or the 1st day of April, 1979 or the 1st day of April, 1980 or the 1st day of April, 1981 or the 1st day of April, 1982 or the 1st day of April, 1983,

(ii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1977, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1978 or the 1st day of April, 1979 or the 1st day of April, 1980 or the 1st day of April, 1981 or the 1st day of April, 1982 or the 1st day of April, 1983,

(iii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1978, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1979 or the 1st day of April, 1980 or the 1st day of April, 1981 or the 1st day of April, 1982 or the 1st day of April, 1983,

(iv) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1979, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1980 or the 1st day of April, 1981 or the 1st day of April, 1982 or the 1st day of April, 1983,

(v) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1980, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1981 or the 1st day of April, 1982 or the 1st day of April, 1983,

(vi) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1981, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1982 or the 1st day of April, 1983,

(vii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1982, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1983,

(viii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1983, shall be set off against the agricultural income of the assessee for the previous year relevant to the assessment year commencing on the 1st day of April, 1984, or the period aforesaid.

(3) Where a change has occurred in the constitution of a firm, nothing in sub-rule (1) or sub-rule (2) shall entitle the firm to set off so much of the loss proportionate to the share of a retired or deceased partner computed in the manner laid down in sub-section (1), sub-section (2) and sub-section (3) of section 67 of the Income-tax Act as exceeds his share of profits, if any, of the previous year in the firm, or entitle any partner to the benefit of any portion of the said loss (computed in the manner aforesaid) which is not apportionable to him.

(4) Where any person deriving any agricultural income from any source has been succeeded in such capacity by another person, otherwise than by inheritance, nothing in sub-rule (1) or sub-rule (2) shall entitle any person, other than the person incurring the loss, to have it set off under sub-rule (1) or, as the case may be, sub-rule (2).

(5) Notwithstanding anything contained in this rule, no loss which has not been determined by the Income-tax Officer under the provisions of these rules or the rules contained in Part IV of the First Schedule to the Finance Act, 1975, or of the First Schedule to the Finance Act, 1976, or of the First Schedule to the Finance (No. 2) Act, 1977, or of the Schedule to the Finance Act, 1978, or of the First Schedule to the Finance Act, 1979, or of the First Schedule to the Finance (No. 2) Act, 1980, or of the First Schedule to the Finance Act, 1981, or of the First Schedule to the Finance Act, 1982, shall be set off under sub-rule (1) or, as the case may be, sub-rule (2).

25 of 1975.
66 of 1976.
29 of 1977.
19 of 1978.
21 of 1979.
44 of 1980.
16 of 1981.
14 of 1982.

Rule 10.—Where the net result of the computation made in accordance with these rules is a loss, the loss so computed shall be ignored and the net agricultural income shall be deemed to be nil.

Rule 11.—The provisions of the Income-tax Act relating to procedure for assessment (including the provisions of section 288A relating to rounding off of income) shall, with the necessary modifications, apply in relation to the computation of the net agricultural income of the assessee as they apply in relation to the assessment of the total income.

Rule 12.—For the purposes of computing the net agricultural income of the assessee, the Income-tax Officer shall have the same powers as he has under the Income-tax Act for the purposes of assessment of the total income.

THE SECOND SCHEDULE

(See section 44)

PART I

In the First Schedule to the Customs Tariff Act,—

(i) in Heading No. 08.01/13,—

(1) in sub-heading No. (1), for the entries in columns (3) and (4), the entries "200%" and "190%" shall, respectively, be substituted;

(2) in sub-heading No. (3), for the entries in columns (3) and (4), the entries "200%" and "190%" shall, respectively, be substituted;

(3) in sub-heading No. (4), for the entries in columns (3) and (4), the entries "200%" and "190%" shall, respectively, be substituted;

(4) in sub-heading No. (5), for the entries in columns (3) and (4), the entries "200%" and "190%" shall, respectively, be substituted;

(ii) in Heading No. 25.01/32,—

(1) in sub-heading No. (1), for the entry in column (3), the entry "100%" shall be substituted;

(2) in sub-heading No. (2), for the entry in column (3), the entry "60%" shall be substituted;

(3) in sub-heading No. (3), for the entries in columns (3) and (4), the entries "100%" and "90%" shall, respectively, be substituted;

(4) in sub-heading No. (4), for the entry in column (3), the entry "100%" shall be substituted;

(5) in sub-heading No. (5), for the entries in columns (3) and (4), the entries "60%" and "50%" shall, respectively, be substituted;

(6) in sub-heading No. (6), for the entry in column (3), the entry "100%" shall be substituted;

(7) in sub-heading No. (7), for the entries in columns (3) and (4), the entries "100%" and "90%" shall, respectively, be substituted;

(8) in sub-heading No. (9), for the entry in column (3), the entry "100%" shall be substituted;

(9) in sub-heading No. (10), for the entry in column (3), the entry "100%" shall be substituted;

(iii) in Heading No. 28.01/58,—

(1) in sub-heading No. (1), for the entry in column (3), the entry "100%" shall be substituted;

(2) in sub-heading No. (2), for the entries in columns (3) the entry "100%" shall be substituted;

(3) in sub-heading No. (3), for the entry in column (3), the entry "100%" shall be substituted;

- (4) in sub-heading No. (4), for the entry in column (3), the entry "60%" shall be substituted;
- (5) in sub-heading No. (5), for the entry in column (3), the entry "100%" shall be substituted;
- (6) in sub-heading No. (6), for the entry in column (3), the entry "100%" shall be substituted;
- (7) in sub-heading No. (7), for the entry in column (3), the entry "100%" shall be substituted;
- (8) in sub-heading No. (8), for the entry in column (3), the entry "100%" shall be substituted;
- (9) in sub-heading No. (9), for the entry in column (3), the entry "60%" shall be substituted;
- (10) in sub-heading No. (10), for the entry in column (3), the entry "100%" shall be substituted;
- (11) in sub-heading No. (11), for the entry in column (3), the entry "100%" shall be substituted;
- (12) in sub-heading No. (12), for the entry in column (3), the entry "100%" shall be substituted;
- (13) in sub-heading No. (13), for the entry in column (3), the entry "100%" shall be substituted;
- (iv) in Heading No. 29.01/45,—
- (1) in sub-heading No. (1), for the entry in column (3), the entry "100%" shall be substituted;
- (2) in sub-heading No. (2), for the entries in columns (3) and (4), the entries "100%" and "94%" shall, respectively, be substituted;
- (3) in sub-heading No. (3), for the entry in column (3), the entry "100%" shall be substituted;
- (4) in sub-heading No. (4), for the entry in column (3), the entry "60%" shall be substituted;
- (5) in sub-heading No. (5), for the entry in column (3), the entry "100%" shall be substituted;
- (6) in sub-heading No. (6), for the entry in column (3), the entry "150%" shall be substituted;
- (7) in sub-heading No. (7), for the entry in column (3), the entry "100%" shall be substituted;
- (8) in sub-heading No. (8), for the entry in column (3), the entry "100%" shall be substituted;
- (9) in sub-heading No. (9), for the entry in column (3), the entry "100%" shall be substituted;
- (10) in sub-heading No. (10), for the entry in column (3), the entry "100%" shall be substituted;
- (11) in sub-heading No. (11), for the entry in column (3), the entry "100%" shall be substituted;

(12) in sub-heading No. (12), for the entry in column (3), the entry "100%" shall be substituted;

(13) in sub-heading No. (13), for the entries in columns (3) and (4), the entries "100%" and "90%" shall, respectively, be substituted;

(14) in sub-heading No. (14), for the entry in column (3), the entry "100%" shall be substituted;

(15) in sub-heading No. (15), for the entries in columns (3) and (4), the entries "100%" and "94%" shall, respectively, be substituted;

(16) in sub-heading No. (16), for the entries in columns (3) and (4), the entries "100%" and "94%" shall, respectively, be substituted;

(17) in sub-heading No. (17), for the entries in columns (3) and (4), the entries "100%" and "94%" shall, respectively, be substituted;

(18) in sub-heading No. (19), for the entry in column (3), the entry "100%" shall be substituted;

(19) in sub-heading No. (21), for the entry in column (3), the entry "150%" shall be substituted;

(20) in sub-heading No. (22), for the entry in column (3), the entry "150%" shall be substituted;

(v) in Heading No. 30.01, for the entries in columns (3) and (4), the entries "100%" and "90%" shall, respectively, be substituted;

(vi) in Heading No. 30.02, for the entries in columns (3) and (4), the entries "100%" and "90%" shall, respectively, be substituted;

(vii) in Heading No. 30.03,—

(1) in sub-heading No. (1), for the entries in columns (3) and (4), the entries "100%" and "90%" shall, respectively, be substituted;

(2) in sub-heading No. (2), for the entries in columns (3) and (4), the entries "Rs. 24 per litre or 100% whichever is higher plus Rs. 5 per litre" and "Rs. 24 per litre or 100% whichever is higher plus Rs. 5 per litre" shall, respectively, be substituted;

(viii) in Heading No. 30.04/05, for the entry in column (3), the entry "100%" shall be substituted;

(ix) in Heading No. 32.01/03,—

(1) in sub-heading No. (1), for the entry in column (3), the entry "100%" shall be substituted;

(2) in sub-heading No. (2), for the entries in columns (3) and (4), the entries "100%" and "90%" shall, respectively, be substituted;

(3) in sub-heading No. (3), for the entry in column (3), the entry "60%" shall be substituted;

(x) in Heading No. 32.04/12,—

(1) in sub-heading No. (3), for the entry in column (3), the entry "150%" shall be substituted;

(2) in sub-heading No. (4), for the entry in column (3), the entry "150%" shall be substituted;

(3) in sub-heading No. (5), for the entry in column (3), the entry "150%" shall be substituted;

(4) in sub-heading No. (6), for the entry in column (3), the entry "150%" shall be substituted;

(5) in sub-heading No. (7), for the entries in columns (3) and (4), the entries "150%" and "140%" shall, respectively, be substituted;

(xi) in Heading No. 32.13, for the entry in column (3), the entry "100%" shall be substituted;

(xii) in Heading No. 33.01/06,—

(1) in sub-heading No. (1), for the entry in column (3), the entry "150%" shall be substituted;

(2) in sub-heading No. (2), for the entries in columns (3) and (4), the entries "150%" and "140%" shall, respectively, be substituted;

(xiii) in Heading No. 34.01/07,—

(1) in sub-heading No. (1), for the entry in column (3), the entry "150%" shall be substituted;

(2) in sub-heading No. (2), for the entry in column (3), the entry "100%" shall be substituted;

(3) in sub-heading No. (3), for the entries in columns (3) and (4) the entries "100%" and "90%" shall, respectively, be substituted;

(xiv) in Heading No. 35.01/07,—

(1) in sub-heading No. (1), for the entry in column (3), the entry "100%" shall be substituted;

(2) in sub-heading No. (2), for the entry in column (3), the entry "100%" shall be substituted;

(xv) in Heading No. 36.01/08, for the entry in column (3), the entry "100%" shall be substituted;

(xvi) in Heading No. 38.01/19,—

(1) in sub-heading No. (1), for the entry in column (3), the entry "100%" shall be substituted;

(2) in sub-heading No. (2), for the entries in columns (3) and (4), the entries "100%" and "90%" shall, respectively, be substituted;

(3) in sub-heading No. (3), for the entry in column (3), the entry "100%" shall be substituted;

(4) in sub-heading No. (4), for the entries in columns (3) and (4), the entries "100%" and "90%" shall, respectively, be substituted;

(5) in sub-heading No. (5), for the entries in columns (3) and (4), the entries "100%" and "90%" shall, respectively, be substituted;

- (6) in sub-heading No. (6), for the entries in columns (3) and (4), the entries "100%" and "90%" shall, respectively, be substituted;
- (7) in sub-heading No. (7), for the entries in columns (3) and (4), the entries "100%" and "90%" shall, respectively, be substituted;
- (8) in sub-heading No. (8), for the entry in column (3), the entry "60%" shall be substituted;
- (9) in sub-heading No. (9), for the entries in columns (3) and (4), the entries "100%" and "90%" shall, respectively, be substituted;
- (xvii) in Heading No. 39.01/06, for the entry in column (3), the entry "200%" shall be substituted;
- (xviii) in Heading No. 40.01/04, for the entry in column (3), the entry "60%" shall be substituted;
- (xix) in Heading No. 56.01/04, for the entry in column (3), the entry "150% plus Rs. 30 per kilogram" shall be substituted;
- (xx) in Heading No. 73.01, for the entry in column (3), the entry "60%" shall be substituted;
- (xxi) in Heading No. 73.02, for the entry in column (3), the entry "60%" shall be substituted;
- (xxii) in Heading No. 73.03/05, for the entry in column (3), the entry "100%" shall be substituted;
- (xxiii) in Heading No. 73.06/07,—
- (1) in sub-heading No. (1), for the entry in column (3), the entry "60%" shall be substituted;
- (2) in sub-heading No. (2), for the entry in column (3), the entry "100%" shall be substituted;
- (xxiv) in Heading No. 73.08, for the entry in column (3), the entry "60%" shall be substituted;
- (xxv) in Heading No. 73.09, for the entry in column (3), the entry "60%" shall be substituted;
- (xxvi) in Heading No. 73.10, for the entry in column (3), the entry "60%" shall be substituted;
- (xxvii) in Heading No. 73.11, for the entry in column (3), the entry "60%" shall be substituted;
- (xxviii) in Heading No. 73.12, for the entry in column (3), the entry "60%" shall be substituted;
- (xxix) in Heading No. 73.13,—
- (1) in sub-heading No. (1), for the entry in column (3), the entry "100%" shall be substituted;
- (2) in sub-heading No. (2), for the entry in column (3), the entry "100%" shall be substituted;
- (xxx) in Heading No. 73.14, for the entry in column (3), the entry "60%" shall be substituted;

(xxxii) in sub-heading No. (1) of Heading No. 73.16, for the entry in column (3), the entry "60%" shall be substituted;

(xxxiii) in Heading No. 73.17/19,—

(1) in sub-heading No. (1) (i), for the entry in column (3), the entry "100%" shall be substituted;

(2) in sub-heading No. (1) (ii), for the entry in column (3), the entry "60%" shall be substituted;

(3) in sub-heading No. (1) (iii), for the entry in column (3), the entry "60%" shall be substituted;

(4) in sub-heading No. (1) (iv), for the entry in column (3), the entry "60%" shall be substituted;

(xxxiv) in sub-heading No. (1) of Heading No. 73.20, for the entry in column (3), the entry "100%" shall be substituted;

(xxxv) in sub-heading No. (1) of Heading No. 73.21, for the entry in column (3), the entry "60%" shall be substituted;

(xxxvi) in sub-heading No. (1) of Heading No. 73.22/23, for the entry in column (3), the entry "100%" shall be substituted;

(xxxvii) in Heading No. 73.24, for the entry in column (3), the entry "60%" shall be substituted;

(xxxviii) in sub-heading No. (1) of Heading No. 73.25, for the entry in column (3), the entry "100%" shall be substituted;

(xxxix) in sub-heading No. (1) of Heading No. 73.26, for the entry in column (3), the entry "100%" shall be substituted;

(xl) in Heading No. 73.29,—

(1) in sub-heading No. (1) (i), for the entry in column (3), the entry "100%" shall be substituted;

(2) in sub-heading No. (1) (ii), for the entry in column (3), the entry "60%" shall be substituted;

(xli) in Heading No. 73.30, for the entry in column (3), the entry "60%" shall be substituted;

(xlii) in Heading No. 73.31, for the entry in column (3), the entry "100%" shall be substituted;

(xliii) in Heading No. 73.32, for the entry in column (3), the entry "100%" shall be substituted;

(xliv) in sub-heading No. (1) of Heading No. 73.33/40, for the entry in column (3), the entry "100%" shall be substituted;

(xlv) in Heading No. 76.01,—

(1) in sub-heading No. (1), for the entry in column (3), the entry "60%" shall be substituted;

(2) in sub-heading No. (2), for the entry in column (3), the entry "60%" shall be substituted;

(xlvi) in Heading No. 76.02, for the entry in column (3), the entry "100%" shall be substituted;

(xlvii) in sub-heading No. (1) of Heading No. 76.03/04, for the entry in column (3), the entry "100%" shall be substituted;

(xlviii) in Heading No. 76.05, for the entry in column (3), the entry "100%" shall be substituted;

(xl ix) in Heading No. 76.06/07, for the entry in column (3), the entry "100%" shall be substituted;

(l) in Heading No. 76.08/16, for the entry in column (3), the entry "100%" shall be substituted;

(li) in Heading No. 78.01,—

(1) in sub-heading No. (1), for the entry in column (3), the entry "100%" shall be substituted;

(2) in sub-heading No. (2), for the entry in column (3), the entry "100%" shall be substituted;

(lii) in Heading No. 78.02/06, for the entry in column (3), the entry "100%" shall be substituted;

(liii) in Heading No. 79.01,—

(1) in sub-heading No. (1), for the entry in column (3), the entry "100%" shall be substituted;

(2) in sub-heading No. (2), for the entry in column (3), the entry "100%" shall be substituted;

(liv) in Heading No. 79.02, for the entry in column (3), the entry "100%" shall be substituted;

(lv) in Heading No. 79.03, for the entry in column (3), the entry "100%" shall be substituted;

(lvi) in Heading No. 79.04/06, for the entry in column (3), the entry "100%" shall be substituted;

(lvii) in sub-heading No. (2) of Heading No. 84.11, for the entry in column (3), the entry "100%" shall be substituted;

(lviii) in Heading No. 84.12, for the entry in column (3), the entry "100%" shall be substituted;

(lix) in sub-heading No. (1) of heading No. 84.15, for the entry in column (3), the entry "100%" shall be substituted;

(lx) in sub-heading No. (5), of Heading No. 85.18/27, for the entry in column (3), the entry "100%" shall be substituted.

PART II

Heading No.	Sub-heading No. and description of article	Rate of duty Standard	Preferential Areas	Duration when rates of duty are protective
(1)	(2)	(3)	(4)	(5)

In the First Schedule to the Customs Tariff Act, in Heading No. 29.01/45, after sub-heading No. (22), the following sub-heading shall be inserted, namely:

"(23) Terephthalic Acid 150%

THE THIRD SCHEDULE

[See section 54(a)]

PART I

In the First Schedule to the Central Excises Act,—

(i) in Item No. 4, under "II. Manufactured tobacco—", for the entry in the third column against sub-Item (2), the entry "Four hundred and forty rupees per thousand or three hundred per cent. *ad valorem plus* twenty rupees per thousand, whichever is higher." shall be substituted;

(ii) in Item No. 18, for the entries in the third column against sub-Items I (i), II (i) (a) and II (i) (b), the entries "Ten rupees per kilogram.", "Ninety-five rupees per kilogram." and "One hundred and five rupees per kilogram." shall, respectively, be substituted;

(iii) in Item No. 68, for the entry in the third column, the entry "Ten per cent. *ad valorem*." shall be substituted.

PART II

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)

In the First Schedule to the Central Excises Act,—

(i) for Item No. 1D, the following Item shall be substituted, namely:—

"1D. AERATED WATERS, WHETHER OR NOT FLAVOURED OR SWEETENED AND WHETHER OR NOT CONTAINING VEGETABLE OR FRUIT JUICE OR FRUIT PULP—

(1) Aerated waters which are only charged with carbon dioxide gas under pressure and which contain no other added ingredient—

(a) for each unit container containing 200 millilitres or less Twenty paise.

(b) for each unit container containing more than 200 millilitres Twenty paise plus ten paise for every 100 millilitres or fraction thereof in excess of 200 millilitres.

(c) others Forty per cent. *ad valorem*.

(2) Aerated waters other than those falling under sub-Item (1)—

(a) for each unit container containing 200 millilitres or less Sixty paise.

(b) for each unit container containing more than 200 millilitres Sixty paise plus thirty paise for every 100 millilitres or fraction thereof in excess of 200 millilitres.

(c) others Sixty per cent *ad valorem*."

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)
	(ii) in Item No. 16, for sub-Item L, the following sub-Item shall be substituted, namely:—	
	“I. (1) Tyres for motor vehicles; and tyres for vehicles or equipments, designed for use off the road—	
	(a) tyres for two-wheeled motor vehicles, namely, scooters, motor-cycles, mopeds and auto-cycles	Twenty-five per cent. <i>ad valorem</i> .
	(b) others	Sixty per cent. <i>ad valorem</i> .
	(2) Tyres for tractors, including agricultural tractors.	Twenty-five per cent. <i>ad valorem</i> .
	(3) Tyres for trailers—	
	(a) of sizes, namely, 7.50-16 and 9.00-16.	Twenty-five per cent. <i>ad valorem</i> .
	(b) others	Sixty per cent. <i>ad valorem</i> ; ;
	(iii) in Item No. 17,—	
	(a) for sub-Items (1) and (2), substituted, namely:—	the following sub-Item shall be
	“(1) Paper and paper board, (including paper or paper boards which have been subjected to various treatments, such as coating, impregnating, corrugation, creping and design printing), not elsewhere specified.	Ten per cent. <i>ad valorem</i> plus two thousand and five hundred rupees per metric tonne.”;
	(b) sub-Items (3) and (4) Items (2) and (3) respectively;	shall be renumbered as “sub-
	(iv) in Item No. 23, for sub-Item	
	be substituted, namely:—	(1), the following sub-Item shall
	“(1) Grey portland cement (including ordinary portland cement, portland-pozzolana cement and portland slag cement), masonry cement, rapid hardening cement, low heat cement and waterproof (hydrophobic) cement.	Two hundred and fifty rupees per metric tonne.”;
	(v) in Item No. 30, for sub-Item D, the following sub-Item shall be substituted, namely:—	
	“D. Parts of electric motors (including diecast rotors).	Twenty per cent. <i>ad valorem</i> ; ;
	(vi) in Item No. 34, under “I. Motor Vehicles—”, for sub-Item (2), the following sub-Item shall be substituted, namely:—	
	“(2) Motor vehicles of engine capacity not exceeding 2500 cubic centimetres—	
	(i) Motor vehicles with body—	
	(a) saloon cars	Five per cent. <i>ad valorem</i> plus sixteen thousand rupees per car.
	(b) others	Twenty-five per cent. <i>ad valorem</i> .
	(ii) Other motor vehicles (including chassis whether or not with cab).	Thirty per cent. <i>ad valorem</i> .”

THE FOURTH SCHEDULE

[See section 54(b)]

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)
In the First Schedule to the		Central Excises Act,—
(i) for Item No. 25, the following		Item shall be substituted, namely:—
25. IRON AND STEEL, AND PRODUCTS THEREOF, THE FOLLOWING, NAMELY:—		
(1) Pig iron, cast iron and spiegeleisen in pigs, blocks, lumps and similar forms; and molten iron		Seventy rupees per metric tonne.
(2) Ferro-alloys		Ten per cent. <i>ad valorem</i> .
(3) Waste and scrap		
(i) of iron		Seventy rupees per metric tonne.
(ii) of steel		Three hundred and fifty rupees per metric tonne.
(4) Shot and angular grit, whether or not graded; and wire pellets		
(i) of iron		Seventy rupees per metric tonne.
(ii) of steel		Seven hundred and fifty rupees per metric tonne.
(5) Iron or steel powders; sponge iron or steel		Ten per cent. <i>ad valorem</i> .
(6) Puddled bars, pilings, ingots, blocks, lumps and similar forms of iron or steel		
(i) puddled bars and pilings of iron		Seventy rupees per metric tonne.
(ii) ingots, blocks, lumps and similar forms of steel		Three hundred and fifty rupees per metric tonne.
(iii) not elsewhere specified		Three hundred and fifty rupees per metric tonne.
(v) Blooms, billets, slabs and sheet bars (including tinplate bars) and hoe bars		
(i) of iron		Seventy rupees per metric tonne.
(ii) of steel		Three hundred and fifty rupees per metric tonne.
(8) Pieces roughly shaped by rolling or forging of iron or steel, not elsewhere specified		Three hundred and fifty rupees per metric tonne.

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)
	(9) Bars (including flats) and rods (including wire rods) of iron or steel, rolled, forged, extruded, formed, finished, whether in straight lengths or in coils; hollow mining drill steel	
	(i) flats	One thousand three hundred and fifty rupees per metric tonne.
	(ii) others	Three hundred and fifty rupees per metric tonne.
	(10) Railway track construction material, the following:	
	Rails, sleepers and sleeper bars	Three hundred and fifty rupees per metric tonne.
	(11) Angles, shapes and sections of iron or steel, not elsewhere specified, other than slotted angles and slotted channels, rolled, forged, extruded, formed, finished; sheet piling of iron or steel whether or not drilled, punched or made from assembled elements	Three hundred and fifty rupees per metric tonne.
	(12) Hoops, strips and skelp of iron or steel, whether galvanised or not	One thousand three hundred and fifty rupees per metric tonne.
	(i) hoops and strips	
	(ii) skelp	
	(13) Coils for re-rolling, sheets, plates, and universal plates of iron or steel, hot or cold-rolled, whether galvanised or not; forms such as ridges, channels (other than slotted channels), rain-water pipes and their fittings made from sheets, plates, or universal plates; and tin plate and tinned, lacquered or varnished sheets including tin taggers and cuttings of such plates, sheets or taggers—	
	(i) galvanised sheets, plates and forms	One thousand three hundred and fifty rupees per metric tonne.
	(ii) tin plate and tinned sheets including tin taggers and cuttings of such plates, sheets or taggers	One thousand seven hundred and fifty rupees per metric tonne.
	(iii) lacquered sheets, varnished sheets including cuttings of lacquered sheets and varnished sheets	One thousand two hundred and fifty rupees per metric tonne.

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)
	(iv) others	One thousand three hundred and fifty rupees per metric tonne.
	(14) Iron or steel wire, whether or not coated but not insulated	Three hundred and fifty rupees per metric tonne.
	(15) Tubes and pipes and blanks therefor, of iron or steel, rolled, forged, spun, cast, drawn, annealed, welded or extruded	One thousand rupees per metric tonne, plus the excise duty for the time being leviable on pig iron or steel ingots, as the case may be.
	(16) Castings of iron or steel, not otherwise specified	
	(i) of iron	Seventy rupees per metric tonne.
	(ii) of steel	Seven hundred and fifty rupees per metric tonne.

Explanation.—In this Item,—

- (i) "iron" includes pig iron, cast iron and spiegeleisen;
- (ii) "pig iron" and "cast iron" mean ferrous products containing, by weight, 1.9 per cent., or more of carbon, and which may contain one or more of the following elements within the weight limits specified;
 - less than 15 per cent. phosphorous,
 - not more than 8 per cent. silicon,
 - not more than 6 per cent. manganese,
 - not more than 30 per cent. chromium,
 - not more than 40 per cent. tungsten, and
an aggregate of not more than 10 per cent. of other alloy elements (for example, nickel, copper, aluminium, titanium, vanadium, molybdenum) but does not include ferrous alloys known as "non-distorting tool steels" containing by weight, 1.9 per cent., or more of carbon and having the characteristics of steel;
- (iii) "spiegeleisen" means ferrous products containing, by weight, more than 6 per cent. but not more than 30 per cent. of manganese and otherwise conforming to the specifications mentioned in (ii) above;
- (iv) "ferro-alloys" means alloys of iron (other than master alloys) which are not usefully malleable and are commonly used as raw material in the manufacture of ferrous metals and, which contain, by weight, separately or together;

- more than 8 per cent. of silicon, or
- more than 30 per cent. of manganese, or
- more than 30 per cent. of chromium, or
- more than 40 per cent. of tungsten, or

a total of more than 10 per cent. of other alloy elements (aluminium, titanium, vanadium, copper, molybdenum, niobium or other elements, subject to a maximum content of 10 per cent. in the case of copper), and which contain, by weight not less than 4 per cent. in

the case of ferro-alloys containing silicon, not less than 8 per cent. in the case of ferro-alloys containing manganese but no silicon or not less than 10 per cent. in other cases, of the element iron;

(v) "puddled bars" and "pilings" mean products for rolling, forging or re-melting obtained either—

(i) by shingling balls of puddled iron to remove the slag arising during puddling, or

(ii) by roughly welding together by means of hot rolling, packets of scrap iron or steel or puddled iron;

(vi) "ingots" means products for rolling or forging obtained by casting into moulds;

(vii) "blooms" and "billets" mean semi-finished products of rectangular section, of a cross-sectional area exceeding 1,225 square millimetres and of such dimensions that the thickness exceeds one-quarter of the width;

(viii) "slabs" and "sheet bars (including tinplate bars)" mean semi-finished products of rectangular section, of a thickness not less than 6 millimetres, of width not less than 150 millimetres and of such dimensions that the thickness does not exceed one-quarter of the width;

(ix) "waste and scrap" means waste and scrap of iron or steel fit only for the recovery of metal or for use in the manufacture of chemicals, but does not include slag, ash and other residues;

(x) "hollow mining drill steel" means steel hollow bars of any cross-section, suitable for mining drills, of which the greatest external dimension exceeds 15 millimetres but does not exceed 50 millimetres, and of which the greatest internal dimension does not exceed one-third of the greatest external dimension;

(xi) "angles, shapes and sections" means products which do not have cross-sections in the form of circles, segments of circles, ovals, isosceles triangles, rectangles, hexagons, octagons or quadrilaterals with only two sides parallel and the other two sides equal, and which are not hollow;

(xii) "skelp" means hot-rolled narrow strip of width not exceeding 600 millimetres with rolled (square, slightly round or bevelled) edge;

(xiii) "hoops" means hot-rolled flat products in rectangular cross-section of thickness less than 3 millimetres and width less than 75 millimetres;

(xiv) "strips" means hot or cold-rolled products, rolled approximately in rectangular cross-section of thickness usually 10 millimetres and below with mill, rolled, trimmed or sheared edges and supplied in coil or flattened coil (straight length) form but excludes hoop and skelp;

(xv) "coils for re-rolling" means coiled semi-finished hot-rolled products, of a rectangular section, not less than 1.5 millimetres thick, of a width exceeding 500 millimetres and of a weight not less than 500 kilograms per piece;

(xvi) "universal plates" means products of rectangular section, hot-rolled lengthwise in a closed box or universal mill, of a thick-

ness exceeding 5 millimetres but not exceeding 100 millimetres, and of a width exceeding 150 millimetres but not exceeding 1,200 millimetres;

(xvii) "plate" means a hot or cold-rolled flat product, rolled from an ingot or slab or sheet bar or produced by cold reduction of coils, in rectangular cross-section of thickness 5 millimetres and above but not exceeding 100 millimetres and width 600 millimetres and above, and supplied in straight lengths;

(xviii) "sheet" means a hot or cold-rolled flat product, rolled in rectangular section of thickness below 5 millimetres and supplied in straight lengths, the width of which is at least hundred times the thickness and the edges are either mill, trimmed, sheared or flame cut;

(xix) "wire" means cold drawn products of solid section of any cross-sectional shape, of which no cross-sectional dimension exceeds 13 millimetres;

(xx) "bars (including flats) and rods (including wire rods)" means products of solid section which do not conform to the entirety of any of the definitions at (vii), (viii), (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii) and (xix) above, and which have cross-sections in the shape of circles, segments of circles, ovals, isosceles triangles, rectangles, hexagons, octagons or quadrilaterals with only two sides parallel and the other sides equal;

(xxi) "flats" means finished products, generally of rectangular cross-section, having rolled edges only (square or slightly rounded), of controlled contour and of thickness 3 millimetres and over, width 400 millimetres and below and supplied in straight lengths and includes flat bars with bulb that has swelling on one or two faces of the same edge and a width of less than 400 millimetres.;

(ii) Item Nos. 26, 26AA and 28 shall be omitted.

THE FIFTH SCHEDULE

(See section 56)

In the First Schedule to the Additional Duties of Excise Act,—

(i) in Item No. 4, under "II. Manufactured tobacco—", for the entry in the third column against sub-Item (2), the entry "One hundred and sixty rupees per thousand or one hundred and ten per cent. *ad valorem* plus ten rupees per thousand, whichever is higher." shall be substituted;

(ii) in Item No. 19, for each of the entries in the third column against sub-Items III and IV, the entry "The duty for the time being leviable on the base fabrics, if not already paid, plus ten per cent *ad valorem*." shall be substituted;

(iii) in Item No. 22, for each of the entries in the third column against sub-Items (3) and (4), the entry "The duty for the time being leviable on the base fabrics, if not already paid, plus ten per cent *ad valorem*." shall be substituted.

THE MERCHANT SHIPPING (AMENDMENT) ACT, 1983

No. 12 OF 1983

[18th May, 1983.]

An Act further to amend the Merchant Shipping Act, 1958.

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

1. This Act may be called the Merchant Shipping (Amendment) Act, 1983.

Short title.

44 of 1958. 2. For section 2 of the Merchant Shipping Act, 1958 (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

Substitution of new section for section 2.

"2. (1) Unless otherwise expressly provided, the provisions of this Act which apply to—

Application of Act.

(a) any vessel which is registered in India; or

(b) any vessel which is required by this Act to be so registered; or

(c) any other vessel which is owned wholly by persons to each of whom any of the descriptions specified in clause (a) or in clause (b) or in clause (c), as the case may be, of section 21 applies,

shall so apply wherever the vessel may be.

(2) Unless otherwise expressly provided, the provisions of this Act which apply to vessels other than those referred to in sub-section (1) shall so apply only while any such vessel is within India, including the territorial waters thereof."

3. In section 3 of the principal Act, in clause (37), for the figures, letters and words "17th day of June, 1960", the figures, letters and words "1st day of November, 1974" shall be substituted.

Amendment of section 3.

4. In section 22 of the principal Act, the following *Explanation* shall be inserted at the end, namely:—

Amendment of section 22.

"Explanation.—For the purposes of this section, "ship" does not include a fishing vessel."

Amend-
ment of
section
74.

5. In section 74 of the principal Act, for clause (j) of sub-section (2), the following clause shall be substituted, namely:—

“(j) the fees that may be levied for the survey or inspection of any ship for the purposes of registration and the manner in which such fees may be collected;”.

Amend-
ment of
section
87.

6. In section 87 of the principal Act, after clause (d), the following clause shall be inserted, namely:—

“(dd) fix the fees that may be levied for survey or inspection of a ship for ensuring compliance with the provisions of this Part and provide the manner in which such fees may be collected;”.

Amend-
ment of
section
175.

7. In section 175 of the principal Act, after clause (e) of sub-section (2), the following clause shall be inserted, namely:—

“(f) the fees that may be levied for the survey or inspection of crew spaces and for scrutiny of plans of crew accommodation spaces and the manner in which such fees may be collected;”.

Amend-
ment of
section
282.

8. In section 282 of the principal Act,—

(a) in clause (w), the word “and” occurring at the end shall be omitted;

(b) after clause (w), the following clause shall be inserted, namely:—

“(ww) the fees that may be levied for the survey or inspection of pilgrim ships with respect to sanitary conditions, provision of stores, medical facilities available on such ships and such other purposes that may be relevant for compliance with the provisions of this Part relating to pilgrim ships and the manner in which such fees may be collected;”.

Amend-
ment of
section
344.

9. In section 344 of the principal Act, after clause (c) of sub-section (2), the following clause shall be inserted, namely:—

“(d) the fees to be charged for the survey or inspection of hull, machinery, boilers, electrical appliances and other fittings and the materials used for their construction, fire appliances, life saving appliances, radio communications equipment, radar, echo sounding device and gyro compass, or testing or approval of any of the foregoing equipments or materials used for their manufacture, or examination of plans of construction of any part of ship's hull, machinery, electrical appliances and other equipment aforesaid and the manner in which such fees may be recovered.”.

Insertion
of new
Part XB.

10. After Part XA of the principal Act, the following Part shall be inserted, namely:—

PART XB

CIVIL LIABILITY FOR OIL POLLUTION DAMAGE

Applica-
tion.

- 352G. This Part applies to—

(a) every Indian ship wherever it is; and

80 of 1976.

(b) every foreign ship while it is at a port or place in India or within the territorial waters of India or any marine areas adjacent thereto over which India has, or may hereafter have, exclusive jurisdiction in regard to control of marine pollution under the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976, or any other law for the time being in force.

352H. (1) In this Part, unless the context otherwise requires,—

Definitions.

(a) "incident" means any occurrence, or series of occurrences having the same origin, which causes pollution damage;

(b) "oil" means any persistent oil such as crude oil, fuel oil, heavy diesel oil, lubricating oil and whale oil, whether carried on board a tanker as cargo or fuel;

(c) "owner" means—

(i) the person registered as owner of the ship and includes the operator who for the time being is in charge of the ship and the master of the ship; or

(ii) in the absence of registration, the person owning the ship; or

(iii) in the case of a tanker owned by a foreign State, the person registered in that State as operator of the ship;

(d) "pollution damage" means loss or damage caused outside the ship by contamination resulting from escape or discharge of oil from that ship, wherever such escape or discharge occurs, and includes the costs of preventive measures and further loss or damage caused by preventive measures; so, however, that the provisions of clause (a) of sub-section (1) of section 352B shall not apply to such loss or damage;

(e) "preventive measures" means any reasonable measures taken by any person after the incident to prevent or minimise pollution damage.

(2) In this Part—

(a) the expression "franc" shall have the same meaning as is assigned to it in clause (b) of section 352; and

(b) the expression "tonnage" shall mean the tonnage of a ship determined in accordance with the provisions of section 352B and where it is not so determinable, it shall mean forty per cent. of the weight in tons of oil cargo the ship is capable of carrying.

352I. (1) Save as otherwise provided in sub-sections (2), (3) and (4), the owner at the time of an incident, or, where the incident consists of a series of occurrences, at the time of first of such occurrences, shall be liable for any pollution damage caused by oil which has escaped or been discharged from the ship as a result of the incident.

Liability of owner.

(2) No liability for pollution damage shall attach to the owner under sub-section (1), if he proves that the pollution damage—

(a) resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character; or

(b) was wholly caused by an act or omission done with intent to cause such damage by any other person; or

(c) was wholly caused by the negligence or other wrongful act of any government or other authority responsible for the maintenance of lights or other navigational aids in exercise of its functions in that behalf.

(3) Where, with respect to any incident, the owner proves that the pollution damage resulted, either wholly or partially, from an act or omission done, with intent to cause such damage, by the person who suffered damage, or from the negligence of that person, the owner shall be exonerated wholly or, as the case may be, partially, from liability to that person.

(4) Where, in any incident, pollution damage results from escape or discharge of oil from two or more ships, the owners of all such ships shall be jointly and severally liable for all such damage which is not reasonably separable.

(5) No claim for pollution damage shall be made against any owner otherwise than in accordance with the provisions of this section.

(6) No claim for pollution damage shall be made against any servant or agent of the owner.

352J. (1) Save as otherwise provided in sub-section (2), the owner may limit his liability under section 352I in respect of any incident to an aggregate amount of—

(a) two thousand francs for each ton of the ship's tonnage; or

(b) two hundred and ten million francs,

whichever is lower.

(2) Where any incident causing pollution damage occurs as a result of the actual fault of the owner, he shall not be entitled to limit his liability under sub-section (1).

352K. (1) (a) Any owner desiring to avail of the benefit of limitation of his liability under sub-section (1) of section 352J shall make an application to the High Court for constitution of a limitation fund (hereafter in this Part referred to as fund).

(b) Such fund may be constituted either by depositing the sum with the High Court or by furnishing bank guarantee or such other security as, in the opinion of the High Court, is satisfactory.

(2) (a) The insurer or any other person providing financial security to the owner may apply to the High Court for constitution of the fund under sub-section (1) and any fund so constituted shall have the same effect as if it were constituted by the owner.

(b) Such fund may be constituted even in cases where sub-section (2) of section 352J applies but in any such event constitution of the fund shall not prejudice the rights of any claimant against the owner for full compensation exceeding the amount deposited or secured in the fund.

(3) The amount in francs to be deposited or secured in the fund under sub-section (1) shall be converted in rupees on the basis of official value in rupees of the gold contents of franc on the date of constitution of the fund.

352L. (1) Where the owner or any of his servants or agents or any other person providing him insurance or other financial security has, as a result of incident in question, paid any compensation to any claimant, such person shall, up to the amount so paid by him, be entitled to acquire by subrogation the rights to which the claimant so compensated would be entitled to.

(2) Where the owner or any other person providing him insurance or other financial security establishes that he may, at a later date, be compelled to pay to any person, in whole or in part, any amount by way of compensation for pollution damage caused by the incident with respect to which he would have been entitled to acquire by subrogation the right of the claimant had the compensation been paid before the fund was distributed, the High Court may order that sufficient amount from the fund may provisionally be set aside to enable the owner or such other person to enforce his claim against the fund at a later date.

352M. (1) The High Court shall consolidate all claims against the fund including those arising under section 352L.

(2) Any claim in respect of expenses reasonably incurred or sacrifices reasonably made by the owner voluntarily to prevent or minimise pollution damage shall rank equally with other claims against the fund.

(3) Subject to the provisions of sub-section (2) of section 352L, the High Court shall distribute the amount in the fund among all claimants in proportion to their established claims.

352N. (1) The owner of every Indian ship which carries 2000 tons or more oil in bulk as cargo shall, in respect of such ship, maintain an insurance or other financial security for an amount equivalent to—

- (a) two thousand francs for each ton of ship's tonnage; or
- (b) two hundred and ten million francs,

whichever is lower.

(2) In respect of every Indian ship which maintains insurance or other financial security under sub-section (1), there shall be issued by the Director-General a certificate in such form and giving such particulars as may be prescribed.

(3) On an application by the owner or agent of any foreign ship, the Director-General may issue a certificate under sub-section (2) in respect of such foreign ship on production of satisfactory evidence

Acquisition of right for compensation by subrogation.

Consolidation of claim and distribution of fund.

Compulsory insurance or other financial guarantee.

relating to maintenance of insurance or other financial security in accordance with the provisions of the International Convention on Civil Liability for Oil Pollution Damage signed at Brussels on the 29th day of November, 1969.

(4) For every certificate issued under sub-sections (2) and (3) there shall be charged such fee as may be prescribed.

Acceptance of certificates issued outside India.

352O. Any certificate issued by a competent authority in any country outside India to a ship registered in that country or any certificate issued by a competent authority of any country which is a contracting party to the International Convention on Civil Liability for Oil Pollution Damage signed at Brussels on the 29th day of November, 1969, to any ship wherever registered, shall be accepted at any port or place in India as if it were issued under this Act.

Ban on entering or leaving an Indian port without certificate.

352P. (1) No Indian ship, which has on board 2000 tons or more oil in bulk as cargo shall enter or leave or attempt to enter or leave any port or place in India unless it carries on board a certificate issued under sub-section (2) of section 352N or a certificate accepted under section 352O.

(2) No ship other than an Indian ship carrying 2000 tons or more oil in bulk as cargo, wherever registered, shall enter or leave or attempt to enter or leave any port or place in India unless it carries on board a certificate issued under sub-section (3) of section 352N or a certificate accepted under section 352O.

(3) No customs officer shall grant inward entry or outward clearance to any ship to which sub-section (1) or, as the case may be, sub-section (2) applies, unless its master produces a certificate required under the respective sub-section.

352Q. Nothing in this Part shall apply to any ship of war or any ship for the time being used by the Government of any country for purposes other than commercial purposes.

Govern-
ment
ships.

Power
to make
rules.

352R. The Central Government may make rules prescribing—

(a) the form of certificate to be issued by the Director-General under sub-section (2) of section 352N and the particulars which it may contain;

(b) fees which may be charged for issue of certificates under section 352N.'

11. For Part XIA of the principal Act, the following Part shall be substituted, namely:—

PART XIA

PREVENTION AND CONTAINMENT OF POLLUTION OF THE SEA BY OIL

Substitu-
tion of
new
Part for
Part
XIA.

Commen-
cement
and
appli-
cation.

356A. (1) The provisions of this Part shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Part.

(2) This Part shall apply to—

(a) tankers of one hundred and fifty tons gross or more;

- (b) other ships of five hundred tons gross or more; and
- (c) off-shore installations.

356B. In this Part, unless the context otherwise requires,—

Defi-
nitions.

- (a) "cargo" includes ballast and ship's stores and fuel;

- (b) "coast" includes any island forming part of India;

(c) "coastal waters" means any part of the territorial waters of India, or any marine areas adjacent thereto over which India has, or, may hereafter have exclusive jurisdiction in regard to control of marine pollution under the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976, or any other law for the time being in force;

(d) "Convention" means the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, signed in London on the 12th day of May, 1954, as amended from time to time;

(e) "discharge", in relation to oil or oily mixture, means any discharge or escape, however caused;

(f) the expression "from nearest land" shall mean the baseline from which the territorial sea of the territory in question is established in accordance with the Geneva Convention on the Territorial Sea and the Contiguous Zone, 1958, except that in relation to north-eastern coast of Australia it shall mean from a line drawn from a point on the coast of Australia in latitude 11° South, longitude 142°08' East to a point in latitude 10°35' South, longitude 141°55' East—

thence to a point latitude 10°00' South, longitude 142°00' East

thence to a point latitude 9°10' South, longitude 143°52' East

thence to a point latitude 9°00' South, longitude 144°30' East

thence to a point latitude 13°00' South, longitude 144°00' East

thence to a point latitude 15°00' South, longitude 146°00' East

thence to a point latitude 18°00' South, longitude 147°00' East

thence to a point latitude 21°00' South, longitude 153°00' East

thence to a point on the coast of Australia in latitude 24°42' South, longitude 153°15' East;

(g) "instantaneous rate of discharge of oil content" means the rate of discharge of oil in litres per hour at any instant divided by the speed of the ship in knots at the same instant;

(h) "mile" means a nautical mile of 1,852 metres;

(i) "off-shore installation" means an installation, whether mobile or fixed, which is used or is intended to be used for under-

water exploration or exploitation of crude oil, petroleum or other similar mineral oils, under lease, licence or any other form of contractual arrangement and includes—

- (a) any installation which could be moved from place to place under its own motive power or otherwise; and
- (b) a pipe-line;
- (j) "oil" means—
 - (i) crude oil;
 - (ii) fuel oil;
 - (iii) heavy diesel oil conforming to such specifications as may be prescribed; and
 - (iv) lubricating oil;
- (k) "oily mixture" means a mixture with any oil content;
- (l) "oil reception facilities" in relation to a port, means facilities for enabling vessels using the port to discharge or deposit oil residues;
- (m) "ship" means any sea-going vessel of any type whatsoever, including a floating craft, whether self-propelled or towed by another vessel, making a sea-voyage;
- (n) "tanker" means a ship in which greater part of the cargo space is constructed or adapted for the carriage of liquid cargoes in bulk and which is not, for the time being, carrying a cargo other than oil in that part of its cargo space.

PROVISIONS FOR PREVENTION OF POLLUTION

Prohibitions as to discharge of oil or oily mixture.

356C. (1) No oil or oily mixture shall be discharged from an Indian tanker anywhere into the sea or from a foreign tanker anywhere within the coastal waters of India except where each of the following conditions is satisfied, namely:—

- (a) the tanker is proceeding en-route;
- (b) the instantaneous rate of discharge of oil content does not exceed sixty litres per mile;
- (c) the total quantity of oil discharged does not exceed $1/15,000$ part of the total carrying capacity of the tanker;
- (d) the tanker is more than 50 miles from nearest land; and
- (e) the tanker is not within the designated areas notified as such under sub-section (6) of section 7 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976:

Provided that the provisions of this sub-section shall not apply to—

- (i) the discharge of ballast from a cargo tank which, since the cargo was last carried therein, has been so cleaned that any affluent therefrom would, if discharged from a

stationary tanker into clean calm waters on a clear day, produce no visible traces of oil on the surface of the water; or

(ii) the discharge of oil or oily mixture from machinery space bilges, if any such discharge is made in compliance with the provisions of sub-section (2) as if it were made from a ship other than a tanker.

(2) No oil or oily mixture shall be discharged from an Indian ship other than a tanker anywhere into the sea or from a foreign ship other than a tanker within the coastal waters of India except where each of the following conditions is satisfied, namely:—

(a) the ship is proceeding en-route;

(b) the instantaneous rate of discharge of oil content does not exceed sixty litres per mile;

(c) the oil content of the discharge is less than one hundred parts per million parts of the oily mixture;

(d) the discharge is made as far from nearest land as practicable; and

(e) the ship is not within the designated areas notified as such under sub-section (6) of section 7 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976.

(3) The discharge of oil or oily mixture into the sea from any off-shore installation is hereby prohibited.

356D. Nothing in section 356C shall apply to—

(a) the discharge of oil or oily mixture from a ship or an off-shore installation for the purpose of—

(i) safety of such ship or off-shore installation; or

(ii) preventing damage to such ship or off-shore installation or cargo, if any, on board such ship or off-shore installation; or

(iii) saving life at sea;

(b) the escape of oil or oily mixture resulting from damage to or unavoidable leakage from a ship or an off-shore installation if, after occurrence of the leakage, all reasonable precautions have been taken for the purpose of preventing or minimising such escape;

(c) the discharge of oily mixture from the bilges of a ship during the period of twelve months following the date on which this section comes into force.

356E. For the purpose of preventing or reducing discharges of oil and oily mixtures into the sea, the Central Government may make rules requiring Indian ships to be fitted with such equipment and to comply with such other requirements (including requirements for preventing the escape of fuel oil or crude oil or heavy diesel oil into bilges) as may be prescribed.

Prohibition not to apply in certain cases.

Equipment in ships to prevent oil pollution.

Oil
record
book.

356F. (1) Every Indian tanker and every other Indian ship which uses oil as fuel shall maintain on board the tanker or such other ship an oil record book in the prescribed form:

Provided that different forms may be prescribed for tankers and other ships.

(2) The manner in which the oil record book shall be maintained, the nature of entries to be made therein, the time and circumstances in which such entries shall be made, the custody and disposal thereof, and all other matters relating thereto shall be such as may be prescribed having regard to the provisions of the Convention.

Inspection
and
control of
ships to
which
the
Conven-
tion
applies.

356G. (1) A surveyor or any person authorised in this behalf may, at any reasonable time, go on board a ship to which any of the provisions of this Part applies, for the purposes of—

- (a) ensuring that the prohibitions, restrictions and obligations imposed by or under this Part are complied with;
- (b) satisfying himself about the adequacy of the measures taken to prevent the escape of oil or oily mixture from the ship;
- (c) ascertaining the circumstances relating to an alleged discharge of oil or oily mixture from the ship in contravention of the provisions of this Part; and
- (d) inspecting the oil record book.

(2) The surveyor or any such person may, if necessary, make, without unduly delaying the ship, a true copy of any entry in the oil record book of the ship and may require the master of the ship to certify the copy to be a true copy and such copy shall be admissible as evidence of the facts stated therein.

Information
regarding
contra-
vention of
the
provisions
of the
Conven-
tion.

356H. (1) If, on report from a surveyor or other persons authorised to inspect a vessel under section 356G, the Central Government is satisfied that any provision of the Convention has been contravened anywhere by a foreign ship, being a ship to which the provisions of the Convention apply, it shall transmit particulars of the alleged contravention to the Government of the country to which the ship belongs.

(2) On receipt of information from the Government of any country which has ratified the Convention that an Indian ship has contravened any provisions of the Convention, the Central Government may, if it deems it necessary so to do request such Government to furnish further details of the alleged contravention, and if satisfied that sufficient evidence is available to establish contravention of any of the provisions of this Part or rules made thereunder, take appropriate action against the owner or master and intimate the reporting Government of the action so taken.

Oil
reception
facilities
at ports
in India.

356I. (1) Notwithstanding anything contained in any other law for the time being in force, in respect of every port in India, the powers of the port authority shall include the power to provide oil reception facilities.

(2) A port authority providing oil reception facilities or a person providing such facilities by arrangement with the port

authority, may make charges for the use of the facilities at such rates and may impose such conditions in respect of the use thereof as may be approved, by notification in the Official Gazette, by the Central Government in respect of the port.

(3) Where the Central Government is satisfied that there are no oil reception facilities at any port in India or that the facilities available at such port are not adequate for enabling ships calling at such port to comply with the requirements of the Convention, the Central Government may, after consultation with the port authority in charge of such port, direct, by order in writing, such authority to provide or arrange for the provision of such oil reception facilities as may be specified in the order.

(4) The Central Government may, by notification in the Official Gazette, specify the ports in India having oil reception facilities in accordance with the requirements of the Convention.

Explanation.—For the purpose of this section, “port authority” means,—

(a) in relation to any major port, the Board of Trustees in respect of that port constituted under any law for the time being in force;

(b) in relation to any other port, the Conservator of the Port, within the meaning of section 7 of the Indian Ports Act, 1908.

15 of 1908.

PROVISIONS FOR CONTAINMENT OF ACCIDENTAL POLLUTION

356J. (1) Where the Central Government is satisfied that—

(a) oil is escaping or is likely to escape from a tanker, a ship other than a tanker or any off-shore installation; and

(b) the oil so escaped or likely to escape is causing or threatens to cause pollution of any part of coasts or coastal waters of India,

Power
to give
notice to
owner,
etc., of
polluting
ship.

it may, for the purpose of minimising the pollution already caused, or, for preventing the pollution threatened to be caused, require—

(i) the owner, agent, master or charterer of the tanker,

(ii) the owner, agent, master or charterer of the ship other than a tanker,

(iii) the owner, agent, master, charterer or operator of a mobile off-shore installation,

(iv) the owner, operator, lessee or licensee of off-shore installation of any other type,

or all or any of them, by notice served on him or as the case may be on them, to take such action in relation to the tanker, ship other than a tanker, mobile off-shore installation, or, as the case may be, off-shore installation of any other type or its cargo or in relation to both, as may be specified in such notice.

(2) Without prejudice to the generality of sub-section (1), the notice issued under that sub-section may require the person or

persons on whom such notice is served to take action relating to any or all of the following matters, namely:—

- (a) action for preventing the escape of oil from the tanker, ship other than a tanker, mobile off-shore installation or off-shore installation of any other type;
- (b) action for removing oil from the tanker, ship other than a tanker, mobile off-shore installation or off-shore installation of any other type in such manner, if any, and to such place, if any, as may be specified in the notice;
- (c) action for removal of the tanker, ship other than a tanker, mobile off-shore installation or off-shore installation of any other type to a place, if any, as may be specified in the notice;
- (d) action for removal of the oil slicks on the surface of the sea in such manner, if any, as may be specified in the notice;
- (e) action to disperse the oil slicks on the surface of the sea in such manner, if any, as may be specified in the notice.

(3) The Central Government may, by any notice issued under sub-section (1), prohibit the removal—

- (a) of the tanker, ship other than a tanker, mobile off-shore installation or off-shore installation of any other type, from a place specified in the notice;
- (b) from the tanker, ship other than a tanker, mobile off-shore installation or off-shore installation of any other type, of any cargo or stores as may be specified in the notice,

except with its previous permission and upon such conditions, if any, as may be specified in the notice.

(4) Notwithstanding anything contained in sub-section (2), the Central Government may, if it is of the opinion that the pollution caused or likely to be caused has or may present a grave emergency, proceed to take such measures as may be deemed necessary and any measures so taken shall be deemed to have been taken under section 356K.

Powers
to take
measures
for pre-
venting
or con-
taining
oil pol-
lution.

356K. (1) Where any person fails to comply, or fails to comply in part, with any notice served on him under section 356J, the Central Government may, whether or not such person is convicted of an offence under this Part by reason of his having so failed to comply, cause such action to be taken as it may deem necessary for—

- (i) carrying out the directives given in the notice issued under section 356J; and
- (ii) containing the pollution already caused or preventing the pollution threatened to be caused, of coastal waters or, as the case may be, of any part of the coast of India by oil escaped or threatening to escape from the tanker, a ship other than a tanker, a mobile off-shore installation or off-shore installation of any other type,

(2) Subject to the provisions of Part XB, any expenditure or liability incurred by the Central Government in, or by reason of, the exercise of powers under sub-section (1) in relation to any tanker, ship other than a tanker, mobile off-shore installation or off-shore installation of any other type in respect of which a notice had been issued under section 356J, or its cargo of oil that had escaped or was discharged into the sea, shall be a debt due to the Central Government by the person or persons on whom the notice was served and may be recovered from that person, or as the case may be, from all or any of those persons and shall be a charge upon all or any tanker, ship other than a tanker, mobile off-shore installation or off-shore installation of any other type owned by that person or persons which may be detained by the Central Government until the amount is paid:

Provided that provisions of Part XB of this Act shall not apply to measures taken in respect of any off-shore installation which is not a ship within the meaning of this Act except that in the event of pollution damage caused by any such off-shore installation the person who is liable for the damage may claim exoneration from any liability if he proves that such damage—

(a) resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character; or

(b) was wholly caused by an act or omission done with intent to cause that damage by any other person; or

(c) was wholly caused by the negligence or other wrongful act of any government or other authority responsible for the maintenance of lights or other navigational aids in exercise of its functions in that behalf.

356L. (1) Where for the purposes of taking any measures under sub-section (1) of section 356K, services of any Indian ship become necessary for—

(i) lightening transporting any cargo or equipment from or to the polluting ship; or

(ii) providing any assistance to any other ship or equipment engaged in rendering services under clause (i),

the Central Government may, if it deems it necessary so to do, direct, by an order in writing, the owner or any Indian ship, tug, barge or any other equipment to provide such services or assistance as may be specified in that order.

(2) The owner of any ship, tug, barge or any other equipment with respect to which an order under sub-section (1) has been made shall be entitled to tariff rates of freight and charter hire at reasonable rates having regard to current market conditions:

Provided that where tariff rates of freight are not fixed or where there is any dispute about reasonable rate of charter hire, the freight or, as the case may be, charter hire, shall be paid at such rates as may be fixed by the Director-General by an order in writing.

Power
of the
Central
Govern-
ment to
give
direc-
tions to
certain
ships to
render
certain
services.

(3) Where in pursuance of the proviso to sub-section (2), the Director-General makes any order fixing rates of freight or charter hire, he shall determine reasonability of such rates of freight or charter hire by examining such witnesses, documents and accounts as he may deem necessary.

Oil Pollution Cess.

356M. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, specify, there shall be levied on every ship calling at any port in India being a ship which carries oil as cargo, a cess to be called Oil Pollution Cess (hereafter in this Part referred to as cess) at such rate not exceeding fifty paise,—

(a) in respect of each tonne of oil imported by a ship into India in bulk as a cargo;

(b) in respect of each tonne of oil shipped from any place in India in bulk as a cargo of a ship;

as the Central Government may, by notification in the Official Gazette; fix:

Provided that no cess shall be levied on a ship at any port if the ship produces evidence of having paid such levy at the same or any other port in India within a period of three months immediately preceding its present call at the port.

(2) The ^{cess} shall be collected by such officers and in such manner as the Central Government may prescribe in this behalf and shall, after deduction of such costs of collection, if any, as the Central Government may determine, be paid to such authority as the Central Government may specify.

(3) The proceeds of the cess shall, after due appropriation made by Parliament by law, be utilised for the purpose of providing oil reception facilities and equipments and materials for combating oil pollution at various ports in India and for such other like purposes as the Central Government may, by notification in the Official Gazette, from time to time, specify.

Refusal of port clearance.

356N. The officer whose duty it is to grant a port clearance for any ship shall not grant the port clearance until the amount of cess payable under section 356M has been paid or until security for the payment thereof has been given to his satisfaction.

Power to make rules.

356O. (1) The Central Government may, having regard to the provisions of the Convention, make rules to carry out the purposes of this Part.

(2) In particular and without prejudice to the generality of the provisions of sub-section (1), such rules may—

(a) prescribe the specifications of heavy diesel oil for the purposes of sub-clause (iii) of clause (j) of section 356B;

(b) prescribe the equipment to be fitted in Indian ships and other requirements to be complied with by those ships for the purposes of section 356E;

- (c) prescribe the forms of oil record books for tankers and other ships, the manner in which such books shall be maintained, the nature of the entries to be made therein, the time and circumstances in which such entries shall be made, the custody and disposal thereof and all other matters relating thereto for the purposes of section 356F;
- (d) prescribe the fees which may be levied for inspection of oil monitoring system oily water separator, oil content metre, crude oil washing system, inert gas system or other equipments or contrivances carried out on board for preventing pollution of the sea by oil and the manner in which such fees may be collected;
- (e) specify the officers who shall collect the cess and the manner in which the cess shall be collected.

12. After section 411 of the principal Act, the following section shall be inserted, namely:

"411A. (1) If it appears to the Central Government—

- (a) that measures have been taken by or under the law of any foreign country for regulating or controlling the terms or conditions upon which goods or passengers may be carried by sea, or the terms or conditions of contracts or arrangements relating to such carriage; and
- (b) that such measures, in so far as they apply to things done or to be done outside the territorial jurisdiction of that country by persons carrying on lawful business in India, constitute an infringement of the jurisdiction which belongs to India,

it may, by an order in writing, direct that this section shall apply to those measures either in whole or to such extent as may be specified in the order.

(2) Where an order issued under sub-section (1) is in force in relation to any measures, it shall be the duty of every person in India who carries on business consisting or comprising of the carriage of goods or passengers by sea to give notice to the Central Government of any requirement or prohibition imposed or threatened to be imposed on him pursuant to such measures so far as this section applies to him, including any requirement to submit any contract or other document for approval thereunder.

(3) Where a notice under sub-section (2) is received from any person or there are grounds to believe that a notice is likely to be received, the Central Government may, by an order in writing, give to such person directions prohibiting compliance with any such requirement or prohibition as it considers proper for maintaining the jurisdiction of India.

(4) Any directions given by the Central Government under sub-section (3) may be either general or special and may prohibit compliance with any requirement or prohibition either absolutely or in such cases or subject to such conditions, as to consent or otherwise, as may be specified in the order.

Inser-
tion of
new sec-
tion 411A.

Powers
of the
Central
Govern-
ment to
protect
interests
of Indian
shipping
from
undue
foreign
inter-
vention.

(5) If it appears to the Central Government that any person in India has been or may be required to produce or furnish to any court, tribunal or authority of a foreign country any commercial document which is not within the territorial jurisdiction of that country or any commercial information to be compiled from documents not within the territorial jurisdiction of that country and that the requirement constitutes or would constitute an infringement of the jurisdiction which belongs to India, the Central Government may, by an order in writing, give directions to that person, prohibiting him from complying with the requirement except to such extent or subject to such conditions as may be specified in the order.”.

Amend-
ment of
section
417.

13. In section 417 of the principal Act, in sub-section (1), after the words “sailing vessel”, the brackets and words “(other than a sailing vessel solely engaged in fishing for profit)” shall be inserted.

Amend-
ment of
section
435.

14. In section 435 of the principal Act, for clause (o) of sub-section (2), the following clause shall be substituted, namely:—

“(o) the fees which may be levied for the issue or re-issue of certificates of registry for the survey or inspection of sailing vessels before issue of such certificates, for the inspection of sailing vessels and for all other purposes of this Part and the manner in which such fees may be recovered;”.

Inser-
tion of
new
Part
XVA:

15. After Part XV of the principal Act, the following Part shall be inserted, namely:—

PART XVA

FISHING BOATS

Applica-
tion of
Part.

435A. Save as otherwise provided, this Part applies to every Indian fishing boat.

Defini-
tion.

435B. For the purposes of this Part, “Indian fishing boat” means—

- (a) every fishing vessel, as defined in clause (12) of section 3;
- (b) every sailing vessel, whether or not fitted with mechanical means of propulsion, solely engaged in fishing for profit;
- (c) every boat or craft of any other type used solely for fishing which the Central Government may, by notification in the Official Gazette, specify to be a fishing boat for the purposes of this section,

which is owned wholly by persons to each of whom any of the descriptions specified in clause (a) or in clause (b) or in clause (c), as the case may be, of section 21 applies or which satisfies such other requirements as the Central Government may, by notification in the Official Gazette, specify.

Obliga-
tion to
register.

435C. Every Indian fishing boat shall be registered under this Part:

Provided that any Indian fishing boat registered at the commencement of this Part under Part V or Part XV of this Act or any

other law for the time being in force in India shall be deemed to have been registered under this Part:

Provided further that every Indian fishing boat so deemed to have been registered shall be re-registered under this Part within such period from the commencement of this Part as the Central Government may, by notification in the Official Gazette, specify:

Provided also that registration of non-mechanised sailing vessels will commence in different ports on such dates as the Central Government may, by notification in the Official Gazette, specify.

435D. (1) The ports at which registration of Indian fishing boats shall be made shall be such ports or places in India as the Central Government may, by notification in the Official Gazette, declare to be ports or places of registry under this Part. Port of registry.

(2) The port or place at which an Indian fishing boat is registered for the time being under this Part, shall be deemed to be her port or place of registry and the port or place to which she belongs.

435E. The Central Government may, by notification in the Official Gazette, appoint an officer to be registrar of Indian fishing boats (hereafter in this Part referred to as registrar) at every port or place declared as a port or place of registry under sub-section (1) of section 435D. Registrars of Indian fishing boats.

435F. An application for the registry of an Indian fishing boat shall be made— Application for registry.

(a) in the case of an individual, by the person requiring to be registered as owner or by his agent;

(b) in the case of more than one individual requiring to be so registered, by one or more of the persons so requiring or by his or their agent or agents, as the case may be; and

(c) in the case of a company or a co-operative society requiring to be so registered, by its agents;

and the authority of the agent shall be testified in writing, if appointed by an individual under the hand of the person appointing him and, if appointed by a company or a co-operative society under its common seal.

435G. (1) The owner of every Indian fishing boat required to be registered under this Part shall make an application in the prescribed form to the registrar for the grant to him of a certificate of registry in respect of the fishing boat. Certificate of registry.

(2) The owner of every Indian fishing boat in respect of which an application under sub-section (1) is made, shall cause the tonnage of the fishing boat to be ascertained in the prescribed manner.

(3) The registrar may make such inquiry as he thinks fit with respect to the particulars contained in such application and shall enter in a register to be kept for the purpose (hereinafter referred

to as fishing boats register) the following particulars in respect of the Indian fishing boat, namely:—

- (a) the name of the fishing boat, the place where she was built and the port to which she belongs;
- (b) the rig, type and tonnage of the fishing boat;
- (c) the number assigned to the fishing boat;
- (d) the name, occupation and residence of the owner of the fishing boat;
- (e) the mortgages, if any, effected by the owner in respect of the fishing boat; and
- (f) such other particulars as may be prescribed.

(4) After the particulars in respect of the Indian fishing boat have been entered in the fishing boats register under sub-section (3), the registrar shall grant to the applicant a certificate of registry in the prescribed form.

(5) The owner of every Indian fishing boat shall pay for each certificate of registry a fee according to such scale as may be prescribed by the Central Government having regard to the tonnage of the fishing boat, but in no case exceeding one rupee per ton of its gross tonnage.

(6) An Indian fishing boat required to be registered under this Part but not so registered may be detained by a proper officer until the owner, skipper, tindal or other person in charge of the fishing boat produces a certificate of registry in respect of the fishing boat.

Particulars relating to Indian fishing boats to be painted.

435H. The owner of every Indian fishing boat so registered shall, before commissioning the fishing boat into service, paint or cause to be painted permanently in the prescribed manner on some conspicuous part of the fishing boat, the name by which the fishing boat has been registered, the number assigned to the fishing boat by the registrar and the port or place to which she belongs, and shall take all steps to ensure that the fishing boat remains painted as required by this section.

Change of name of Indian fishing boats.

435I. A change shall not be made in the name of an Indian fishing boat registered under this Part except in accordance with rules made in this behalf.

Special provision for Indian fishing boats.

435J. Every Indian fishing boat registered under this Part shall carry on board such life saving appliances and fire appliances as are prescribed by rules made under sections 288, 289 and 457 or under any other provision of this Act, subject to such exemptions as may be specially granted in respect of such fishing boat.

Certificate of inspection.

435K. (1) No Indian fishing boat shall ply or proceed to sea unless there is in force in respect of that fishing boat a certificate of inspection granted under this Part.

(2) A certificate of inspection in respect of an Indian fishing boat shall specify—

- (a) the name and tonnage of the fishing boat;

- (b) the name of skipper, tindal or other person in charge of the fishing boat;
- (c) the maximum number of members of crew the fishing boat is certified to carry;
- (d) the safety equipments and appliances the fishing boat is required to carry on board;
- (e) such other matters as the Central Government may think fit to specify,

and shall contain a statement to the effect that her hull, rigging, equipment and machinery where fitted are in good condition.

(3) Every certificate of inspection shall be in force from the date of issue for a period of one year or for such shorter period as may be specified therein:

Provided that when an Indian fishing boat is at sea at the time of expiry of the certificate, the certificate shall continue to be valid until her first arrival at a port or place in India.

435L. (1) Where at any time subsequent to the issue of a certificate of inspection in respect of an Indian fishing boat, the registrar has reason to believe that the fishing boat is not fit to proceed to sea, he may, after giving the owner an opportunity of making a representation, cancel such certificate.

Cancelation re-issue, etc. of certificate of inspection.

(2) Where at any time subsequent to the issue of a certificate of inspection an Indian fishing boat has undergone material alteration or has met with accident or, where the certificate of inspection has been cancelled under sub-section (1) and the application is made for the re-issue of such certificate or for the grant of a fresh certificate, the registrar may, before re-issuing the certificate or issuing a fresh certificate, as the case may be, cause such fishing boat to be inspected; and if the authority inspecting the fishing boat reports that she is not fit to proceed to sea or that her hull, rigging or equipment are defective such certificate shall not be re-issued or issued until the fishing boat is in the opinion of such authority, fit to proceed to sea or the defect is rectified to the satisfaction of that authority.

435M. (1) Any surveyor appointed under section 9, any registrar appointed under section 435E or any other officer appointed by the Central Government in this behalf by notification in the Official Gazette may at any reasonable time inspect any Indian fishing boat for the purpose of seeing that she is properly provided with safety equipments and appliances in conformity with the rules referred to in section 435J.

Inspection of safety equipments and appliances.

(2) If the surveyor, or, as the case may be, the registrar or other officer appointed under sub-section (1) finds that the Indian fishing boat is not provided with the aforesaid equipments and appliances, he shall give to the owner, skipper or tindal or any other person in charge of the fishing boat a notice in writing pointing out the deficiency and also what in his opinion is requisite to remedy the said deficiency.

(3) No Indian fishing boat served with a notice under sub-section (2) shall proceed to sea until it obtains a certificate signed by the surveyor, registrar or other officer appointed under sub-section (1) to the effect that it is properly provided with safety equipments and appliances in conformity with the aforesaid rules.

Registration of alteration.

435N. When an Indian fishing boat is so altered as not to correspond with the particulars relating to her entered in the certificate of registry, the owner of such fishing boat shall make a report of such alterations to the registrar of the port or place where the fishing boat is registered, and the registrar shall either cause the alterations to be registered, or direct that the fishing boat may be registered anew, in accordance with such rules as may be made in this behalf.

Transfer of registry.

435O. The registry of an Indian fishing boat may be transferred from one port or place to another port or place in India on the application of the owner of the fishing boat, in accordance with such rules as may be made in this behalf.

Closure of registry.

435P. If an Indian fishing boat is lost, destroyed or rendered permanently unfit for service, the owner of such fishing boat shall, with the least possible delay, report the fact to the registrar of the port or place where the fishing boat is registered and also forward to him certificate of registry in respect of the fishing boat; and thereupon the registrar shall have the registry of the fishing boat closed.

Restriction on transfer of Indian fishing boats.

435Q. No person shall transfer or acquire any Indian fishing boat registered under this Part or any interest therein without the previous approval of the Central Government; and any transaction effected in contravention of this section shall be void and unenforceable.

Mortgage of Indian fishing boats.

435R. (1) Every mortgage of an Indian fishing boat or any interest therein effected after the date on which this Part comes into force shall be registered with the registrar.

(2) Every mortgage of Indian fishing boat or any interest therein effected before the date on which this Part comes into force shall, if subsisting on that date, be registered with the registrar within three months from that date.

(3) The registrar shall enter every such mortgage in the fishing boats register in the order in which it is registered with him.

(4) If there are more mortgages than one recorded in respect of the same Indian fishing boat or interest therein, the mortgages shall, notwithstanding any express, implied or constructive notice, have priority according to the date on which each mortgage is registered with the registrar and not according to the date of each mortgage itself:

Provided that nothing contained in this sub-section shall affect the relative priorities as they existed immediately before the date on which this Part comes into force as between mortgages of the same fishing boat or interest therein effected before such date which are registered in accordance with the provisions of sub-section (2).

435S. (1) No person shall use or attempt to use the certificate of registry or the certificate of inspection granted in respect of an Indian fishing boat for any purpose other than the lawful operation of that fishing boat.

Fraudulent use of certificate of registry or certificate of inspection, etc., prohibited.

(2) No person shall use or attempt to use for the operation of an Indian fishing boat a certificate of registry or a certificate of inspection not granted in respect of that fishing boat.

(3) No person who has in his possession or under his control the certificate of registry or the certificate of inspection of an Indian fishing boat shall refuse or omit without reasonable cause to deliver such certificate on demand to the owner of the fishing boat.

435T. (1) Every owner, skipper, tindal or other person in charge of a mechanised Indian fishing boat of 25 registered tons and above shall maintain or cause to be maintained in the prescribed form a statement of the crew of the fishing boat containing the following particulars with respect to each member thereof, namely:—

Statement relating to crew of Indian fishing boat to be maintained.

- (a) his name;
- (b) the wages payable to him;
- (c) the names and addresses of his next-of-kin;
- (d) the date of commencement of his employment; and
- (e) such other particulars as may be prescribed:

Provided that the Central Government may, if it is of opinion that it is necessary or expedient so to do, and for reasons to be recorded in writing, exempt, by general or special order, any Indian fishing boat or class of Indian fishing boats from the provisions of this sub-section.

(2) Every change in the crew of the Indian fishing boat shall be entered in the statement under sub-section (1).

(3) A copy of such statement and of every change entered therein shall be communicated as soon as possible to the registrar of the port or place of registry of the Indian fishing boat concerned.

435U. (1) The Central Government may make rules to carry out the provisions of this Part.

Power to make rules respecting Indian fishing boats.

(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 applications for certificates of registry shall be made and the particulars which such applications should contain;
- (b) the manner in which tonnage of an Indian fishing boat shall be ascertained;
- (c) the form in which fishing boats register shall be maintained;

- (d) the forms in which certificates of registry and certificates of inspection may be issued;
- (e) the fees which may be levied for the issue or re-issue of certificates of registry or certificates of inspection and for all other purposes of this Part;
- (f) the manner in which the name, number assigned to the Indian fishing boat and name of the port or place to which she belongs shall be painted;
- (g) the manner in which any change may be made in the name of an Indian fishing boat;
- (h) any exemption from the requirements relating to carriage of safety equipment and appliances by an Indian fishing boat that may be specially granted under section 435J in respect of such fishing boat;
- (i) the manner in which alterations in Indian fishing boats shall be reported and applications for the registry of such alterations in the certificates of registry of Indian fishing boats shall be made, the endorsement of the particulars of alterations on the certificates of registry; the grant of provisional certificates in cases where Indian fishing boats are directed to be registered anew, cases in which Indian fishing boats shall be registered anew, the period for which provisional certificates shall be valid and all other matters ancillary to the registry of alterations;
- (j) the manner in which registry of an Indian fishing boat may be transferred from one port or place in India to another port or place in India;
- (k) the form in which statement of members of crew of an Indian fishing boat may be maintained;
- (l) any other matter which has to be or may be prescribed.

435V. The Central Government may, by notification in the Official Gazette, direct that any provisions of this Act other than those contained in this Part which do not expressly apply to Indian fishing boats shall also apply to Indian fishing boats subject to such conditions, exceptions and modifications as may be specified in the notification.

Application to
Indian
fishing
boats of
other
provi-
sions
relating
to ships.

Fishery
data to
be fur-
nished
by
Indian
fishing
boats.

Power
to
exempt.

435W. The Central Government may, by notification in the Official Gazette, require every Indian fishing boat or any specified class of Indian fishing boats to furnish such fishery data to the registrar in such form and at such periodical intervals as may be specified in that notification.

435X. Notwithstanding anything contained in this Part, the Central Government may, by order in writing, and upon such conditions as it may think fit to impose, exempt any Indian fishing boat or class of Indian fishing boats or skipper, tindal or member or crew of such fishing boat or class of fishing boats from any specified

requirement contained in or prescribed by any rules made in pursuance of any provision of this Part or from any other requirement of this Act extended to Indian fishing boats or to personnel employed on Indian fishing boats by a notification issued under section 435V, if it is satisfied that the requirement is substantially complied with or the compliance with the requirement may be impracticable or unreasonable in the circumstances attending the case.'

16. In section 436 of the principal Act, in sub-section (2), in the Table—

(i) against Serial Number 100, in the fourth column, for the words "one thousand rupees", the words "five thousand rupees" shall be substituted;

(ii) for Serial Numbers 115B, 115C and 115D and the entires relating thereto, the following shall be substituted, namely:—

Amend-
ment of
section
436.

1	2	3	4
"115B(a) If oil or oily mixture is discharged in contravention of sub-section (1) of section 356C—			
(i) where such discharge is made from an Indian tanker anywhere into the sea;	356C(1)	The master of the tanker shall be liable to fine which may extend to five lakh rupees,	
(ii) where such discharge is made from a foreign tanker anywhere within the coastal waters of India.	356C(1)	The master of the tanker, or if the tanker is unmanned, the person in charge of its operation shall be liable to fine which may extend to five lakh rupees.	
(b) If oil or oily mixture is discharged in contravention of sub-section (2) of section 356C—			
(i) where such discharge is made by an Indian ship other than a tanker anywhere into the sea;	356C(2)	The master of the ship shall be liable to fine which may extend to five lakh rupees.	
(ii) where such discharge is made by a foreign ship other than a tanker anywhere within the coastal waters of India.	356C(2)	The master, or if the ship is unmanned, the person in charge of its operation shall be liable to fine which may extend to five lakh rupees.	
(c) If oil or oily mixture is discharged in contravention of sub-section (3) of section 356C.	356C(3)	The master of the off-shore installation if it be a mobile craft or the owner, operator, lessee or licensee of an off-shore installa-	

	1	2	3	4
115C	If an Indian ship is not fitted with equipment prescribed under section 356E.	356E	tion of any other type shall be liable to fine which may extend to five lakh rupees.	
115D	(i) If the master of an Indian tanker or other Indian ship fails to maintain an oil record book as required by section 356F or contravenes any rule made under that section ; (ii) If any person wilfully destroys or mutilates or renders illegible or prevents the making of, any entry in the oil record book or makes or causes to be made a false entry in such book in contravention of any rule made under section 356F.	356F	The owner, master or agent of the Indian ship shall be liable to fine which may extend to ten thousand rupees.	The master of the Indian tanker or other Indian ship shall be liable to fine which may extend to five thousand rupees.
115E	If master of any ship refuses to certify copy of any entry in the oil record book to be a true copy of such entry as required under sub-section (2) of section 356G.	356G(2)	The offender shall be liable to penalty of imprisonment which may extend to six months or fine which may extend to ten thousand rupees or both.	The master of the ship shall be liable to fine which may extend to one thousand rupees.
115F	If any person fails to take action as required by a notice served on him under sub-section (1) of section 356J.	356J(1)	The offender shall be liable to penalty of imprisonment which may extend to six months or fine which may extend to ten lakh rupees or both.	
115G	If owner of any Indian ship, tug, barge or any other equipment fails to comply with any order issued under sub-section (1) of section 356L.	356L(1)	The offender shall be liable to penalty of imprisonment which may extend to six months or fine which may extend to one lakh rupees, or both and if the offence is a continuing one the offender shall be liable to a further fine which may extend to ten thousand rupees per day for every day during which the offence continues after conviction.”;	

(iii) after Serial Number 137 and the entries relating thereto, the following shall be inserted, namely:—

1	2	3	4
“137A	If an Indian fishing boat required to be registered under section 435C is not registered in accordance with the provisions of that section.	435C	The owner shall be liable to fine which may extend to one thousand rupees.
137B	If the owner of an Indian fishing boat fails to comply with the provisions of section 435H.	435H	The owner shall be liable to fine which may extend to two hundred rupees.
137C	If provisions of section 435I are contravened.	435I	The owner shall be liable to fine which may extend to two hundred rupees.
137D	If provisions of section 435J are contravened.	435J	The owner, skipper, tindal or any other person in charge of the Indian fishing boat shall be liable to fine which may extend to one thousand rupees and in addition to fine which may extend to fifty rupees for every day during which the offence continues after conviction.
137E	If provisions of section 435K are contravened.	435K	The owner, skipper, tindal or any other person in charge of the Indian fishing boat shall be liable to fine which may extend to one thousand rupees and in addition to fine which may extend to fifty rupees for every day during which the offence continues after conviction.
137F	If provisions of section 435M are contravened.	435M	The owner shall be liable to fine which may extend to one thousand rupees and in addition to fine which may extend to fifty rupees for every day during which the offence continues after conviction.
137G	If provisions of section 435N are contravened.	435N	The owner shall be liable to fine which may extend to two hundred rupees and in addition to fine which may extend to twenty rupees for every day during which the offence continues after conviction.
137H	If provisions of section 435P are contravened.	435P	The owner shall be liable to fine which may extend to two hundred rupees.

	1 2	3	4
137I	If any person contravenes the provisions of section 435Q.	435Q	The offender shall be liable to fine which may extend to five hundred rupees.
137J	If any person contravenes the provisions of section 435S.	435S	The offender shall be liable to imprisonment which may extend to three months or fine which may extend to two hundred rupees, or both.
137K	If provisions of section 435T are contravened.	435T	The owner, skipper, tindal or any other person in charge of the Indian fishing boat shall be liable to fine which may extend to two hundred rupees."

Amendments relating to references to Act 5 of 1898.

17. The amendments directed in the Schedule (being amendments for substituting for the references in the principal Act to the provisions of, and authorities under, the Code of Criminal Procedure, 1898, references to the corresponding provisions of, and authorities under, the Code of Criminal Procedure, 1973) shall be made in the principal Act.

2 of 1974.

THE SCHEDULE

(See section 17)

AMENDMENTS TO THE MERCHANT SHIPPING ACT, 1958

(44 OF 1958)

1. In section 35 of the principal Act, in sub-section (3), for the words "any magistrate of the first class" and "the magistrate", the words "any Judicial Magistrate of the first class or any Metropolitan Magistrate, as the case may be," and "the said Magistrate" shall, respectively, be substituted.

2. In section 132 of the principal Act, in sub-section (3), for the words "a magistrate", the words "a Judicial Magistrate of the first class or a Metropolitan Magistrate, as the case may be," shall be substituted.

3. In section 145 of the principal Act, in sub-section (1),—

(a) for the words "any magistrate", the words "any Judicial Magistrate of the first class or any Metropolitan Magistrate, as the case may be," shall be substituted;

(b) for the words "the magistrate" at both the places where they occur, the words "such Magistrate" shall be substituted.

4. In section 146 of the principal Act, in clause (c), for the words "a magistrate", the words "a Judicial Magistrate of the first class or a Metropolitan Magistrate, as the case may be," shall be substituted.

5. In section 184 of the principal Act, for the words "a magistrate" at both the places where they occur, the words "a Judicial Magistrate of the first class or a Metropolitan Magistrate, as the case may be," shall be substituted.

6. In section 187 of the principal Act, in sub-section (2), for the words "a magistrate", the words "a Judicial Magistrate of the first class or a Metropolitan Magistrate, as the case may be," shall be substituted.

7. In section 189 of the principal Act, for the words "a magistrate", the words "a Judicial Magistrate of the first class or a Metropolitan Magistrate, as the case may be," shall be substituted.

8. In section 233 of the principal Act, in sub-section (3), for the words "nearest magistrate", the words "nearest Judicial Magistrate of the first class or the Metropolitan Magistrate, as the case may be," shall be substituted.

9. In section 279 of the principal Act, in sub-section (4), for the words "presidency magistrate or a magistrate of the first class", the words "Metropolitan Magistrate or a Judicial Magistrate of the first class" shall be substituted.

10. In section 282 of the principal Act, in clause (s), for the word "magistrates", the words "Metropolitan Magistrates or Judicial Magistrates of the first class, as the case may be," shall be substituted.

11. In section 361 of the principal Act, for the words "A magistrate of the first class" and "presidency magistrate", the words "A Judicial Magistrate of the first class" and "Metropolitan Magistrate" shall, respectively, be substituted.

12. In section 372 of the principal Act,—

(a) in sub-section (1), for the words "magistrate of the first class" and "presidency magistrate", the words "Judicial Magistrate of the first class" and "Metropolitan Magistrate" shall, respectively, be substituted;

(b) in sub-section (3), for the word "magistrate", the words "Judicial Magistrate of the first class or Metropolitan Magistrate, as the case may be," shall be substituted;

(c) in sub-section (4), for the word "magistrate", the words "Judicial Magistrate of the first class or Metropolitan Magistrate, as the case may be," shall be substituted.

13. In section 383 of the principal Act, in sub-section (2), for the words "presidency magistrate, magistrate of the first class", the words "Metropolitan Magistrate, Judicial Magistrate of the first class" shall be substituted.

14. In section 401 of the principal Act, for the word "magistrate", the words "Judicial Magistrate of the first class or Metropolitan Magistrate, as the case may be," shall be substituted.

15. In section 402 of the principal Act,—

(a) in sub-section (4), in clause (a), for the word "magistrate", the words "Judicial Magistrate of the first class or a Metropolitan Magistrate, as the case may be," shall be substituted;

(b) in sub-section (5), for the words "the magistrate or the High Court, as the case may be," and "the magistrate", the words "the Judicial Magistrate of the first class or the Metropolitan Magistrate or the High Court, as the case may be," and "such magistrate" shall, respectively, be substituted;

- (c) in sub-section (6), for the words "a magistrate" and "the magistrate", wherever they occur, the words "a Judicial Magistrate of the first class or a Metropolitan Magistrate" and "such magistrate" shall, respectively, be substituted.
16. In section 439 of the principal Act, for the words "presidency magistrate or a magistrate of the first class", the words "Metropolitan Magistrate or a Judicial Magistrate of the first class" shall be substituted.

17. In section 440 of the principal Act,—

(a) for the words and figures "section 32 of the Code of Criminal Procedure, 1898", the words and figures "section 29 of the Code of Criminal Procedure, 1973" shall be substituted;

5 of 1898.
2 of 1974.

(b) for the words "presidency magistrate or a magistrate of the first class", the words "Metropolitan Magistrate or a Judicial Magistrate of the first class" shall be substituted.

18. In section 442 of the principal Act, in sub-section (1),—

(a) for the words "court or magistrate", the words "court or Judicial Magistrate of the first class or Metropolitan Magistrate" shall be substituted;

(b) for the words "court, magistrate", the words "court or Judicial Magistrate of the first class or Metropolitan Magistrate" shall be substituted;

(c) for the words ", justice or magistrate", the words "or justice or Judicial Magistrate of the first class or Metropolitan Magistrate" shall be substituted;

(d) for the words "justice, magistrate", the words "justice or Judicial Magistrate of the first class or Metropolitan Magistrate" shall be substituted.

19. In section 445 of the principal Act,—

(a) in sub-section (1), for the words "court, magistrate" and "a magistrate", the words "court or Judicial Magistrate of the first class or Metropolitan Magistrate" and "such a magistrate" shall, respectively, be substituted;

(b) in sub-section (2), for the words "court, magistrate or other officer" and "court, magistrate, officer", the words "court or Judicial Magistrate of the first class or Metropolitan Magistrate or other officer" and "court or Judicial Magistrate of the first class or Metropolitan Magistrate or officer" shall, respectively, be substituted.

20. In section 447 of the principal Act, for the words "A magistrate", the words "A Judicial Magistrate of the first class or a Metropolitan Magistrate, as the case may be," shall be substituted.

THE AFRICAN DEVELOPMENT BANK ACT, 1983

No. 13 of 1983

[26th May, 1983.]

An Act to implement the international agreement for the establishment and operation of the African Development Bank and for matters connected therewith.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the African Development Bank Act, 1983.

(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,—
 - (a) "Agreement" means the agreement for the establishment of the African Development Bank;
 - (b) "Bank" means the African Development Bank established under the Agreement.
3. (1) There shall be paid out of the Consolidated Fund of India, after due appropriation made by Parliament by law in this behalf, all such sums as may, from time to time, be required for the purpose of paying,—
 - (a) the subscriptions payable by the Central Government to the Bank under Articles 6, 7, 10 and 21 of the Agreement;
 - (b) any sums payable by the Central Government to the Bank under Article 28 of the Agreement.
(2) The Central Government may, if it thinks fit so to do, create and issue to the Bank, in such form as it thinks fit, any non-interest bearing and non-negotiable notes or other obligations.
4. The Reserve Bank of India shall be the depository of the Indian currency holdings of the Bank.

Short title,
extent
and
commencement.

Definitions.

Payments to
Bank.

Reserve
Bank to
be depo-
sitory
for Bank.

Conferment of status and certain immunities, exemptions and privileges on Bank and conferment of certain immunities, exemptions and privileges on its officers and employees.

Power to make rules.

Notifications issued under section 5 and rules made under section 6 to be laid before Parliament.

5. (1) Notwithstanding anything to the contrary contained in any other law, the provisions of the Agreement set out in the Schedule shall have the force of law in India:

Provided that nothing in Article 57 of the Agreement shall be construed as—

(a) entitling the Bank to import into India goods free of any duty of customs without any restriction on their subsequent sale therein; or

(b) conferring on the Bank any exemption from duties or taxes which form part of the price of goods sold; or

(c) conferring on the Bank any exemption from duties or taxes which are in fact no more than charges for services rendered.

(2) The Central Government may, 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.

6. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

7. Every notification issued under sub-section (2) of section 5 and every rule made under section 6 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 total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the 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 5)

PROVISIONS OF THE AGREEMENT WHICH SHALL HAVE FORCE OF LAW

AGREEMENT ESTABLISHING THE AFRICAN DEVELOPMENT BANK

CHAPTER VII

STATUS, IMMUNITIES, EXEMPTIONS AND PRIVILEGES

ARTICLE 50

STATUS

To enable it to fulfil its purpose and the functions with which it is entrusted, the Bank shall possess full international personality. To those ends, it may enter into agreements with members, non-member

States and other international organizations. To the same ends, the status, immunities, exemptions and privileges set forth in this Chapter shall be accorded to the Bank in the territory of each member.

ARTICLE 51

STATUS IN MEMBER COUNTRIES

In the territory of each member the Bank shall possess full juridical personality and, in particular, full capacity:

- (a) to contract;
- (b) to acquire and dispose of immovable and movable property; and
- (c) to institute legal proceedings.

ARTICLE 52

JUDICIAL PROCEEDINGS

1. The Bank shall enjoy immunity from every form of legal process except in cases arising out of the exercise of its borrowing powers when it may be sued only in a court of competent jurisdiction in the territory of a member in which the Bank has its principal office, or in the territory of a member or non-member State where it 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.

2. The property and assets of the Bank shall, wherever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Bank.

ARTICLE 53

IMMUNITY OF ASSETS AND ARCHIVES

1. Property and assets of the Bank, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of taking or foreclosure by executive or legislative action.

2. The archives of the Bank and, in general, all documents belonging to it, or held by it, shall be inviolable, wherever located.

ARTICLE 54

FREEDOM OF ASSETS FROM RESTRICTION

To the extent necessary to carry out the purpose and functions of the Bank and subject to the provisions of this Agreement, all property and other assets of the Bank shall be exempt from restrictions, regulations, controls and moratoria of any nature.

ARTICLE 55

PRIVILEGE FOR COMMUNICATIONS

Official communications of the Bank shall be accorded by each member the same treatment that it accords to the official communications of other members.

ARTICLE 56

PERSONAL IMMUNITIES AND PRIVILEGES

1. All governors, directors, alternates, officers and employees of the Bank and experts and consultants performing missions for the Bank:

- (i) shall be immune from legal process with respect to acts performed by them in their official capacity;
- (ii) where they are not 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 regulations as are accorded by members to the representatives, officials and employees of comparable rank of other members; and
- (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.

2. Experts and consultants performing missions for the Bank shall be accorded such immunities and privileges as are, in the opinion of the Bank, necessary for the independent exercise of their functions during the period of their mission, including the time spent on journeys in connection therewith.

ARTICLE 57

EXEMPTION FROM TAXATION

1. The Bank, its property, other assets, income and its operations and transactions shall be exempt from all taxation and from all customs duties. The Bank shall also be exempt from any obligation relating to the payment, withholding or collection of any tax or duty.

2. No tax shall be levied on or in respect of salaries and emoluments paid by the Bank to directors, alternates, officers and other professional staff of the Bank.

3. No tax of any kind shall be levied on any obligation or security issued by the Bank, including any dividend or interest thereon, by whomsoever held:

- (i) which discriminates against such obligation or security solely because it is issued by the Bank; 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 Bank.

4. No tax of any kind shall be levied on any obligation or security guaranteed by the Bank, including any dividend or interest thereon, by whomsoever held:

- (i) which discriminates against such obligation or security solely because it is guaranteed by the Bank; or
- (ii) if the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Bank.

ARTICLE 58

NOTIFICATION OF IMPLEMENTATION

Each member shall promptly inform the Bank of the specific action which it has taken to make effective in its territory the provisions of this Chapter.

ARTICLE 59

APPLICATION OF IMMUNITIES, EXEMPTIONS AND PRIVILEGES

The immunities, exemptions and privileges provided in this Chapter are granted in the interests of the Bank. The Board of Directors may waive, to such extent and upon such conditions as it may determine, the immunities and exemptions provided in Articles 52, 54, 56 and 57 of this Agreement in cases where its action would in its opinion further the interests of the Bank. The President shall have the right and the duty to waive the immunity of any official in cases where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Bank.

THE CENTRAL INDUSTRIAL SECURITY FORCE
(AMENDMENT) ACT, 1983

No. 14 OF 1983

[26th May, 1983.]

An Act to amend the Central Industrial Security Force Act, 1968.

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

Short title and commencement.

1. (1) This Act may be called the Central Industrial Security Force (Amendment) Act, 1983.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of long title.

2. In the Central Industrial Security Force Act, 1968 (hereinafter referred to as the principal Act), for the long title, the following long title shall be substituted, namely:—

“An Act to provide for the constitution and regulation of an armed force of the Union for the better protection and security of industrial undertakings owned by the Central Government and certain other industrial undertakings and for matters connected therewith.”.

Amendment of section 2.

3. In section 2 of the principal Act,—

(a) in sub-section (1),—

(i) for clause (a), the following clauses shall be substituted, namely:—

‘(a) “Director-General” means the Director-General of the Force appointed under section 4;

‘(aa) “enrolled member of the Force” means any subordinate officer, under officer or any other member of the Force of a rank lower than that of an under officer;

‘(ab) “Force” means the Central Industrial Security Force constituted under section 3;

‘(ac) “Force custody” means the arrest or confinement of a member of the Force in accordance with rules made under this Act;’;

¹15-6-1983: Vide Notification No. G.S.R. 480 (E), dated 9-6-83 Gazettee of India, Extraordinary, Part II, Section 3 (i).

(ii) clause (d) shall be omitted;

(iii) in clause (f), the words "other than a supervisory officer" shall be omitted;

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

'(ha) "subordinate officer" means a person appointed to the Force as an Inspector, a Sub-Inspector or an Assistant Sub-Inspector;'

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

'(j) "under officer" means a person appointed to the Force as a Head Constable, Naik or Lance Naik;'

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Any reference in this Act to a law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area."

4. In section 3 of the principal Act,—

Amend-
ment of
section
3.

(a) in sub-section (1), for the words "a Force", the words "an armed force of the Union" shall be substituted;

(b) in sub-section (2), for the words "supervisory officers and members", the words "supervisory officers, subordinate officers, under officers and other enrolled members" shall be substituted.

5. In section 4 of the principal Act,—

Amend-
ment of
section 4.

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The Central Government may appoint a person to be the Director-General of the Force and may appoint other persons to be Inspectors-General, Deputy Inspectors-General, Commandants, Deputy Commandants or Assistant Commandants of the Force;"

(b) in sub-section (2), for the expression "Inspector-General", the expression "Director-General" shall be substituted.

6. In section 5 of the principal Act, for the words "appointment of members of the Force shall rest with the Inspector-General", the words "appointment of the enrolled members of the Force shall rest with the Director-General" shall be substituted.

Amend-
ment of
section 5.

7. In section 6 of the principal Act,—

Amend-
ment of
section 6.

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Every enrolled member of the Force shall receive on his appointment a certificate in the form specified in the Schedule, under the seal of the Director-General or such other

supervisory officer as the Director-General may specify in this behalf, by virtue of which the person holding such certificate shall be vested with the powers of an enrolled member of the Force.”;

(b) in sub-section (2), for the words “a member”, the words “an enrolled member” shall be substituted.

Amend-
ment of
section 7.

8. In section 7 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The superintendence of the Force shall vest in the Central Government, and subject thereto and to the provisions of this Act and of any rules made thereunder, the command, supervision and administration of the Force shall vest in the Director-General.”;

(b) in sub-section (2),—

(i) for the words “a Deputy Inspector-General, Chief Security Officer or Security Officer”, the words “an Inspector-General, a Deputy Inspector-General, a Commandant, a Deputy Commandant or an Assistant Commandant” shall be substituted;

(ii) for the words “Central Government”, the words “Central Government or the Director-General” shall be substituted.

Amend-
ment of
section 11.

9. In section 11 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Any member of the Force may, without any order from a Magistrate and without a warrant, arrest—

(i) any person who voluntarily causes hurt to, or attempts voluntarily to cause hurt to, or wrongfully restrains or attempts wrongfully to restrain, or assaults, threatens to assault, or uses, or threatens or attempts to use, criminal force to him or any other member of the Force in the execution of his duty as such member, or with intent to prevent or to deter him from discharging his duty as such member, or in consequence of anything done or attempted to be done by him in the lawful discharge of his duty as such member; or

(ii) any person who has been concerned in, or against whom a reasonable suspicion exists of his having been concerned in, or who is found taking precautions to conceal his presence under circumstances which afford reason to believe that he is taking such precautions with a view to committing, a cognizable offence which relates to property belonging to, or in the premises of, any industrial undertaking referred to in clauses (b) and (c) of section 10, or relates to the other installations, or to property in the premises of the other installations, referred to in those clauses;

(iii) any person who commits or attempts to commit a cognizable offence which involves or which is likely to involve imminent danger to the life of any person engaged in carrying on any work relating to any undertaking or installations referred to in clauses (b) and (c) of section 10.”;

(b) in sub-section (2), the words “supervisory officer or” shall be omitted.

10. After section 15 of the principal Act, the following section shall be inserted, namely:—

Insertion
of new
section
15A.

“15A. (1) No member of the Force shall, without the previous sanction in writing of the Central Government or of the prescribed authority,—

(a) be a member of, or be associated in any way with, any trade union, labour union, political association or with any class of trade unions, labour unions or political associations; or

(b) be a member of, or be associated in any way with, any other society, institution, association or organisation that is not recognised as part of the Force or is not of a purely social, recreational or religious nature; or

(c) communicate with the press or publish or cause to be published any book, letter or other document except where such communication or publication is in the *bona fide* discharge of his duties or is of a purely literary, artistic or scientific character or is of a prescribed nature.

Explanation.—If any question arises as to whether any society, institution, association or organisation is of a purely social, recreational or religious nature under clause (b) of this sub-section, the decision of the Central Government thereon shall be final.

(2) No member of the Force shall participate in, or address, any meeting or take part in any demonstration organised by any body of persons for any political purposes or for such other purposes as may be prescribed.”.

11. In section 18 of the principal Act, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

Amend-
ment of
section
18.

“(1) Without prejudice to the provisions contained in section 8, every member of the Force who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by a supervisory officer, or who shall withdraw from the duties of his office without permission, or who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of the leave, or who engages himself without authority in any employment other than his duty as a member of the Force, or who shall be guilty of cowardice, may be taken into Force custody and shall, on conviction, be punished with imprisonment for a term which may extend to one year.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this section shall be cognizable and non-bailable.

2 of 1974.

(2A) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Central Government may invest the Commandant with the powers of a Magistrate of any class for the purpose of inquiring into or trying any offence committed by an enrolled member of the Force and punishable under this Act, or any offence committed by an enrolled member of the Force against the person or property of another member of the Force:

2 of 1974.

Provided that—

- (i) when the offender is on leave or absent from duty; or
- (ii) when the offence is not connected with the offender's duties as an enrolled member of the Force; or
- (iii) when it is a petty offence even if connected with the offender's duties as an enrolled member of the Force; or
- (iv) when, for reasons to be recorded in writing, it is not practicable for the Commandant invested with the powers of a Magistrate to inquire into or try an offence,

the offence may, if the prescribed authority within the limits of whose jurisdiction the offence has been committed so requires, be inquired into or tried by an ordinary criminal court having jurisdiction in the matter.”.

Amend.
ment of
section
22.

12. In section 22 of the principal Act,—

(a) in sub-section (2),—

(i) in clauses (a); (b) and (c), the words “supervisory officers and” shall be omitted;

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

“(gg) regulating matters with respect to Force custody under this Act including the procedure to be followed for taking persons into such custody;

(ggg) regulating matters with respect to disposal of cases relating to offences under this Act and specifying the places in which persons convicted under this Act may be confined;”;

(iii) in clause (h), the words “supervisory officers and” shall be omitted;

(iv) in clause (i), after the word “prescribed”, the words “or in respect of which rules are required to be made under this Act” shall be inserted;

(b) in sub-section (3), for the words “or in two successive sessions, and if before the expiry of the session in which it is so laid

or the session immediately following," the words "or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid," shall be substituted.

13. The amendments directed in the Schedule (being amendments of a consequential nature) shall be made in the principal Act.

Consequential
amendments.

14. (1) The force constituted under the principal Act as functioning immediately before the commencement of this Act (hereafter in this section referred to as the existing Force) shall, on such commencement, be deemed to be the force constituted under the principal Act as amended by this Act, and every member of the existing Force holding immediately before such commencement an office mentioned in column (1) of the Table below shall, on such commencement, be deemed to have been appointed to the office mentioned in the corresponding entry in column (2) of the said Table.

Provi-
sions as
to exist-
ing Force.

TABLE

(1)	(2)
1. Chief Security Officer	Commandant
2. Deputy Chief Security Officer	Deputy Commandant
3. Security Officer	Assistant Commandant
4. Head Security Guard	Head Constable
5. Senior Security Guard	Naik
6. Security Guard	Constable.

(2) Notwithstanding anything contained in sub-section (1), any member of the existing Force may, within thirty days from the commencement of this Act, exercise his option by notice in writing to the Director-General—

•(a) if such member had been on deputation to the existing Force from any other service, to revert to such other service, and

(b) in any other case, to retire from service,

and an option so exercised shall be final, and a member exercising such option shall be permitted, within thirty days from the date on which he exercises such option to revert to the service from which he had been on deputation or, as the case may be, to retire from service.

Explanation.—For the purposes of this section, the expression "member" includes an officer, and the expression "Director-General" shall have the same meaning as in the principal Act as amended by this Act.

THE SCHEDULE

(See section 13)

CONSEQUENTIAL AMENDMENTS

1. Section 8.—For “member”, at both the places where it occurs, substitute “enrolled member”.
2. Section 9.—In sub-section (1), for “member”, substitute “enrolled member”.
3. Section 10.—Omit “supervisory officer and”.
4. Section 12.—(a) In sub-section (1), omit “any supervisory officer, or”;
(b) in sub-section (2), for “Code of Criminal Procedure, 1898”, substitute “Code of Criminal Procedure, 1973”.
5. Section 13.—Omit “supervisory officer or”.
6. Section 14.—(a) For “Inspector-General”, wherever it occurs, substitute “Director-General”;
(b) in sub-section (1),—
(i) omit “supervisory officers and”;
(ii) omit “officers and”;
(c) in sub-section (2), omit “officers and”, wherever they occur;
(d) in sub-section (3), omit “officer and”.
7. Section 15.—(a) In sub-section (1), omit “supervisory officer and”;
(b) in sub-section (2), omit “supervisory officer or”.
8. Section 17.—(a) In sub-section (1), for “a member”, substitute “an enrolled member”;
(b) in sub-section (3), for “Inspector-General”, substitute “Director-General”.
9. Section 19.—Omit “supervisory officers and”.
10. Section 21.—Omit “supervisory officer or”, wherever they occur.
11. The Schedule.—For “a member”, at both the places where they occur, substitute “an enrolled member”.

THE CANTONMENTS (AMENDMENT) ACT, 1983

(No. 15 OF 1983)

[20th August, 1983.]

An Act further to amend the Cantonments Act, 1924.

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

1. (1) This Act may be called the Cantonments (Amendment) Act, 1983.

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 of 1984.

2. In section 2 of the Cantonments Act, 1924 (hereinafter referred to as the principal Act),—

Amendment of section 2.

(a) in clause (iiia), for the words "eight feet in height", the words "two and a half metres in height" shall be substituted;

(b) clause (iii) shall be omitted;

(c) in clause (vii), after the word "Board", the words "and includes a vacancy in such office, arising under sub-section (IA) of section 17" shall be inserted;

(d) after clause (vii), the following clauses shall be inserted, namely:—

(viia) "civil area" means an area declared to be a civil area by the Central Government under section 43A;

(viib) "civil area committee" means a committee appointed under section 43A;'

(e) clause (xia) shall be renumbered as clause (xic) and before clause (xic) as so renumbered, the following clauses shall be inserted, namely:—

(xia) "Defence Estates Officer" means the officer appointed by the Central Government to perform the duties of the Defence Estates Officer for the purposes of this Act and the rules made thereunder;

11-10-1983: Vide Notification No. S R O. 73 (E), dat d 12-9-1983 G g. tte of India, Extraordinary Part II, Section 4.

(xib) "Director" means the officer appointed by the Central Government to perform the duties of the Director, Defence Lands and Cantonments, the Command, for the purposes of this Act and the rules made thereunder and includes the Joint Director;';

(f) in clause (xii), for the words "the Public Works officer of that grade, or the Officer of the Military Engineer Services of the corresponding grade", the words "the Officer of the Military Engineer Services of that grade" shall be substituted;

(g) after clause (xiii), the following clauses shall be inserted namely:—

'(xiiiia) "factory" means a factory as defined in clause (m) of section 2 of the Factories Act, 1948;

63 of 1948.

(xiiiib) "Forces" means the Army, Navy and Air Force or any part of any one or more of them;';

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

'(xv) "hospital" includes family welfare centre, child welfare centre, maternity centre and health centre;';

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

'(xixa) "lower grade employee" means daftry, peon, bhisti, mali, lamp-lighter, chowkidar, mazdoor or safaiwala or any other employee declared by the Central Government to be a lower grade employee for the purposes of this Act;';

(j) for clause (xx), the following clause shall be substituted, namely:—

'(xx) "market" includes any place where persons assemble for the sale of, or for the purpose of exposing for sale, meat, fish, fruits, vegetables, animals intended for human food or any other articles of human food whatsoever, with or without the consent of the owner of such place notwithstanding that there may be no common regulation for the concourse of buyers and sellers and whether or not any control is exercised over the business of, or the persons frequenting, the market by the owner of the place or by any other person, but shall not include a single shop or group of shops not being more than six in number and shops within unit lines;';

(k) clause (xxa) shall be omitted;

(l) for clauses (xxi) and (xxii), the following clauses shall be substituted, namely:—

'(xxi) "military officer" means a person who, being an officer within the meaning of the Army Act, 1950, the Navy Act, 1957 or the Air Force Act, 1950, is commissioned, gazetted or in pay as an officer doing army, naval or air force duty with the army, navy or air force, or is an officer doing such duty in any arm, branch or part of any of those forces;

46 of 1950.
62 of 1957.
45 of 1950.

(xxii) "nuisance" includes any act, omission, place, animal or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep, or which is or may be dangerous to life or injurious to health or property;";

(m) for clause (xxiv), the following clause shall be substituted, namely:—

(xxiv) "Officer Commanding the Area" means the Officer Commanding any one of the areas into which India is for military purposes for the time being divided, or any sub-area which does not form part of any such area, or any area which the Central Government may, by notification in the Official Gazette, declare to be an area for all or any of the purposes of this Act;"

(n) in clause (xxv), for the word "District", in both the places where it occurs, the word "Area" shall be substituted;

(o) for clause (xxxv), the following clause shall be substituted, namely:—

(xxxv) "soldier" means any person who is a soldier or a sailor or an airman subject to the Army Act, 1950, the Navy Act, 1957 or the Air Force Act, 1950, as the case may be, and who is not a military officer;"

(p) after clause (xxxvii), the following clause shall be inserted, namely:—

(xxxviii) "sub-area" means one of the sub-areas into which India is for military purposes for the time being divided, and includes, for all or any of the purposes of this Act, any territory which the Central Government may, by notification in the Official Gazette, declare to be a sub-area for such purposes;"

3. In section 3 of the principal Act, in sub-section (1), for the words "the Indian Army or the Indian Air Force", the words "the Forces" shall be substituted.

Amendment of section 3.

4. In section 10 of the principal Act, the words "and an Executive Officer" shall be omitted.

Amendment of section 10.

5. Section 12 of the principal Act shall be omitted.

Omission of section 12.

6. In section 13 of the principal Act, in clause (b) of sub-section (3) and clause (b) of sub-section (4), for the words "a Magistrate of the first class", the words "an Executive Magistrate" shall be substituted.

Amendment of section 13.

7. In section 14 of the principal Act, in sub-section (2), for clause (c), the following clause shall be substituted, namely:—

Amendment of section 14.

"(c) one member, not being a person in the service of the Government, nominated by the Central Government in consultation with the Officer Commanding-in-Chief, the Command,"

Amend-
ment of
section 15.

8. In section 15 of the principal Act,—

(a) in sub-section (1),—

(i) for the words “three years”, the words “five years” shall be substituted;

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

“Provided further that a member whose term of office has been so extended, shall cease to hold office on the date of the notification of the election of his successor under sub-section (7) of section 13.”;

(b) in sub-section (3), for the words “date of election”, the words “date of the notification of his election” shall be substituted.

Amend-
ment of
section 16.

9. In section 16 of the principal Act, in sub-section (2), in the proviso, for the words “three months”, the words “six months” shall be substituted.

Amend-
ment of
section 17.

10. In section 17 of the principal Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) If a person is elected to more than one seat in a Board, then, unless he resigns all but one of the seats within fourteen days from the date on which he is declared elected, or where the dates on which he is declared elected are different in respect of different seats, from the last of such dates, all the seats shall become vacant.”;

(b) in sub-section (3), for the words “where there has been a division of the cantonment into wards or of the inhabitants thereof into classes, be deemed to have been elected by such ward or class, as the case may be”, the words “where there has been a division of the cantonment into wards, be deemed to have been elected by such ward” shall be substituted.

Substitu-
tion of
new sec-
tion for
section 18.

11. For section 18 of the principal Act, the following section shall be substituted, namely:—

Oath or
affirma-
tion.

18. (1) Every person who is by virtue of his office, or who is nominated or elected to be, a member of the Board shall, before taking his seat, make and subscribe at a meeting of the Board an oath or affirmation of his allegiance to the Constitution of India in the following form, namely:—

become

“I, A.B., having been elected
been nominated a member of this Board,

do swear in the name of God

that I will bear true faith and allegi-

solemnly affirm

ance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter.”

(2) If any such person fails to make and subscribe the oath or affirmation at one of the first two meetings held after the date of commencement of his term of office, the Central Government shall, by notification in the Official Gazette, declare his seat to be vacant:

Provided that a meeting where the member is absent with the leave of the Board shall not be taken into account.

12. In section 19 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) (a) Any elected member of a Board who wishes to resign his office may give his resignation in writing to the President of the Board who shall forward it for orders to the Central Government under intimation to the Officer Commanding-in-Chief, the Command.

(b) Any nominated member of a Board who wishes to resign his office may forward his resignation in writing through the President of the Board to the Officer Commanding-in-Chief, the Command for orders.”;

(b) in sub-section (2), for the words “Central Government”, the words “Central Government or the Officer Commanding-in-Chief, the Command, as the case may be,” shall be substituted;

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Notwithstanding anything contained in sub-section (2), the resignation of any person elected to more than one seat in a Board from all but one of the seats in pursuance of sub-section (1A) of section 17 shall take effect when such resignation is received by the President of the Board.”.

13. In section 20 of the principal Act, in sub-section (1), in the proviso, for the words “temporary absence from the station on duty or on station leave, or during the transfer of his headquarters to a hill station”, the words “temporary absence from the station for a period not exceeding thirty consecutive days” shall be substituted.

14. In section 21 of the principal Act,—

(a) in sub-section (1), for the words “three years”, the words “five years” shall be substituted;

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) A Vice-President may be removed from his office, at a special meeting convened for the purpose, on a requisition for the same by not less than one-half of the elected members of the Board holding office, by a resolution passed by a majority of not less than two-thirds of the total number of elected members then holding office and attending and no member, other than an elected member, shall have the right to vote on the resolution.”.

Amend-
ment of
section 19.

Amend-
ment of
section 20.

Amend-
ment of
section 21.

Amendment of section 22.

Substitution of new sections for section 24.

Appointment of Executive Officer.

Duties of Executive Officer.

Amendment of section 28.

15. In section 22 of the principal Act, in sub-section (1), in clause (b), for the words "exercise supervision and control over", the words "control, direct and supervise" shall be substituted.

16. For section 24 of the principal Act, the following sections shall be substituted, namely:—

"24. (1) For every cantonment there shall be an Executive Officer appointed by the Central Government or by such person as the Central Government may authorise in this behalf:

Provided that the Board may empower any of its members or officers to exercise or perform in the absence of the Executive Officer from the cantonment all or any of such powers or duties of an Executive Officer under this Act as the Central Government may, by notification in the Official Gazette, specify in this behalf:

Explanation.—In this proviso, the word "officers" shall mean any of the supervisory staff of the Board as may be specified by the Board.

(2) Not less than one-half of the cost of the salary of the Executive Officer shall be paid by the Central Government and the balance from the cantonment fund.

(3) The Executive Officer shall be the Secretary of the Board and of every Committee of the Board and may participate in every meeting of the Board and of every Committee of the Board, but, shall not be a member of the Board or of any such Committee.

24A. Subject to the provisions of clause (b) and clause (d) of sub-section (1) of section 22, the Executive Officer shall—

(a) exercise all the powers and perform all the duties conferred or imposed upon him by or under this Act or any other law for the time being in force;

(b) prescribe the duties of, and exercise supervision and control over the acts and proceedings of, officers and other employees of the Board, other than medical officer in charge of the cantonment general hospital or dispensary;

(c) be responsible for the custody of all records of the Board;

(d) arrange for the performance of such duties relative to the proceedings of the Board or of any Committee of the Board or of any Committee of Arbitration constituted under this Act, as those bodies may respectively impose on him;

(e) comply with every requisition of the Board on any matter pertaining to the administration of the cantonment."

17. In section 28 of the principal Act,—

(a) in sub-section (1), for the words "in receipt of pay in the military or civil service of Government", the words "holding any office of profit under the Government" shall be substituted:

(b) in sub-section (2),—

(i) in the opening portion, for the words "election or nomination as", the words and brackets "being chosen (whether by election or nomination) as, and for being" shall substituted;

(ii) clauses (dd), (ddd) and (e) shall be re-lettered as clauses (e), (f) and (i) respectively, and,—

(A) in clause (e) as so re-lettered, after the word "Board", the words "or of any other local authority" shall be inserted;

(B) after clause (f) as so re-lettered, the following clauses shall be inserted, namely:—

"(g) has, by the authority referred to in clause (f) of section 31, been found to have been guilty of any of the corrupt practices specified in sub-section (2) of section 29 unless a period of five years has elapsed since the date of the finding or the disqualification has been removed, either retrospectively or prospectively by an order of the Central Government; or

(h) fails to pay any arrears of any kind due by him otherwise than as an agent, receiver, trustee or any executor, to the Board within thirty days after the notice in this behalf has been served upon him; or";

(iii) in the proviso, in clause (ii), in sub-clause (d), for the figures "1,500", the figures "3,000" shall be substituted.

18. For section 29 of the principal Act, the following section shall be substituted, namely:—

Substitution of new-section for section 29.

Interpretation.

29. (1) For the purposes of sections 26, 27 and 28, "person" means an individual human being.

(2) The following shall be deemed to be corrupt practices within the meaning of clause (g) of sub-section (2) of section 28:—

(1) "Bribery", that is to say,—

(A) any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his agent of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing—

(a) a person to stand or not to stand as, or to withdraw or not to withdraw from, being, a candidate at an election, or

(b) an elector to vote or refrain from voting at an election, or as a reward to—

(i) a person for having so stood or not stood, or for having withdrawn or not having withdrawn his candidature; or

(ii) an elector for having voted or refrained from voting;

(B) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward—

(a) by a person for standing or not standing as, or for withdrawing or not withdrawing from being, a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.

Explanation.—For the purposes of this clause, the term "gratification" is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses *bona fide* incurred at, or for the purpose of, any election.

(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person with the consent of the candidate or his agent, with the free exercise of any electoral right:

Provided that—

(a) without prejudice to the generality of the provisions of this clause any such person as is referred to therein who—

(i) threatens any candidate or any elector, or any person in whom a candidate or an elector is interested, with injury of any kind including social ostracism and excommunication or expulsion from any caste or community; or

(ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;

(b) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to interfere within the meaning of this clause.

(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

(4) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds

of religion, race, caste, community or language, by a candidate or his agent or any other person with the consent of a candidate or his agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

(5) The publication by a candidate or his agent or by any other person, with the consent of a candidate or his agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(6) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person with the consent of a candidate or his agent or the use of such vehicle or vessel for the free conveyance of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station or place fixed for the poll:

Provided that the hiring of a vehicle or vessel by any elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

Explanation.—In this clause, the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(7) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person with the consent of a candidate or his agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the Government or the Board:

Provided that where any person, in the service of the Government or the Board in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities or does any other act or thing, for, to, or in relation to, any candidate or his agent or any other person acting with the consent of the candidate or his agent (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election.

Explanation.—In this section, the expression “agent” includes any person who is held to have acted as an agent in connection with the election with the consent of the candidate.”

Amend-
ment of
section 31.

19. In section 31 of the principal Act, after clause (f), the following clause shall be inserted, namely:—

“(fa) the fee to be paid for admission and consideration of any application relating to election or election disputes;”.

Amend-
ment of
section 32.

20. Section 32 of the principal Act shall be renumbered as sub-section (1) thereof, and—

(a) in sub-section (1) as so renumbered, after the words “his own conduct or”, the words “vote or take part in any discussion” shall be inserted;

(b) after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

“(2) Where any member of the Board present at the meeting of the Board or any committee of the Board believes that the person presiding over such meeting has pecuniary or other interest in any matter under discussion and moves a motion to that effect, the person so presiding—

(a) shall not be entitled to vote on such motion, and

(b) shall, if such motion is carried, absent himself from the meeting during such discussion.”.

Amend-
ment of
section 33.

21. In section 33 of the principal Act, for the words “belonging to the Board”, the words “belonging to, vested in, or entrusted to the management of, the Board” shall be substituted.

Amend-
ment of
section 34.

22. In section 34 of the principal Act, in sub-section (2A),—

(a) for the words “Central Government”, the words “Officer Commanding-in-Chief, the Command” shall be substituted;

(b) the words “through the Officer Commanding-in-Chief, the Command,” shall be omitted.

Insertion
of new
section
35A.

23. After section 35 of the principal Act and before the heading “Servants”, the following section shall be inserted, namely:—

‘35A. Every member of the Board shall be deemed to be a public servant within the meaning of the Indian Penal Code, and in the definition of “legal remuneration” in section 161 of that Code, the word “Government” shall, for the purposes of this section, be deemed to include a Board.’

45 of 1960.

Member
of the
Board to
be deem-
ed a pub-
lic ser-
vant.

Amend-
ment of
section 38.

24. In section 36 of the principal Act, in sub-section (4), for the words “menial servant”, the words “lower grade employee” shall be substituted.

Amend-
ment of
section 39.

25. In section 39 of the principal Act, in sub-section (2), after the word “President”, the words “, or in the absence of the President, the Vice-President, or in the absence of both the President and the Vice-President, the Secretary” shall be inserted.

26. In section 41 of the principal Act,—

(a) in sub-section (1), for the words "the President", the words "the person presiding over the meeting" shall be substituted;

(b) in sub-section (2), for the words "the Officer Commanding the District, the Officer Commanding the brigade area, the District Magistrate and the Military Estates Officer", the words "the Officer Commanding the Area, the Officer Commanding the sub-area, the District Magistrate and the Defence Estates Officer and in cantonments where Navy or Air Force stations are located, copies of the minutes shall be forwarded for information to the Command Headquarters of the Navy or, as the case may be, the Air Force" shall be substituted.

27. In section 42 and in sub-section (2) of section 43, for the word "President", the words "person presiding over the meeting" shall be substituted.

Amend-
ment of
section 41.

28. In section 43A of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) The powers, duties and functions of the Board under section 126, section 127, sub-section (1) of section 134, section 137, section 139, section 142, section 144, section 189 and section 195 shall be exercised or discharged in respect of a civil area by the civil area committee:

Provided that if the Health Officer dissents from any decision arrived at by the committee under sub-section (1) of section 134, section 137, section 139, section 142, section 144 on health grounds, the matter may be referred to the Board by the President for decision."

29. In section 44 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

Amend-
ment of
sections
42 and 43.

Amend-
ment of
section
43A.

"(4) Every regulation 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 or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation."

30. In section 45 of the principal Act,—

(a) in sub-section (1), in clause (b), for the words "aggregate area comprising the areas subject to the control of the Board and such other local authority", the words "area subject to the control of the Board and such other local authority (hereafter in this section referred to as the aggregate area)" shall be substituted;

Amend-
ment of
section 44.

Amend-
ment of
section 45.

(b) in sub-section (3),—

(i) for clauses (a) and (b), the following clause shall be substituted, namely:—

“(a) where the agreement relates to octroi or terminal tax or toll, the party to the agreement (the Board or as the case may be such other local authority) which is specified in this behalf in the agreement—

(i) shall have the same powers to establish octroi limits and octroi stations and places for the collection of octroi, terminal tax and toll within the aggregate area as it has within the area ordinarily subject to its control;

(ii) shall have the same powers of collecting such octroi, tax or toll in the aggregate area and the provisions of any enactment in force relating to the levy of such octroi, tax or toll by it shall apply in the same manner as if the aggregate area were comprised within the area ordinarily subject to its control;”;

(ii) clause (c) shall be re-lettered as clause (b) and for clause (b) as so re-lettered, the following clause shall be substituted, namely:—

“(b) the total of the collection of such octroi, tax or toll made in the aggregate area and the costs thereby incurred shall be divided between the cantonment fund and the fund subject to the control of such other local authority, in such proportion, as may have been determined by the agreement.”

Amend-
ment of
section 46.

31. In section 46 of the principal Act, after the words “Central Government”, the words “or such officer or authority as may be authorised by the Central Government in this behalf” shall be inserted.

Amend-
ment of
section 47.

32. In section 47 of the principal Act, after the words “Central Government or the Officer Commanding-in-Chief, the Command”, the words “or the Director or such other officer or authority as may be authorised by the Central Government in this behalf” shall be inserted.

Amend-
ment of
section 48.

33. In section 48 of the principal Act, after the words “Officer Commanding-in-Chief, the Command”, the words “or the Director” shall be inserted.

Amend-
ment of
section 51.

34. In section 51 of the principal Act, in sub-section (1),—

(i) for the words “the health, welfare or discipline of the troops”, the words “the health, welfare, discipline or security of the Forces” shall be substituted;

(ii) for the word “District”, in both the places where it occurs, the word “Area” shall be substituted.

Insertion
of new
section
61 A.

35. After section 51 of the principal Act, the following section shall be inserted, namely:—

Power
of Cen-
tral Gov-
ernment
to review.

“51A. The Central Government may, at any time, review any decision or order of the Board or the Officer Commanding-in-Chief, the Command, and pass such orders thereon as it may deem fit:

Provided that where it is proposed to modify a decision or order of the Board, reasonable opportunity shall be given to the Board to show cause why the decision or order in question should not be modified.”.

36. In section 56 of the principal Act,—

(a) for the words “military or air force law”, in both the places where they occur, the words “Army, Navy or Air Force law” shall be substituted;

(b) for the words “one hundred rupees”, the words “five hundred rupees” shall be substituted.

37. In section 57 of the principal Act,—

(a) in clause (a), for the words “military or air force law”, the words “Army, Navy or Air Force law” shall be substituted;

(b) for the words “fifty rupees”, the words “two hundred and fifty rupees” shall be substituted;

(c) for the words “one hundred rupees”, the words “five hundred rupees” shall be substituted.

38. In section 58 of the principal Act,—

(a) in sub-sections (1) and (2), for the word “Magistrate”, the words “Judicial Magistrate” shall be substituted;

(b) in sub-section (4), for the words and figures “Chapter XLIII of the Code of Criminal Procedure, 1898”, the words and figures “Chapter XXXIV of the Code of Criminal Procedure, 1973” shall be substituted.

39. In section 60 of the principal Act, in sub-section (2), after the words “Official Gazette”, the words “or where any later date is specified in this behalf in the notification, from such later date” shall be inserted.

40. In section 62 of the principal Act,—

(a) in sub-section (1), for the words “any objection”, the words “such objection” shall be substituted;

(b) for sub-sections (2) and (3), the following sub-section shall be substituted, namely:—

“(2) Unless the Board decides to abandon its proposals contained in the notice published under section 61, it shall submit to the Central Government through the Officer Commanding-in-Chief, the Command, all such proposals along with the objections, if any, received in connection therewith together with its opinion thereon and any modifications proposed in accordance with such opinion and the notice published under the said section.”.

41. After section 63 of the principal Act, the following section shall be inserted, namely:—

“63A. (1) Where the Central Government is of opinion that for securing adequate financial provision for the efficient discharge of the duties and functions of a Board it is necessary so to do, it may issue directions to the Board requiring it to impose within the cantonment area any tax specified in the direction which it is empowered under this Act to impose and which is not already imposed within the said area or to enhance any existing tax in such manner or to such extent as the Central Government considers

Amend-
ment of
section 56.

Amend-
ment of
section 57.

Amend-
ment of
section 58.

Amend-
ment of
section 60.

Amend-
ment of
section 62.

Insertion
of new
section
63A.

Power of
Central
Govern-
ment to
issue
directions
to the
Board.

fit and the Board shall, in accordance with the direction, forthwith impose or enhance such tax in accordance with the provisions of this Chapter:

Provided that—

(a) no such directions shall be issued without giving the Board and the inhabitants of the cantonment area, an opportunity of showing cause why such directions should not be issued;

(b) the Central Government shall take into consideration any objection which the Board or any inhabitant of the cantonment area may make against the imposition or enhancement of such tax;

(c) it shall not be lawful for the Board to modify or abolish such tax when imposed or enhanced without the sanction of the Central Government.

(2) The Central Government may, at any time, cancel or modify any direction issued by it under sub-section (1) with effect from such date as may be specified in the direction and on and from the date so specified the imposition or enhancement of such tax, shall cease or be modified accordingly.”.

Amend-
ment of
section 65.

42. In section 65 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) The liability of the several owners of any building which is, or purports to be, severally owned in parts or flats or rooms or separate tenements for the payment of such tax or any instalment thereof payable during the period of such ownership shall be joint and several.”.

Amend-
ment of
section 66.

43. In section 66 of the principal Act,—

(a) for the word “Board”, the words “Executive Officer” shall be substituted;

(b) for the words “in such form”, the words “in such form and in such manner” shall be substituted.

Amend-
ment of
section 67.

44. In section 67 of the principal Act, for the word “Board”, the words “Executive Officer” shall be substituted.

Amend-
ment of
section 68.

45. In section 68 of the principal Act,—

(a) in sub-section (1),—

(i) for the word “Board”, the words “Executive Officer” shall be substituted;

(ii) for the words “when it will proceed”, the words “when the Board will proceed” shall be substituted;

(iii) for the words “it shall also give”, the words “the Executive Officer shall also give” shall be substituted;

(b) in sub-section (2), for the word “Board”, in both the places where it occurs, the words “Executive Officer” shall be substituted.

Amend-
ment of
section 72.

46. In section 72 of the principal Act, for the word “Board”, the words “Executive Officer” shall be substituted.

Amend-
ment of
section 74.

47. In section 74 of the principal Act, in sub-section (2), for the words “fifty rupees” the words “two hundred and fifty rupees” shall be substituted.

48. In section 75 of the principal Act, after the words "as it thinks fit", the following words shall be inserted, namely:—

"but no remission or refund shall take effect in respect of any period commencing more than two months before the delivery of such application".

Amend-
ment of
section 75.

49. In sections 76 and 77 of the principal Act, for the words "such portion of any tax", wherever they occur, the words "one-half of such portion of any tax" shall be substituted.

Amend-
ment of
sections
76 and 77.

50. In section 77A of the principal Act, for the word "Board", the words "Executive Officer" shall be substituted.

Amend-
ment of
section
77A.

51. In section 79 of the principal Act, in sub-section (2), for the words "fifty rupees", the words "two hundred and fifty rupees" shall be substituted.

Amend-
ment of
section 79.

52. In section 82 of the principal Act,—

Amend-
ment of
section 82.

(a) in sub-section (1), for the words "fifty rupees", the words "two hundred and fifty rupees" shall be substituted;

(b) in sub-section (3), for the word "Board", the words "Executive Officer" shall be substituted;

(c) in sub-section (5), for the words "to the Board", the words "to the Executive Officer" shall be substituted.

53. In section 83 of the principal Act, in the proviso, for the word "Board", the words "Executive Officer" shall be substituted.

Amend-
ment of
section 83.

54. In section 84 of the principal Act,—

Amend-
ment of
section 84.

(a) for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

"(1) An appeal against the assessment or levy of, or against the refusal to refund, any tax under this Act shall lie to the District Court.

(2) If the District Court, on the hearing of an appeal under this section, entertains reasonable doubt on any question as to the liability to, or the principle of assessment of, a tax, the Court may, either on its own motion or on the application of the appellant, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer the statement with its opinion on the point for the decision of the High Court.";

(b) after sub-section (3), the following *Explanation* shall be inserted, namely:—

Explanation.—For the purposes of this section and section 85, section 86, section 87, section 88 and section 92A, "District Court", in relation to a cantonment, means the principal Civil Court of original jurisdiction having jurisdiction over the area in which that cantonment is situated, and includes such other Civil Court having jurisdiction over that area, as the Central Government may, by notification in the Official Gazette, specify in this behalf, in consultation with the High Court having jurisdiction over that area.

Amend-
ment of
section 85.

55. In section 85 of the principal Act, for the words "discretion of the officer", the words "discretion of the District Court" shall be substituted.

Amend-
ment of
section 86.

56. Section 86 of the principal Act shall be renumbered as sub-section (1) thereof, and—

(i) in sub-section (1) as so renumbered, for the words "the officer", the words "the District Court" shall be substituted;

(ii) after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) Where the appellant fails to pay any costs awarded to the Board within ten days after the date of the order for payment thereof, the same shall be recoverable by the Board in the same manner as moneys recoverable by the Board under section 259."

Amend-
ment of
section 87.

57. In section 87 of the principal Act, in the proviso to clause (a), for the word "court", the words "District Court" shall be substituted.

Amend-
ment of
section 88.

58. In section 88 of the principal Act, for the words "appellate authority", wherever they occur, the words "District Court" shall be substituted.

Amend-
ment of
section 91.

59. In section 91 of the principal Act, in sub-section (2), for the words "one rupee", the words "two rupees" shall be substituted.

Amend-
ment of
section 92.

60. In section 92 of the principal Act, in sub-section (1),—

(a) after the words "by distress and sale of the movable property", the words ", or attachment and sale of the immovable property" shall be inserted;

(b) after the proviso, the following proviso shall be inserted, namely:—

"Provided further that the sale of any immovable property attached under this sub-section shall not be made, save under the orders of the Board."

Insertion
of new
section
92A.

61. After section 92 of the principal Act, the following section shall be inserted, namely:—

Interest
payable
on taxes
due.

92A. (1) If a person on whom a notice of demand has been served under section 91, does not, within thirty days from the service of such notice, pay the sum demanded in the notice, he shall be liable to pay by way of interest, in addition to the sum and other charges due,—

"(a) one-half per cent. of the sum due for each complete month for the first six months, from the date of the expiry of the period of thirty days aforesaid; and

(b) one per cent. of the sum due for each complete month thereafter, during the time he continues to make default in the payment of the sum due.

(2) The amount of interest shall be recoverable in the same manner as moneys recoverable by the Board under section 259:

Provided that—

(a) where no appeal has been preferred, the Executive Officer with the previous sanction of the Board, and

(b) in any other case, the District Court hearing the appeal under section 84,

may remit the whole or any part of the interest payable in respect of any period.”.

62. In section 94 of the principal Act,—

(a) in sub-section (3),—

(i) for the words “from whose possession the property was taken”, the words “whose property has been sold or his legal representative” shall be substituted;

(ii) after the words “such person”, the words “or representative” shall be inserted;

(b) in sub-section (4), for the words “one rupee”, the words “two rupees” shall be substituted.

63. After section 94 of the principal Act, the following section shall be inserted, namely:—

Amend-
ment of
section 94.

Insertion
of new
section
94A.

Attach-
ment and
sale of
immov-
able pro-
perty.

“94A. (1) When a warrant is issued for the attachment and sale of immovable property, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge, and declaring that such property would be sold unless the amount of tax due with all costs of recovery is paid in the office of the Board within fifteen days from the date of attachment.

(2) An order under sub-section (1) shall be proclaimed at some place on or adjacent to such property by beat of drum or other customary mode and a copy of the order shall be fixed on a conspicuous part of the property and upon a conspicuous part of the office of the Board and also, when the property is laid paying revenue to the Government, in the office of the Collector.

(3) Any transfer of or charge on the property attached or any interest thereon made without the written permission of the Executive Officer shall be void as against all claims of the Board enforceable under the attachment.

(4) Where the sum due to the Board together with the cost incurred by the Board in the sale of the property, and a sum equal to five percent of the purchase money for payment to the purchaser is paid by the defaulter, before the confirmation of the sale under sub-section (5), the attachment, if any, of the immovable property shall be deemed to have been removed.

(5) After the sale of the property by auction as aforesaid, it shall be confirmed in writing by the Executive Officer who shall put the person declared to be the purchaser in possession of the same and shall grant him a certificate to the effect that he has purchased the property to which the certificate refers.

(6) The Central Government may make rules for—

- (a) regulating the manner of execution of warrants for the attachment and sale of immovable property;
- (b) charging of fees for the attachment and sale of immovable property, to be included in the cost of recovery of the tax due;
- (c) summary determination of any claim made by any person other than the person liable for the payment of any tax, in respect of any property attached in execution of warrant under this section.”.

Amend-
ment of
section 95.

64. In section 95 of the principal Act,—

(a) in sub-section (1),—

(i) for the words “remove from the cantonment”, the words “move from the cantonment” shall be substituted;

(ii) for the words “a bill”, the words “a notice of demand” shall be substituted;

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) If, on the service of such notice, such person does not forthwith pay the sum so due or about to become due, the amount shall be leviable by distress and sale of movable property or attachment and sale of immovable property in the manner hereinbefore provided in this Chapter, and the warrant of such distress and sale or attachment and sale may be issued and executed without any delay.”.

Amend-
ment of
section 96.

65. In section 96 of the principal Act, for the words “distress and sale”, the words “distress and sale of movable property or attachment and sale of immovable property” shall be substituted.

Amend-
ment of
section 99.

66. In section 99 of the principal Act, in sub-section (2), for clause (f), the following clause shall be substituted, namely:—

“(f) any buildings or lands, or portion of such buildings or lands, which are the property of the Government.”.

Amend-
ment of
section
102.

67. In section 102 of the principal Act, in the proviso, for the words “fifty rupees”, the words “two hundred and fifty rupees” shall be substituted.

Amend-
ment of
section
103.

68. In section 103 of the principal Act,—

(a) in sub-section (1), in clause (a), for the words “to pay any tax”, the words “to pay, or has correctly paid, any tax” shall be substituted;

(b) in sub-section (2), for the words "one hundred rupees", the words "five hundred rupees" shall be substituted.

69. In section 105 of the principal Act,—

(a) for the words "distress levied", the words "distress levied or attachment made" shall be substituted;

(b) for the words "warrant of distress", the words "warrant of distress or attachment and sale" shall be substituted.

Amend-
ment of
section
105.

70. In section 107 of the principal Act,—

(a) for sub-sections (1) and (2), the following sub-section shall be substituted, namely:—

(1) Where in or near a cantonment there is a Government treasury or sub-treasury or a branch of the State Bank of India or a subsidiary bank or a nationalised bank, the cantonment fund shall be kept in such treasury, sub-treasury or bank as the Board may deem fit.

Amend-
ment of
section
107.

*Explanation.—*In this section,—

(i) "nationalised bank" means a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 or the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980;

(ii) "State Bank of India" means the State Bank of India constituted under the State Bank of India Act, 1955;

(iii) "subsidiary bank" means a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959;—

(b) sub-sections (3) and (4) shall be renumbered respectively as sub-sections (2) and (3), and in sub-section (3), as so renumbered, for the word, brackets and figure "sub-section (3)", the word, brackets and figure "sub-section (2)" shall be substituted.

71. In section 109 of the principal Act, in the second proviso, clause (a) shall be omitted.

Amend-
ment of
section
109.

72. In section 113 of the principal Act, in sub-section (1), in clause (b), for the words "two hundred rupees" the words "one thousand rupees" shall be substituted.

Amend-
ment of
section
113.

73. In section 114 of the principal Act, in sub-section (1),—

(a) for the words "one hundred rupees", the words "five hundred rupees" shall be substituted;

(b) in the proviso, for the words "five hundred rupees", the words "two thousand and five hundred rupees" shall be substituted.

Amend-
ment of
section
114.

74. In section 116 of the principal Act,—

(a) in clause (h), after the words "sewerage works", the words "and regulating their use" shall be inserted;

Amend-
ment of
section
116.

(b) in clause (l), for the word "vaccination", the words "vaccination and inoculation" shall be substituted;

(c) in clause (p), the word "and" occurring at the end shall be omitted;

(d) after clause (p), the following clauses shall be inserted, namely:—

"(pa) establishing and maintaining civil defence services;

(pb) preparing and implementing town planning schemes;".

Amend-
ment of
section
117.

75. In section 117 of the principal Act, in sub-section (1),—

(a) in clause (g), for the words "local epidemics", the words "local epidemics, floods, famines or other natural calamities" shall be substituted;

(b) in clause (j), the word "or" occurring at the end shall be omitted;

(c) clause (k) shall be relettered as clause (t) and before clause (t) as so relettered, the following clauses shall be inserted, namely:—

"(k) establishing and maintaining cattle ponds;

(l) arranging for civic reception with prior approval of the Officer Commanding-in-Chief, the Command;

(m) providing housing accommodation for any class of inhabitants;

(n) establishing and maintaining or supporting public hospitals and dispensaries, and providing public medical relief;

(o) celebrating Independence Day and Republic Day and incurring expenditure thereon;

(p) developing land resources under the management of the Board;

(q) preparing and implementing group housing schemes;

(r) establishing remunerative projects;

(s) developing small-scale and cottage industries;".

Amend-
ment of
section
118.

76. In section 118 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (a),—

(a) in sub-clause (viii), for the word "carts", the word "vehicles" shall be substituted;

(b) in sub-clause (xv),—

(1) for the word "Board", in both the places where it occurs, the words "Executive Officer" shall be substituted;

(2) for the word "cart", in both the places where it occurs, the word "vehicle" shall be substituted;

(ii) in clauses (b) and (g), for the word "Board", the words "Executive Officer" shall be substituted;

(iii) in clause (h), after the word "shouting", the words "or by using megaphone or loud-speaker", shall be inserted;

(iv) in clause (k), for the words "Board and in such manner as it may authorise", the words "Executive Officer and in such manner as he may authorise" shall be substituted;

(v) in clause (l), the word "or" shall be inserted at the end;

(vi) after clause (l), the following clause shall be inserted, namely:—

"(m) uses or permits to be used without previous permission of Executive Officer any premises for any trade involving offensive smell or smoke;"

(vii) for the words "fifty rupees" occurring at the end, the words "two hundred and fifty rupees" shall be substituted;

(b) in sub-section (3), for the words "twenty rupees", the words "one hundred rupees" shall be substituted.

77. In section 119 of the principal Act,—

(a) in sub-section (2), in clause (a), for the word "unit", at both the places where it occurs, the words "unit or establishment or detachment" shall be substituted;

(b) in sub-section (3),—

(i) in the opening portion, for the words "A Board", the words "The Executive Officer" shall be substituted;

(ii) in clause (a), for the word "it", the word "he" shall be substituted.

Amend-
ment of
section
119.

78. In section 121 of the principal Act, in sub-section (2), in the proviso, for the words "that Authority", the word "it" shall be substituted.

Amend-
ment of
section
121.

79. In section 123 of the principal Act, in the proviso, the words ", subject to the permission in writing of the Board," shall be omitted.

Amend-
ment of
section
123.

80. In section 124 of the principal Act,—

(a) in sub-section (1),—

(i) for the words and figures "the Cinematograph Act, 1918", the words "any other law relating to sanctioning of cinematograph films for exhibition" shall be substituted;

(ii) for the words "or pantomime", the words "pantomime, circus, carnival, exhibition, dance or other similar show for public recreation or amusement," shall be substituted;

(b) in sub-section (2),—

(i) for the words "or pantomime", the words "pantomime, circus, carnival, exhibition, dance or other similar show for public recreation or amusement," shall be substituted;

(ii) for the words "two hundred rupees", the words "five hundred rupees" shall be substituted;

(iii) for the words "fifty rupees", the words "two hundred rupees" shall be substituted;

(c) in sub-section (3), for the words "or pantomime", in both the places where they occur, the words ", pantomime, circus, carnival, exhibition, dance or other similar show for public recreation or amusement," shall be substituted.

81. In section 125 of the principal Act,—

(a) for the words "or engages in any game in such manner as to cause", the words "or detonates or engages in any game or carries on works such as quarries, blasts, timber cutting or building operation in such manner as to cause" shall be substituted;

(b) for the words "fifty rupees", the words "two hundred and fifty rupees" shall be substituted.

82. In section 128 of the principal Act, for clauses (a), (b) and (c), the following clauses shall be substituted, namely:—

"(a) the Officer Commanding the army in the cantonment—all buildings and lands which are occupied or used for army purposes;

(b) the Officer Commanding the navy in the cantonment—all buildings and lands which are occupied or used for naval purposes;

(c) the Officer Commanding the air force in the cantonment—all buildings and lands which are occupied or used for air force purposes;

(d) the Officer Commanding the station in the Command—all buildings and lands occupied or used for any defence purpose, other than those referred to in clauses (a), (b) and (c);

(e) the head of any civil department or railway administration occupying as such any part of the cantonment—all buildings and lands in his charge as head of that department or administration".

83. After section 130 of the principal Act, the following section shall be inserted, namely:—

'130A. (1) It shall be the duty of an occupier of a building or land—

(a) to make adequate arrangements for the house-scavenging of the building or land;

(b) to provide receptacles of the type and in the manner prescribed by the Executive Officer for the collection therein of all filth, rubbish and other offensive matter from such building or land and to keep such receptacle in good condition and repair;

Amend.
ment of
section
125.

Amend.
ment of
section
128.

Insertion
of new
section
130A.

Duty of
occupier
to collect
and
deposit
rubbish,
etc.

(c) to clause all filth, rubbish and other offensive matter collected in receptacles and to be removed and deposited in the public receptacles, depots or places provided or appointed under sub-section (1) of section 132.

(2) For the purposes of this section and section 131, "house scavenging" means the removal of filth, rubbish or other offensive matter from a privy, latrine, urinal, drain, cesspool or other common receptacle for such matter.

84. In section 131 of the principal Act,—

(a) in sub-section (1),—

(i) for the words "the Board", the words "the Executive Officer" shall be substituted;

(ii) for the words "a Board", the words "the Executive Officer" shall be substituted;

(iii) for the words "for such period as it thinks fit on such terms as it may prescribe", the words "for such period as he thinks fit on such terms as he may specify" shall be substituted;

(b) in sub-section (2),—

(i) for the words "the Board", the words "the Executive Officer" shall be substituted;

(ii) for the words "that Board", the words "the Board" shall be substituted;

(c) sub-section (3) shall be omitted.

Amend-
ment of
section
131.

85. In section 132 of the principal Act, in sub-section (2), for the word "Board", the words "Executive Officer" shall be substituted.

Amend-
ment of
section
132.

86. In section 133 of the principal Act, in clause (a), in sub-clause (iv), the words "situate at not more than one hundred feet from the nearest boundary of the premises," shall be omitted.

Amend-
ment of
section
133.

87. In section 134 of the principal Act, in sub-section (2), after the words "the Command", the words "or the Director" shall be inserted.

Amend-
ment of
section
134.

88. In section 135 of the principal Act,—

(a) for the words "A Board", the words "the Executive Officer" shall be substituted;

(b) for the words "in its opinion", the words "in his opinion" shall be substituted.

Amend-
ment of
section
135.

89. In section 136 of the principal Act,—

(a) for the word "Board", in both the places where it occurs, the words "Executive Officer" shall be substituted;

(b) in the proviso, for the words and figures "Indian Factories Act, 1911", the words and figures "Factories Act, 1948" shall be substituted.

Amend-
ment of
section
136.

Amend-
ment of
section
139.

90. In section 139 of the principal Act, in sub-section (2),—

(a) for the words "fifty rupees", the words "two hundred and fifty rupees" shall be substituted;

(b) for the words "five rupees", the words "twenty-five rupees" shall be substituted.

Substitution
of new
section
for sec-
tion 141.

91. For section 141 of the principal Act, the following section shall be substituted, namely:—

Power
to require
land or
building
to be
cleansed.

"141. (1) If any building or land, whether tenantable or otherwise, is—

(i) in an insanitary, filthy or unwholesome state; or

(ii) in the opinion of the Executive Officer, a nuisance to persons residing in the neighbourhood; or

(iii) overgrown with prickly-pear or rank and noisome vegetation,

the Executive Officer may, by notice in writing, require the owner, lessee or occupier of such building or land to clean, lime-wash internally or externally, clear, or otherwise put such building or land in a proper state within such period as may be specified in the notice.

(2) Any person who fails to comply with the notice issued under sub-section (1) 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 twenty-five rupees for each day after the first during which the offence continues."

Amend-
ment of
section
143.

92. In section 143 of the principal Act,—

(a) for the words "A Board", the words "The Executive Officer" shall be substituted;

(b) for the words "to it", the words "to him" shall be substituted.

Amend-
ment of
section
145.

Substitu-
tion of
new
section
for sec-
tion 150

93. In section 145 of the principal Act, for the words "A Board", the words "The Executive Officer" shall be substituted.

94. For section 150 of the principal Act, the following section shall be substituted, namely:—

Obliga-
tion con-
cerning
infectious
or con-
tagious
diseases.

"150. (1) Any person being in charge of, or in attendance, whether as a medical practitioner or otherwise, upon any person in a cantonment whom he knows or has reason to believe to be suffering from a contagious or infectious disease, or being the owner, lessee or occupier of any building in a cantonment in which he knows that any person is so suffering, shall, forthwith give information to the Board respecting the existence of such disease.

(2) No person shall—

(a) knowing that he is suffering from a contagious or an infectious disease, expose other persons to the risk of infection by his presence or conduct in any public street or public place;

(b) having the care of a person whom he knows to be suffering from a contagious or an infectious disease cause or permit that person to expose other persons to the risk of infection by his presence or conduct in any such street or place as aforesaid;

(c) place or cause to be placed in a dustbin or other receptacle for the deposit of rubbish any matter which he knows or has reason to believe to have been exposed to infection from a contagious or an infectious disease and which has not been disinfected properly;

(d) throw or cause to be thrown into any latrine or urinal any matter which he knows or has reason to believe to have been exposed to infection from a contagious or an infectious disease and which has not been disinfected properly.

(3) Nothing contained in sub-section (1) or sub-section (2) shall apply in the case of venereal disease where the person suffering therefrom is under specific and adequate medical treatment and is by reason of his habits and conditions of life and residence unlikely to spread the disease.

(4) Whoever—

(a) fails to give information or gives false information to the Board respecting the existence of such disease as is referred to in sub-section (1), or

(b) contravenes the provisions of sub-section (2), shall be punishable with fine which may extend to five hundred rupees:

Provided that no person shall be punishable for failure to give information if he had reasonable cause to believe that the information had already been duly given.”

95. In section 159 of the principal Act, for the words “one hundred rupees”, the words “five hundred rupees” shall be substituted.

Amend-
ment of
section
159.

96. In section 164 of the principal Act, in sub-section (1), for the word “Board”, the words “Executive Officer” shall be substituted.

Amend-
ment of
section
164.

97. In section 167 of the principal Act, for the words “one hundred rupees”, the words “five hundred rupees” shall be substituted.

Amend-
ment of
section
167.

98. In section 173 of the principal Act, the proviso shall be omitted.

Amend-
ment of
section
173.

Amendment of section 178.

99. In section 178 of the principal Act,—

(a) in sub-section (1), for the word "sweeper", the word "safaiwala" shall be substituted;

(b) in sub-section (3), for the words "sweeper" includes any menial servant, the words "safaiwala" includes any lower grade employee shall be substituted.

100. For section 178A of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 178A.

Sanction for building.

"178A. No person shall erect or re-erect a building on any land in a cantonment—

(a) in an area, other than the civil area, except with the previous sanction of the Board;

(b) in a civil area, except with the previous sanction of the Executive Officer,

nor otherwise than in accordance with the provisions of this Chapter and of the rules and bye-laws made under this Act relating to the erection and re-erection of buildings.”

101. In section 179 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Whoever intends to erect or re-erect any building in a cantonment shall apply for sanction by giving notice in writing of his intention,—

(a) where such erection or re-erection is in an area, other than the civil area, to the Board;

(b) where such erection or re-erection is in a civil area, to the Executive Officer.”;

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

"(ee) converts into a dispensary, stall, shop, warehouse, godown, factory or garage any building originally constructed for human habitation, or”.

Amendment of section 180.

102. In section 180 of the principal Act, in sub-section (2), for the word "Board", the words "Board or the Executive Officer, as the case may be," shall be substituted.

Insertion of new section 180A.

Powers of Board under certain sections exercisable by Executive Officer.

103. After section 180 of the principal Act, the following section shall be inserted, namely:—

"180A. The powers, duties and functions of the Board under section 181, sub-section (1) of section 182, section 183, section 183A and section 185 [excluding the provisos to sub-section (1) and the proviso to sub-section (2) of the said section 185] shall be exercised or discharged in a civil area by the Executive Officer.”.

104. In section 181 of the principal Act,—

(a) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The Board may refuse to sanction the erection or re-erection of any building on any grounds sufficient in the opinion of the Board affecting the particular building:

Provided that the Board shall refuse to accord sanction the erection or re-erection of any building if such erection or re-erection is not in conformity with any general scheme sanctioned under section 181A.”;

(b) in sub-section (3), for the words “Military Estates Officer” wherever they occur, the words “Defence Estates Officer” shall be substituted;

(c) in sub-section (4), after clause (a), the following clause shall be inserted, namely:—

“(aa) when the land on which it is proposed to erect or re-erect the building is entrusted to the management of the Board by the Government if the erection or re-erection constitutes a breach of the terms of the entrustment of management or contravenes any of the instructions issued by the Government regarding the management of the land by the Board, or”.

105. After section 181 of the principal Act, the following section shall be inserted, namely:—

“181A. The Officer Commanding-in-Chief, the Command may sanction a general scheme of erection or re-erection of buildings within such limits as may be specified in the sanction for the prevention of over-crowding or for purpose of sanitation, or in the interest of persons residing within those limits or for any other purpose, and may, in pursuance of such scheme, impose restrictions on the erection or re-erection of buildings within those limits:

Provided that no such scheme shall be sanctioned by the Officer Commanding-in-Chief, the Command, unless an opportunity has been given by a public notice to be published locally by the Executive Officer requiring persons affected or likely to be affected by the proposed scheme, to file their objections or suggestions in the manner specified in the notice, within a period of fifteen days of the publication of such notice, and after considering such objections and suggestions, if any, received by the Executive Officer within the said period.”.

106. After section 183A of the principal Act, the following section shall be inserted, namely:—

“183B. Every person to whom sanction for the erection or re-erection of any building in any area in a cantonment has been given or deemed to have been given under section 181 by the Board or the Executive Officer, as the case may be, shall, within thirty days after completion of the erection or re-erection of the building give a notice

Amend-
ment of
section
181.

Insertion
of new
section
181A.

Power to
sanction
general
scheme
for pre-
vention
of over-
crowding,
etc.

Insertion
of new
section
183B.

Comple-
tion
notice.

of completion in writing to the Board or the Executive Officer, as the case may be, and the Board or the Executive Officer shall on receipt of such notice cause the building to be inspected in order to ensure that the building has been completed in accordance with the sanction given by the Board or the Executive Officer, as the case may be.”.

Amend-
ment of
section
184.

107. In section 184 of the principal Act, for the words “five hundred rupees”, the words “five thousand rupees” shall be substituted.

Amend-
ment of
section
186.

108. In section 186 of the principal Act,—

(a) in clause (a), for the word “Board”, the words “Board or the Executive Officer, as the case may be,” shall be substituted;

(b) after clause (a), as so amended, the following clause shall be inserted, namely:—

“(aa) the manner in which and the form in which a notice of completion of erection or re-erection of any building in the cantonment shall be given to the Board or the Executive Officer, as the case may be, and the information and plans to be furnished with the notice;”;

(c) in clause (f),—

(i) in sub-clause (iv), for the word “fire-places”, the words “stair-cases, fire-places” shall be substituted;

(ii) in sub-clause (vi), for the words “and the stability of the structure”, the words “, the stability of the structure and the protection of building from dampness arising from sub-soil” shall be substituted;

(iii) in sub-clause (x), for the words “fifty maunds”, the words “eighteen quintals” shall be substituted.

Amend-
ment of
section
190.

109. In section 190 of the principal Act, for the words “A Board”, the words “The Executive Officer” shall be substituted.

Amend-
ment of
section
191.

110. Section 191 of the principal Act shall be renumbered as sub-section (1) thereof, and—

(a) in sub-section (1), as so renumbered,—

(i) for the words “A Board”, the words “The Executive Officer” shall be substituted;

(ii) for the words “as it may prescribe”, the words “as the Board may prescribe” shall be substituted;

(b) after sub-section (1), as so renumbered, the following sub-section shall be inserted, namely:—

“(2) Where any article or thing is placed on any street or land under the management of the Board or the Defence Estates Officer so as to form an obstruction thereto or any encroachment thereon, the Executive Officer or, as the case may be, the Defence Estates Officer, may cause such article or thing to be removed and recover from the person who placed such article

or thing the expenses incurred in that behalf in the same manner as moneys recoverable by the Board under section 259 and may also, if such person fails to offer satisfactory explanation, order the confiscation of such article or thing.”.

111. In section 192 of the principal Act,—

(a) in sub-section (1), after the words “Officer Commanding-in-Chief, the Command”, the words “or the Director” shall be inserted;

(b) in sub-section (2), for the words “A Board”, the words “The Executive Officer” shall be substituted.

Amend-
ment of
section
192.

112. In section 193 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) A Board may determine the name or number by which any area, street or public place in the cantonment shall be known, may cause such name or number to be affixed on any building in the cantonment in such place as it thinks fit and may also cause a number to be affixed to any such building.”;

(b) in sub-section (2), for the words “twenty rupees”, the words “one hundred rupees” shall be substituted;

(c) in sub-section (3),—

(i) for the word “number” at both the places where it occurs, the words “name or number” shall be substituted;

(ii) for the word “Board”, the words “Executive Officer” shall be substituted.

Amend-
ment of
section
193.

113. In section 194 of the principal Act,—

(a) in sub-section (1), for the word “Board”, the words “Executive Officer” shall be substituted;

(b) in sub-section (2),—

(i) in the opening portion, for the words “A Board”, the words “The Executive Officer” shall be substituted;

(ii) in the proviso, for the words “orders of the Board”, the words “orders of the Executive Officer” shall be substituted;

(c) in sub-section (3), for the word “Board”, the words “Executive Officer” shall be substituted.

Amend-
ment of
section
194.

114. In section 196 of the principal Act,—

(a) for the words “twenty rupees”, the words “two hundred and fifty rupees” shall be substituted;

(b) for the words “five rupees”, the words “fifty rupees” shall be substituted.

Amend-
ment of
section
196.

115. In section 200 of the principal Act,—

(a) in the proviso, after the words “General Officer Commanding-in-Chief of the Command”, the words “or the Director” shall be inserted;

Amend-
ment of
section
200.

(b) after the proviso, as so amended, the following further proviso shall be inserted, namely:—

“Provided further that the enjoyment of any such aforesaid right by any person for any length of time shall never be deemed to create or confer any tenancy right in such stall, shop, standing, shed, pan, public market or public slaughter-house.”

Amend-
ment of
section
202.

116. In section 202 of the principal Act,—

(a) in sub-section (2), in clause (b), the words “when such animals are slaughtered for consumption by the troops or for the purpose of the sale of the flesh thereof to the troops” shall be omitted;

(b) in sub-section (3),—

(i) for the words “fifty rupees”, the words “two hundred and fifty rupees” shall be substituted;

(ii) for the words “ten rupees”, the words “fifty rupees” shall be substituted.

117. In section 204 of the principal Act, in sub-section (1),—

(a) for the words “fifty rupees”, the words “two hundred and fifty rupees” shall be substituted;

(b) for the words “five rupees”, the words “twenty-five rupees” shall be substituted.

Amend-
ment of
section
205.

118. In section 205 of the principal Act,—

(a) for the words “fifty rupees”, the words “two hundred and fifty rupees” shall be substituted;

(b) for the words “five rupees”, the words “twenty-five rupees” shall be substituted.

Amend-
ment of
section
207.

119. In section 207 of the principal Act, in sub-section (1), for the words “the President of the Board,”, the words “the President of the Board or the Executive Officer” shall be substituted.

Amend-
ment of
section
208.

120. In section 208 of the principal Act,—

(a) in clause (f), the word “and” occurring at the end shall be omitted;

(b) after clause (g), the following clause shall be inserted, namely:—

“(h) any other matter with respect to the regulation of such markets and slaughter-houses.”

Amend-
ment of
section
209.

121. In section 209 of the principal Act, in sub-section (3), for the words “twenty rupees”, the words “one hundred rupees” shall be substituted.

Amend-
ment of
section
210.

122. In section 210 of the principal Act,—

(a) in sub-section (1),—

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

“(ia) vendors of spirituous liquor;”;

(ii) in clause (q), the word "and" occurring at the end shall be omitted;

(iii) after clause (r), the following clause shall be inserted, namely:—

"(s) any other persons carrying on such other trade, calling or occupation as the Central Government may, by notification in the Official Gazette, specify in this behalf;"

(b) in sub-section (2), for the words "are unsuitable", the words "are unfit or unsuitable" shall be substituted;

(c) in sub-section (3), in clause (b), for the words and figures "Indian Petroleum Act, 1899", the words and figures "Petroleum Act, 1934" shall be substituted;

(d) in sub-section (4), for the words "such fees not exceeding the cost of granting the licences", the words "such reasonable fees" shall be substituted.

123. In section 213 of the principal Act,—

(a) for the words "two hundred rupees", the words "five hundred rupees" shall be substituted;

(b) for the words "forty rupees", the words "fifty rupees" shall be substituted.

Amend-
ment of
section
213.

124. In section 214 of the principal Act, for the words "fifty rupees", the words "two hundred rupees" shall be substituted.

Amend-
ment of
section
214.

125. In section 215 of the principal Act, in sub-section (4), for the words "one hundred rupees", the words "five hundred rupees" shall be substituted.

Amend-
ment of
section
215.

126. In section 216 of the principal Act,—

(a) in sub-section (1),—

(i) for the words "of the Board", the words "of the Executive Officer" shall be substituted;

(ii) the following proviso shall be added, namely:—

"Provided that the Executive Officer shall not grant such permission unless recommended by the Health Officer."

(b) in sub-section (3), for the words "fifty rupees", the words "two hundred and fifty rupees" shall be substituted.

Amend-
ment of
section
216.

127. In section 219 of the principal Act, for the word "Board", wherever it occurs, other than in the proviso, the words "Executive Officer" shall be substituted.

Amend-
ment of
section
219.

128. In section 221 of the principal Act, for the word "Board", in both the places where it occurs, the words "Executive Officer" shall be substituted.

Amend-
ment of
section
221.

129. In section 224 of the principal Act,—

(a) in clause (a), for the words "as the Board may appoint", the words "as the Executive Officer may appoint" shall be substituted;

Amend-
ment of
section
224.

Amend-
ment of
section
226.

Amend-
ment of
section
230.

Amend-
ment of
section
231.

Amend-
ment of
section
232.

Amend-
ment of
section
236.

Amend-
ment of
section
238.

Amend-
ment of
section
239.

(b) in clause (b), for the words "authorised by it", the words "authorised by him" shall be substituted;

(c) in clause (c),—

(i) for the word "Board", at the first place where it occurs, the words "Executive Officer" shall be substituted;

(ii) in sub-clause (v), for the words "by the Executive Officer", the words "by any other officer or servant of the Board authorised by the Executive Officer in writing in this behalf" shall be substituted.

130. In section 226 of the principal Act, for the words "fifty rupees", the words "two hundred and fifty rupees" shall be substituted.

131. In section 230 of the principal Act,—

(a) for the words "A Board", the words "The Executive Officer" shall be substituted;

(b) for the words "testing the quantity of any water, or the quantity or quality of any gas", the words "measuring the quantity of any water or gas or testing the quality thereof" shall be substituted.

132. In section 231 of the principal Act, for the words "to the satisfaction of the Board", the words "to the satisfaction of the Executive Officer" shall be substituted.

133. In section 232 of the principal Act, for the words "for testing the quantity or quality thereof", the words "for measuring the quantity, or testing the quality thereof" shall be substituted.

134. In section 236 of the principal Act,—

(a) In sub-section (1), for the words "two hundred rupees", the words "five hundred rupees" shall be substituted;

(b) in sub-section (2), before the words "or Air Force", the word "Naval" shall be inserted.

135. In section 238 of the principal Act,—

(a) in sub-section (1),—

(i) in the opening portion, for the words "Magistrate of the first class", the words "Judicial Magistrate of the first class" shall be substituted;

(ii) clause (c) shall be omitted;

(iii) in clause (d), for the words and figures "Code of Criminal Procedure, 1898", the words and figures "Code of Criminal Procedure, 1973" shall be substituted;

(b) in sub-section (3), for the words "so directs", the words "so agrees" shall be substituted.

136. In section 239 of the principal Act, in sub-section (1), for the words "Armed Forces of the Union", the word "Forces" shall be substituted.

137. In section 240 of the principal Act,—

(a) for the words "two hundred rupees", the words "five hundred rupees" shall be substituted;

Amend-
ment of
section
240.

(b) for the words "twenty rupees", the words "fifty rupees" shall be substituted.

138. In section 241 of the principal Act, for the words "authorised by the Health Officer", the words "authorised by the Executive Officer or the Health Officer" shall be substituted.

Amend-
ment of
section
241.

139. In section 243 of the principal Act, in sub-sections (1) and (2), after the word "Board", the words "or the Executive Officer" shall be inserted.

Amend-
ment of
section
243.

140. In section 247 of the principal Act, for the proviso, the following proviso shall be substituted, namely:—

Amend-
ment of
section
247.

"Provided that no such notice shall be necessary if the place to be inspected is a factory or workshop or trade premises or a place used for carrying on any trade, calling or occupation specified in section 210 or a stable for horses or a shed for cattle or a latrine, privy or urinal or a work under construction, or for the purpose of ascertaining whether any animal intended for human food is slaughtered in that place in contravention of this Act or any bye-law made thereunder."

141. In section 249 of the principal Act,—

Amend-
ment of
section
249.

(a) for the words "employed by a Board", the words "acting on behalf of the Board" shall be substituted;

(b) for the words "one hundred rupees", the words "five hundred rupees" shall be substituted.

142. In section 250 of the principal Act, in the proviso, in clause (b), in sub-clause (ii), before the words "or Air Force", the word ", Naval" shall be inserted.

Amend-
ment of
section
250.

143. In section 251 of the principal Act, for the words "commission of any offence", the words "commission of, or attempt to commit, any offence" shall be substituted.

Amend-
ment of
section
251.

144. Section 253 of the principal Act shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-sections shall be inserted, namely:—

Amend-
ment of
section
253.

(2) Whenever under this Act or any rule or bye-law made thereunder the doing of, or the omission to do, anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of the Board, a written document signed by any officer or member specified in sub-section (1) purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence thereof.

(3) Every licence, written permission, notice, bill, summons or other document which is required by this Act or any rule or bye-law made thereunder to bear the signature of the President, Vice-

President or Executive Officer, or of any such member of any committee as has been specially authorised by the Board in this behalf shall be deemed to be properly signed if it bears facsimile of the signature of any such officer or member, as the case may be, stamped thereon.”.

Amend-
ment of
section
256.

145. In section 256 of the principal Act,—

(a) after the words “lawful for the Board”, the words “or the civil area committee or the Executive Officer at whose instance the notice, order or requisition has been issued” shall be inserted;

(b) for the words “recoverable by the Board”, the following shall be substituted, namely:—

“recoverable by the Executive Officer on demand, and if not paid within ten days after such demand, shall be recoverable in the same manner as moneys recoverable by the Board under section 259:

Provided that where the action or step relates to the demolition of any erection or re-erection under section 185 or the removal of any projection or encroachment under section 187, the Board or the civil area committee or the Executive Officer may request any police officer to render such assistance as considered necessary for the lawful exercise of any power in this regard and it shall be the duty of such police officer to render forthwith such assistance on such requisition.”.

Insertion
of new
section
256A.

Occupier
not
to
obstruct
owner
when
comply-
ing with
notice,

146. After section 256 of the principal Act and before the heading “Recovery of money”, the following section shall be inserted, namely:—

“256A. If the owner of any property in respect of which a notice as is referred to in section 256 has been given is prevented by the occupier from complying with such notice, the Board or the civil area committee or the Executive Officer at whose instance such notice has been given, may, by order, require the said occupier to permit the owner within eight days from the date of service of such notice to take all such action as may be necessary to comply with the said notice and such owner shall, for the period during which he is prevented as aforesaid, be exempt from any fine or penalty to which he might otherwise have become liable by reason of non-compliance with such notice.”.

Amend-
ment of
section
257.

147. In section 257 of the principal Act, in sub-section (1),—

(a) after the words “the Board”, the words “or the civil area committee or the Executive Officer at whose instance such notice has been issued” shall be inserted;

(b) for the words “pay to it”, the words “pay to it or him” shall be substituted;

(c) for the proviso, the following proviso shall be substituted, namely:—

“Provided that, if the occupier, on application made to him by the Board or the civil area committee or the Executive Officer at whose instance such notice has been issued, refuses

truly to disclose the amount of his rent or the name or address of the person to whom it is payable, the Executive Officer may recover from the occupier the whole amount recoverable under section 256 in the same manner as moneys recoverable by the Board under section 259.”.

148. In section 259 of the principal Act,—

Amend-
ment of
section
259.

(a) in sub-section (1),—

(i) for the words “rent on land and buildings and any other money recoverable by a Board or a Military Estates Officer”, the words “and any other money recoverable, including rent on land and buildings due under leases or licences executed by or in favour of a Board or the Defence Estates Officer,” shall be substituted;

(ii) for the word “Magistrate”, the words “Judicial Magistrate” shall be substituted;

(iii) for the words “by the distress and sale of any movable property of, or standing timber, or growing crops belonging to, such person which is within the limits of such Magistrate’s jurisdiction”, the words “either by the distress and sale of movable property of such person, or by the attachment and sale of immovable property of that person, which is within the limits of the jurisdiction of such Judicial Magistrate, or by both these methods” shall be substituted;

(b) in sub-section (2),—

(i) for the word “Magistrate”, the words “Judicial Magistrate” shall be substituted;

(ii) for the words “Military Estates Officer”, the words “Defence Estates Officer” shall be substituted;

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Upon receiving the application, the Judicial Magistrate referred to in sub-section (1) may take action for the recovery of the amount of tax, rent or money from the person specified in the application as if such amount were a fine recoverable under a sentence passed by him and the provisions of sections 421 and 422 of the Code of Criminal Procedure, 1973, shall, so far as may be, apply to the recovery of such amount:

Provided that the recovery of no such amount shall be made by the arrest or detention in prison of the said person.”.

2 of 1974.

149. In section 266 of the principal Act, sub-section (2) shall be omitted.

Amend-
ment of
section
266.

150. In section 268 of the principal Act,—

Amend-
ment of
section
268.

(a) for the words “two hundred rupees”, the words “five hundred rupees” shall be substituted;

(b) for the words “twenty rupees”, the words “fifty rupees” shall be substituted;

Insertion
of new
section
268A.

Offences
by com-
panies.

151. After section 268 of the principal Act, the following section shall be inserted, namely:—

268A. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render 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 Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall 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.

Substitu-
tion
of new
section
for sec-
tion
269.

Cancella-
tion or
suspen-
sion of
licences,
etc.

152. For section 269 of the principal Act, the following section shall be substituted, namely:—

269. Where any person to whom a licence or written permission has been granted under this Act or any agent or servant of such person commits a breach of any of the conditions thereof, or of any bye-law made under this Act for the purpose of regulating the manner or circumstances in, or the conditions subject to, which anything permitted by such licence or written permission is to be or may be done, or where the Board or the civil area committee, as the case may be, is satisfied that such licence or written permission has been secured by the holder through misrepresentation or fraud, the Board or the civil area committee, as the case may be, may, without prejudice to any other penalty which may have been incurred under this Act, by order in writing, cancel the licence or written permission or suspend it for such period as it thinks fit:

Provided that no such order shall be made unless an opportunity has been given to the holder of the licence or written permission to show cause why it should not be made.”

2 of 1974.

153. In section 270 of the principal Act,—

(a) for the words "by the Magistrate", the words "by the Judicial Magistrate" shall be substituted;

(b) for the words "by distress and sale of the movable property of such person, and the Magistrate shall issue a warrant for its recovery accordingly", the words "either by the distress and sale of the movable property of such person, or by the attachment and sale of the immovable property of that person, or by both these methods and the Judicial Magistrate shall recover the amount in accordance with the provisions of sections 421 and 422 of the Code of Criminal Procedure, 1973, as if it were a fine recoverable under a sentence passed by him" shall be substituted.

154. In section 271 of the principal Act, for the word "Magistrate", the words "Judicial Magistrate" shall be substituted.

Amendment of section 270.

155. In section 274 of the principal Act,—

(a) in sub-section (1), for the words "second column" and "third column", the words "third column" and "fourth column" shall respectively be substituted;

(b) in sub-section (2), for the words "fourth column", the words "fifth column" shall be substituted;

(c) in sub-section (3), for the words and figures "Indian Limitation Act, 1908", the words and figures "Limitation Act, 1963" shall be substituted.

9 of 1908.
36 of 1963.

156. For section 276 of the principal Act, the following section shall be substituted, namely:—

Amendment of section 271.

Amendment of section 274.

Substitution of new section for section 276.

"276. On the admission of an appeal from an order, other than an order contained in a notice issued under section 140, section 176, section 181, section 206 or section 238, where the appellate authority so directs, all proceedings to enforce the order and all prosecutions for any contravention thereof shall be held in abeyance pending the decision of the appeal, and, if the order is set aside on appeal, disobedience thereto shall not be deemed to be an offence."

Suspension of action pending appeal.

157. In section 280 of the principal Act, in sub-section (2),—

(i) for clause (c), the following clause shall be substituted, namely:—

"(c) the tenure of office, salaries and allowances, provident funds, pensions, gratuities, leave of absence and other conditions of service of servants of Boards;"

(ii) clauses (cc), (e) and (f) shall be omitted.

Amendment of section 280.

158. In section 281 of the principal Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

Amendment of section 281.

"(1A) The power to make rules under clause (c) of sub-section (2) of section 280 shall include the power to give retrospective effect from a date not earlier than the date of commencement of the Cantonments (Amendment) Act, 1983, to the rules or any of them but no retrospective effect shall be given to any rule so as to prejudicially affect the interests of any person to whom such rule may be applicable:

Provided that where any rule has to be given retrospective operation, the reasons therefor and the effect of giving such retrospective operation shall be published along with the draft of the rules when such draft is published for eliciting public opinion under sub-section (1) of section 280.";

(b) in sub-section (2), for the words "rules so made", the words "rules made under this Act" shall be substituted and after sub-section (2) as so amended, the following sub-section shall be inserted, namely:—

"(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the 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."

Amend.
ment of
section
282.

159. In section 282 of the principal Act,—

(a) for clause (2), the following clause shall be substituted, namely:—

"(2) the enforcement of compulsory vaccination and inoculation and levy of fees where such vaccination or inoculation is carried out at the houses of residents;" ;

(b) for clause (4), the following clause shall be substituted, namely:—

"(4) the regulation of any description of traffic in the streets and the enforcement of measures for the reduction of noise caused thereby or the prohibition of any description of such traffic;" ;

(c) in clause (6), after the words "the cantonment", the words "and regulation and control of cattle pounds" shall be inserted;

(d) in clause (14), the words "pounds, washing-places," shall be omitted;

(e) in clause (16), for the words and figures "under section 210", the words and figures "under section 124 or section 210" shall be substituted;

(f) in clause (18), after the words "the cantonment", the words "and the fees chargeable in respect thereof" shall be inserted;

(g) after clause (19), the following clause shall be inserted namely:—

“(19A) the form of and the particulars which shall be contained in a development scheme or an improvement scheme and the manner in which such scheme shall be framed or altered;”;

(h) in clause (21), after the word “animals”, the words “and the fees chargeable in respect thereof” shall be inserted;

(i) in clause (25),—

(a) in sub-clause (b), after the words “on hire”, the words “or used for hawking articles” shall be inserted;

(b) in sub-clause (c), after the words “for hire”, the words “or used for hawking articles” shall be inserted;

(j) after clause (27), the following clause shall be inserted, namely:—

“(27A) the prescribing of fee payable for any licence (except as otherwise specifically provided in the Act) or for any written permission granted by the Board;”;

(k) in clause (36), after the words “appears to the Board”, the words “to be not prejudicial to the maintenance of ecological balance and” shall be inserted;

(l) in clause (37), for the word “stables”, the words “stables, kennels, sties” shall be substituted;

(m) in clause (38), the word “and” occurring at the end shall be omitted;

(n) clause (39) shall be renumbered as clause (41) and before clause (41) as so renumbered, the following clauses shall be inserted, namely:—

“(39) the regulation of supply of copies of official documents and prescribing the fee payable in respect thereof;

(40) the regulation of permission for granting licence for use of loud-speakers and prescribing the fee payable in respect thereof.”.

160. Section 283 of the principal Act shall be renumbered as sub-section (1) thereof, and—

(a) in sub-section (1) as so renumbered,—

(i) in clause (a), for the words “one hundred rupees”, the words “five hundred rupees” shall be substituted;

(ii) in clause (b), for the words “one hundred rupees” and “twenty rupees”, the words “five hundred rupees” and “fifty rupees” shall respectively be substituted;

(iii) in clause (c), for the words “ten rupees”, the words “fifteen rupees” shall be substituted;

(b) after sub-section (1) as so renumbered, the following sub-section shall be inserted; namely:—

“(2) Any such bye-law may also provide that a person contravening the same shall be required to remedy, so far as lies in his

Amend-
ment of
section
283.

Amend-
ment of
section
284.

power, the damage or mischief, if any, caused by such contravention.”.

161. In section 284 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) Every bye-law made under this Act and every order made under sub-section (3) shall be laid as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the bye-law or order or both Houses agree that the bye-law or order should not be made, the bye-law or order 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 bye-law or order.”.

Substitu-
tion of
new sec-
tion for
section
286A.

162. For section 286A of the principal Act, the following section shall be substituted, namely:—

Power
to dele-
gate func-
tions to
the Pre-
sident, etc.

“286A. (1) The Board may, by a resolution passed in this behalf, delegate to the President, Vice-President, Executive Officer or Health Officer, subject to such conditions, if any, as may be specified in the resolution, all or any of its functions under clause (b) of sub-section (5) of section 119, section 161, section 163, section 168, section 169, section 196 and section 197.

(2) The civil area committee may, by passing a similar resolution, delegate, subject to such conditions, if any, as may be specified in such resolution, all or any of its functions under section 189 and section 195 to the Vice-President, Executive Officer or Health Officer.”.

Amend-
ment of
section
287.

163. In section 287 of the principal Act, in sub-section (2),—

(a) for the words “Indian Registration Act”, the words “Registration Act” shall be substituted;

(b) for the words “to the Board or”, the words “to the Executive Officer and the Defence Estates Officer and” shall be substituted.

Amend-
ment of
section
289.

164. In section 289 of the principal Act, for the words “by the Board”, the words “by the Executive Officer” shall be substituted.

Amend-
ment of
section
291.

165. In section 291 of the principal Act, after the words “municipal authorities respectively”, the words and figure “and the references to State Government in section 4 of that Act shall be construed as references to Central Government” shall be inserted.

Amend-
ment of
Sche-
dule I.

166. In Schedule I to the principal Act,—

(a) for the word “distress”, the words “distress* attachment” shall be substituted;

(b) the following shall be inserted at the end, namely:—

"*Strike out whichever is not applicable."

167. In Schedule II to the principal Act,—

(a) for the word "distrain", the words ~~"distain"~~ ^{"distain*} ~~"attached"~~ shall be substituted;

(b) for the word "movable", the words ~~"immoveable"~~ ^{"movable*} shall be substituted;

(c) for the word "seized", the words ~~"attached"~~ ^{"seized*} shall be substituted;

(d) the following shall be inserted at the end, namely:—

"*Strike out whichever is not applicable."

168. For Schedule V to the principal Act, the following Schedule shall be substituted, namely:—

Amend-
ment of
Sche-
dule II.

Substi-
tion of
new
Schedule
for Sche-
dule V.

"SCHEDULE V

APPEALS FROM ORDERS

(See section 274)

1	2	3	4	5
S.No.	Section	Executive Order	Appellate Authority	Time allowed for appeal
1	126	Notice to remove, repair, protect or enclose a building, wall or anything affixed thereto, or well, tank, reservoir, pool, depression or excavation:	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Central Government.	Thirty days from service of notice.
2	134	Notice to fill up well, tank, etc., or to drain off or remove water.	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Central Government.	Thirty days from service of notice.
3	135	Notice requiring the owner to provide latrine, urinal, cess pool, dust-bin or other receptacle.	Board	Fifteen days from service of notice.
4	136	Notice requiring provision of sanitary facilities in market, school, theatre, or other place of public resort.	Board	Fifteen days from service of notice.
5	138	Notice for removal of congested buildings.	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Central Government.	Thirty days from service of notice.

1	2	3	4	5
S.No.	Section	Executive Order	Appellate Authority	Time allowed for appeal
6	140	Notice requiring a building to be repaired or altered so as to remove sanitary defects.	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Central Government.	Thirty days from service of notice.
7	142	Notice prohibiting owner or occupier to use a building or part of a building for human habitation.	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Central Government.	Twenty-one days from service of notice.
8	176	Order directing a person to remove from the cantonment and prohibiting him from re-entering it without permission.	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Central Government.	Thirty days from service of notice.
9	181	(a) Refusal to sanction the erection or re-erection of a building in a civil area. (b) Refusal to sanction the erection or re-erection of a building in a cantonment (other than a civil area).	Board Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Central Government.	Thirty days from service of communication. Thirty days from service of communication.
10	185	(a) Notice to stop erection or re-erection of, or to alter or demolish, a building in a civil area. (b) Notice to stop erection or re-erection of, or to alter or demolish, a building in a cantonment (other than a civil area).	Board Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Central Government.	Thirty days from service of notice. Thirty days from service of notice.
11	187	Notice requiring the owner or occupier to alter or remove any projection or encroachment.	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Central Government.	Thirty days from service of notice.
12	188	Notice to pull down or otherwise deal with a building newly erected or rebuilt without permission over a sewer, drain, culvert, water course or water-pipe.	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Central Government.	Thirty days from service of notice.
13	206	Notice prohibiting or restricting the use of a slaughter-house.	Officer Commanding-in-Chief, the Command, or other authority authorised in this behalf by the Central Government.	Twenty-one days from service of notice.
14	219	Notice requiring maintenance or closing of private source of public drinking water supply.	Board	Fifteen days from service of notice.

1 S. No.	2 Section	3 Executive Order	4 Appellate Authority	5 Time allowed for appeal
15	221	Notice requiring the owner, lessee or occupier of a building or land to obtain water from a source of public water supply.	Board	Fifteen days from service of notice.
16	224	Notice for cutting off the connection between any source of public water-supply and any building or land to which water is supplied.	Board	Fifteen days from service of notice.
17	238	Notice directing disorderly person to remove from cantonment and prohibiting him from re-entering it without permission.	District Magistrate	Thirty days from service of notice."

THE ELECTRICITY (SUPPLY) AMENDMENT
ACT, 1983

No. 16 OF 1983

[20th August, 1983.]

An Act further to amend the Electricity (Supply) Act, 1948.

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

- Short title and commencement of section 59.
1. (1) This Act may be called the Electricity (Supply) Amendment Act, 1983.
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
 2. In section 59 of the Electricity (Supply) Act, 1948 (hereinafter referred to as the principal Act),—
(a) in sub-section (1), for the words "Leave such surplus, as the State Government may, from time to time, specify.", the following shall be substituted, namely:—

"leave such surplus as is not less than three per cent., or such higher percentage, as the State Government may, by notification in the Official Gazette, specify in this behalf, of the value of the fixed assets of the Board in service at the beginning of such year."

Explanation.—For the purposes of this sub-section, "value of the fixed assets of the Board in service at the beginning of the year" means the original cost of such fixed assets as reduced by the aggregate of the cumulative depreciation in respect of such assets calculated in accordance with the provisions of this Act and consumers' contributions for service lines.';

- (b) in sub-section (2), in the opening portion, for the words "the surplus", the words "any higher percentage" shall be substituted.

- Amendment of section 67.
3. For section 67 of the principal Act, the following section shall be substituted, namely:—

"67. The Board shall distribute the surplus referred to in sub-section (1) of section 59 to the extent available in a particular year in the following order, namely:—

- (i) repayment of principal of any loan raised (including redemption of debentures or bonds issued) under section 66

^{11-4-1985; Vide Ministry of Irrigation and Power's letter No. 25(11)/82-D (5EB), dated 16-3-1985. (Notification No. S.O. 195 (E), dt. 16-3-1985)}

which becomes due for payment in the year or which became due for payment in any previous year and has remained unpaid;

(ii) repayment of principal of any loan advanced to the Board by the State Government under section 64 which becomes due for payment in the year or which became due for payment in any previous year and has remained unpaid;

(iii) payment for purposes specified in sub-section (2) of section 59 in such manner as the Board may decide.”

4. After section 67 of the principal Act, the following section shall be inserted, namely:—

“67A. Any interest which is payable on loans advanced under section 64 or deemed to have been advanced under section 60 to the Board by the State Government and which is charged to revenues in any year may be paid only out of the balance of the revenues, if any, of that year which is left after meeting all the other expenses referred to in sub-section (1) of section 59 and so much of such interest as is not paid in any year by reason of the provisions of this section shall be deemed to be deferred liability and shall be discharged in accordance with the provisions of this section in the subsequent year or years, as the case may be.”

Insertion of new section 67A.

Interest on loans advanced by State Government to be paid only after other expenses.

5. In section 68 of the principal Act,—

(a) in sub-section (1), the words “Subject to the provisions of section 67,” shall be omitted;

(b) sub-section (2) shall be omitted.

Amendment of section 68.

6. In section 69 of the principal Act,—

(a) in sub-section (1), for the words “as may be prescribed by the State Government in consultation with the Comptroller and Auditor-General of India”, the words “as the Central Government may, by notification in the Official Gazette, prescribe by rules made in this behalf in consultation with the Comptroller and Auditor-General of India and the State Governments” shall be substituted;

(b) after sub-section (5), the following sub-section shall be inserted, namely:—

Amendment of section 69.

“(6) The provisions of sub-section (3) of section 4B shall apply in relation to any rules made by the Central Government under sub-section (1) as they apply in relation to rules made by that Government under Chapter II.”

THE DELHI MOTOR VEHICLES TAXATION (AMENDMENT) ACT, 1983

No. 17 OF 1983

[26th August, 1983.]

An Act further to amend the Delhi Motor Vehicles Taxation Act, 1962.

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

Short title and commencement.

1. (1) This Act may be called the Delhi Motor Vehicles Taxation (Amendment) Act, 1983.

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

Substitution of "Chief Commissioner" by "Administrator".

2. Throughout the Delhi Motor Vehicles Taxation Act, 1962 (hereinafter referred to as the principal Act), for the words "Chief Commissioner", wherever they occur, the word "Administrator" shall be substituted.

Amendment of section 2.

3. In section 2 of the principal Act, for clause (a), the following clause shall be substituted, namely:—

(a) "Administrator" means the Administrator of Delhi appointed by the President under article 239 of the Constitution;

Amendment of section 3.

4. Section 3 of the principal Act shall be renumbered as sub-section (1) thereof and, after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) The Administrator may, by notification in the Official Gazette, increase from time to time, the rate specified in Schedule I in relation to any motor vehicles:

Provided that the rate as so increased shall in no case exceed the rate as so specified by more than twenty-five per cent thereof."

Amendment of section 23.

5. In section 23 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) Every rule made under this section and every notification issued under sub-section (2) of section 3 shall be laid, as soon as may be, after it is made or issued, before each House of Parliament,

57 of 1962.

while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification, or both Houses agree that the rule should not be made or the notification should not be issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.”.

6. For Schedule I to the principal Act, the following Schedule shall be substituted, namely:—

Substitution
of new
Schedule
for
Schedule I.

“SCHEDULE I

(See section 3)

<i>Description of motor vehicles</i>	<i>Annual rate of tax for each motor vehicle</i>
1	2
Rupee s	
PART A.—Motor vehicles fitted solely with pneumatic tyres—	
I. Motor cycles and tricycles (including motor scooters and cycles with attachment for propelling the same by mechanised power)—	
(a) motor cycles, scooters (flat rate)	Forty.
(b) scooterettes and auto-cycles (flat rate)	Twenty.
(c) tricycles (flat rate)	Fifty.
(d) motor vehicles specified in (a) or (b) or (c) above used for drawing a trailer or side car	The rate specified in (a) or (b) or (c) above plus fifteen rupees.
II. Motor vehicles (adapted and used for invalids) the registered unladen weight of which does not exceed three hundred kilograms	Ten.
III. Motor vehicles (including tricycles) used for the transport of haulage of goods or materials, the registered laden weight of which—	
(a) does not exceed one tonne	Two hundred and twenty.
(b) exceeds one tonne but does not exceed two tonnes	Three hundred and ten.
(c) exceeds two tonnes but does not exceed four tonnes	Four hundred and seventy.
(d) exceeds four tonnes but does not exceed six tonnes	Six hundred and thirty.
(e) exceeds six tonnes but does not exceed eight tonnes	Seven hundred and eighty.

Description of motor vehicles	Annual rate of tax for each motor vehicle
I	2
	Rupees
(f) exceeds eight tonnes but does not exceed nine tonnes	Nine hundred and forty.
(g) exceeds nine tonnes but does not exceed ten tonnes	Eleven hundred.
(h) exceeds ten tonnes	The rate specified in (g) above plus one hundred and fifty-six rupees for every one tonne or part thereof in addition to ten tonnes,
IV. Additional tax payable in respect of vehicles referred to in Item III, used for drawing trailers—	
(a) for each trailer the registered laden weight of which does not exceed two tonnes	One hundred and fifty.
(b) for each trailer the registered laden weight of which exceeds two tonnes:	Three hundred.
Provided that two or more vehicles shall not be chargeable under this Item in respect of the same trailer.	
V. Motor vehicles (including tricycles) plying for hire and used for the transport of passengers; when—	
(a) licensed to carry, in all, not more than two passengers (excluding driver)	One hundred.
(b) licensed to carry, in all, more than two but not more than four passengers (excluding driver and conductor)	Two hundred.
(c) licensed to carry, in all, more than four passengers but not more than six passengers (excluding driver and conductor)	Three hundred and seventy-five.
(d) licensed to carry, in all, more than six passengers but not more than eighteen passengers (excluding driver and conductor)	Six hundred and thirty.
(e) licensed to carry more than eighteen passengers (excluding driver and conductor)	The rate specified in (d) above plus ninety-four rupees for every passenger in addition to eighteen passengers which the vehicle is so licensed to carry.
VI. Motor vehicles owned by Airline Companies or Corporations for carrying passengers and staff—	
(a) the seating capacity of which does not exceed four (excluding driver)	Two hundred.
(b) the seating capacity of which exceeds four but does not exceed six (excluding driver)	Three hundred and seventy-five.
(c) the seating capacity of which exceeds six but does not exceed eighteen (excluding driver)	Six hundred and thirty.
(d) the seating capacity of which exceeds eighteen	The rate specified in (c) above plus ninety-four rupees for every person in addition to eighteen persons.

<i>Description of motor vehicles</i>	<i>Annual rate of tax for each motor vehicle</i>
1	2
	Rupees
VII. Break-down vans used for towing disabled vehicles and tower wagons used for maintenance of overhead electric lines—	Three hundred and ten.
VIII. Motor vehicles other than those liable to tax under the foregoing provisions of this Schedule, the registered unladen weight of which—	
(a) does not exceed one thousand kilograms	One hundred and twenty-five.
(b) exceeds one thousand kilograms but does not exceed one thousand and five hundred kilograms	One hundred and sixty.
(c) exceeds one thousand and five hundred kilograms but does not exceed two thousand kilograms	Two hundred and thirty
(d) exceeds two thousand kilograms	The rate specified in (c) above plus one hundred and fifty rupees for every one thousand kilograms or part thereof in addition to two thousand kilograms.
IX. Additional tax payable in respect of vehicles referred to in Item VIII, if such vehicles are used for drawing trailers—	
(i) for each trailer the registered unladen weight of which does not exceed one tonne	Sixty.
(ii) for each trailer the registered unladen weight of which exceeds one tonne:	One hundred and twenty.
Provided that two or more vehicles shall not be chargeable under this Item in respect of the same trailer.	
PART B.—Motor vehicles other than those fitted solely with pneumatic tyres	The rates shown in Part A plus fifty per cent. thereof.
NOTE:—The registered unladen weight of motor vehicle shall be as specified in the certificate of registration.”	

THE ADMINISTRATORS-GENERAL (AMENDMENT)
ACT, 1983

No. 18 OF 1983

[26th August, 1983.]

An Act further to amend the Administrators-General Act, 1963.

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

Short title. 1. This Act may be called the Administrators-General (Amendment) Act, 1983.

Amendment of sections 9, 10, 29 and 36. 2. In section 9, section 10, section 29 and section 36 of the Administrators-General Act, 1963 (hereinafter referred to as the principal Act), ^{45 of 1963.} for the words "fifteen thousand" wherever they occur, the words "fifty thousand" shall be substituted.

Amendment of section 62. 3. In section 62 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.”.

Amendment of section 63. 4. In section 63 of the principal Act, for the words "in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following", the words "in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.

THE APPROPRIATION (No. 4) ACT, 1983

No. 19 OF 1983

[26th August, 1983.]

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 1983-84.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:-

1. This Act may be called the Appropriation (No. 4) Act, 1983.
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 six hundred and thirty-six crores, fifty-five lakhs and sixty-one thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1983-84, 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.

Short title.

Issue of
Rs. 636,53,
61,000 out
of the
Conso-
dated
Fund
of India
for the
year
1983-84.

Appro-
priation.

THE SCHEDULE
(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
2	Agriculture . . . Revenue	125,00,00,000	..	125,00,00,000
	Capital	..	42,50,00,000	42,50,00,000
9	Ministry of Chemicals and Fertilizers . . . Revenue	19,00,000	..	19,00,000
	Capital	27,90,00,000	..	27,90,00,000
25	Education . . . Revenue	55,00,000	..	55,00,000
29	Department of Power . . . Revenue	50,00,00,000	..	50,00,00,000
32	Ministry of External Affairs . . . Capital	21,10,44,000	..	21,10,44,000
43	Other Expenditure of the Ministry of Finance . Capital	..	1,17,00,000	1,17,00,000
46	Department of Civil Supplies . . . Revenue	..	2,00,000	2,00,000
51	Cabinet . . . Revenue	42,00,000	..	42,00,000
53	Police . . . Revenue	50,00,000	..	50,00,000
55	Other Expenditure of the Ministry of Home Affairs . . . Revenue	26,62,000	..	26,62,000
58	Andaman and Nicobar Islands . . . Revenue	1,50,00,000	..	1,50,00,000
62	Industries . . . Revenue	25,00,00,000	..	25,00,00,000
	Capital	20,00,00,000	..	20,00,00,000
66	Broadcasting . . . Revenue	23,00,000	..	23,00,000
	Capital	20,00,00,000	..	20,00,00,000
67	Ministry of Irrigation . . . Revenue	25,00,00,000	..	25,00,00,000
79	Ports, Lighthouses and Shipping . . . Revenue	2,16,66,000	..	2,16,66,000
	Capital	7,19,00,000	..	7,19,00,000
84	Road and Inland Water Transport . . . Capital	5,00,00,000	..	5,00,00,000
88	Ministry of Social Welfare . . . Revenue	84,00,000	..	84,00,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
82	Department of Steel . . Capital	151,00,00,000	..	151,00,00,000
89	Public Works . . Capital	2,000	..	2,000
90	Water Supply and Sewerage . . Revenue	75,00,00,000	..	75,00,00,000
91	Housing and Urban Development . . Revenue	15,00,00,000	..	15,00,00,000
	Capital	4,00,00,000	..	4,00,00,000
94	Atomic Energy Research, Development and Industrial Projects . . Capital	5,77,00,000	..	5,77,00,000
95	Nuclear Power Schemes . . Capital	20,00,000	..	20,00,000
102	Department of Space . . Capital	9,00,00,000	3,87,000	9,03,87,000
	TOTAL	592,82,74,000	43,72,87,000	636,55,61,000

THE DELEGATED LEGISLATION PROVISIONS (AMENDMENT) ACT, 1983

No. 20 OF 1983

[30th August, 1983.]

An Act to amend certain Acts to implement the recommendations of the Committees on Subordinate Legislation regarding publication and laying of rules and other delegated legislation.

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

1. (1) This Act may be called the Delegated Legislation Provisions (Amendment) Act, 1983.

(2) 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 amendments relating to different enactments mentioned in the Schedule to this Act.

2. The enactments specified in the Schedule are hereby amended to the extent and in the manner mentioned in the third column thereof.

THE SCHEDULE

(See section 2)

AMENDMENTS

Sl.

No. Short title

Amendments

1. The Opium Act, 1857
(13 of 1857). After section 31, the following section shall be inserted, namely:

Publication
and laying of
rules.

"32. (1) Every rule required to be prescribed or sanctioned by the Central Government shall be prescribed or sanctioned by that Government by notification in the Official Gazette.

(2) Every rule prescribed or sanctioned by the Central Government under this Act shall be laid, as soon as may be after it is prescribed or sanctioned, before each House of Parliament, while it is in session, for a

¹15-3-1984: Vide Notification No. G.S.R. 85(E) dated 29-2-1984 Gazette of India, Extraordinary, Part II, section 3(i).

Sl. No.	Short title	Amendments
		total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session, or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not have effect, 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.”.
2. The Religious Endowments Act, 1863 (20 of 1863).	In section 8,—	<p>(i) in paragraph 3, after the words “under such rules”, the words “, by notification in the Official Gazette,” shall be inserted;</p> <p>(ii) after paragraph 3, the following paragraph shall be inserted, namely:—</p> <p>“Every rule framed under this section shall be laid, as soon as it is framed, before the State Legislature.”.</p>
3. The Press and Registration of Books Act, 1867 (25 of 1867).	(1) For section 20, the following section shall be substituted, namely:—	<p>“20. (1) The State Government may, by notification in the Official Gazette, make such rules (not inconsistent with the rules made by the Central Government under section 20A) as may be necessary or desirable for carrying out the objects of this Act.</p> <p>(2) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before the State Legislature.”.</p> <p>(2) In section 20A, in sub-section (2), for the words “in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following”, the words “in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid” shall be substituted.</p>
4. The Indian Christian Marriage Act, 1872 (15 of 1872).	Section 83 shall be re-numbered as sub-section (1) thereof; and—	<p>(a) in sub-section (1) as so re-numbered, for the words “may make rules”, the words “may, by notification in the Official Gazette, make rules” shall be substituted; and</p>

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5.	The Government Savings Bank Act, 1873 (5 of 1873).	(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:— “(2) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before the State Legislature.” In section 15, in sub-section (3), for the words “in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following”, the words “in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid” shall be substituted.
6.	The Indian Reserve Forces Act, 1888 (4 of 1888).	Section 4 shall be re-numbered as sub-section (1) thereof, and— (i) in sub-section (1) as so re-numbered, after the words “The Central Government may”, the words “, by notification in the Official Gazette,” shall be inserted; (ii) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:— “(2) Every rule and every order 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 or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or order or both Houses agree that the rule or order should not be made, the rule or order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or order.”
7.	The Indian Tolls (Army and Air Force) Act, 1901 (2 of 1901).	In section 7, after sub-section (4), the following sub-section shall be inserted, namely:— “(5) 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 or more successive sessions, and if, before the expiry of the session immediately

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8. Code of Civil Procedure,
1908 (5 of 1908).

following the session or the successive sessions aforesaid, 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. The Indian Ports Act,
1908 (15 of 1908).

In section 67, 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 the State Legislature.”

In section 6, after sub-section (2), the following sub-sections shall be inserted, namely:—

“(2A) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

“(2B) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the 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.”

10. The Registration Act,
1908 (16 of 1908).

Section 91 shall be re-numbered as sub-section (1) thereof, and—

(i) in sub-section (1) as so re-numbered, for the words “State Government prescribes in this behalf”, the words “State Government, by notification in the Official Gazette, prescribes in this behalf” shall be substituted;

(ii) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) Every rule prescribed under this section or made under section 69 shall be laid, as soon as it is made, before the State Legislature.”

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11. The Indian Electricity Act, 1910 (9 of 1910).		<p>(1) In section 35,—</p> <p>(a) in sub-section (3), for the words "by general or special order", the words "by general or special order published in the Official Gazette" shall be substituted;</p> <p>(b) after sub-section (3), the following sub-sections shall be inserted, namely:—</p> <p>"(4) Every order made by the State Government under sub-section (3) shall be laid, as soon as may be after it is made, before the State Legislature.</p> <p>(5) Every order made by the Central Government under sub-section (3) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order."</p> <p>(2) In section 38, for sub-section (3), the following sub-section shall be substituted, namely:—</p> <p>"(3) Every rule made under section 37 shall be published in the Gazette of India and shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or 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."</p>
12. The Indian Museum Act, 1910 (10 of 1910).		<p>(1) In section 8,—</p> <p>(i) in sub-section (1), for the words "make bye-laws", the words "make, by notification in the Official Gazette, bye-laws" shall be substituted;</p>

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(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) The Central Government shall cause every bye-law made under this section to be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the bye-law or both Houses agree that the bye-law should not be made, the bye-law 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 bye-law.”.

(2) In section 15A, in sub-section (3), for the words “in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following”, the words “in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid” shall be substituted.

In section 30,—

(a) after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) Every rule made by the State Government under this section shall be laid, as soon as it is made, before the State Legislature.”;

(b) in sub-section (4), for the words “in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following”, the words “in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid” shall be substituted.

In section 4, after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the

13. The Official Trustees
Act, 1913 (2 of 1913).

14. The Local Authorities
Loans Act, 1914 (9 of
1914).

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		<p>session or the successive sessions aforesaid, 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.”.</p>
15.	The Maintenance Orders Enforcement Act, 1921 (18 of 1921).	<p>Section 12 shall be re-numbered as sub-section (1) thereof, and—</p> <ul style="list-style-type: none"> (i) in sub-section (1) as so re-numbered, for the words “may make rules”, the words “may, by notification in the Official Gazette, make rules” shall be substituted; (ii) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—
		<p>“(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the 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.”.</p>
16.	The Cantonments (House-Accommodation) Act, 1923 (6 of 1923).	<p>In section 35, after sub-section (2), the following sub-section shall be inserted, namely:—</p> <p>(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the 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</p>

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17.	The Indian Succession Act, 1925 (39 of 1925).	<p>may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.</p> <p>(1) In section 223, after the words “rules to be made”, the words “, by notification in the Official Gazette,” shall be inserted.</p> <p>(2) In section 236, after the words “rules to be made”, the words “, by notification in the Official Gazette,” shall be inserted.</p> <p>(3) After section 236 and before “Chapter II—Of Limited Grants”, the following section shall be inserted, namely:—</p> <p>“236A. Every rule made by the State Government under section 223 and section 236 shall be laid, as soon as it is made, before the State Legislature.”.</p>
18.	The Dangerous Drugs Act, 1930 (2 of 1930).	<p>In section 36, after sub-section (2), the following sub-sections shall be inserted, namely:—</p> <p>(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.</p> <p>(4) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the 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.”.</p>
19.	The Indian Partnership Act, 1932 (9 of 1932).	<p>In section 71,—</p> <p>(i) in sub-section (1), for the words “may make rules”, the words “may by notification in the Official Gazette make rules” shall be substituted;</p> <p>(ii) after sub-section (3), the following sub-section shall be inserted, namely:—</p> <p>(4) Every rule made by the State Government under this section shall be laid, as soon as it is made, before the State Legislature.”.</p>

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20.	The Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937).	<p>Section 3 shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—</p> <p>“(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session or the successive sessions aforesaid, 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.”.</p>
21.	The Muslim Personal Law (Shariat) Application Act, 1937 (26 of 1937).	<p>In section 4, after sub-section (3), the following sub-section shall be inserted, namely:—</p> <p>“(4) Every rule made by the State Government under this Act shall be laid, as soon as it is made, before the State Legislature.”.</p>
22.	The Insurance Act, 1938 (4 of 1938).	<p>(1) In section 34H, in sub-section (10), for the words “may make rules”, the words “may, by notification in the Official Gazette, make rules” shall be substituted.</p> <p>(2) In section 64UB,—</p> <ul style="list-style-type: none"> (i) in sub-section (1), after the words “The Central Government may”, the words “, by notification in the Official Gazette,” shall be inserted; (ii) in sub-section (3), after the words “The Advisory Committee may”, the words “by notification in the Official Gazette,” shall be inserted. <p>(3) In section 114, for sub-section (3), the following sub-section shall be substituted, namely:—</p> <p>“(3) Every rule made under this section or under sub-section (10) of section 34H or under sub-section (1) of section 64UB and every regulation made under sub-section (3) of section 64UB and every regulation made under this Part shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry</p>

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23.	The Capital Issues (Control) Act, 1947 (29 of 1947).	of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.”
24.	The Electricity (Supply) Act, 1948 (54 of 1948).	<p>In section 12, for sub-section (2), the following sub-section shall be substituted, namely:—</p> <p>“(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 or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or 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.”</p> <p>(i) Section 4C shall be re-numbered as sub-section (1) thereof, and—</p> <p>(i) in sub-section (1) as so re-numbered, after the words “The Authority may”, the words “, by notification in the Official Gazette,” shall be inserted;</p> <p>(ii) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—</p> <p>“(2) The Central Government shall cause every regulation made under this section to be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation, or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no</p>

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	Laying of certain rules and regulations before State Legislature.	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 regulation.”.
25.	The Chartered Accountants Act, 1949 (38 of 1949).	(2) In section 79, in the opening portion, for the words “The Board may make regulations”, the words “The Board may, by notification in the Official Gazette, make regulations” shall be substituted. (3) After section 79, the following section shall be inserted, namely:—
	Laying of regulations.	“79A. Every rule made by the State Government under section 78A, and every regulation made by the Board under section 79 shall be laid, as soon as may be, before the State Legislature.”.
	26. The Army and Air Force (Disposal of Private Property) Act, 1950 (40 of 1950).	After section 30A, the following section shall be inserted, namely:— “30B. Every regulation 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 or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation, or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.”.
		In section 16, after sub-section (2), the following sub-section shall be inserted, namely:— “(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the 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

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27.	The Army Act, 1950 (46 of 1950).	may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.
	Rules and regulations to be laid before Parliament.	After section 193, the following section shall be inserted, namely:—
		“193A. Every rule and every regulation made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session, or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.”.
28.	The Displaced Persons (Debits Adjustment), Act, 1951 (70 of 1951).	After section 58, the following section shall be inserted, namely:—
	Laying of rules.	“58A. (1) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.
		(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the 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.”.
29.	The Notaries Act, 1952 (53 of 1952).	In section 15, after sub-section (2), the following sub-section shall be inserted, namely:—
		“(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session,

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30.	The Special Marriage Act, 1954. (43 of 1954).	for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or 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.”.
31.	The Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).	In section 50, after sub-section (2), the following sub-sections shall be inserted, namely:— “(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the 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.
32.	The Durgah Khawaja Saheb Act, 1955 (36 of 1955).	“(4) Every rule made by the State Government under this Act shall be laid, as soon as it is made, before the State Legislature.”.
		In section 19, in sub-section (4), for the words “in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following”, the words “in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid” shall be substituted.
		In section 20, after sub-section (5), the following sub-section shall be inserted, namely:— “(6) Every bye-law made under this section and every order made by the Central Government under sub-section (5) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive

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33.	The Securities Contracts (Regulation) Act, 1956 (42 of 1956).	<p>In section 30, for sub-section (3), the following sub-section shall be substituted, namely:—</p> <p>“(3) Every rule made under this section shall be subject to the condition of previous publication and shall, as soon as may be, after its publication in the Official Gazette, be laid before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, 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.”</p>
34.	The Inter-State Corporations Act, 1957 (38 of 1957).	<p>In section 4, for sub-section (5), the following sub-section shall be substituted, namely:—</p> <p>“(5) Every order 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 or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.”</p>
35.	The Delhi Municipal Corporation Act, 1957 (66 of 1957).	<p>After section 481, the following section shall be inserted, namely:—</p> <p>“481A. The Central Government shall cause every regulation made under this Act and every bye-law made under section 481 to</p>
	Regulations and bye-laws to be laid before Parliament.	

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36. The International Finance Corporation (Status, Immunities and Privileges) Act, 1958. (42 of 1958).

be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or bye-law or both Houses agree that the regulation or bye-law should not be made, the regulation or bye-law 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 regulation or bye-law.”.

In section 4, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) 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 or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or 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.”.

37. The Cost and Works Accountants Act, 1959 (23 of 1959).

In section 39, after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) Every regulation 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 or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation, or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.”.

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38.	The Government Savings Certificates Act, 1959 (46 of 1959).	In section 12, in sub-section (3), for the words "in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following", the words "in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.
39.	The International Development Association (Status, Immunities and Privileges) Act, 1960 (32 of 1960).	In section 5, for the words "in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following", the words "in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.
40.	The Salar Jung Museum Act, 1961 (26 of 1961).	(1) In sub-section (3) of section 27, for the words "in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following", the words "in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted. (2) In section 28, after sub-section (3), the following sub-section shall be inserted, namely:—
41.	The Dowry Prohibition Act, 1961 (28 of 1961).	"(4) Every regulation made under this Act and every notification issued under sub-section (3) 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 or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or notification or both Houses agree that the regulation or notification should not be made, the regulation or notification 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 regulation or notification."
42.	The Asian Development Bank Act, 1966 (18 of 1966).	In section 9, in sub-section (2), for the words "in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following", the words "in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.
		In section 7, for the words "in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following", the words "in two or more successive

Sl. No.	Short title.	Amendments
43.	The Civil Defence Act, 1968 (27 of 1968).	sessions,, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.
44.	The Gold (Control) Act, 1968 (45 of 1968).	In section 20, for the words "in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following", the words "in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.
45.	The Foreign Marriage Act, 1969 (33 of 1969).	In section 114, in sub-section (3), for the words "in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following", the words "in two or more successive sessions, and if, before the expiry of the session immediately following session or the successive sessions aforesaid" shall be substituted.
46.	The Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969).	In section 28, in sub-section (3), for the words "in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following", the words "in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.
		(1) In section 66,—
		(a) in sub-section (1), for the words "may make regulations", the words "may by notification in the Official Gazette, make regulations" shall be substituted;
		(b) after sub-section (2), the following sub-section shall be inserted, namely:—
		"(3) The Central Government shall cause every regulation made under this section to be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation, or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation."
		(2) In section 67, in sub-section (3), for the words "in two successive sessions, and if, before

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		the expiry of the session in which it is so laid or the session immediately following", the words "in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.
47.	The Indian Medicine Central Council Act, 1970 (48 of 1970).	<p>(1) In section 35, in sub-section (2), for the words "in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following", the words "in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.</p> <p>(2) Section 36 shall be re-numbered as sub-section (1) thereof, and—</p> <ul style="list-style-type: none"> (i) in sub-section (1) as so re-numbered, after the words "the Central Government," the words "by notification in the Official Gazette," shall be inserted; (ii) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:— <p>"(2) The Central Government shall cause every regulation made under this Act to be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation."</p>
48.	The Naval and Aircraft Prize Act, 1971 (59 of 1971).	In section 17, in sub-section (3), for the words "in two successive sessions, and if, before the expiry of the session in which they are so laid or the session immediately following", the words "in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.
49.	The Homoeopathy Central Council Act, 1973 (59 of 1973).	<p>Section 33 shall be re-numbered as sub-section (1) thereof, and—</p> <ul style="list-style-type: none"> (i) in sub-section (1) as so re-numbered, for the words "make regulations", the words "make, by notification in the Official Gazette, regulations" shall be substituted;

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		<p>(ii) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—</p> <p>“(2) The Central Government shall cause every regulation made under this Act to be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.”.</p>
50. The Press Council Act, 1978 (37 of 1978).		<p>Section 26 shall be re-numbered as sub-section (1) thereof, and</p> <p>(i) in sub-section (1) as so re-numbered, after the words “The Council may”, the words “, by notification in the Official Gazette.” shall be inserted;</p> <p>(ii) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—</p> <p>“(2) The Central Government shall cause every regulation made under this Act to be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.”.</p>

THE APPROPRIATION (RAILWAYS) NO. 4 ACT, 1983

No. 21 OF 1983

[30th August, 1983.]

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 1983-84 for the purposes of Railways.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:

1. This Act may be called the Appropriation (Railways) No. 4 Act, 1983.

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 one hundred seventy-four crores and fifty-eight lakhs rupees towards defraying the several charges which will come in course of payment during the financial year 1983-84, in respect of the services relating to Railways specified in column 2 of the Schedule.

Issue of
Rs. 174,
58,00,000
out of
the Conso-
lidated
Fund of
India
for the
financial
year
1983-84.

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.

Appro-
priation.

THE SCHEDULE
(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
16	Assets—Acquisition, Construction and Replacement—Other Expenditure	Rs. 174,58,00,000	Rs. ..	Rs. 174,58,00,000
	TOTAL	Rs. 174,58,00,000	Rs. ..	Rs. 174,58,00,000

THE SALARY, ALLOWANCES AND PENSION OF MEMBERS
OF PARLIAMENT (AMENDMENT) ACT, 1983

No. 22 OF 1983

[30th August, 1983.]

An Act further to amend the Salary, Allowances and Pension of
Members of Parliament Act, 1954.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic
of India as follows:—

1. This Act may be called the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1983. Short title.

2. In section 3 of the Salary, Allowances and Pension of Members of Parliament Act, 1954,— Amend-
ment of
section
3.

(a) for the words "five hundred rupees", the words "seven hundred and fifty rupees" shall be substituted;

(b) for the words "fifty-one rupees", the words "seventy-five rupees" shall be substituted.

THE COPYRIGHT (AMENDMENT) ACT, 1983

No. 23 OF 1983

[31st August, 1983.]

An Act to amend the Copyright Act, 1957.

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

1. (1) This Act may be called the Copyright (Amendment) Act, 1983.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

14 of 1957.

2. Throughout the Copyright Act, 1957 (hereinafter referred to as the principal Act), unless otherwise expressly provided, for the word "radio-diffusion", wherever it occurs, the word "broadcast" shall be substituted.

3. In section 2 of the principal Act,—

(a) after clause (d), the following clause shall be inserted, namely:—

(dd) "broadcast" means communication to the public—

(i) by any means of wireless diffusion, whether in any one or more of the forms of signs, sounds or visual images; or

(ii) by wire,

and includes a re-broadcast;*

(b) after clause (f), the following clause shall be inserted, namely:—

(ff) "communication to the public" means communication to the public in whatever manner, including communication through satellite;*

(c) for clause (l), the following clause shall be substituted, namely:—

(l) "Indian work" means a literary, dramatic or musical work,—

(i) the author of which is a citizen of India; or

(ii) which is first published in India; or

(iii) the author of which, in the case of an unpublished work, is, at the time of the making of the work, a citizen of India;*

(d) clause (v) shall be omitted.

Short title and commencement.

Substitution of expression "radio-diffusion" by expression "broadcast".

Amendment of section 2.

¹ 9-8-1984 : Vide Notification No. G.S.R. 602 (E), dated 9-8-1984 Gazette of India, Extraordinary, Part II, Section 3 (1).

Amend-
ment of
section 3.

4. In section 3 of the principal Act, in clause (a), for the words "work to the public in sufficient quantities", the words "work, either in whole or in part, to the public in a manner sufficient to satisfy the reasonable requirements of the public having regard to the nature of the work" shall be substituted.

Amend-
ment of
section 6.

5. In section 6 of the principal Act, for clause (a), the following clause shall be substituted, namely:—

"(a) whether for the purposes of section 3, copies of any,—

(i) literary, dramatic, musical or artistic work are issued to the public in a manner sufficient to satisfy the reasonable requirements of the public; or

(ii) records are issued to the public in sufficient quantities; or".

Amend-
ment of
section
12.

6. In section 12 of the principal Act, in sub-section (7), for the words and figures "sections 480 and 482 of the Code of Criminal Procedure, 1898", the words and figures "section 345 and 346 of the Code of Criminal Procedure, 1973" shall be substituted.

5 of 1898.

2 of 1974.

Amend-
ment of
section
15.

7. In section 15 of the principal Act, the words "Indian Patents and" at both the places where they occur, shall be omitted.

Amend-
ment of
section
17.

8. In section 17 of the principal Act,—

(a) after clause (c), the following clause shall be inserted, namely:—

"(cc) in the case of any address or speech delivered in public, the person who has delivered such address or speech or if such person has delivered such address or speech on behalf of any other person, such other person shall be the first owner of the copyright therein notwithstanding that the person who delivers such address or speech, or, as the case may be, the person on whose behalf such address or speech is delivered, is employed by any other person who arranges such address or speech or on whose behalf or premises such address or speech is delivered;";

(b) after clause (d), the following clause and *Explanation* shall be inserted, namely:—

"(dd) in the case of a work made or first published by or under the direction or control of any public undertaking, such public undertaking shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein."

Explanation.—For the purposes of this clause and section 28A, "public undertaking" means—

(i) an undertaking owned or controlled by Government; or

(ii) a Government Company as defined in section 617 of the Companies Act, 1956; or

(iii) a body corporate established by or under any Central, Provincial or State Act.'

1 of 1956.

9. Section 19 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) The assignment of the copyright in any work shall, among other things, indicate clearly the rights proposed to be assigned and the size of the work.”

10. After section 19 of the principal Act, the following section shall be inserted, namely:—

“19A. Where any dispute arises with respect to the assignment of, or any of the terms of the assignment of, any copyright, the Copyright Board may, on receipt of a complaint from any of the parties to the dispute and after holding such inquiry as it may deem necessary, pass such orders as it may deem fit, including orders by way of giving permission to the owner of the copyright to revoke its assignment if the terms of the assignment are harsh to him or if the publisher unduly delays the publication of the work or by way of issue of a certificate for the recovery of any royalty due to the owner.”

11. After section 28 of the principal Act, the following section shall be inserted, namely:—

“28A. In the case of a work, where a public undertaking is the first owner of the copyright therein, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the work is first published.”

12. After section 31 of the principal Act, the following section shall be inserted, namely:—

“31A. (1) Where, in the case of an Indian work referred to in sub-clause (iii) of clause (l) of section 2, the author is dead or unknown or cannot be traced, or the owner of the copyright in such work cannot be found, any person may apply to the Copyright Board for a licence to publish such work or a translation thereof in any language.

(2) Before making an application under sub-section (1), the applicant shall publish his proposal in one issue of a daily newspaper in the English language having circulation in the major part of the country and where the application is for the publication of a translation in any language, also in one issue of any daily newspaper in that language.

(3) Every such application shall be made in such form as may be prescribed and shall be accompanied with a copy of the advertisement issued under sub-section (2) and such fee as may be prescribed.

Amend-
ment of
section 19.

Inser-
tion of
new
section
19A.

Disputes
with res-
pect to
assign-
ment of
copyright.

Insertion
of new
section
28A.

Term of
copy-
right in
works of
public
undertak-
ings.

Insertion
of new
section
31A.

Compu-
lso-
ry
licenc-
e in
unpub-
lished
Indian
works.

(4) Where an application is made to the Copyright Board under this section, it may, after holding such inquiry as may be prescribed, direct the Registrar of Copyrights to grant to the applicant a licence to publish the work or a translation thereof in the language mentioned in the application subject to the payment of such royalty and subject to such other terms and conditions as the Copyright Board may determine, and thereupon the Registrar of Copyrights shall grant the licence to the applicant in accordance with the direction of the Copyright Board.

(5) Where a licence is granted under this section, the Registrar of Copyrights may, by order, direct the applicant to deposit the amount of the royalty determined by the Copyright Board in the public account of India or in any other account specified by the Copyright Board so as to enable the owner of the copyright or, as the case may be, his heirs, executors or the legal representatives to claim such royalty at any time.

(6) Without prejudice to the foregoing provisions of this section, in the case of a work referred to in sub-section (1), if the original author is dead, the Central Government may, if it considers that the publication of the work is desirable in the national interest, require the heirs, executors or legal representatives of the author to publish such work within such period as may be specified by it.

(7) Where any work is not published within the period specified by the Central Government under sub-section (6), the Copyright Board may, on an application made by any person for permission to publish the work and after hearing the parties concerned, permit such publication on payment of such royalty as the Copyright Board may, in the circumstances of such case, determine in the prescribed manner.”.

13. In section 32 of the principal Act,—

Amend-
ment of
section
32.

(a) in sub-section (1), after the words “in any language”, the words “after a period of seven years from the first publication of the work” shall be inserted;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Notwithstanding anything contained in sub-section (1), any person may apply to the Copyright Board for a licence to produce and publish a translation, in printed or analogous forms of reproduction, of a literary or dramatic work, other than an Indian work, in any language in general use in India after a period of three years from the first publication of such work, if such translation is required for the purposes of teaching, scholarship or research:

Provided that where such translation is in a language not in general use in any developed country, such application may be made after a period of one year from such publication.”;

(c) in sub-section (2), for the words “such application”, the words “application under this section” shall be substituted;

(d) in sub-section (4),—

(i) in the opening paragraph, for the portion beginning with the words “the application, on condition that the applicant” and

ending with the words "in the prescribed manner:", the following shall be substituted, namely:—

"the application—

(i) subject to the condition that the applicant shall pay to the owner of the copyright in the work royalties in respect of copies of the translation of the work sold to the public, calculated at such rate as the Copyright Board may, in the circumstances of each case, determine in the prescribed manner; and

(ii) where such licence is granted on an application under sub-section (1A), subject also to the condition that the licence shall not extend to the export of copies of the translation of the work outside India and every copy of such translation shall contain a notice in the language of such translation that the copy is available for distribution only in India:

Provided that nothing in clause (ii) shall apply to the export by Government or any authority under the Government of copies of such translation in a language other than English, French or Spanish to any country if—

(1) such copies are sent to citizens of India residing outside India or to any association of such citizens outside India; or

(2) such copies are meant to be used for purposes of teaching, scholarship or research and not for any commercial purpose; and

(3) in either case, the permission for such export has been given by the Government of that country:";

(ii) in the proviso,—

(1) for the words "Provided that no such licence", the words "Provided further that no licence under this section" shall be substituted;

(2) in clause (a), for the words "within seven years of the first publication of the work", the words "within seven years or three years or one year, as the case may be, of the first publication of the work" shall be substituted;

(3) in clause (b), for the words "he was unable to find", the words "he was, after due diligence on his part, unable to find" shall be substituted;

(4) in clause (c),—

(A) for the words "such authorisation to the publisher whose name appears from the work", the words, brackets and figure "such authorisation by registered air mail post to the publisher whose name appears from the work, and in the case of an application for a licence under sub-section (1)" shall be substituted;

(B) for the words "the application for the licence", the words "such application" shall be substituted;

(5) after clause (c), the following clauses shall be inserted, namely:—

"(cc) a period of six months in the case of an application under sub-section (1A) (not being an application under the proviso thereto), or nine months in the case of an application under the proviso to that sub-section, has elapsed from the date of making the request under clause (b) of this proviso, or where a copy of the request has been sent under clause (c) of this proviso, from the date of sending of such copy, and the translation of the work in the language mentioned in the application has not been published by the owner of the copyright in the work or any person authorised by him within the said period of six months or nine months, as the case may be;

(ccc) in the case of any application made under sub-section (1A),—

(i) the name of the author and the title of the particular edition of the work proposed to be translated are printed on all the copies of the translation;

(ii) if the work is composed mainly of illustrations, the provisions of section 32A are also complied with;"

(e) after sub-section (4), the following sub-sections and *Explanation* shall be inserted, namely:—

'(5) Any broadcasting authority may apply to the Copyright Board for a licence to produce and publish the translation of—

(a) a work referred to in sub-section (1A) and published in printed or analogous forms of reproduction; or

(b) any text incorporated in audio-visual fixations prepared and published solely for the purpose of systematic instructional activities,

for broadcasting such translation for the purposes of teaching or for the dissemination of the results of specialised, technical or scientific research to the experts in any particular field.

(6) The provisions of sub-sections (2) to (4) in so far as they are relatable to an application under sub-section (1A), shall, with the necessary modifications, apply to the grant of a licence under sub-section (5) and such licence shall not also be granted unless—

(a) the translation is made from a work lawfully acquired;

(b) the broadcast is made through the medium of sound and visual recordings;

(c) such recording has been lawfully and exclusively made for the purpose of broadcasting in India by the applicant or by any other broadcasting agency; and

(d) the translation and the broadcasting of such translation are not used for any commercial purposes.

Explanation.—For the purposes of this section,—

- (a) “developed country” means a country which is not a developing country;
- (b) “developing country” means a country which is for the time being regarded as such in conformity with the practice of the General Assembly of the United Nations;
- (c) “purposes of research” does not include purposes of industrial research, or purposes of research by bodies corporate (not being bodies corporate owned or controlled by Government) or other associations or body of persons for commercial purposes;
- (d) “purposes of teaching, research or scholarship” includes—
 - (i) purposes of instructional activity at all levels in educational institutions, including Schools, Colleges, Universities and tutorial institutions; and
 - (ii) purposes of all other types of organised educational activity.”

14. In Chapter VI of the principal Act, after section 32, the following sections shall be inserted, namely:—

Inser-
tion of
new sec-
tions 32A
and 32B.

Licence
to repro-
duce and
publish
works for
certain
purposes.

‘32A. (1) Where, after the expiration of the relevant period from the date of the first publication of an edition of a literary, scientific or artistic work,—

- (a) the copies of such edition are not made available in India; or
- (b) such copies have not been put on sale in India for a period of six months,

to the general public, or in connection with systematic instructional activities at a price reasonably related to that normally charged in India for comparable works by the owner of the right of reproduction or by any person authorised by him in this behalf, any person may apply to the Copyright Board for a licence to reproduce and publish such work in printed or analogous forms of reproduction at the price at which such edition is sold or at a lower price for the purposes of systematic instructional activities.

(2) Every such application shall be made in such form as may be prescribed and shall state the proposed retail price of a copy of the work to be reproduced.

(3) Every applicant for a licence under this section shall, along with his application, deposit with the Registrar of Copyrights such fee as may be prescribed.

(4) Where an application is made to the Copyright Board under this section, it may, after holding such inquiry as may be prescribed, grant to the applicant a licence, not being an exclusive licence, to produce and publish a reproduction of the work mentioned in the application subject to the conditions that,—

- (i) the applicant shall pay to the owner of the copyright in the work royalties in respect of copies of the reproduction of

the work sold to the public, calculated at such rate as the Copyright Board may, in the circumstances of each case, determine in the prescribed manner;

(ii) a licence granted under this section shall not extend to the export of copies of the reproduction of the work outside India and every copy of such reproduction shall contain a notice that the copy is available for distribution only in India:

Provided that no such licence shall be granted unless—

(a) the applicant has proved to the satisfaction of the Copyright Board that he had requested and had been denied authorisation by the owner of the copyright in the work to reproduce and publish such work or that he was, after due diligence on his part, unable to find such owner;

(b) where the applicant was unable to find the owner of the copyright, he had sent a copy of his request for such authorisation by registered air-mail post to the publisher whose name appears from the work not less than three months before the application for the licence;

(c) the Copyright Board is satisfied that the applicant is competent to reproduce and publish an accurate reproduction of the work and possesses the means to pay to the owner of the copyright the royalties payable to him under this section;

(d) the applicant undertakes to reproduce and publish the work at such price as may be fixed by the Copyright Board, being a price reasonably related to the price normally charged in India for works of the same standard on the same or similar subjects;

(e) a period of six months in the case of an application for the reproduction and publication of any work of natural science, physical science, mathematics or technology, or a period of three months in the case of an application for the reproduction and publication of any other work, has elapsed from the date of making the request under clause (a), or where a copy of the request has been sent under clause (b), from the date of sending of a copy, and a reproduction of the work has not been published by the owner of the copyright in the work or any person authorised by him within the said period of six months or, three months, as the case may be;

(f) the name of the author and the title of the particular edition of the work proposed to be reproduced are printed on all the copies of the reproduction;

(g) the author has not withdrawn from circulation copies of the work; and

(h) an opportunity of being heard is given, wherever practicable, to the owner of the copyright in the work.

(5) No licence to reproduce and publish the translation of a work shall be granted under this section unless such translation has been published by the owner of the right of translation or any person authorised by him and the translation is not in a language in general use in India.

(6) The provisions of this section shall also apply to the reproduction and publication, or translation into a language in general use in India, of any text incorporated in audio-visual fixations prepared and published solely for the purpose of systematic instructional activities.

Explanation.—For the purposes of this section, “relevant period”, in relation to any work, means a period of—

- (a) seven years from the date of the first publication of that work, where the application is for the reproduction and publication of any work of, or relating to, fiction, poetry, drama, music or art;
- (b) three years from the date of the first publication of that work, where the application is for the reproduction and publication of any work of, or relating to, natural science, physical science, mathematics or technology; and
- (c) five years from the date of the first publication of that work, in any other case.

32B. (1) If, at any time after the granting of a licence to produce and publish the translation of a work in any language under sub-section (1A) of section 32 (hereafter in this sub-section referred to as the licensed work), the owner of the copyright in the work or any person authorised by him publishes a translation of such work in the same language and which is substantially the same in content at a price reasonably related to the price normally charged in India for the translation of works of the same standard on the same or similar subject, the licence so granted shall be terminated:

Provided that no such termination shall take effect until after the expiry of a period of three months from the date of service of a notice in the prescribed manner on the person holding such licence by the owner of the right of translation intimating the publication of the translation as aforesaid:

Provided further that copies of the licensed work produced and published by the person holding such licence before the termination of the licence takes effect may continue to be sold or distributed until the copies already produced and published are exhausted.

(2) If, at any time after the granting of a licence to produce and publish the reproduction or translation of any work under section 32A, the owner of the right of reproduction or any person authorised by him sells or distributes copies of such work or a translation thereof, as the case may be, in the same language and which is substantially the same in content at a price reasonably related to the price normally charged in India for works of the same standard on the same or similar subject, the licence so granted shall be terminated:

Provided that no such termination shall take effect until after the expiry of a period of three months from the date of service of a notice in the prescribed manner on the person holding the licence by the owner of the right of reproduction intimating the sale or distribution of the copies of the editions of work as aforesaid:

Provided further that any copies already reproduced by the licensee before such termination takes effect may continue to be sold or distributed until the copies already produced are exhausted.

15. In sub-section (1) of section 37 of the principal Act, the words “by radio-diffusion” shall be omitted.

Amend-
ment of
section
37.

16. In section 45 of the principal Act, to sub-section (1), the following proviso shall be added, namely:—

“Provided that in respect of an artistic work which is used or is capable of being used in relation to any goods, the application shall include a state-

Amend-
ment of
section
45.

Termina-
tion of
licences
issued
under
this
Chapter.

ment to that effect and shall be accompanied by a certificate from the Registrar of Trade Marks referred to in section 4 of the Trade and Merchandise Marks Act, 1958, to the effect that no trade mark identical with or deceptively similar to such artistic work has been registered under that Act in the name of, or that no application has been made under that Act for such registration by, any person other than the applicant.”.

43 of 1953.

Insertion
of new
section
50A.

- 17.** In Chapter X of the principal Act, after section 50, the following section shall be inserted, namely:—

Entries
in the
Register
of Copy-
rights,
etc., to
be publi-
shed.

“50A. Every entry made in the Register of Copyrights or the particulars of any work entered under section 45, the correction of every entry made in such register under section 49, and every rectification ordered under section 50, shall be published by the Registrar of Copyrights in the Official Gazette or in such other manner as he may deem fit.”.

Amend-
ment of
section
52.

- 18.** In sub-section (1) of section 52 of the principal Act, in clause (b), the following *Explanation* shall be inserted at the end, namely:—

“*Explanation*.—The publication of a compilation of addresses or speeches delivered in public is not a fair dealing of such work within the meaning of this clause.”.

Amend-
ment of
section
53.

- 19.** In sub-section (3) of section 53 of the principal Act, for the words and figures “under section 19 of the Sea Customs Act, 1878”, the words and figures “under section 11 of the Customs Act, 1962” shall be substituted.

8 of 1878.
51 of 1962.

Amend-
ment of
section
59.

- 20.** In section 59 of the principal Act, in sub-section (1), for the words and figures “the Specific Relief Act, 1877”, the words and figures “the Specific Relief Act, 1963” shall be substituted.

1 of 1877.
47 of 1963.

Amend-
ment of
section
60.

- 21.** In section 60 of the principal Act, for the words and figures “in section 42 of the Specific Relief Act, 1877”, the words and figures “in section 34 of the Specific Relief Act, 1963” shall be substituted.

1 of 1877.
47 of 1963.

Amend-
ment of
section
70.

- 22.** In section 70 of the principal Act, for the words “a presidency magistrate or a magistrate of the first class”, the words “a Metropolitan Magistrate or a Judicial Magistrate of the first class” shall be substituted.

Amend-
ment of
section
78.

- 23.** In section 78 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 or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or 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 HINDU WIDOWS' RE-MARRIAGE (REPEAL) ACT, 1983

No. 24 of 1983

[31st August, 1983.]

An Act to repeal the Hindu Widows' Re-marriage Act, 1856.

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

1. This Act may be called the Hindu Widows' Re-marriage (Repeal) Act, 1983. Short title.
2. The Hindu Widows' Re-marriage Act, 1856 is hereby repealed. Repeal of
Act 15
of 1856.

THE ARMS (AMENDMENT) ACT, 1983

No. 25 OF 1983

[2nd September, 1983.]

An Act further to amend the Arms Act, 1959.

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

Short title

and commencement.

Amendment of section 2.

1. (1) This Act may be called the Arms (Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the 22nd day of June, 1983.

2. In section 2 of the Arms Act, 1959 (hereinafter referred to as the principal Act), in sub-section (1), after clause (f), the following clause shall be inserted, namely:—

‘(ff) “magistrate” means an Executive Magistrate under the Code of Criminal Procedure, 1973;’.

2 of 1974.

Amendment of section 3.

3. Section 3 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1), as so re-numbered, the following sub-sections shall be inserted, namely:—

“(2) Notwithstanding anything contained in sub-section (1), no person, other than a person referred to in sub-section (3), shall acquire, have in his possession or carry, at any time, more than three firearms:

Provided that a person who has in his possession more firearms than three at the commencement of the Arms (Amendment) Act, 1983, may retain with him any three of such firearms and shall deposit, within ninety days from such commencement, the remaining firearms with the officer in charge of the nearest police station or, subject to the conditions prescribed for the purposes of sub-section (1) of section 21, with a licensed dealer or, where such person is a member of the armed forces of the Union, in a unit armoury referred to in that sub-section.

(3) Nothing contained in sub-section (2) shall apply to any dealer in firearms or to any member of a rifle club or rifle association licensed or recognised by the Central Government using a point 22 bore rifle or an air rifle for target practice.

(4) The provisions of sub-sections (2) to (6) (both inclusive) of section 21 shall apply in relation to any deposit of firearms under the proviso to sub-section (2) as they apply in relation to the deposit of any arm or ammunition under sub-section (1) of that section.”.

4. Section 5 of the principal Act shall be re-numbered as sub-section (1) thereof and—

Amend-
ment of
section 5.

(a) in sub-section (1) as so re-numbered, the proviso shall be omitted,

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) Notwithstanding anything contained in sub-section (1), a person may, without holding a licence in this behalf, sell or transfer any arms or ammunition which he lawfully possesses for his own private use to another person who is entitled by virtue of this Act or any other law for the time being in force to have, or is not prohibited by this Act or such other law from having in his possession such arms or ammunition:

Provided that no firearm or ammunition in respect of which a licence is required under section 3 and no arms in respect of which a licence is required under section 4 shall be so sold or transferred by any person unless—

(a) he has informed in writing the district magistrate having jurisdiction or the officer in charge of the nearest police station of his intention to sell or transfer such firearms, ammunition or other arms and the name and address of the person to whom he intends to sell or transfer such firearms, ammunition or the other arms, and

(b) a period of not less than forty-five days has expired after the giving of such information.”.

5. In section 9 of the principal Act, in sub-section (1), in clause (a),—

Amend-
ment of
section 9.

(a) in sub-clause (i), for the words “sixteen years”, the words “twenty-one years” shall be substituted;

(b) in sub-clause (ii), for the words “a term of not less than six months”, the words “any term” shall be substituted; and

(c) in sub-clause (iii), for the words and figures “Code of Criminal Procedure, 1898”, the words and figures “Code of Criminal Procedure, 1973” shall be substituted.

5 of 1898.
2 of 1974.

6. In section 13 of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely:—

Amend-
ment of
section 13.

“(2) On receipt of an application, the licensing authority shall call for the report of the officer in charge of the nearest police station on that application, and such officer shall send his report within the prescribed time.

(24) The licensing authority, after such inquiry, if any, as it may consider necessary, and after considering the report received under sub-section (2), shall, subject to the other provisions of this Chapter, by order in writing either grant the licence or refuse to grant the same:

Provided that where the officer in charge of the nearest police station does not send his report on the application within the prescribed time, the licensing authority may, if it deems fit, make such order, after the expiry of the prescribed time, without further waiting for that report.”.

Insertion
of new
sections
24A and
24B.

Prohibi-
tion as
to posses-
sion of
notified
arms in
disturbed
areas,
etc.

7. In Chapter IV of the principal Act, after section 24, the following sections shall be inserted, namely:—

24A. (1) Where the Central Government is satisfied that there is extensive disturbance of public peace and tranquility or imminent danger of such disturbance in any area and that for the prevention of offences involving the use of arms in such area, it is necessary or expedient so to do, it may by notification in the Official Gazette—

(a) specify the limits of such area;

(b) direct that before the commencement of the period specified in the notification (which period shall be a period commencing from a date not earlier than the fourth day after the date of publication of the notification in the Official Gazette), every person having in his possession in such area any arms of such description as may be specified in the notification (the arms so specified being hereafter in this section referred to as notified arms), shall deposit the same before such commencement in accordance with the provisions of section 21 and for this purpose the possession by such person of any notified arms shall, notwithstanding anything contained in any other provision of this Act (except section 41) or in any other law for the time being in force, as from the date of publication of such notification in the Official Gazette be deemed to have ceased to be lawful;

(c) declare that as from the commencement of, and until the expiry of, the period specified in the notification, it shall not be lawful for any person to have in his possession in such area any notified arms;

(d) authorise any such officer subordinate to the Central Government or a State Government as may be specified in the notification,—

(i) to search at any time during the period specified in the notification any person in, or passing through, or any premises in, or any animal or vessel or vehicle or other conveyance of whatever nature in or passing through, or any receptacle or other container of whatever nature in, such area if such officer has reason to believe that any notified arms are secreted by such person or in such premises or on such animal or in such vessel, vehicle or other conveyance or in such receptacle or other container;

(ii) to seize at any time during the period specified in the notification any notified arms in the possession of any person in such area or discovered through a search under sub-clause (i), and detain the same during the period specified in the notification.

(2) The period specified in a notification issued under sub-section (1) in respect of any area shall not, in the first instance, exceed ninety days, but the Central Government may amend such notification to extend such period from time to time by any period not exceeding ninety days at any one time if, in the opinion of that Government, there continues to be in such area such disturbance of public peace and tranquillity as is referred to in sub-section (1) or imminent danger thereof and that for the prevention of offences involving the use of arms in such area it is necessary or expedient so to do.

2 of 1974.

(3) The provisions of the Code of Criminal Procedure, 1973, relating to searches and seizures shall, so far as may be, apply to any search or seizure made under sub-section (1).

(4) for the purpose of this section,—

(a) "arms" includes ammunition;

(b) where the period specified in a notification, as originally issued under sub-section (1), is extended under sub-section (2), then, in relation to such notification, references in sub-section (1) to "the period specified in the notification" shall be construed as references to the period as so extended.

24B. (1) Where the Central Government is satisfied that there is extensive disturbance of public peace and tranquillity or imminent danger of such disturbance in any area and that for the prevention of offences involving the use of arms in such area it is necessary or expedient so to do, it may, by notification in the Official Gazette,—

Prohibition as to carrying of notified arms in or through public places in disturbed areas etc.

(a) specify the limits of such area;

(b) direct that during the period specified in the notification (which period shall be a period commencing from a date not earlier than the second day after the date of publication of the notification in the Official Gazette), no person shall carry or otherwise have in his possession any arms of such description as may be specified in the notification (the arms so specified being hereafter in this section referred to as notified arms) through or in any public place in such area;

(c) authorise any such officer subordinate to the Central Government or a State Government as may be specified in the notification,—

(i) to search at any time during the period specified in the notification any person in, or passing through, or any premises in or forming part of, or any animal or vessel or vehicle or other conveyance of whatever nature in or passing through, or any receptacle or other container of whatever nature in, any public place in such area if such officer has reason to believe that any notified arms are secreted by such person or in such premises or on such animal or in such vessel, vehicle or other conveyance or in such receptacle or other container;

(ii) to seize at any time during the period specified in the notification any notified arms being carried by or otherwise in

the possession of any person, through or in a public place in such area or discovered through a search under sub-clause (i), and detain the same during the period specified in the notification.

(2) The period specified in a notification issued under sub-section (1) in respect of any area shall not, in the first instance, exceed ninety days, but the Central Government may amend such notification to extend such period from time to time by any period not exceeding ninety days at any one time if, in the opinion of that Government, there continues to be in such area such disturbance of public peace and tranquillity as is referred to in sub-section (1) or imminent danger thereof and that for the prevention of offences involving the use of arms in such area it is necessary or expedient so to do.

(3) The provisions of the Code of Criminal Procedure, 1973, relating to searches and seizures shall, so far as may be, apply to any search or seizure made under sub-section (1).

(4) For the purposes of this section,—

(a) "arms" includes ammunition;

(b) "public place" means any place intended for use by, or accessible to, the public or any section of the public; and

(c) where the period specified in a notification, as originally issued under sub-section (1), is extended under sub-section (2), then, in relation to such notification, references in sub-section (1) to "the period specified in the notification" shall be construed as references to the period as so extended.'

Amend-
ment of
section
25.

8. In section 25 of the principal Act,—

(a) for sub-section (1), the following sub-sections shall be substituted, namely:—

"(1) Whoever—

(a) manufactures, sells, transfers, converts, repairs, tests or proves, or exposes or offers for sale or transfer, or has in his possession for sale, transfer, conversion, repair, test or proof, any arms or ammunition in contravention of section 5; or

(b) shortens the barrel of a firearm or converts an imitation firearm into a firearm in contravention of section 6; or

(c) acquires, has in his possession or carries, or manufactures, sells, transfers, converts, repairs, tests or proves, or exposes or offers for sale or transfer, or has in his possession for sale, transfer, conversion, repair, test or proof, any prohibited arms or prohibited ammunition in contravention of section 7; or

(d) brings into, or takes out of, India, any arms or ammunition of any class or description in contravention of section 11,

shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine.

(1A) Whoever has in contravention of a notification issued under section 24A in his possession or in contravention of a notification issued under section 24B carries or otherwise has in his possession, any arms or ammunition shall be punishable with imprisonment for a term which shall not be less than one year, but which may extend to five years and shall also be liable to fine.

(1B) Whoever—

(a) acquires, has in his possession or carries any firearm or ammunition in contravention of section 3; or

(b) acquires, has in his possession or carries in any place specified by notification under section 4 any arms of such class or description as has been specified in that notification in contravention of that section; or

(c) sells or transfers any firearm which does not bear the name of the maker, manufacturer's number or other identification mark stamped or otherwise shown thereon as required by sub-section (2) of section 8 or does any act in contravention of sub-section (1) of that section; or

(d) being a person to whom sub-clause (ii) or sub-clause (iii) of clause (a) of sub-section (1) of section 9 applies, acquires, has in his possession or carries any firearm or ammunition in contravention of that section; or

(e) sells or transfers, or converts, repairs, tests or proves any firearm or ammunition in contravention of clause (b) of sub-section (1) of section 9; or

(f) brings into, or takes out of, India, any arms or ammunition in contravention of section 10; or

(g) transports any arms or ammunition in contravention of section 12; or

(h) fails to deposit arms or ammunition as required by sub-section (2) of section 3, or sub-section (1) of section 21; or

(i) being a manufacturer of, or dealer in, arms or ammunition, fails, on being required to do so by rules made under section 44, to maintain a record or account or to make therein all such entries as are required by such rules or intentionally makes a false entry therein or prevents or obstructs the inspection of such record or account or the making of copies of entries therefrom or prevents or obstructs the entry into any premises or other place where arms or ammunition are or is manufactured or kept or intentionally fails to exhibit or conceals such arms or ammunition or refuses to point out where the same are or is manufactured or kept,

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years and shall also be liable to fine:

Provided that the Court may for any adequate and special reasons to be recorded in the judgment impose a sentence of imprisonment for a term of less than six months.”;

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

“(3) Whoever sells or transfers any firearm, ammunition or other arms—

(i) without informing the district magistrate having jurisdiction or the officer in charge of the nearest police station, of the intended sale or transfer of that firearm, ammunition or other arms; or

(ii) before the expiration of the period of forty-five days from the date of giving such information to such district magistrate or the officer in charge of the police station,

in contravention of the provisions of clause (a) or clause (b) of the proviso to sub-section (2) of section 5, shall be punishable with imprisonment for a term which may extend to six months, or with fine of an amount which may extend to five hundred rupees, or with both.”.

9. For section 26 of the principal Act, the following section shall be substituted, namely:—

“26. (1) Whoever does any act in contravention of any of the provisions of section 3, 4, 10 or 12 in such manner as to indicate an intention that such act may not be known to any public servant or to any person employed or working upon a railway, aircraft, vessel, vehicle or any other means of conveyance, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years and also with fine.

(2) Whoever does any act in contravention of any of the provisions of section 5, 6, 7 or 11 in such manner as to indicate an intention that such act may not be known to any public servant or to any person employed or working upon a railway, aircraft, vessel, vehicle or any other means of conveyance, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to ten years and also with fine.

(3) Whoever on any search being made under section 22 conceals or attempts to conceal any arms or ammunition, shall be punishable with imprisonment for a term which may extend to ten years and also with fine.”.

10. In sections 27 and 28 of the principal Act, for the words “, or with fine, or with both”, the words “and with fine” shall be substituted.

11. In section 29 of the principal Act, for the words “six months, or with fine of an amount which may extend to five hundred rupees, or with both”, the words “three years, or with fine, or with both” shall be substituted.

12. In section 30 of the principal Act, for the words “three months”, the words “six months” and for the words “five hundred”, the words “two thousand” shall be substituted.

Substitution
of new
section
for sec-
tion 26.

Secret
contraven-
tions.

Amend-
ment of
sections
27 and 28.

Amend-
ment of
section
29.

Amend-
ment of
section
30.

8 of 1878.
52 of 1962.5 of 1898
2 of 1974.**13. In section 34 of the principal Act,—**

(a) for the words and figures "Sea Customs Act, 1878", the words and figures "Customs Act, 1962" shall be substituted;

(b) for the word and figures "section 16", the word and figures "section 58" shall be substituted.

Amend-
ment of
section
34.**14. In sections 37 and 38 of the principal Act, for the words and figures "Code of Criminal Procedure, 1898", the words and figures "Code of Criminal Procedure, 1973" shall be substituted.**Amend-
ment of
sections
37 and 38.**15. In section 41 of the principal Act, in clause (a), for the words "exempt any person or class of persons", the words and brackets "exempt any person or class of persons (either generally or in relation to such description of arms and ammunition as may be specified in the notification)" shall be substituted.**Amend-
ment of
section
41.**16. In section 44 of the principal Act,—**

(a) in sub-section (2), in clause (a), after the words "licensing authorities", the words "including the areas and the categories of arms and ammunition for which they may grant licences" shall be inserted;

Amend-
ment of
section
44.

(b) in sub-section (3), for the words "two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following", the words "two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.

4 of 1983.

17. (1) The Arms (Amendment) Ordinance, 1983, is hereby repealed.Repeal
and
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

THE SOCIETIES REGISTRATION (DELHI AMENDMENT)
ACT, 1983

No. 26 OF 1983

[2nd September, 1983.]

An Act further to amend the Societies Registration Act, 1860 as in force
in the Union Territory of Delhi.

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

Short
title and
com-
mence-
ment.

Amend-
ment of
Act 21 of
1860.

1. (1) This Act may be called the Societies Registration (Delhi
Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the 22nd day of June,
1983.

2. In the Societies Registration Act, 1860, as in force in the Union
territory of Delhi (hereinafter referred to as the principal Act),—

(a) in the long title, for the words "Literary, Scientific, and
Charitable Societies", the words "Welfare, Literary, Scientific and
Charitable Societies" shall be substituted;

(b) in the preamble, for the words "promotion of literature,
science, or the fine arts", the words "promotion of social welfare,
activities conducive to the protection and improvement of the natural
environment (including forests, lakes, rivers and wild life), compassion
for living creatures, literature, science, sports, games or the fine arts"
shall be substituted;

(c) in section 20, for the words "promotion of science, litera-
ture, or the fine arts", the words "promotion of social welfare, activi-
ties conducive to the protection and improvement of the natural environ-
ment (including forests, lakes, rivers and wild life), compassion for
living creatures, literature, science, sports, games or the fine arts"
shall be substituted.

3. (1) The Societies Registration (Delhi Amendment) Ordinance,
1983 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken
under the principal Act as amended by the said Ordinance shall be deemed to
have been done or taken under the principal Act as amended by this Act.

3 of 1983.

THE JUTE MANUFACTURES DEVELOPMENT COUNCIL ACT, 1983

ARRANGEMENT OF SECTIONS

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**THE JUTE MANUFACTURES DEVELOPMENT COUNCIL
ACT, 1983**

NO. 27 OF 1983

[7th September, 1983.]

An Act to provide for the establishment of a Council for the development of production of jute manufactures by increasing the efficiency and productivity in the jute industry, the financing of activities for such development and for matters connected therewith.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Jute Manufactures Development Council Act, 1983.
Short title,
extent
and
commencement.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.
2. In this Act, unless the context otherwise requires,—
Definitions.
 - (a) "Chairman" means the Chairman of the Council;
 - (b) "Council" means the Jute Manufactures Development Council established under section 3;
 - (c) "jute manufacture" shall have the same meaning as assigned to it in the Jute Manufactures Cess Act, 1983;
 - (d) "member" means a member of the Council and includes the Chairman;
 - (e) "prescribed" means prescribed by rules made under this Act;
 - (f) "year" means the year commencing on the 1st day of July and ending on the 30th day of June next following.

¹1-5-1984 : Vide Notification No. S.O. 325, (E), dated 28-4-84 Gazette of India, Extra ordinary, Part II, Section 3(ii)

CHAPTER II

THE JUTE MANUFACTURES DEVELOPMENT COUNCIL

Establishment
and constitution
of the
Council.

3. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established for the purposes of this Act, a Council to be called the Jute Manufactures Development Council.

(2) The Council shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold, and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The head office of the Council shall be at Calcutta in the State of West Bengal, and the Council may, with the previous approval of the Central Government, establish offices or agencies at other places in or outside India.

(4) The Council shall consist of the following members, namely:—

(a) a Chairman to be appointed by the Central Government;

(b) such number of members not exceeding eight as the Central Government may think fit to be appointed by it from among the Ministries of the Central Government dealing with—

(i) agriculture;

(ii) commerce (textiles);

(iii) finance;

(iv) industry;

(v) civil supplies;

(vi) co-operation;

(c) six members to be appointed by the Central Government by rotation in the alphabetical order to represent respectively the Governments of the States of Andhra Pradesh, Assam, Bihar, Meghalaya, Orissa, Tripura and West Bengal in which jute is cultivated on a large scale:

Provided that such appointment shall be made on the recommendation of the Government of the State concerned;

(d) four members to be appointed by the Central Government to represent the producers of jute manufactures;

(e) two members to be appointed by the Central Government to represent the exporters of jute manufactures;

(f) three members to be appointed by the Central Government to represent the growers of jute;

(g) three members to be appointed by the Central Government to represent the interests of workmen employed in factories producing jute manufactures;

(h) five members to be appointed by the Central Government from amongst persons who, in the opinion of the Central Government, are experts in jute technological research, jute marketing or agricultural economics.

(5) The Council shall elect, from amongst its members, a Vice-Chairman who shall exercise such of the powers and perform such of the functions of the Chairman as may be prescribed or as may be delegated to him by the Chairman.

(6) The term of office and other conditions of service of the members and the manner of filling vacancies among, and the procedure to be followed in the discharge of their functions by, the members shall be such as may be prescribed.

(7) Any officer of the Central Government, not being a member of the Council, when deputed by that Government in this behalf, shall have the right to attend the meetings of the Council and take part in the proceedings thereof, but shall not have the right to vote.

(8) The Council may associate with itself, in such manner, subject to such conditions and for such purposes as may be prescribed, any person whose assistance or advice it may desire in complying with any of the provisions of this Act and a person so associated shall be entitled to receive such allowances or fees as may be fixed by the Central Government and shall have the right to take part in the proceedings of the Council relevant to the purpose for which he has been associated, but shall not have the right to vote.

(9) No act or proceeding of the Council or any committee appointed by it under section 5 shall be invalidated merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Council or such committee; or

(b) any defect in the appointment of a person acting as a member of the Council or such committee; or

(c) any irregularity in the procedure of the Council or such committee not affecting the merits of the case.

(10) The Council shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at meetings) as may be prescribed.

4. (1) The Chairman shall be entitled to such salary and allowances and shall be subject to such conditions of service in respect of leave, pension, provident fund and other matters as may from time to time be fixed by the Central Government.

(2) The other members of the Council shall receive such allowances as may be fixed by the Central Government.

5. (1) The Council may appoint such committees as may be necessary for the efficient discharge of its duties and performance of its functions under this Act.

(2) The Council shall have the power to co-opt as members of any committee appointed under sub-section (1) such number of persons who

Salary
and allow-
ances
and other
conditions
of ser-
vice of
Chairma
and other
members.

Com-
mittees
of the
Council.

are not members of the Council as it may think fit and the persons so co-opted shall have the right to attend meetings of the committee and take part in its proceedings but shall not have the right to vote.

(3) The persons co-opted as members of a committee under subsection (2) shall be entitled to receive such allowances or fees for attending the meetings of the committee as may be fixed by the Central Government.

Officers
of the
Council
and other
staff.

6. (1) Subject to the provisions of this Act, every person employed by the Jute Manufactures Development Council established under subsection (1) of section 6 of the Industries (Development and Regulation) Act, 1951, immediately before the date of establishment of the Council under section 3 of this Act, shall, on and from such date, become an employee of the Council with such designation as the Council may determine and shall hold his office or service therein by the same tenure, at the same remuneration and upon the same terms and conditions as he would have held on such date if the Council had not been established and shall continue to do so unless and until his employment in the Council is terminated or until such tenure, remuneration and terms and conditions are duly altered by the Council:

65 of 1951.

Provided that the tenure, remuneration and terms and conditions of service of any such person shall not be altered to his disadvantage without the previous approval of the Central Government.

(2) Every employee holding any office under the Central Government immediately before the date of establishment of the Council solely or mainly for or in connection with such matters as are relevant to the functions of the Council under this Act, shall, on and from such date, be treated as on deputation with the Council but shall hold his office in the Council by the same tenure and upon the same terms and conditions of service as respects remuneration, leave, provident fund, retirement or other terminal benefits as he would have held such office, if the Council had not been established and shall continue to do so until the Central Government, either on its own motion or at the request of the Council, recalls such employee to its service or until the Council, with the concurrence of the Central Government, duly absorbs such employee in its regular service, whichever is earlier:

Provided that during the period of deputation of any such employee with the Council, the Council shall pay to the Central Government, in respect of every such employee, such contribution towards his leave salary, pension and gratuity as the Central Government may, by order, determine:

Provided further that any such employee, who has, in respect of the proposal of the Council to absorb him in its regular service, intimated within such time as may be specified in this behalf by the Council his intention of not becoming a regular employee of the Council, shall not be absorbed by the Council in its regular service.

(3) If any dispute or doubt arises as to which of the employees serving under the Central Government are to be treated as on deputation with the Council under this section, such dispute or doubt shall be decided by the Central Government in consultation with the Council and the decision of the Central Government thereon shall be final.

(4) For the purposes of enabling it efficiently to discharge its functions under this Act, the Council shall, subject to the other provisions of this section and to such rules as may be made in this behalf by the Central Government, appoint (whether on deputation or otherwise) such number of officers and other employees as it may consider necessary:

Provided that the appointment of such category of officers as may be specified in such rules, shall be subject to the approval of the Central Government.

(5) Subject to the other provisions of this section, every officer or other employee appointed by the Council shall be subject to such conditions of service and shall be entitled to such remuneration as may be prescribed.

7. (1) It shall be the duty of the Council to promote, by such measures as it thinks fit, the development of production of jute manufactures by increasing the efficiency and productivity in the jute industry.

(2) Without prejudice to the generality of the provisions of subsection (1), the measures referred to therein may provide for—

(a) evolving an integrated approach to jute cultivation in the matter of formulation of schemes, extension work, implementation and evaluation of schemes aimed at increasing the yield of jute and improving the quality thereof;

(b) promoting arrangements for better marketing and sale of jute;

(c) recommending targets for production for jute industry, co-ordinating production programmes and reviewing progress from time to time;

(d) suggesting norms of efficiency for jute industry with a view to eliminating waste, obtaining optimum production, improving quality and reducing costs;

(e) promoting standardisation of jute manufactures;

(f) maintenance and improvement of existing markets and development of new markets outside India for jute manufactures and devising marketing strategy in consonance with the demand for such manufactures outside India;

(g) sponsoring, assisting, co-ordinating or encouraging scientific, technological and economic research into the matters relating to materials, equipment, methods of production, product development, including discovery and development of new materials, equipment and methods and of improvements in those already in use in the jute industry;

(h) ensuring stabilisation of prices of jute manufactures in and outside India;

(i) promoting or undertaking the collection and formulation of statistics regarding jute industry;

(j) propagating information useful to the growers, dealers and exporters of jute and producers or manufacturers of jute goods;

Functions
of the
Council.

(k) such other matters as may be prescribed.

(3) The Council shall perform its functions under this section in accordance with and subject to such rules as may be made by the Central Government and such rules may in particular make provisions for ensuring that the Council functions in close liaison with Union agencies, institutions and authorities concerned with the jute manufactures (including cultivation of jute) and avoids duplication of effort.

Dissolu-
tion of
the Coun-
cil.

8. (1) The Central Government may, by notification in the Official Gazette and for reasons to be specified therein, direct that the Council shall be dissolved from such date and for such period as may be specified in the notification:

Provided that before issuing any such notification, the Central Government shall give a reasonable opportunity to the Council to make representations against the proposed dissolution and shall consider the representations, if any, of the Council.

(2) When the Council is dissolved under the provisions of sub-section (1),—

(a) all the members, notwithstanding that their term of office has not expired, shall, from the date of dissolution, vacate their offices as such members;

(b) all the powers and duties of the Council shall, during the period of dissolution, be exercised and performed by such person or persons as the Central Government may appoint in this behalf and their remuneration shall be such as may be prescribed;

(c) all funds and other properties vested in the Council shall, during the period of dissolution, vest in the Central Government; and

(d) as soon as the period of dissolution expires, the Council shall be reconstituted in accordance with the provisions of this Act.

CHAPTER III

FINANCE, ACCOUNTS AND AUDIT

Grants
and loans
by the
Central
Govern-
ment Jute
Fund.

9. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Council by way of grants or loans such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

10. (1) There shall be formed a Fund to be called the Jute Fund and there shall be credited thereto—

(a) any fees that may be levied and collected under this Act or the rules made thereunder;

(b) any sums of money paid or any grants or loans granted by the Central Government for the purposes of this Act;

(c) any grants or loans that may be made by any person for the purposes of this Act.

(2) The Fund shall be applied—

- (a) for meeting the cost of the measures referred to in section 7;
- (b) for meeting the salaries, allowances and other remuneration of the officers and other employees of the Council;
- (c) for meeting the other administrative expenses of the Council;
- (d) for repayment of any loans.

11. Subject to such rules as may be made in this behalf by the Central Government, the Council shall have the power to borrow on the security of the Jute Fund or any other asset for carrying out the purposes of this Act.

Borrowing powers of the Council.

12. (1) The Council shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the profit and loss account, and the balance sheet, in such form and in such manner as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

Accounts and audit.

(2) The accounts of the Council shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Council to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the Council shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Council.

(4) The accounts of the Council as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

CHAPTER IV

CONTROL BY CENTRAL GOVERNMENT

13. The Council shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act.

Directions by Central Government.

14. (1) The Council shall furnish to the Central Government at such time and in such form and manner as may be prescribed, such returns and statements and such particulars in regard to any proposed or existing programme for the development of jute manufactures, as the Central Government may, from time to time, require.

Returns and reports of activities of the Council.

(2) The Council shall furnish a programme of its activities for each year to the Central Government for its information and directions, if any.

(3) Without prejudice to the provisions of sub-section (1), the Council shall, as soon as possible, after the end of each year, submit to the Central Government a report in such form, and before such date, as may be prescribed, giving a true and full account of its activities, policy and programmes during the previous year.

(4) A copy of the report received under sub-section (3) shall be laid, as soon as may be, after it is received, before each House of Parliament.

CHAPTER V

MISCELLANEOUS

Power
to
call for
reports
and re-
turns.

Power
of ins-
pection.

Penalties.

Offences
by com-
panies.

15. The Council may require a producer of a jute manufacture to furnish, for the purposes of this Act, such statistical or other information in such form and within such period as may be specified by the Council.

16. Any person authorised in this behalf by the Central Government or by the Council or any officer of the Council authorised by the Chairman in writing, may enter, at all reasonable times, any place or premises where jute manufactures are stored, kept or exposed for sale and may require the production for inspection of any book, register, record or other paper kept therein and ask for any information relating to the production, storage or keeping for sale of jute manufactures.

17. Whoever fails to comply with any order or direction given under this Act, within such time as may be specified in the said order or direction, or contravenes or attempts to contravene or abets the contravention of any of the provisions of this Act or any rules made thereunder, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees, or with both.

18. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

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

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

19. No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act. Cognizance of offences.

2 of 1974. 20. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no court shall take cognizance of any offence punishable under this Act except with the previous sanction of the Central Government. Sanction for prosecutions.

21. No suit, prosecution or other legal proceeding shall lie against the Central Government, or the Council or any committee appointed by it, or any member of the Council or such committee, or any officer or other employee of the Central Government or the Council or any other person authorised by the Central Government or the council or the Chairman for anything which is in good faith done or intended to be done under this Act or the rules made thereunder. Protection of action taken in good faith.

45 of 1860. 22. All the members and all officers and other employees of the Council when acting or purporting to act in pursuance of the provisions of this Act or the rules made thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. Members, officers and employees of the Council to be public servants.

23. (1) If the Central Government is satisfied that circumstances have arisen rendering it necessary that certain of the restrictions imposed by this Act should cease to be imposed and if it considers it necessary or expedient so to do in the public interest, the Central Government may, by notification in the Official Gazette, suspend or relax to a specified extent and for such period as may be specified in the notification, the operation of all or any of the provisions of this Act, in all or any of the territories to which this Act extends. Suspension of operation of Act.

(2) Where the operation of any provision of this Act has, under sub-section (1), been suspended or relaxed, such suspension or relaxation may, at any time while this Act remains in force, be removed by the Central Government by notification in the Official Gazette.

(3) Every notification issued under this section shall be laid, as soon as may be after it is 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 or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or both Houses agree that the notification should not be

issued, the notification 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.

Application of
other
laws
not
barred.

Power to
make
rules.

24. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

25. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the powers and functions of the Vice-Chairman of the Council under sub-section (5) of section 3;

(b) the term of office and other conditions of service of members, the manner of filling vacancies among, and the procedure to be followed in the discharge of their functions by, members, under sub-section (6) of section 3;

(c) the manner in which, the conditions subject to which and the purposes for which persons may be associated by the Council under sub-section (8) of section 3;

(d) the times and places at which the Council shall meet, the rules of procedure to be observed in regard to the transaction of business at its meetings and the number of members which shall form a quorum at a meeting under sub-section (10) of section 3;

(e) the conditions and limitations subject to which the Council may appoint officers and other employees under sub-section (4) of section 6;

(f) the conditions of service and the remuneration of officers and other employees appointed by the Council under sub-section (5) of section 6;

(g) the matters in respect of which the Council may undertake measures in the discharge of its functions under clause (k) of sub-section (2) of section 7;

(h) the remuneration payable to the person or persons referred to in clause (b) of sub-section (2) of section 8;

(i) the conditions subject to which the Council shall borrow on the security of the Jute Fund or any other asset under section 11;

(j) the form and manner in which the accounts of the Council shall be maintained under sub-section (1) of section 12;

(k) the time at which and the form and manner in which the Council shall furnish returns, statements and other particulars under sub-section (1) of section 14;

(l) the form in which and the date before which the Council shall furnish to the Central Government the report of its activities, policy and programmes under sub-section (3) of section 14;

(m) any other matter which is to be or may be prescribed or provided for by rules under this Act.

(3) 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 or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or 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 JUTE MANUFACTURES CESS ACT, 1983

No. 28 OF 1983

[7th September, 1983.]

An Act to provide for the levy and collection, by way of cess, of a duty of excise on jute manufactures for the purpose of carrying out measures for the development of production of jute manufactures and for matters connected therewith.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title,
extent
and
commencement.

Definitions.

1. (1) This Act may be called the Jute Manufactures Cess Act, 1983.
(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,—

(a) "jute manufacture" means any article specified in the Schedule which contains more than fifty per cent. of jute (including Bimlipatam jute or mesta fibre of any sort) by weight of the total fibre content and in the production of which any process is ordinarily carried on with the aid of power.

Explanation.—“Power” means electrical energy or any other form of energy which is mechanically transmitted and is not generated by any human or animal agency;

(b) “prescribed” means prescribed by rules made under this Act;

(c) “producer”, in relation to a jute manufacture, means the producer of such jute manufacture.

^{5.0}
1-5-1984 .Vide Notification No. 326(E), dated 28-4-1984.Gazette of India, Extraordinary, Part II, Section 3(ii)

3. (1) There shall be levied and collected by way of cess for the purposes of the Jute Manufactures Development Council Act, 1983, on every article of jute manufacture specified in column 2 of the Schedule and produced in India, a duty of excise at such rate not exceeding the rate specified in the corresponding entry in column 3 thereof, as the Central Government may, by notification in the Official Gazette, specify:

Levy and collection of cess on jute manufactures produced in India.

Provided that until such rate is specified by the Central Government, the duty of excise shall be levied and collected at the rate specified in the corresponding entry in column 4 of the Schedule.

(2) The duty of excise levied under sub-section (1) shall be in addition to the duty of excise leviable on jute manufactures under the Central Excises and salt Act, 1944 or any other law for the time being in force.

(3) The duty of excise levied under sub-section (1) shall be payable by the Producer of a jute manufacture.

(4) The provisions of the Central Excises and Salt Act, 1944, and the rules made thereunder, including those relating to refunds and exemptions from duty, shall, so far as may be, apply in relation to the levy and collection of the duty of excise on jute manufactures under this Act.

4. The proceeds of the duty of excise levied under sub-section (1) of section 3 shall first be credited to the Consolidated Fund of India and the Central Government may, if Parliament, by appropriation made by law in this behalf, so provides, pay to the Jute Manufactures Development Council, from time to time, from out of such proceeds (after deducting the cost of collection which shall not exceed four per cent. of such proceeds) such sums of money as it may think fit for being utilised for the purposes of the Jute Manufactures Development Council Act, 1983.

Crediting proceeds of duties to the Consolidated Fund of India.

5. The Central Government may require a producer of a jute manufacture to furnish for the purposes of this Act, such statistical and any other information in such form and within such period as may be prescribed.

Power to call for information.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for the form in which and the period within which statistical and other information may be furnished under section 5.

(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 or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or 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 SCHEDULE

[See sections 2(a) and 3(1)]

Sl. No.	Articles of jute manufacture	The maximum rate at which duty of excise may be collected	Actual rate at which duty of excise is to be collected until a different rate is specified by the Central Government
1	2	3	4
1. Carpet Backing	Rupees 195 per tonne	Rs. 65.00 per tonne	
2. Hessian	Rupees 209 per tonne	Rs. 69.65 per tonne	
3. Sacking	Rupees 158 per tonne	Rs. 52.65 per tonne	
4. Yarn and Twine	Rupees 197 per tonne	Rs. 65.65 per tonne	
5. D.W. Tarpaulin	Rupees 198 per tonne	Rs. 66.00 per tonne	
6. Decorative Fabrics	Rupees 457 per tonne	Rs. 152.35 per tonne	
7. Cotton Bagging	Rupees 110 per tonne	Rs. 36.65 per tonne	
8. Soil Saver	Rupees 115 per tonne	Rs. 38.35 per tonne	
9. Japanese Rice Bags	Rupees 205 per tonne	Rs. 68.35 per tonne	
10. Any other article of jute manufacture	Rupees 184 per tonne	Rs. 61.35 per tonne	

THE NATIONAL OILSEEDS AND VEGETABLE OILS DEVELOPMENT BOARD ACT, 1983

No. 29 OF 1983

[8th September, 1983.]

An Act to provide for the development under the control of the Union of the oilseeds industry and the vegetable oils industry and for matters connected therewith.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the National Oilseeds and Vegetable Oils Development Board Act, 1983. Short title,
extent
and com-
mencement.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date ¹ as the Central Government may, by notification in the Official Gazette, appoint. Declara-
tion as to
expedi-
ency of
control
by the
Union.
2. It is hereby declared that it is expedient in the public interest that the Union should take under its control the oilseeds industry. Declara-
tion as to
expedi-
ency of
control
by the
Union.
3. In this Act, unless the context otherwise requires,— Defini-
tions.
- (a) "Board" means the National Oilseeds and Vegetable Oils Development Board established under section 4;
- (b) "Chairman" means the Chairman of the Board;
- (c) "coconut" has the same meaning as in the Coconut Development Board Act, 1979;
- (d) "Executive Director" means the Executive Director of the Board;
- (e) "member" means a member of the Board;

5 of 1979.

¹ 8-3-1984: Vide Notification No. G.S.R. 2c6(E) dated 8-3-1984, Gazette of India, Pt. II, Section 3(i).

- (f) "oilseed" does not include coconut;
- (g) "prescribed" means prescribed by rules made under this Act;
- (h) "Vegetable oil" means any oil produced from oilseeds, or any other oil bearing material of plant origin, and containing glycerides but does not include any such vegetable oil which has been subjected to any processing subsequent to the recovery of oil;
- (i) "Vice-Chairman" means the Vice-Chairman of the Board.

CHAPTER II

THE NATIONAL OILSEEDS AND VEGETABLE OILS DEVELOPMENT BOARD

Establish-
ment and
constitu-
tion of
the
Board.

4. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established, for the purposes of this Act, a Board to be called the National Oilseeds and Vegetable Oils Development Board.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The head office of the Board shall be at Delhi or at such other place as the Central Government may, by notification in the Official Gazette, specify.

(4) The Board shall consist of the following members, namely:—

(a) the Minister in charge of the Ministry of the Central Government dealing with agriculture, who shall *ex officio* be the Chairman of the Board;

(b) the Secretary in charge of the Ministry of the Central Government dealing with agricultural development, who shall *ex officio* be the Vice-Chairman of the Board;

(c) the Agriculture Commissioner to the Government of India, *ex officio*;

(d) the Director-General, Indian Council of Agricultural Research, *ex officio*;

(e) three members of Parliament, of whom two shall be elected by the House of the People and one by the Council of States;

(f) one member to be appointed by the Central Government to represent the Planning Commission;

(g) three members to be appointed by the Central Government to represent respectively the Ministries of the Central Government dealing with—

(i) finance (revenue);

(ii) commerce;

(iii) civil supplies;

(h) Executive Director, *ex officio*;

(i) Financial Adviser to the Ministry of the Central Government dealing with agriculture, *ex officio*;

(j) eleven members to be appointed by the Central Government to represent respectively the Governments of the States of Andhra Pradesh, Gujarat, Haryana, Madhya Pradesh, Maharashtra, Karnataka, Orissa, Punjab, Rajasthan, Tamil Nadu and Uttar Pradesh:

Provided that every appointment under this clause shall be made on the recommendation of the Government of the State concerned;

(k) five members to be appointed by the Central Government to represent respectively—

(i) the State Trading Corporation of India Limited;

(ii) the National Co-operative Development Corporation established under section 3 of the National Co-operative Development Corporation Act, 1962;

(iii) the National Dairy Development Board;

(iv) the National Agricultural Co-operative Marketing Federation;

(v) the National Bank for Agriculture and Rural Development established under section 3 of the National Bank for Agriculture and Rural Development Act, 1981;

(l) three members to be appointed by the Central Government to represent the oilseeds growers;

(m) one member to be appointed by the Central Government to represent exporters of oilseeds, vegetable oils or other products derived from oilseeds;

(n) one member to be appointed by the Central Government to represent the vegetable oils industry;

(o) two members to be appointed by the Central Government to represent such other interests connected with the oilseeds industry or the vegetable oils industry as, in the opinion of that Government, ought to be represented.

(5) The term of office of the members, other than the *ex officio* members, and the manner of filling vacancies among, and the procedure to be followed in the discharge of their functions by, such members shall be such as may be prescribed.

(6) Any officer of the Central Government, not being a member of the Board, when deputed by that Government in this behalf, shall have

the right to attend the meetings of the Board and take part in the proceedings thereof but shall not be entitled to vote.

(7) The Board may associate with itself, in such manner, subject to such conditions and for such purposes as may be prescribed, any person whose assistance or advice it may desire in complying with any of the provisions of this Act and a person so associated shall have the right to take part in the discussions of the Board relevant to the purpose for which he has been associated but shall not have the right to vote and shall be entitled to receive such allowances or fees as may be fixed by the Central Government.

(8) No act or proceeding of the Board or any committee appointed by it under section 8 shall be invalidated merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Board or such committee; or

(b) any defect in the appointment of a person acting as a member of the Board or such committee; or

(c) any irregularity in the procedure of the Board or such committee not affecting the merits of the case.

(9) The Board shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as may be provided by regulations made by the Board under this Act.

Allowances of members.

5. The members of the Board shall receive such allowances as may be fixed by the Central Government.

Officers of the Board and other staff.

6. (1) The Central Government shall appoint a person possessing such technical qualifications and practical experience in oilseeds development as may be prescribed, as the Executive Director to the Board.

(2) The Executive Director shall be the chief executive of the Board and shall exercise such powers and perform such functions as may be prescribed.

(3) The Central Government shall appoint a Secretary to the Board who shall exercise such powers and perform such functions as may be prescribed or as may be delegated to him by the Board or the Executive Director.

(4) The Executive Director and the Secretary shall be entitled to such salary and allowances and shall be subject to such conditions of service in respect of leave, pension, provident fund and other matters as may, from time to time, be fixed by the Central Government.

(5) Subject to such control and restrictions as may be prescribed, the Board may appoint such other officers and employees, as may be necessary, for the efficient performance of its functions and the method of appointment, the conditions of service and the scales of pay and allowances of such other officers and employees of the Board shall be such as may be provided by the Board by regulations made under this Act.

(6) The Executive Director, the Secretary and other officers and employees of the Board shall not undertake any work unconnected with their duties under this Act except with the permission of the Central Government.

7. (1) On the establishment of the Board, it shall be lawful for the Central Government to transfer to the Board, by order, and with effect from such date or dates (which may be either retrospective to any date not earlier than the date of such establishment or prospective) as may be specified in the order, any officer or other employee holding office as such in the Directorate of Oilseeds Development immediately before the date on which the Board is established:

Special provision for transfer of employees to the Board.

Provided that the scale of pay of the post to which such officer or other employee is transferred shall not be lower than the scale of pay of the post he was holding immediately before such transfer and the other terms and conditions of service (including pension, leave, provident fund and medical benefits) of the post to which he is transferred shall not be less favourable than the terms and conditions of service in relation to the post held by him immediately before such transfer;

Provided further that if, immediately before the date of his transfer, any such officer or other employee is officiating in a higher post under the Central Government either in a leave vacancy or in any vacancy of a specified duration, his pay and other allowances, if any, on transfer, shall be protected for the unexpired period of such vacancy and thereafter he shall be entitled to the scale of pay applicable to the post under the Central Government to which he would have reverted but for his transfer to the Board.

(2) Before any order is made under sub-section (1), the officers and other employees of the Directorate of Oilseeds Development who are proposed to be transferred under that sub-section shall be given an option in such form and within such time as may be specified in that behalf by the Central Government, to express their willingness or otherwise to become employees of the Board and such option once exercised shall be final:

Provided that no order under sub-section (1) shall be made in relation to any officer or other employee of the Directorate of Oilseeds Development who has intimated his intention of not becoming an employee of the Board within the time specified in that behalf;

Provided further that such of the persons employed by the Central Government in the said Directorate who do not express, within the time specified in that behalf, their intention of becoming the employees of the Board, shall be dealt with in the same manner as, and in accordance with the same rules as are applicable to, the employees of the Central Government in the event of the reduction of the strength of the Department in which such persons have been employed.

(3) An officer or other employee transferred by an order made under sub-section (1) shall, on and from the date of transfer, cease to be an officer or employee of the Central Government and become an officer or other employee of the Board with such designation as the Board may determine and shall be governed by the regulations made by

the Board under this Act in respect of remuneration and other conditions of service (including pension, leave, provident fund and medical benefits) and shall continue to be an officer or other employee of the Board unless and until his employment is duly terminated by the Board:

Provided that till such time as the regulations referred to above governing the conditions of service of its officers or other employees are made by the Board, the relevant rules and orders made by the Central Government shall continue to be applicable to such officers or other employees.

(4) If any question arises as to whether the terms and conditions of service prescribed in the regulations made by the Board in respect of any matter, including remuneration, pension, leave, provident fund and medical benefits, are less favourable than those attached to the post held by an officer or other employee immediately before his transfer to the Board, the decision of the Central Government in the matter shall be final.

Managing Committee and other committees of the Board.

8. (1) There shall be a Managing Committee of the Board for the purpose of exercising such of the powers and performing such of the functions of the Board as may be prescribed or as the Board may delegate to it.

(2) The Managing Committee of the Board shall consist of the following members of the Board, namely:—

- (a) the Vice-Chairman, who shall be the Chairman of the Managing Committee;
- (b) the Agriculture Commissioner to the Government of India;
- (c) the Director-General, Indian Council of Agricultural Research;
- (d) one member to be nominated by the Chairman from among the members referred to in clause (g) of sub-section (4) of section 4;
- (e) Executive Director;
- (f) Financial Adviser to the Ministry of Central Government dealing with agriculture;
- (g) one member to be nominated by the Chairman from among the members referred to in clause (j) of sub-section (4) of section 4;
- (h) one member to be nominated by the Chairman from among the members referred to in clause (k) of sub-section (4) of section 4;
- (i) one member to be nominated by the Chairman from among the members referred to in clause (l) of sub-section (4) of section 4; and
- (j) one member to be nominated by the Chairman from among the members referred to in clauses (m), (n) and (o) of sub-section (4) of section 4.

(3) Subject to such control and restrictions as may be prescribed, the Board may constitute other standing committees or *ad hoc* committees for exercising any powers or performing any functions of the Board or for inquiring into or reporting and advising on any matter which the Board may refer to them.

(4) The Board shall have the power to co-opt as members of the Managing Committee or any committee constituted under sub-section (3), such number of persons who are not members of the Board as it thinks fit and the persons so co-opted shall have the right to attend the meetings of the committee and take part in its proceedings but shall not have the right to vote.

(5) The persons co-opted as members of a committee under sub-section (4) shall be entitled to receive such allowances or fees for attending meetings of the committee as may be fixed by the Central Government.

9. (1) It shall be the duty of the Board to promote, by such measures as it thinks fit, the development under the control of the Central Government of the oilseeds industry and the vegetable oils industry.

Functions
of the
Board.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the measures referred to therein may provide for—

(a) taking such measures for the development of the oilseeds industry and the vegetable oils industry as would enable farmers, particularly small farmers, to become participants in, and beneficiaries of, the development and growth of the oilseeds industry and the vegetable oils industry;

(b) recommending measures for improving the marketing of oilseeds, products of oilseeds and vegetable oils and for their quality control in India;

(c) imparting technical advice to any person who is engaged in the cultivation of oilseeds or the processing or marketing of oilseeds and its products;

(d) providing for, or recommending, financial or other assistance for the production and development of adequate quantity of breeders' seeds, foundation seeds and certified seeds of high quality, arranging supply of inputs for the oilseeds growers, adoption of improved methods of cultivation of oilseeds and modern technology for processing of oilseeds, extension of areas under oilseeds cultivation with a view to developing the oilseeds industry and the vegetable oils industry;

(e) recommending such measures as may be practicable for assisting oilseeds growers to get incentive prices, including recommending, as and when necessary, after consultation with the Agricultural Prices Commission, minimum and maximum prices for oilseeds and products of oilseeds and vegetable oils;

(f) recommending and taking such measures as may be necessary for collection, procurement and maintenance of buffer stocks of oilseeds for stabilising the price situation and market conditions respect of oilseeds, products of oilseeds and vegetable oils;

(g) recommending and taking such measures as may be necessary for the—

(i) promotion and development of storage facilities;

(ii) establishment of processing units, in respect of oilseeds, and rendering such financial or other assistance as may be considered necessary for such purposes;

(iii) promotion of oilseeds growers' co-operatives and other appropriate agencies, with a view to achieving integration between production, processing and marketing of oilseeds;

(h) recommending measures for regulating import, export or distribution of oilseeds or products of oilseeds or vegetable oils in the context of an integrated policy and programme of development of oilseeds and vegetable oils;

(i) collecting statistics from growers of oilseeds, dealers in oilseeds, manufacturers of products of oilseeds and vegetable oils and such other persons and institutions as may be necessary on any matter relating to the oilseeds industry or vegetable oils industry and publishing the statistics so collected or portions thereof or extracts therefrom;

(j) recommending the setting up and adoption of grade standards for oilseeds and their products and vegetable oils;

(k) financing suitable schemes in consultation with the Central Government and the Governments of the States where oilseeds are grown on a large scale, so as to increase the production of oilseeds and to improve their quality and yields; and for this purpose evolving schemes for the award of prizes or grant of incentives to growers of oilseeds and the manufacturers of oilseeds products and vegetable oils and for providing marketing facilities for oilseeds products and vegetable oils;

(l) assisting, encouraging, promoting, co-ordinating and financing agricultural, technological, industrial or economic research on oilseeds, their products and vegetable oils in such manner as the Board may deem fit by making use of available institutions;

(m) undertaking publicity work on the research and development of the oilseeds industry and the vegetable oils industry;

(n) setting up of regional offices and other agencies for the promotion and development of production, processing, grading and marketing of oilseeds and its products and vegetable oils in different States and Union territories for the efficient discharge of the functions of the Board;

(o) such other matters as may be considered necessary for the purpose of carrying out the functions of the Board or as may be prescribed.

(3) The Board shall perform its functions under this section in accordance with, and subject to, such rules as may be made by the Central Government in this behalf.

10. (1) The Central Government may, by notification in the Official Gazette and for reasons to be specified therein, direct that the Board shall be dissolved from such date and for such period as may be specified in the notification:

Dis-solution
of the
Board.

Provided that before issuing any such notification, the Central Government shall give a reasonable opportunity to the Board to make representations against the proposed dissolution and shall consider the representations, if any, of the Board.

(2) When the Board is dissolved under the provisions of sub-section (1),—

(a) all members, notwithstanding that their term of office has not expired, shall, from the date of dissolution, vacate their offices as such members;

(b) all powers and duties of the Board shall, during the period of dissolution, be exercised and performed by such person or persons as the Central Government may appoint in this behalf and their remuneration shall be such as may be prescribed;

(c) all funds and other properties vested in the Board shall, during the period of dissolution, vest in the Central Government; and

(d) as soon as the period of dissolution expires, the Board shall be reconstituted in accordance with the provisions of this Act.

CHAPTER III

FINANCE, ACCOUNTS AND AUDIT

11. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Board by way of grants or loans such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

Grants
and loans
by the
Central
Govern-
ment.

12. (1) There shall be formed a Fund to be called the Oilseeds and Vegetable Oils Development Fund and there shall be credited thereto—

Constitu-
tion of
Oilseeds
and
Vegetable
Oils
Develop-
ment
Fund.

(a) any fees that may be levied and collected under this Act or the rules or regulations made thereunder;

(b) any sums of money paid or any grants or loans granted by the Central Government for the purposes of this Act;

(c) any grants or loans that may be made by any person for the purposes of this Act (including loans obtained by the Board under section 13);

(d) any grants or donations from State Governments, voluntary organisations or other institutions.

(2) The Fund shall be applied—

(a) for meeting the cost of the measures referred to in section 9;

(b) for meeting the salaries, allowances and other remuneration of the members, officers and other employees, as the case may be, of the Board;

(c) for meeting the other administrative expenses of the Board and any other expenses authorised by or under this Act;

(d) for repayment of any loans.

Borrowing powers of the Board.

13. (1) The Board may, for the purposes of carrying out its functions under this Act, and with the previous approval of, and subject to the directions of the Central Government, borrow money from—

(a) the public by the issue or sale of bonds or debentures or both, carrying interest at such rates as may be specified therein;

(b) any bank or other institution;

(c) such other authority, organisation or institution as may be approved by the Central Government in this behalf.

(2) The Central Government may guarantee the repayment of the monies borrowed by the Board under sub-section (1) and the payment of interest thereon and other incidental charges.

Accounts and audit.

14. (1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Board shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Board shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Board.

(4) The accounts of the Board as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

CHAPTER IV

CONTROL BY CENTRAL GOVERNMENT

15. The Board shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act.

Direc-tions by
Central
Govern-
ment.

16. (1) The Board shall furnish to the Central Government at such time and in such form and manner as may be prescribed or as the Central Government may direct, such returns and statements and such particulars in regard to any proposed or existing programme for the promotion and development of the oilseeds industry and the vegetable oils industry, as the Central Government may, from time to time, require.

Returns
and
reports.

(2) The Board shall furnish a programme of its activities for each financial year to the Central Government for their information and directions, if any.

(3) Without prejudice to the provisions of sub-section (1), the Board shall, as soon as possible, after the end of each financial year, submit to the Central Government a report in such form and before such date, as may be prescribed, giving a true and full account of its activities, policy and programmes during the previous financial year.

(4) A copy of the report received under sub-section (3) shall be laid, as soon as may be, after it is received, before each House of Parliament.

CHAPTER V

MISCELLANEOUS

17. No suit, prosecution or other legal proceeding shall lie against the Central Government, or the Board or any committee appointed by it, or any member of the Board or such committee, or any officer or other employee of the Central Government or of the Board or any other person authorised by the Central Government or the Board, for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

Protec-tion of
action,
taken
in good
faith.

18. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

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 term of office of the members (other than the *ex officio* members), and the manner of filling vacancies among, and the procedure to be followed in the discharge of their functions by, such members, under sub-section (5) of section 4;

(b) the manner in which, the conditions subject to which and the purposes for which any person may be associated by the Board under sub-section (7) of section 4;

(c) the technical qualifications and practical experience in oilseeds development required for appointment to the post of the Executive Director to the Board under sub-section (1) of section 6;

- (d) the powers which may be exercised and the functions which may be performed by the Executive Director as the chief executive of the Board under sub-section (2) of section 6;
- (e) the powers which may be exercised and the functions which may be performed by the Secretary to the Board under sub-section (3) of section 6;
- (f) the control and restrictions subject to which other officers and employees may be appointed by the Board under sub-section (5) of section 6;
- (g) the powers which may be exercised and the functions which may be performed by the Managing Committee under sub-section (1) of section 8;
- (h) the control and restrictions subject to which other standing committees or *ad hoc* committees may be constituted by the Board under sub-section (3) of section 8;
- (i) the matters in respect of which the Board may undertake measures for the purpose of carrying out its functions under clause (o) of sub-section (2) of section 9;
- (j) the remuneration payable to the person or persons referred to in clause (b) of sub-section (2) of section 10;
- (k) the form in which the accounts of the Board shall be maintained and the annual statement of accounts shall be prepared under ~~sub~~-section (1) of section 14;
- (l) the time at which and the form and manner in which the Board shall furnish returns and statements and particulars regarding its proposed or existing programmes to the Central Government under sub-section (1) of section 16;
- (m) the form in which and the date before which the Board shall furnish to the Central Government the report of its activities, policy and programmes during the previous financial year under sub-section (3) of section 16;
- (n) any other matter which has to be, or may be, prescribed by rules under this Act.

Power
to make
regula-
tions.

19. (1) The Board may, with the previous sanction of the Central Government, by notification in the Official Gazette, make regulations not inconsistent with the provisions of this Act and the rules made thereunder, to provide for all matters for which provision is necessary or expedient for the purposes of giving effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

- (a) the times and places of the meetings of the Board and the procedure to be followed for the transaction of business at such meetings and the number of members which shall form a quorum at a meeting under sub-section (9) of section 4;

(b) the method of appointment, the conditions of service and the scales of pay and allowances of any of the other officers and employees of the Board under sub-section (5) of section 6;

(c) generally, for the efficient conduct of the affairs of the Board.

(3) The Central Government may, by notification in the Official Gazette, modify or rescind any regulation sanctioned by it and the regulation so modified or rescinded 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 rescission shall be without prejudice to the validity of anything previously done under the regulation.

20. Every rule and every regulation 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 or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, as the case may be, or both Houses agree that the rule or regulation, as the case may be, should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Rules
and
regula-
tions
to be
laid
before
Parlia-
ment.

21. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Power to
remove
difficul-
ties.

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

(2) A copy of every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of Parliament.

THE VEGETABLE OILS CESS ACT, 1983

No. 30 OF 1983

[7th September, 1983.]

An Act to provide for the levy and collection of a cess on vegetable oils for the development of the oilseeds industry and the vegetable oils industry and for matters connected therewith.

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

Short title.
extent and commencement.

1. (1) This Act may be called the Vegetable Oils Cess Act, 1983.
- (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.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—
 - (a) "mill" means any premises in which or in any part of which, vegetable oil is produced, or is ordinarily produced, with the aid of power.

Explanation.—"Power" means electrical energy or any other form of energy, which is mechanically transmitted and is not generated by human or animal agency;

- (b) "occupier", in relation to any mill, means the person who has the ultimate control over the affairs of the mill, or the owner of the mill in case he is not the occupier;
 - (c) "prescribed" means prescribed by rules made under this Act.
- (2) Words and expressions used but not defined in this Act and defined in the National Oilseeds and Vegetable Oils Development Board Act, 1983, shall have the meanings respectively assigned to them in that Act.

Levy and collection of cess on vegetable oils.

3. (1) There shall be levied and collected by way of cess for the purposes of the National Oilseeds and Vegetable Oils Development Board Act, 1983, a duty of excise on vegetable oils produced in any mill in India at such rate not exceeding five rupees per quintal of vegetable oil, as the Central Government may, from time to time, specify by notification in the Official Gazette:

Provided that until such rate is specified by the Central Government, the duty of excise shall be levied and collected at the rate of one rupee per quintal of vegetable oil.

(2) The duty of excise levied under sub-section (1) shall be in addition to the duty of excise leviable on vegetable oils under the Central Excises and Salt Act, 1944, or any other law for the time being in force.

(3) The duty of excise levied under sub-section (1) shall be payable by the occupier of the mill in which the vegetable oil is produced.

(4) The provisions of the Central Excises and Salt Act, 1944, and the rules made thereunder, including those relating to refunds and exemptions from duty, shall, so far as may be, apply in relation to the levy and collection of the said duty of excise as they apply in relation to the levy and collection of the duty of excise on vegetable oils under that Act.

4. The proceeds of the duty of excise levied under sub-section (1) of section 3 shall first be credited to the Consolidated Fund of India and the Central Government may, if Parliament, by appropriation made by law in this behalf, so provides, pay to the Board, from time to time, from out of such proceeds (after deducting the cost of collection) such sums of money as it may think fit for being utilised for the purposes of the National Oilseeds and Vegetable Oils Development Board Act, 1983.

Crediting
proceeds
of duty to
the
Consoli-
dated
Fund of
India.

5. The Central Government may require an occupier of a mill to furnish, for the purposes of this Act, such statistical and other information in such form and within such period as may be prescribed.

Power to
call for
reports
and
returns.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to
make
rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for the form in which and the period within which statistical and other information may be furnished under section 5.

(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 or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or 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.

7. In the Produce Cess Act, 1966,—

Amend-
ment of
Act 15
of 1966.

(a) in section 2,—

(i) sub-clause (ii) of clause (g) and the Explanation thereto shall be omitted;

(ii) clause (i) shall be omitted;

(b) section 6 shall be omitted;

(c) in the Second Schedule, S. No. 3 and the entries relating thereto in columns 2, 3 and 4 shall be omitted.

THE EMIGRATION ACT, 1983

ARRANGEMENT OF SECTIONS

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THE EMIGRATION ACT, 1983

No. 31 OF 1983

[10th September, 1983.]

An Act to consolidate and amend the law relating to emigration of citizens of India.

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

CHAPTER I

PRELIMINARY

Short title,
extent,
application and
commencement.

Definitions.

1. (1) This Act may be called the Emigration Act, 1983.
(2) It extends to the whole of India and applies also to citizens of India outside India.
(3) It shall come into force on such date as the Central Government may, by notification, appoint and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the commencement of that provision.
2. (1) In this Act, unless the context otherwise requires,—
 - (a) "certificate" means a certificate of registration issued under section 11;
 - (b) "conveyance" includes a vessel, vehicle, country-craft and an aircraft;
 - (c) "dependent" means any person who is related to an emigrant and is dependent on that emigrant;
 - (d) "emigrant" means any citizen of India who intends to emigrate, or emigrates, or has emigrated but does not include—
 - (i) a dependent of an emigrant, whether such dependent accompanies that emigrant, or departs subsequently for the purpose of joining that emigrant in the country to which that emigrant has lawfully emigrated;
 - (ii) any person who has resided outside India at any time after attaining the age of eighteen years, for not less than three years or the spouse or child of such person;

(e) "emigrant conveyance" means any conveyance specially chartered for conveyance of emigrants or for conveying emigrants exceeding such number as may be prescribed:

Provided that the Central Government may, by notification, declare that any conveyance conveying emigrants to such place as may be specified in the notification shall not be deemed to be an emigrant conveyance;

(f) "emigrate" and "emigration" mean the departure out of India of any person with a view to taking up any employment (whether or not under an agreement or other arrangements to take up such employment and whether with or without the assistance of a recruiting agent or employer) in any country or place outside India;

(g) "employer" means any person providing or offering to provide, employment in any country or place outside India;

(h) "employment" means any service, occupation or engagement (not being service, occupation or engagement under the Central Government or a State Government), in any kind of work within the meaning of clause (o), for wages or for reward, and all its grammatical variations and cognate expressions shall be construed accordingly;

(i) "notification" means a notification published in the Official Gazette;

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

(k) "Protector of Emigrants" means a Protector of Emigrants appointed under section 3 and includes a person authorised under section 5;

(l) "recruiting agent" means a person engaged in India in the business of recruitment for an employer and representing such employer with respect to any matter in relation to such recruitment including dealings with persons so recruited or desiring to be so recruited;

(m) "recruitment" includes the issuing of any advertisement for the purpose of recruitment, the offering by advertisement to secure or assist in securing any employment in any country or place outside India and the entering into any correspondence, negotiation, agreement or arrangement with any individual for or in relation to the employment or such individual in any country or place outside India;

(n) "registering authority" means the officer, appointed under section 9 to be the registering authority for the purposes of this Act;

(o) "work" means—

(i) any unskilled work, including any form of industrial or agricultural labour;

(ii) any domestic service;

(iii) any service, not being a service in a managerial capacity, in any hotel, restaurant, tea-house or other place of public resort;

- (iv) work as a driver of a truck or other vehicle, mechanic, technician or skilled labourer or artisan;
- (v) work as an office assistant or accountant or typist or stenographer or salesman, or nurse or operator of any machine;
- (vi) work in connection with, or for the purposes of, any cinema, exhibition or entertainment;
- (vii) any such work of a professional or of any other nature as the Central Government may, having regard to the need for the protection of citizens of India who may be employed in such work outside India and other relevant circumstances, specify by notification:

Provided that the Central Government may, if satisfied that it is necessary so to do having regard to the conditions of service applicable with respect to employment in any of the aforementioned categories of work or any sub-category thereof, whether generally or in relation to any particular country or place and other relevant circumstances, declare by notification that such category of work or sub-category of work shall not be deemed to be work within the meaning of this definition.

(2) Any reference in this Act to any law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area.

CHAPTER II

EMIGRATION AUTHORITIES

Protectors of Emigrants.

3. (1) The Central Government may, by notification, appoint a Protector General of Emigrants and as many Protectors of Emigrants, as it deems fit, for the purposes of this Act.

(2) The Central Government may, by general or special order, define the area to which the authority of a Protector of Emigrants so appointed shall extend and, where two or more Protectors of Emigrants are appointed for the same area, also provide, by such order, for the distribution and allocation of the work to be performed under this Act in relation to such area.

(3) The Protectors of Emigrants shall perform the functions assigned to them by or under this Act under the general superintendence and control of Protector General of Emigrants.

(4) The Protector General of Emigrants may, in addition to the special function assigned to him by or under this Act, perform all or any of the functions assigned to any Protector of Emigrants.

4. Subject to the other provisions of this Act, every Protector of Emigrants shall, in addition to the special duties assigned to him by or under this Act—

- (a) protect and aid with his advice all intending emigrants and emigrants;
- (b) cause, so far as he can, all the provisions of this Act and of the rules made thereunder to be complied with;
- (c) inspect, to such extent and in such manner as may be prescribed—
 - (i) any emigrant conveyance, or

General duties of Protectors of Emigrants.

(ii) any other conveyance if he has reason to believe that any intending emigrants or emigrants are proceeding from, or returning to, India to or from a place outside India by such other conveyance;

(d) inquire into the treatment received by emigrants during their voyage or journey to, and during the period of their residence in the country to which they emigrated and also during the return voyage or journey to India and report thereon to the Protector General of Emigrants or such other authority as may be prescribed;

(e) aid and advise, so far as he reasonably can, emigrants who have returned to India.

5. The Central Government may, if satisfied that it is necessary so to do in the interest of emigrants or intending emigrants, authorise any person to perform all or any of the functions of a Protector of Emigrants under this Act.

Power to authorise persons to exercise functions of a Protector.

6. (1) Where the Central Government considers that, with a view to preventing or checking the contravention of the provisions of this Act, it is necessary so to do, it may, by notification, set up such number of emigration check-posts at such places as may be specified.

Emigration check-posts.

(2) The Central Government may, by general or special order made in this behalf, appoint an officer of the Central Government or of a State Government to be an officer in charge of an emigration check-post set up under sub-section (1).

(3) An officer in charge of an emigration check-post shall be subject to the general control and supervision of the Protector of Emigrants within the local limits of whose jurisdiction that emigration check-post is situated.

7. The Central Government may appoint such other officers and employees (hereinafter referred to as the emigration officers and emigration employees), as it may think fit, to assist the Protector General of Emigrants and the Protectors of Emigrants in the performance of their duties under this Act.

Other emigration officers and staff.

8. The Protector General of Emigrants, Protectors of Emigrants, the officers in charge of emigration check-posts, emigration officers and emigration employees appointed under this Act shall be public servants within the meaning of section 21 of the Indian Penal Code.

Emigration officers to be public servants.

CHAPTER III

REGISTRATION OF RECRUITING AGENTS

9. The Central Government may, by notification, appoint the Protector General of Emigrants or any other officer of that Government of a rank higher than that of a Protector of Emigrants to be the registering authority for the purposes of this Act.

Registering authority.

No person to function as recruiting agent without a valid certificate.

Application for registration.

10. Save as otherwise provided in this Act, no recruiting agent shall, after the commencement of this Act, commence or carry on the business of recruitment except under and in accordance with a certificate issued in that behalf by the registering authority:

Provided that a person carrying on the business of recruiting agent immediately before the commencement of this Act may continue to carry on such business without such a certificate for a period of one month from such commencement, and if he has made an application for such certificate under this Act within the said period of one month and such application is in the prescribed form and contains the prescribed particulars, till the disposal of such application by the registering authority.

11. (1) An application for registration shall be made to the registering authority in such form and shall contain such particulars as to the applicant's financial soundness, trustworthiness, premises at which he intends to carry on his business, facilities at his disposal for recruitment, his antecedents (including information as to whether any certificate had been issued to him under this Chapter earlier and if so, whether such certificate had been cancelled) and previous experience, if any, of recruitment and other relevant matters as may be prescribed and shall be accompanied by a receipt evidencing the payment of the prescribed fee and an affidavit giving his current financial standing and an undertaking in the form prescribed to the effect that in the event of any information furnished in or along with the application for registration being found to be false or incorrect in any respect, the certificate shall be liable to be cancelled at any time in accordance with the procedure prescribed:

Provided that no application shall be entertained under this sub-section from a person disqualified under sub-section (6) of section 14 till the expiry of the period of such disqualification.

(2) On receipt of such application, the registering authority shall,—

(a) if the application is not in the prescribed form or does not contain any of the prescribed particulars, return the application to the applicant;

(b) if the application is in the prescribed form and contains the prescribed particulars, inform the applicant that he is eligible for the grant of the certificate applied for and, after giving the applicant an opportunity to be heard, determine, under sub-section (3), the amount of the security which the applicant shall furnish.

(3) The registering authority shall, for securing the due performance of the terms and conditions of the certificate proposed to be issued by it under sub-section (2) to an applicant and for securing compliance with the provisions of this Act and the rules made thereunder and for meeting expenses which may have to be incurred in the event of the repatriation to India of any of the emigrants who may be recruited by the applicant determine, in accordance with the rules made in this behalf, the amount of security (not being in any case less than one lakh of rupees) which shall be furnished by the applicant.

(4) If an applicant furnishes in the prescribed manner the amount of security determined under sub-section (3) within a period of one month from the date on which the registering authority requires him to furnish such security, he shall be issued the certificate applied for by him together with an endorsement thereon to the effect that the security required has been furnished by him.

(5) If an applicant fails to furnish the security required to be furnished by him within the period specified in sub-section (4), his application shall be

deemed to have been rejected by the registering authority on the date of expiry of that period.

12. A certificate issued under section 11 shall be—

- (a) in such form as may be prescribed;
- (b) valid for such period not exceeding five years as may be prescribed:

Provided that a certificate may be issued for a period shorter than the prescribed period—

- (i) if the person to whom it is issued so desires; or
- (ii) if the registering authority, for reasons to be communicated in writing to the applicant for the certificate, considers in any case that the certificate should be issued for a shorter period;
- (c) subject to such other terms and conditions, including in particular, the maintenance by the holder of the certificate of the prescribed records containing details of his financial transactions in regard to recruitment, persons recruited or assisted to emigrate by him, employers concerned, contracts and other arrangements entered into in connection with recruitment, as may be prescribed:

Provided that a certificate may contain, in addition to the prescribed terms and conditions, such other terms and conditions as the registering authority may, for securing the purposes of this Act, impose in any particular case.

13. A certificate may be renewed from time to time and the provisions of this Act and the rules made thereunder (including provisions as to fees) shall apply to the renewal of a certificate as they apply to the issue thereof:

Provided that no certificate shall be renewed unless, the application for its renewal is made not less than three months prior to the date on which the certificate would, but for such renewal, cease to be valid:

Provided further that the registering authority may entertain an application for the renewal of a certificate which has been made at any time during the period of three months prior to the date on which the certificate would, but for such renewal, cease to be valid if the applicant satisfied the registering authority that he had sufficient cause for not making such application before the said period.

14. (1) The registering authority may cancel any certificate on any one or more of the following grounds and on no other ground namely:—

- (a) that having regard to the manner in which the holder of the certificate has carried on his business or any deterioration in his financial position, the facilities at his disposal for recruitment, the holder of the certificate is not a fit person to continue to hold the certificate;
- (b) that the holder of the certificate has recruited emigrants for purposes prejudicial to the interests of India or for purposes contrary to public policy;
- (c) that the holder of the certificate has, subsequent to the issue of the certificate, been convicted in India for any offence involving moral turpitude;

Terms
and
condi-
tions of
regis-
tration.

Renewal
of regis-
tration,

Cancella-
tion, sus-
pension,
etc., of a
certifi-
cate.

- (d) that the holder of the certificate has, subsequent to the issue of the certificate, been convicted by a court in India for any offence under this Act, the Emigration Act, 1922, or any other law relating to passports, foreign exchange, drugs, narcotics or smuggling and sentenced in respect thereof to imprisonment for not less than six months;
- (e) that the certificate has been issued or renewed on misrepresentation or suppression of any material fact;
- (f) that the holder of the certificate has violated any of the terms and conditions of the certificate;
- (g) that in the opinion of the Central Government it is necessary in the interests of friendly relations of India with any foreign country or in the interests of the general public to cancel the certificate.

(2) Where the registering authority, for reasons to be recorded in writing, is satisfied that pending the consideration of the question of cancelling any certificate on any of the grounds mentioned in sub-section (1) it is necessary so to do, the registering authority may, by order in writing, suspend the operation of the certificate for such period not exceeding thirty days as may be specified in the order and require the holder of the certificate to show cause, within fifteen days from the date of receipt of such order, as to why the suspension of the certificate should not be extended till the determination of the question as to whether the registration should be cancelled.

(3) A court convicting a holder of a certificate for an offence under this Act may also cancel the certificate:

Provided that if the conviction is set aside in appeal or otherwise, the cancellation under sub-section (3) shall become void.

(4) An order of cancellation of a certificate may be made under sub-section (3) by an appellate court or by a court exercising its powers of revision.

(5) Before passing an order cancelling or suspending a certificate the registering authority or the court, as the case may be, shall consider the question as to the provisions and arrangements which should be made for safeguarding the interests of emigrants and other persons with whom the holder of the certificate had any transactions in the course of his business as recruiting agent and may make such orders (including orders permitting the holder of the certificate to continue to carry on his business with respect to all or any such emigrants and other persons) as it may consider necessary in this behalf.

(6) Where a certificate issued to any person has been cancelled under this section, such person shall not be eligible to make any application for another certificate under this Chapter until the expiry of a period of two years from the date of such cancellation.

CHAPTER IV

PERMITS FOR RECRUITMENT BY EMPLOYERS

Competent authority.

15. (1) The Central Government may, by notification, appoint the Protector General of Emigrants or any other officer of that Government of a rank higher than that of a Protector of Emigrants to be the authority (hereinafter referred to as the competent authority) for issuing permits under this Chapter.

(2) Notwithstanding anything contained in sub-section (1), the Central Government may, by notification, authorise any person who is employed under

that Government in any country or place outside India to exercise the powers of the competent authority, and issue permits under this Chapter to employers who are not citizens of India for the purpose of recruiting any citizen of India for employment in such country or place and a person so authorised shall endorse a duly certified copy of every permit issued by him under this Chapter to the Protector General of Emigrants.

16. Save as otherwise provided by or under this Act, no employer shall recruit any citizen of India for employment in any country or place outside India except—

(a) through a recruiting agent competent under this Act to make such recruitment, or

(b) in accordance with a valid permit issued in this behalf under this Chapter.

17. (1) An employer desiring to obtain a permit under this Chapter may make an application in that behalf in the prescribed form to the competent authority.

(2) On receipt of such application, the competent authority shall, subject to any rules made in this behalf, make such inquiry as he may deem necessary and grant the permit applied for or reject the application:

Provided that before granting a permit the competent authority may require the applicant to comply with such conditions as may be prescribed, including conditions as to furnishing of security and such other conditions as that authority may, for reasons to be recorded in writing, deem necessary in the interests of the citizens of India likely to be recruited by the applicant.

(3) Subject to the other provisions of this Act, the competent authority may reject an application under sub-section (1) on any one or more of the following grounds and on ~~no~~ other ground, namely:—

(a) that the application is not complete in all respects or that any of the material particulars furnished in the application are not true;

(b) that the terms and conditions of employment which the applicant proposes to offer to persons recruited or proposed to be recruited by him are discriminatory or exploitative;

(c) that the employment which the applicant proposes to offer involves work of a nature which is unlawful according to the laws of India or offends against the public policy of India or is violative of norms of human dignity and decency;

(d) that having regard to the antecedents of the applicant, his financial standing, the facilities at his disposal, the working and living conditions of persons employed by him in the past, it would not be in the public interest or in the interests of the persons who may be recruited by him, to issue a permit to him;

(e) that having regard to the prevailing circumstances in the country or in the place where the applicant proposes to employ the persons recruited by him, it would not be in the interests of any citizen of India to emigrate for taking up such employment.

Recruit-
ment by
employers
to be
through
recruiting
agent or
under
permit.

Procedure
for
obtaining
permits.

- (4) Where the competent authority makes an order under sub-section (2) rejecting an application, he shall record in writing a brief statement of his reasons for making such order and furnish the applicant, on demand, a copy of the same:

Provided that if the competent authority is of the opinion that it is necessary or expedient in the interests of friendly relations with a foreign country or in the interests of the general public so to do, he may refuse to provide such copy or, as the case may be, furnish a copy of only such parts of the statement as he may deem fit.

Period of validity of permit.

18. A permit issued under section 17 shall be valid till the expiry of such period, not exceeding one year, as may be prescribed, from the date of issue thereof, or till the recruitment or the persons for whose recruitment such permit is issued is completed, whichever is earlier:

Provided that where the holder of the permit has been unable for sufficient cause, to complete such recruitment before the expiry of the prescribed period, the prescribed authority may, subject to rules made in this behalf, extend the period of validity of the permit by such further period or periods, not exceeding three months at a time.

Registration of certain permits.

19. Any permit obtained from a person authorised under sub-section (2) of section 15 shall not be valid unless a certified copy thereof is filed in the prescribed manner with the Protector General of Emigrants.

Cancellation or suspension of a permit.

20. The provisions of section 14 relating to cancellation and suspension of a certificate referred to therein shall, subject to such modifications as may be necessary (including modifications for construing the references in that section to registering authority as references to competent authority under this Chapter), apply for the cancellation or suspension of a permit.

Power to exempt.

21. The Central Government may, if satisfied that it is necessary or expedient so to do in the public interest, by notification and subject to such conditions, if any, as may be specified in the notification, exempt any class or classes of employers from the requirement of obtaining a permit under this Chapter.

CHAPTER V

EMIGRATION CLEARANCE

Requirement, etc., as to emigration clearance.

22. (1) No citizen of India shall emigrate unless he obtains under this Chapter from the Protector of Emigrants authorisation in the prescribed manner and form (such authorisation being hereinafter referred to as emigration clearance) for emigration.

- (2) An application for emigration clearance shall be in the prescribed form, shall contain the prescribed particulars and shall be made by the emigrant concerned to the Protector of Emigrants:

Provided that such application may be made through the recruiting agent, if any, through whom the emigrant has been recruited or through the employer concerned.

- (3) Every application under sub-section (2) shall be accompanied by—

(a) a true copy (verified and authenticated in the prescribed manner) of the agreement with respect to the employment for the taking up of which

the applicant proposes to emigrate and where such agreement does not provide for all or any of the prescribed matters, also a statement (verified and authenticated in the prescribed manner) setting out the particulars with respect to such matters;

(b) a statement (verified and authenticated in the prescribed manner) as to the provision by way of security for meeting the expenses which may be incurred in case it becomes necessary to arrange for the repatriation to India of the applicant;

(c) a receipt evidencing the payment of the prescribed fee;

(d) such other relevant documents or copies of relevant documents as may be prescribed.

(4) The Protector of Emigrants shall, after satisfying himself about the accuracy of the particulars mentioned in the application and in the other documents submitted along with the application, authorise in the prescribed manner and form, the emigration of the applicant or intimate by order in writing the applicant or, as the case may be, the recruiting agent or employer through whom the applications have been made about the deficiencies and required him to make good such deficiencies within such time as may be specified in the order or reject the application.

(5) Subject to the other provisions of this Act, the Protector of Emigrants may reject an application for emigration clearance under this section on any one or more of the following grounds and on no other ground, namely:—

(a) that the terms and conditions of employment which the applicant proposes to take up are discriminatory or exploitative;

(b) that the employment which the applicant proposes to take up involves work of a nature which is unlawful according to the laws of India or offends against the public policy of India or is violative of norms of human dignity and decency;

(c) that the applicant will have to work or live in sub-standard working or living conditions;

(d) that having regard to the prevailing circumstances in the country or place where the applicant proposes to take up employment or the antecedents of the employer under whom the applicant proposes to take up employment or any other relevant circumstances, it would not be in the interests of the applicant to emigrate;

(e) that no provision or arrangement has been made for meeting the expenses which may be incurred in case it becomes necessary to arrange for the repatriation to India of the applicant, or that the provisions or arrangements made in this behalf are not adequate for the purpose.

(6) Every order rejecting an application for emigration clearance shall set out clearly the ground or grounds on which the order has been made and the facts or circumstances on which such ground or grounds are based.

CHAPTER VI

APPEALS

Appeals. 23. (1) Any person aggrieved by—

(a) an order of the registering authority rejecting his application for registration or requiring him to furnish any security or to comply with any term or condition (not being a prescribed term or condition) specified in the certificate issued to him or suspending or cancelling or refusing to renew the certificate issued to him; or

(b) an order of the competent authority rejecting his application for a permit or requiring him to comply with any terms or conditions (not being a prescribed term or condition) specified in the permit issued to him, or suspending or cancelling or refusing to extend the period of the validity of the permit issued to him; or

(c) an order of the Protector of Emigrants rejecting his application for emigration clearance; or

(d) an order of the registering authority or the competent authority or the Protector of Emigrants or the prescribed authority requiring him to furnish any security, additional security or fresh security under this Act, or forfeiting or rejecting his claim for refund (whether wholly or partly in either case) of the security, the additional security or the fresh security furnished by him;

may prefer an appeal against such order to the Central Government within such period as may be prescribed.

(2) No appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor:

Provided that an appeal may be admitted after the expiry of the period prescribed therefor if the appellant satisfies the Central Government that he had sufficient cause for not preferring the appeal within that period.

(3) The period prescribed for an appeal shall be computed in accordance with the provisions of the Limitation Act, 1963, with respect to the computation of periods thereunder.

36 of 1963.

(4) Every appeal under this section shall be made in such form as may be prescribed and shall be accompanied by a copy of the order appealed against and by such fee as may be prescribed.

(5) The procedure for disposing of an appeal (including remand of the matter for further consideration to the authority whose order has been appealed against) shall be such as may be prescribed:

Provided that before disposing of an appeal, the appellant shall be given a reasonable opportunity of representing his case.

(6) Every order made on an appeal under this section confirming, modifying or reversing the order appealed against shall be final.

CHAPTER VII

OFFENCES AND PENALTIES

24. (1) Whoever—

- (a) except in conformity with the provisions of this Act emigrates; or
- (b) contravenes the provisions of section 10 or section 16; or
- (c) by intentionally furnishing any false information or suppressing any material information obtains a certificate or a permit or an emigration clearance under this Act; or
- (d) without lawful authority makes or causes to be made any alteration in any certificate or permit or in any document or endorsement by way of emigration clearance issued or made under this Act; or
- (e) disobeys or neglects to comply with any order of the Protector of Emigrants under this Act; or
- (f) collects from an emigrant any charges in excess of the limits prescribed under this Act; or
- (g) cheats any emigrant;

shall be punishable with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees:

Provided that in the absence of any special and adequate reasons to the contrary to be mentioned in the judgment of the court, such imprisonment shall not be less than six months and such fine shall not be less than one thousand rupees.

(2) Whoever attempts to commit any offence under sub-section (1) shall be punishable with the punishment provided for such offence under that sub-section.

(3) Whoever contravenes any term or condition subject to which any emigration clearance has been given under this Act, shall, if no other punishment is provided elsewhere in this Act for such contravention, be punishable with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both.

(4) Whoever abets any offence punishable under this Act shall, if the act abetted is committed in consequence of the abetment, be punishable with the punishment provided for that offence.

(5) Whoever, having been convicted of an offence under any provision of this Act is again convicted of an offence under the same provision, shall be punishable, for the second and for each subsequent offence, with double the penalty provided for that offence.

25. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly;

Offences
and
penalties.

by com-
panies.

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 had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall 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.

Offences
to be cognizable.

26. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act shall be cognizable.

Previous
sanction
of Central
Govern-
ment ne-
cessary.

27. No prosecution shall be instituted against any person in respect of any offence under this Act without the previous sanction of the Central Government or such officer or authority as may be authorised by that Government by order in writing in this behalf:

Provided that no sanction shall be required when an offence has been committed in respect of an emigrant or an intending emigrant and the complaint is filed by such emigrant or intending emigrant, or on behalf of such emigrant or intending emigrant, by the father, mother, husband, wife, son, daughter, brother, sister or guardian of such emigrant or intending emigrant, or if such emigrant or intending emigrant is a member of a joint Hindu family, by the manager of that family.

Punish-
ment to
be without
prejudice
to any
other
action.

28. The award of punishment for an offence under this Act shall be without prejudice to any other action which has been or which may be taken under this Act with respect to such contravention.

Determi-
nation of
question
as to
whether
a person
is an
emigrant.

CHAPTER VIII

MISCELLANEOUS

29. Where a question arises before a Protector of Emigrants as to whether a person intending to depart from India is or is not an emigrant, the Protector of Emigrants shall decide the question after holding an inquiry in such manner and upon considering such evidence as may be prescribed and such other evidence as may be relevant, and communicate the decision to such person in the prescribed manner.

30. (1) Where the Central Government has reason to believe that sufficient grounds exist for prohibiting emigration to any country, having regard to the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign country or the interests of the general public, it may, by notification, prohibit emigration to that country.

Power to prohibit emigration to any country in the interests of the general public, etc.

(2) A notification issued under sub-section (1) shall have effect for such period not exceeding six months as may be specified in the notification:

Provided that if the Central Government has reason to believe that the grounds mentioned in sub-section (1) continue to exist, it may, from time to time, by notification, prohibit emigration to that country for such further period, not exceeding six months on each occasion, as may be specified in the notification.

31. (1) Where the Central Government has reason to believe—

(a) that intending emigrants if allowed to emigrate to any country would be exposed to serious risk to life on arrival there by reason of—

(i) outbreak of any disease or grave pollution of environment in such country, or

(ii) outbreak of hostilities or civil war or civil commotion or political disturbances;

Power to prohibit emigration due to outbreak of epidemics, civil disturbances, etc., in a country.

(b) that by reason of India not being in diplomatic relations with that country it is not possible to protect the emigrants from discrimination, maltreatment and exploitation,

it may, by notification, prohibit emigration to that country.

(2) A notification issued under sub-section (1) shall have effect for such period not exceeding six months as may be specified in the notification:

Provided that if the Central Government has reason to believe that any ground mentioned in sub-section (1) continues to exist, it may, from time to time, by notification, prohibit emigration to that country for such further period, not exceeding six months on each occasion, as may be specified in the notification.

Power to prohibit emigration of any class or category of persons.

32. (1) Where the Central Government considers that in the interests of the general public, immigration of any class or category of persons, having regard to their age, sex or other relevant factors, to any country should be prohibited, it may, by notification, prohibit the emigration to such country of such class or category of persons as may be specified in the notification.

(2) A notification issued under sub-section (1) shall have effect for such period not exceeding six months as may be specified in the notification:

Provided that if the Central Government has reason to believe that any of the grounds mentioned in sub-section (1) continues to exist, it may, from time to time, by notification, prohibit emigration of such class or category of persons to that country for such further period, not exceeding six months on each occasion, as maybe specified in the notificaiton.

Provisions
as to
security.

33. (1) Any security or other financial provision which may be required to be made under this Act shall be reasonable having regard to the purpose for which such security or other financial provision is required to be made.

(2) The prescribed authority may, after giving notice in the prescribed manner to a person who has furnished any security for any purpose and after giving to such person an opportunity to represent his case, by order in writing, direct that the whole or any part of such security may be forfeited for being utilised for such purpose and in such manner as may be specified in the order.

(3) Where it appears to the prescribed authority that the security furnished by any person under this Act for any purpose has, for any reason, become inadequate, or has ceased to be available for any reason whatsoever, the prescribed authority may, after giving him an opportunity to represent his case, by order in writing, require such person to furnish such additional security or, as the case may be, such fresh security as may be specified in the order.

Refund of
security.

34. Any security furnished under this Act shall be refunded or, as the case may be, released, when no longer required for the purpose for which it has been furnished and the other circumstances in which and the manner in which any security furnished under this Act may be released or refunded shall be such as may be prescribed.

Power to
search,
seize and
detain
persons,
convey-
ance, etc.

35. All the powers for the time being conferred by the Customs Act, 1962, on officers of customs with regard to the searching and detention of persons, vessels or aircraft or any other conveyance, or seizure of any document or thing or arrest of any person or otherwise for the purpose of prevention or detection of any offence under that Act or for apprehending a person suspected to have committed any offence under that Act may be exercised, for the purpose of prevention or detection of any offence under this Act or for apprehending a person suspected to have committed any offence under this Act, by—

52 of 1962.

- (a) any such officer of customs, or
- (b) the Protector General of Emigrants or a Protector of Emigrants,
- or
- (c) an officer in charge of an emigration check-post.

Returns
and
registers.

36. (1) Every recruiting agent shall maintain such registers and other records and shall submit to the prescribed authorities such periodical or other returns as may be prescribed.

(2) The Protector General of Emigrants, the registering authority, the competent authority or a Protector of Emigrants may, by order, call for any other return or information from a recruiting agent.

(3) The Protector General of Emigrants, the registering authority, the competent authority or a Protector of Emigrants or an officer in charge of an emigration check-post may inspect any register or other record maintained by a recruiting agent under sub-section (1) and for the purpose of such inspection, enter, at any reasonable time, the business premises of a recruiting agent.

Authorities
and officers
to have
certain
powers of
civil court.

37. (1) The Protector General of Emigrants, the registering authority, the competent authority and every Protector of Emigrants shall, for the purpose of discharging their functions under this Act, have the same powers as are vested in a court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:—

5 of 1963.

- (a) summoning and enforcing the attendance of witnesses;

- (b) requiring the discovery and production of any document;
- (c) requisitioning any public record or copy thereof from any court or office;
- (d) receiving evidence on affidavits; and
- (e) issuing commissions for the examination of witnesses or documents.

45 of 1860. (2) Every proceeding before the Protector General of Emigrants, or the registering authority or the competent authority or a Protector of Emigrants shall be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the Protector General of Emigrants, the registering authority, the competent authority, and every Protector of Emigrants shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

2 of 1974.

38. The Central Government may give directions to the Protector General of Emigrants, the registering authority, the competent authority or any Protector of Emigrants as to the carrying into execution of any provision of this Act.

Power to give directions.

39. (1) The provisions of this Act or any rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any agreement or other instrument having effect by virtue of any enactment other than this Act.

Effect of other laws.

(2) Save as provided in sub-section (1), the provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

Delegation.

40. The Central Government may, by notification, direct that any power or function—

- (a) which may be exercised or performed by it under this Act, or
 - (b) which may be exercised or performed by a registering authority, a competent authority or a Protector of Emigrants under this Act,
- may, in relation to such matters, and subject to such conditions, if any, as it may specify in the notification, be also exercised or performed—
- (i) by such officer or authority subordinate to the Central Government, or
 - (ii) by any State Government or by any officer or authority subordinate to such State Government, or
 - (iii) in any foreign country in which there is no diplomatic mission of India, by such foreign consular office,

as may be specified in the notification.

41. (1) Where the Central Government, on a reference made to it or otherwise, is satisfied that having regard to—

Power to exempt.

- (a) the friendly relations with any foreign country; or

- (b) the known reputation of any foreign employer or class of foreign employers, for providing to emigrants standard conditions of living and working, and their methods of recruitment and conditions of employment; or
- (c) the methods of recruitment followed and the conditions of employment provided by a public undertaking or an approved concern for the execution of its projects abroad; or
- (d) the facilities and conditions of service provided by Government officers posted abroad to their domestic servants accompanying such Government officers, where the expenditure in respect of the passage of such domestic servants is borne by the Government; and
- (e) all other relevant considerations,

it is necessary or expedient in the public interest so to do, the Central Government may, by notification, and subject to such conditions, if any, as may be specified in the notification, exempt from the operation of all or any of the provisions of this Act, such foreign dignitary or class of foreign employers, public undertaking, approved concern or Government officers.

Explanation.—For the purposes of this sub-section—

(a) “public undertaking” means—

- (i) an undertaking owned and controlled by Government; or
- (ii) a Government company as defined in section 617 of the Companies Act, 1956; or
- (iii) a body corporate established by or under any Central, Provincial or State Act;

1 of 1956.

(b) “approved concern” means such company incorporated under the Companies Act, 1956 or partnership firm registered under the Indian Partnership Act, 1932, or society registered under the Societies Registration Act, 1860 or any other law relating to societies for the time being in force in any State, or co-operative society registered under any Central, Provincial or State law, as the Central Government may, by notification, approve for the purposes of this section.

1 of 1956.

9 of 1932.

21 of 1860

(2) If the Central Government is satisfied that it is necessary for implementing any treaty, agreement or convention between India and a foreign country or foreign countries so to do, it may, by notification, and subject to such conditions, if any, as may be specified in the notification, exempt from the operation of all or any of the provisions of this Act, recruitment by such authorities, agencies or persons as may be specified in the notification either generally or for such purposes as may be specified in the notification.

Act not to apply to certain emigrants.

42. Nothing contained in this Act shall be deemed to apply to—

- (a) the recruitment or emigration of any person who is not a citizen of India;
- (b) the control of recruiting in India for the service of foreign States to which the Foreign Recruiting Act, 1874 applies.

4 of 1874.

43. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

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 powers and duties of officers and employees appointed for the purposes of this Act and the terms and conditions of their service;

(b) the form of—

(i) a certificate to commence or carry on the business of recruitment, and of an application for the issue or renewal thereof;

(ii) a permit for the recruitment of persons for employment outside India, and of an application for the issue thereof;

(iii) an application for emigration clearance;

(iv) an appeal to be preferred to the Central Government;

(c) the manner and form in which an authorisation by way of emigration clearance may be given;

(d) particulars to be contained in an application for a certificate or a permit or for an emigration clearance;

(e) the manner in which different inquiries required to be held under this Act may be held;

(f) the manner in which the amount of security for securing the due performance of the terms and conditions of the certificate or permit or for compliance with the provisions of this Act shall be furnished;

(g) the manner of verifying or authenticating documents and copies of documents for the purposes of this Act;

(h) the procedure to be followed in hearing an appeal preferred to the Central Government;

(i) the fees to be paid in respect of applications and other matters under this Act;

(j) the charges which a recruiting agent may recover from an emigrant in respect of services rendered and the scales and limits of such charges;

(k) the terms and conditions subject to which a certificate or a permit or an emigration clearance may be issued under this Act;

(l) the period of the validity of a certificate or a permit issued under this Act;

(m) the authority competent to extend the period of validity of a permit or to forfeit security or to require any additional security or fresh security under this Act;

- (n) the accommodation, the provisions, the medical stores and staff, the life saving and sanitary arrangements and other provisions and arrangement for the well-being, security and protection of emigrants which shall be provided and the records which shall be maintained in any emigrant conveyance;
- (o) any other matter which is required to be, or may be, prescribed.

Notifica-
tions and
rules to
be laid
before
Parlia-
ment.

44. Every notification issued under clause (o) of sub-section (1) of section 2, section 30, section 31 or section 32 and every rule made under section 43 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 total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or the rule or both Houses agree that the notification or the rule should not be issued or made, the notification or 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 notification or rule.

Repeal of
Act 7 of
1922.

45. The Emigration Act, 1922 is hereby repealed.

THE PUNJAB DISTURBED AREAS ACT, 1983

No. 32 OF 1983

[8th December, 1983.]

An Act to make better provision for the suppression of disorder and for the restoration and maintenance of public order in disturbed areas in Punjab.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Punjab Disturbed Areas Act, 1983.

(2) It extends to the whole of the State of Punjab.

(3) It shall be deemed to have come into force on the 7th day of October, 1983.
2. In this Act, "disturbed area" means an area which is for the time being declared by notification under section 3 to be a disturbed area.
3. The State Government may, by notification in the Official Gazette, declare that the whole or any part of any district of Punjab as may be specified in the notification, is a disturbed area.
4. Any Magistrate or Police Officer not below the rank of Sub-Inspector or Havildar in case of the Armed Branch of the Police may, if he is of opinion that it is necessary so to do for the maintenance of public order, after giving such due warning, as he may consider necessary, fire upon, or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in force in the disturbed area, prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or of fire-arms, ammunition or explosive substances.

Short title,
extent
and com-
mencement.

Defini-
tion.

Powers to
declare
areas to
be dis-
turbed
areas.

Power
to fire
upon
persons
contra-
vening
certain
orders.

Powers
to
destroy
arms
dump,
fortified
positions,
etc.

Protec-
tion of
persons
acting
under
sections
4 and 5.

Repeal
and
saving.

5. Any Magistrate or Police Officer not below the rank of a Sub-Inspector may, if he is of opinion that it is necessary so to do, destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made or are attempted to be made or any structure used as training camp for armed volunteers or utilized as a hide-out by armed gangs or absconders wanted for any offence.

6. No suit, prosecution or other legal proceedings shall be instituted except with the previous sanction of the State Government against any person in respect of anything done or purporting to be done in exercise of the powers conferred by sections 4 and 5.

7. (1) The Punjab Disturbed Areas Ordinance, 1983, is hereby repealed.

5 of 1983.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE CHANDIGARH DISTURBED AREAS ACT, 1983

No. 33 OF 1983

[8th December, 1983.]

An Act to make better provision for the suppression of disorder and for the restoration and maintenance of public order in disturbed areas in Chandigarh.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Chandigarh Disturbed Areas Act, 1983. Short title, extent and commencement.
- (2) It extends to the whole of the Union territory of Chandigarh.
- (3) It shall be deemed to have come into force on the 7th day of October, 1983. Definitions.
2. In this Act,—
 - (a) "Administrator" means the Administrator of the Union territory of Chandigarh appointed under article 239 of the Constitution;
 - (b) "disturbed area" means the area which is for the time being declared by notification under section 3 to be a disturbed area.
3. The Administrator may, by notification in the Official Gazette, declare that the whole or any part of the Union territory of Chandigarh as may be specified in the notification, is a disturbed area. Powers to declare areas to be disturbed areas.
4. Any Magistrate or Police Officer not below the rank of Sub-Inspector or Havildar in case of the Armed Branch of the Police may, if he is of opinion that it is necessary so to do for the maintenance of public order, after giving such due warning, as he may consider necessary, fire upon, or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in force in the disturbed area, prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or of fire-arms, ammunition or explosive substances. Power to fire upon persons contravening certain orders.

Powers to
destroy
arms
dump, for-
tified
positions,
etc.

Protec-
tion of
persons
acting
under
sections
4 and 5.

Repeal
and
saving.

5. Any Magistrate or Police Officer not below the rank of a Sub-Inspector may, if he is of opinion that it is necessary so to do, destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made or are attempted to be made or any structure used as training camp for armed volunteers or utilised as a hide-out by armed gangs or absconders wanted for any offence.

6. No suit, prosecution or other legal proceedings shall be instituted except with the previous sanction of the Administrator against any person in respect of anything done or purporting to be done in exercise of the powers conferred by sections 4 and 5.

7. (1) The Chandigarh Disturbed Areas Ordinance, 1983, is hereby repealed.

6 of 1983.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE ARMED FORCES (PUNJAB AND CHANDIGARH)
SPECIAL POWERS ACT, 1983

NO. 34 OF 1983

[8th December, 1983.]

An Act to enable certain special powers to be conferred upon members of the armed forces in the disturbed areas in the State of Punjab and the Union territory of Chandigarh.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Armed Forces (Punjab and Chandigarh) Special Powers Act, 1983.

Short title, extent and commencement.

(2) It extends to the whole of the State of Punjab and the Union territory of Chandigarh.

(3) It shall be deemed to have come into force on the 15th day of October, 1983.

Definitions.

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

(a) "armed forces" means the military forces and the air forces operating as land forces, and includes any other armed forces of the Union so operating;

(b) "disturbed area" means an area which is for the time being declared by notification under section 3 to be a disturbed area;

(c) all other words and expressions used herein, but not defined and defined in the Air Force Act, 1950, or the Army Act, 1950, shall have the meanings respectively assigned to them in those Acts.

Power to declare areas to be disturbed areas.

3. If, in relation to the State of Punjab or the Union territory of Chandigarh, the Governor of that State or the Administrator of that Union territory or the Central Government, in either case, is of the opinion that the whole or any part of such State or Union territory, as the case may be, is in such a disturbed or dangerous condition that the use of armed forces in aid of the civil power is necessary, the Governor of the State or the Administrator of that Union territory or the Central Government, as the case may be, may, by notification in the Official Gazette, declare the whole or such part of that State or Union territory to be a disturbed area.

4. Any commissioned officer, warrant officer, non-commissioned officer or any other person of equivalent rank in the armed forces may, in a disturbed area,—

Special powers of the armed forces.

(a) if he is of opinion that it is necessary so to do for the maintenance of public order, after giving such due warning as he may consider necessary, fire upon or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in force in the disturbed area prohibiting the assembly of five or more persons or the carrying

of weapons or of things capable of being used as weapons or of fire-arms, ammunition or explosive substances;

(b) if he is of opinion that it is necessary so to do, destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made or are attempted to be made or any structure used as a training camp for armed volunteers or utilised as a hide-out by armed gangs or absconders wanted for any offence;

(c) arrest, without warrant, any person who has committed a cognizable offence or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence and may use such force as may be necessary to effect the arrest;

(d) enter and search, without warrant, any premises to make any such arrest as aforesaid or to recover any person believed to be wrongfully restrained or confined or any property reasonably suspected to be stolen property or any arms, ammunition or explosive substances believed to be unlawfully kept in such premises, and may for that purpose use such force as may be necessary, and seize any such property, arms, ammunition or explosive substances;

(e) stop, search and seize any vehicle or vessel reasonably suspected to be carrying any person who is a proclaimed offender, or any person who has committed a non-cognizable offence, or against whom a reasonable suspicion exists that he has committed or is about to commit a non-cognizable offence, or any person who is carrying any arms, ammunition or explosive substance believed to be unlawfully held by him, and may, for that purpose, use such force as may be necessary to effect such stoppage, search or seizure, as the case may be.

5. Every person making a search under this Act shall have the power to break open the lock of any door, almirah, safe, box, cupboard, drawer, package or other thing, if the key thereof is withheld.

Power of search to include powers to break open locks, etc.

Arrested persons and seized property to be made over to the police.

Protection of persons acting in good faith under this Act.

Repeal and saving.

6. Any person arrested and taken into custody under this Act and every property, arm, ammunition or explosive substance or any vehicle or vessel seized under this Act, shall be made over to the officer-in-charge of the nearest police station with the least possible delay, together with a report of the circumstances occasioning the arrest, or, as the case may be, occasioning the seizure of such property, arm, ammunition or explosive substance or any vehicle or vessel, as the case may be.

7. No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Act.

8. (1) The Armed Forces (Punjab and Chandigarh) Special Powers Ordinance, 1983, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE DANGEROUS MACHINES (REGULATION) ACT, 1983

ARRANGEMENT OF SECTIONS

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35. Protection of action taken in good faith.
36. Power of Central Government to make rules.
37. Power of State Government to make rules.
38. Power to give directions.

THE DANGEROUS MACHINES (REGULATION) ACT, 1983

No. 35 OF 1983

[14th December, 1983.]

An Act to provide for the regulation of trade and commerce in, and production, supply, distribution and use of, the product of any industry producing dangerous machines with a view to securing the welfare of labour operating any such machine and for payment of compensation for the death or bodily injury suffered by any labourer while operating any such machine, and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Dangerous Machines (Regulation) Act, 1983.

(2) It extends to the whole of India.

(3) This section and clause (c) of section 3 shall come into force at once in all the States and the remaining provisions of this Act shall come into force in a State on such date as the State Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act; and any reference in any provision of this Act to the commencement of this Act shall in relation to any State be construed as a reference to the commencement of that provision in that State.

2. It is hereby declared that it is expedient in the public interest that the Union should take under its control the industries engaged in the manufacture or production of power threshers or any other machines which are intended to be used in the agricultural or rural sector and which are of such nature that any accident in the course of operation thereof may cause its operator death, dismemberment of any limb or other bodily injury.

Short title,
extent
and
commencement.

Declaration as to
expediency of
control
by Union.

Definitions.

3. In this Act, unless the context otherwise requires,—

(a) "child" means a person who has not completed his fourteenth year of age;

(b) "Controller" means the person appointed by the State Government to give effect to the provisions of this Act, and includes every Additional, Deputy or Assistant Controller who may be authorised by the Controller under sub-section (3) of section 5 to exercise any power under this Act;

(c) "dangerous machine" means a power thresher, and includes any such machine intended to be used in the agricultural or rural sector as the Central Government, being of opinion that it is of such a nature that any accident in the course of operation thereof is likely to cause to its operator death, dismemberment of any limb or other bodily injury, may, by notification in the Official Gazette, specify as dangerous machine;

(d) "day" means a period of twenty-four hours beginning at midnight;

(e) "dealer", in relation to any dangerous machine or any part thereof, means a person who, or a firm or a Hindu undivided family which, carries on, directly or otherwise, the business of buying, selling, supplying or distributing any dangerous machine or any part thereof, whether for cash or for deferred payment or for commission, remuneration or other valuable consideration, and includes—

(i) a commission agent who carries on such business on behalf of any principal;

(ii) an importer who sells, supplies, distributes or otherwise delivers any dangerous machine to any user, manufacturer, repairer, consumer or any other person,

but does not include a manufacturer who sells, supplies, distributes or otherwise delivers any dangerous machine or any part thereof to any person or category of persons referred to in this clause.

Explanation.—For the removal of doubts, it is hereby declared that a manufacturer who sells, supplies, distributes, or otherwise delivers any dangerous machine or any part thereof to any person other than a dealer, shall be deemed to be a dealer, and shall in addition to his liability to comply with the provisions of this Act relating to manufacturers, also be liable to comply with the provisions of this Act relating to dealers;

(f) "employer", in relation to the operator of any dangerous machine, means the person by whom such operator has been employed, whether for any remuneration or otherwise, for operating such machine;

(g) "family", in relation to an operator, means his wife and dependent children and includes his dependent parents;

(h) "Inspector" means an Inspector appointed under this Act;

(i) "machine" includes prime movers, transmission machinery and all other appliances whereby power is generated, transferred, transmitted or applied to a dangerous machine;

(j) "manufacturer", in relation to any dangerous machine or any part thereof, means a person who, or a firm or a Hindu undivided family which,—

(i) makes or manufactures such dangerous machine or part thereof,

(ii) makes or manufactures one or more parts, and acquires the other parts of such dangerous machine and, after assembling those parts, claims the end product to be a product manufactured by himself, or itself, as the case may be,

(iii) does not make or manufacture any part of such dangerous machine but assembles parts thereof made or manufactured by others and claims the end product to be a product manufactured by himself, or itself, as the case may be,

(iv) puts, or causes to be put, his or its own mark on any complete dangerous machine made or manufactured by any other person and claims such product to be a product made or manufactured by himself, or itself, as the case may be;

(k) "operator" means a person employed directly or by or through any agency (including a contractor), whether as a regular worker or as a casual worker, with or without the knowledge of the principal employer, whether for remuneration or not, in the operation or cleaning of any dangerous machine or any part thereof or in any other kind of work incidental to, or connected with, the operation or cleaning of any dangerous machine or any part thereof;

(l) "power" means electrical or mechanical energy, or any other form of energy which is mechanically transmitted into a dangerous machine;

(m) "power thresher" means a machine, operated with the aid of power, for threshing one or more kinds of agricultural produce;

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

(o) "prime mover" means an engine, motor or other appliance which generates or otherwise provides power to a dangerous machine;

(p) "transmission machinery" means any shaft, wheel, drum, pulley, system of pulleys, coupling, clutch, driving belt or other appliance or device by which the motion of a prime mover is transmitted to, or received by, any dangerous machine.

Act
to over-
ride all
other en-
actments.

4. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any contract or instrument having effect by virtue of any law other than this Act or any decree or order of any court, tribunal or authority.

CHAPTER II

ADMINISTRATION OF THE ACT

Appoint-
ment
and func-
tions of
Control-
lers.

5. (1) The State Government shall, by notification in the Official Gazette, appoint a Controller for carrying out the provisions of this Act, and may also by the same or subsequent notification appoint such number of Additional, Deputy or Assistant Controllers as it may deem fit.

(2) The Controller shall discharge his functions under this Act subject to the general control and directions of the State Government.

(3) The Controller may authorise such persons as he thinks fit also to exercise all or any of the powers exercisable by him under this Act other than the powers under sub-section (5) and different persons may be authorised to exercise different powers.

(4) Subject to any general or special direction given or imposed by the Controller, any person authorised by the Controller to exercise any powers may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Act and not by way of authorisation.

(5) The Controller may also—

(a) perform all or any of the functions of, and

(b) exercise all or any of the powers conferred by this Act or any rule or order made thereunder on,

any officer lower in rank than himself.

Power
of Con-
troller
to issue
orders.

6. The Controller may, if he thinks fit, make orders, not inconsistent with the provisions of this Act, for carrying out the provisions of this Act.

Appoint-
ment of
Ins-
pectors.

7. (1) The State Government may, by notification in the Official Gazette, appoint as many Inspectors as it deems fit to carry out the provisions of this Act relating to inspection, search, seizure of dangerous machines and examination of the records of manufacturers, dealers and users relating to such machines.

(2) Every Inspector shall discharge his functions subject to the general direction and control of the Controller.

Con-
troller,
etc., to be
public
servants.

8. The Controller, and any person authorised by the State Government or the Controller to perform any functions under this Act, and every Inspector, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

CHAPTER III

ISSUE, RENEWAL AND CANCELLATION OF LICENCES TO MANUFACTURERS
AND DEALERS

9. (1) Save as otherwise provided in this section, no person shall manufacture, or commence or carry on business as a manufacturer or dealer of, any dangerous machine unless he holds a valid licence issued in this behalf by the Controller:

Licensing
of manu-
facturers
and
dealers.

Provided that a person engaged in the manufacture of, or carrying on business as a manufacturer or dealer of, any dangerous machines of any class immediately before the appointed day in relation to dangerous machines of such class may continue to manufacture such machines or carry on such business without such a licence for a period of one month from that date, and if he makes an application for such licence under this section within the said period of one month, till the communication to him of the order of the Controller disposing of such application.

Explanation.—For the purposes of this proviso, "appointed day" means,—

(i) in relation to the class of dangerous machines being power threshers, the date of commencement of this Act;

(ii) in relation to any other class of dangerous machines, the date with effect from which such machines have been specified to be dangerous machines by the Central Government by notification under clause (c) of section 3, or in the case of a State in which this section has come into force with effect from a later date, such later date.

(2) A licence issued under this section—

(a) shall be valid for a period of five years;

(b) may be renewed from time to time, for a like period; and

(c) shall be in such form, and shall be subject to such conditions, as may be prescribed by the Central Government.

(3) A person who intends to commence the manufacture, or carry on business as manufacturer or dealer, of any dangerous machine shall make an application in such form and on payment of such fees, not exceeding five hundred rupees, as may be prescribed, for the issue of a licence.

(4) No application for the issue of a licence to commence the manufacture, or to carry on business as a manufacturer or dealer, of any dangerous machine shall be granted unless the Controller, after making such inquiry as he thinks fit, is satisfied—

(a) in the case of a manufacturer carrying on business at the commencement of this Act, of manufacturing any dangerous machine, that such machine complies with the standards prescribed under section 13; and

(b) in the case of a person who intends to commence business, after such commencement, as a manufacturer of a dangerous machine, that the applicant has declared that he would manufacture such machine in accordance with the standards laid down by or under this Act.

(5) An application for the renewal of a licence issued under this section shall be made not less than forty-five days before the date of expiry of the period of validity thereof and shall be accompanied by such fees, not exceeding two hundred rupees, as may be prescribed.

(6) No application for the renewal of a licence for the manufacture, or for the carrying on the business as a manufacturer, of a dangerous machine shall be rejected unless—

(a) the holder of such licence has been given a reasonable opportunity of presenting his case; and

(b) the Controller is satisfied that—

(i) the application for such renewal has been made after the expiry of the period specified therefor:

Provided that an application for the renewal of a licence made after the expiry of the specified period may be entertained on payment of such late fees, not exceeding one hundred rupees, as may be prescribed;

(ii) any statement made by the applicant at the time of the issue or renewal of the licence was incorrect or false in material particulars;

(iii) the applicant has omitted or failed to manufacture any dangerous machine in accordance with the prescribed standards; or

(iv) the applicant has contravened any term or condition of the licence or any provision of this Act, or any rule or order made thereunder or of any law for the time being in force in so far as such law prohibits the bringing into or taking out of India, any dangerous machine.

(7) Every person to whom a licence has been issued or renewed under this section shall comply with the terms and conditions specified in the licence and the provisions of this Act and the rules and orders made thereunder.

(8) Every person to whom a licence has been granted or renewed under this section shall ensure that every person employed by him complies, in the course of such employment, with the provisions of this Act or any rule or order made thereunder.

(9) Every order granting or rejecting any application for the issue or renewal of a licence under this section shall be made in writing.

(10) Every licensed dealer and every licensed manufacturer shall display his licence at a conspicuous place of the premises in which he carries on business as such licensed dealer or manufacturer.

Suspension and cancellation of licences.

10. (1) The Controller may, if he has any reasonable cause to believe that the holder of a licence granted under section 9 has made a statement in, or in relation to, any application for the issue or renewal of a licence, which is incorrect or false in material particulars, or has contravened any provision of this Act or any rule or order made thereunder or of any other law for the time being in force which regulates the bringing into or taking out of India any dangerous machine, suspend such licence pending

the completion of any inquiry or trial against the holder of such licence, for making such incorrect or false statement or for such contravention, as the case may be:

Provided that no such licence shall be suspended for a period exceeding ten days unless the holder thereof has been given a reasonable opportunity of showing cause against the proposed action.

(2) The Controller may, if he is satisfied after making such inquiry as he may think fit, that the holder of any licence issued or renewed under this Act has made such incorrect or false statement as is referred to in sub-section (1), or has omitted or failed to manufacture any dangerous machine in accordance with the prescribed standards or has contravened the provisions of such law, rule or order, as is referred to in that sub-section, cancel such licence:

Provided that no licence shall be cancelled unless the holder thereof has been given a reasonable opportunity of showing cause against the proposed action.

(3) Every person whose licence has been suspended or cancelled shall, immediately after such suspension or cancellation, stop functioning as such licensee and shall not resume business as such licensee until the order of such suspension or cancellation has been vacated.

(4) Every person who holds a licence which is suspended or cancelled shall, immediately after such suspension or cancellation, surrender such licence to the Controller.

11. A person licensed to manufacture or carry on business as a manufacturer or dealer of any dangerous machines who discontinues such manufacture or business or who intends to discontinue such manufacture or business, may make an application to the Controller for the cancellation of his licence, and thereupon, the Controller may cancel such licence.

Cancel-
lation of
licence
on appli-
cation by
manu-
facturer
or
dealer.

12. Where any firm has been licensed under this Act to manufacture or carry on business as a dealer or manufacturer of a dangerous machine, such licence shall, notwithstanding anything contained in this Act, become invalid on and from the date on which there is a change in the partnership of such firm, unless such change in the partnership of the firm has been approved by the Controller.

Licence
to a
firm
to be
invalid
on the
change of
partner-
ship.

CHAPTER IV

DUTIES AND RESPONSIBILITIES OF THE MANUFACTURER OR DEALER OF A DANGEROUS MACHINE

13. (1) Every manufacturer of a dangerous machine shall ensure that such machine and every part thereof complies with such standards, conforming to the standards laid down therefor by the Indian Standards Institution, as may be prescribed by the Central Government.

Manu-
facturer
to ensure
that
every
part of
a dan-
gerous

(2) In particular, and without prejudice to the generality of the foregoing provisions, the manufacturer of a dangerous machine shall

machine
conforms
to
pres-
cribed
stan-
dards.

ensure that the following parts are secured by safeguards of substantial construction, namely:—

- (a) the prime mover and every part thereof,
- (b) the transmission machinery and every part thereof,
- (c) every other dangerous part, such as, rollers, blowers, sieves, elevator and the like.

(3) Every manufacturer of a dangerous machine shall also clearly and legibly provide such machine with danger signals indicating the point beyond which no limb shall be inserted for the purpose of feeding the machine or for any other purpose.

Parti-
culars to
be speci-
fied on
every
dan-
gerous
machine.

14. The manufacturer shall ensure that the following particulars are legibly and conspicuously marked or inscribed on every dangerous machine by such method as would make it indelible, namely:—

- (a) the direction of the rotation and the number of rotations per minute;
- (b) its power requirement; and
- (c) the name and correct address of the manufacturer, the year of its manufacture, and the date, number and other particulars of the licence of the manufacturer.

Duties
of the
manu-
facturer
to supply
operator's
manual
with
each
dan-
gerous
machine.

15. Every manufacturer shall supply along with each dangerous machine a manual containing general instructions regarding the operation of such machine, and shall also include therein such cautions, as may be prescribed.

Certif.
cate and
guarantee
by manu-
facturers,
and
dealers.

16. Before transferring the possession of any dangerous machine, whether by sale, lease, hire or otherwise, every manufacturer and every dealer shall deliver, to the person acquiring the possession of such machine, a declaration to the effect that the machine conforms to the standards laid down by or under this Act and also complies with in all respects, the provisions of this Act and the rules and orders made thereunder.

Liability
of the
manu-
facturer
for re-
imburse-
ment.

17. Whenever any person operating a dangerous machine suffers death or dismemberment of any limb or any other bodily injury—

- (i) by reason of any manufacturing defect in the machine where by such death, dismemberment or injury was caused, or
- (ii) by reason of the omission of the manufacturer to comply with the provisions of this Act and the rules and orders made thereunder,

such manufacturer shall be liable to reimburse the person by whom compensation had to be paid under this Act to the members of the family of the person whose death was caused by such machine or, as the case may be, to the person by whom such dismemberment or bodily injury was suffered.

18. Every manufacturer and every dealer shall maintain such registers, records and accounts as may be prescribed.

Manufacturers and dealers to maintain records.

CHAPTER V

DUTIES AND OBLIGATIONS OF USERS OF DANGEROUS MACHINES

19. (1) Every person who owns a dangerous machine or acquires control over such machine, whether as a lessee or hirer or otherwise (in this Act referred to as the user) shall make, before beginning to operate such machine, an application to the Controller, on payment of such fees, not exceeding five rupees, as may be prescribed, for the registration of such machine.

User to get each dangerous machine registered.

(2) On receipt of an application made under sub-section (1), the Controller shall, if he is satisfied that the machine complies with, in all respects, the provisions of this Act and the rules and orders made thereunder, register the same and grant to the applicant a certificate showing such registration.

(3) The Controller shall maintain a register containing the particulars of the dangerous machines registered by him and the names and addresses and other particulars of the persons on whose application such registration has been made.

(4) No dangerous machine shall be operated until it has been registered in accordance with the provisions of this section.

20. Every user of a dangerous machine shall ensure that—

Matters to be ensured by users.

- (a) such machine conforms to the standards laid down by or under this Act and also complies with, in all respects, the provisions of this Act and the rules and orders made thereunder;
- (b) no child is employed for the operation of such machine; and
- (c) adequate arrangements exist for rendering first aid to any person who may suffer any injury while operating any such machine.

21. (1) Every person who has, immediately before the commencement of this Act, in his custody or control, any dangerous machine which does not comply with, in all respects, the provisions of this Act and the rules and orders made thereunder, shall, within such time, not being less than one hundred and eighty days from such commencement, as the State Government may, by notification in the Official Gazette, specify, get the same modified in accordance with such rules as may be made by the Central Government in this behalf.

Modification of existing dangerous machine.

(2) No such machine shall be used or operated, after the expiry of the period specified under sub-section (1), unless the modifications referred to in sub-section (1) have been made.

22. (1) If, during his employment as an operator of a dangerous machine, death or dismemberment of any limb or any other bodily injury is caused to such operator, his employer shall be liable to pay compensation.

Employer's liability for compensation.

- (a) in the case of death of the operator, to his family, and
- (b) in any other case, to the operator.

Provided that where the operator does not have a family, the compensation shall be paid to the person or persons nominated in this behalf by the operator in writing and notified to the Controller:

Provided further that the employer shall not be so liable—

(i) in respect of any injury which does not result in the total or partial disablement of the operator for a period exceeding three days; or

(ii) in respect of any injury, not resulting in death, caused by an accident which is directly attributable to—

(a) the operator having been at the time thereof under the influence of any intoxicant or drug, or

(b) the wilful removal by the worker of any safety guard or other device which he knew to have been provided in the machine for the purpose of securing the safety of the operator.

(2) The amount of the compensation payable under sub-section (1) shall be determined and paid in accordance with the provisions of the Workmen's Compensation Act, 1923 as if the operator were a workman within the meaning of that Act, and, for this purpose, the provisions of the said Act shall apply to him as they apply to a workman within the meaning of that Act.

8 of 1923.

Notice
of
accident.

23. (1) Where the death or dismemberment of any limb or any other bodily injury has been caused to an operator, during the course of his employment, notice of such death, dismemberment or injury shall be given to the employer within three days from the date on which such death, dismemberment or injury was caused.

(2) Such notice shall be given by the operator if he is alive or by any member of his family or any other person interested in him.

(3) Omission to give the notice referred to in sub-section (2) shall not disentitle the operator or the members of his family, as the case may be, to receive the compensation payable under this Act.

Duty of
employer
to take
out insu-
rance
policies.

24. (1) Every employer shall take out, as soon as may be practicable after the commencement of this Act, one or more insurance policies providing for contracts of insurance whereby he is insured against any liability arising out of sub-section (1) of section 22 to make payment of compensation to any operator of a dangerous machine and such contract of insurance may provide for the payment of annuities to the operator, or in case of his death, to the members of his family or to his nominee, if he does not have a family.

(2) Every employer shall get the insurance policy referred to in sub-section (1) renewed from time to time before the expiry of the period of validity thereof so that the policy of insurance may remain in force throughout the period during which any person is employed by him to operate any dangerous machine.

Omission
or
failure
of the
em-
ployer to
take out
insurance
policies.

25. (1) In the event of the omission or failure of the employer to take out an insurance policy referred to in section 24 or in the event of the omission, failure or inability of the employer to keep such insurance policy in force or to obtain, from the insurer, any amount required to be paid as compensation to an operator, or to the members of his family, or nominee, as the case may be, the employer shall make payment of compensation from his own funds, to the operator, or to the members of his family or his nominee, as the case may be, as soon as possible after the

date on which the operator suffers death or dismemberment of limb or other bodily injury but not later than thirty days from such date and on such payment the employer's liability for payment of compensation to the operator or to the members of his family shall stand fully discharged.

(2) The discharge of the liability referred to in sub-section (1) shall not take away or abridge the right of, the employer to receive, from the insurer, such payment as may be due to him under the policy of insurance taken out or renewed by him.

CHAPTER VI INSPECTION, SEARCH AND SEIZURE

26. (1) As soon as the employer comes to know, whether on receipt of a notice under section 23 or otherwise, that the operator has suffered death, dismemberment of any limb or other bodily injury during the operation of any dangerous machine, he shall forthwith give notice of such death or injury to the Inspector.

Examination of machine causing death or injury.

(2) Whenever an Inspector comes to know about any death or injury, whether on receipt of a notice referred to under sub-section (1) or otherwise, he shall, as soon as practicable, enter into the premises where the dangerous machine whereby such death, dismemberment of limb or other bodily injury has been caused, is located and examine the machine with a view to finding out whether the machine conforms to the standards laid down by or under this Act and contains all the prescribed safety devices, and, where, after such examination, he is of the opinion that the machine is unsafe, he shall, by an order, prohibit the use of such machine until it is certified by him to be safe.

(3) No machine shall be operated during the period of operation of the prohibitory order made under sub-section (2).

27. Every register, record and accounts maintained under this Act and every licence issued or renewed under this Act shall be open to the inspection of the Inspector.

Inspection of records, etc.

28. An Inspector authorised in this behalf by the Controller may, if he has any reason to suspect that any provision of this Act has been, or is being, or is about to be, contravened, enter and search, at any reasonable time of the day, any premises in which any dangerous machine is operated.

Power to enter and search.

29. Whenever the Inspector is satisfied that any dangerous machine, which does not comply with, in all respects, the provisions of this Act or the rules or orders made thereunder, is being operated in contravention of the provisions of this Act, he may seize such dangerous machine and the records and registers connected therewith.

Power of seizure.

30. Every search and seizure made under this Act shall be made in accordance with the provisions of the Code of Criminal Procedure, 1973.

Search and seizure to be made in accordance with the Code of Criminal Procedure, 1973.

Punish-
ment for
contra-
vention
of the
provi-
sions of
the Act.

CHAPTER VII

OFFENCES AND THEIR TRIAL

31. Whoever, in contravention of the provisions of this Act, or any rule or order made thereunder—

- (a) manufactures, or carries on business as a manufacturer or dealer of, any dangerous machine without being in possession of a valid licence issued or renewed under this Act;
- (b) employs a child in the operation of any dangerous machine;
- (c) causes any person to operate a dangerous machine which does not conform to the standards specified by or under this Act;
- (d) causes any person to operate any dangerous machine referred to in section 21, without carrying out the prescribed modifications;
- (e) omits to take out or renew an insurance policy as required by section 24;
- (f) sells or otherwise transfers any dangerous machine which does not conform to the provisions of this Act or the rules made thereunder;
- (g) operates or causes any person to operate any dangerous machine during the period of operation of a prohibitory order made under sub-section (2) of section 26; or
- (h) contravenes any other provision of this Act, or rule or order made thereunder,

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, and in the case of a second or subsequent offence, shall be punishable with imprisonment for a term which shall not be less than three months and also with fine which shall not be less than five hundred rupees but not more than one thousand rupees.

Offences
by
com-
panies.

32. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

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

2 of 1974.

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.

33. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no court shall take cognizance of an offence punishable under this Act except on a complaint in writing made by the Controller or any person authorised by him in this behalf.

(2) Every offence under this Act may be tried summarily by a Magistrate.

Cogni-
zance
and
trial
of
offences.

CHAPTER VIII

MISCELLANEOUS

34. (1) Any person aggrieved by any order granting or refusing to issue or renew a licence under this Act or refusing to register a dangerous machine, may prefer an appeal against the order to the State Government.

Appeals.

(2) Every such appeal shall be filed within thirty days from the date of the order:

Provided that the State Government 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 within the said period.

35. No suit, prosecution or other legal proceedings shall lie against the State Government, the Controller, any Inspector or any other person authorised by the Controller for exercising any powers or discharging any functions under this Act for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

Protec-
tion
of
action
taken
in good
faith.

36. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of sub-section (2) of section 9, and the provisions of sections 13 and 21.

Power of
Central
Govern-
ment to
make
rules.

(2) Every notification made by the Central Government under clause (c) of section 3, and every rule made by it 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 or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or rule, or both Houses agree that the notification or rule should not be 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.

37. (1) The State Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act other than those specified in sub-section (1) of section 36.

Power of
State Gov-
ernment.
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) all matters specified in section 9 except those specified in sub-section (2) thereof;
- (b) the fees (including late fees), within the limits specified in section 9, for the issue and renewal of licences under that section and for the registration of dealers, as provided in section 19;
- (c) the cautions to be specified in the manual of instructions as required by section 15;
- (d) the registers, records and accounts which are required to be maintained under section 18;
- (e) the arrangement required to be made under section 20 for rendering first aid to any injured operator of a dangerous machine; and
- (f) any other matter which is required to be, or may be, prescribed.

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

Power to give direction,

38. The Central Government may give directions to any State Government as to the carrying into execution in the State of any of the provisions of this Act or of any rule or order made thereunder.

THE APPROPRIATION (No. 5) ACT, 1983

NO. 36 OF 1983

[21st December, 1983.]

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 1983-84.

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

1. This Act may be called the Appropriation (No. 5) Act, 1983. 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 two thousand seventy-three crores, sixty-five lakhs and ninety-seven thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1983-84, in respect of the services specified in column 2 of the Schedule. Issue of Rs. 2073, 65,97,000 out of the Consolidated Fund of India for the year 1983-84.
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. Appropriation.

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
2	Agriculture . . Capital	..	67,50,00,000	67,50,00,000
6	Co-operation . . Revenue	9,30,00,000	..	9,30,00,000
		Capital	44,00,00,000	3,10,00,000
9	Ministry of Che- micals and Fertilizers . . Revenue	200,00,00,000	..	200,00,00,000
		Capital	138,00,00,000	138,00,00,000
11	Foreign Trade and Export Production . . Capital	2,60,00,000	..	2,60,00,000
12	Textiles, Handloom and Handicrafts . . Revenue	10,00,00,000	..	10,00,00,000
		Capital	44,98,35,000	44,98,35,000
17	Capital Outlay on Posts and Tele- graphs . . Capital	80,00,00,000	..	80,00,00,000
22	Defence Services— Pensions . . Revenue	..	1,60,000	1,60,000
23	Capital Outlay on Defence Services . . Capital	..	5,50,00,000	5,50,00,000
25	Education . . Revenue	10,00,00,000	..	10,00,00,000
27	Archaeology . . Revenue	1,72,00,000	..	1,72,00,000
29	Department of Power . . Revenue	15,00,00,000	..	15,00,00,000
		Capital	75,00,00,000	75,00,00,000
30	Department of Coal . . Capital	100,00,00,000	..	100,00,00,000
39	Currency, Coinage and Mint . . Capital	10,00,00,000	..	10,00,00,000
42	Transfers to State Governments . . Capital	..	200,00,00,000	200,00,00,000
43	Other Expenditure of the Ministry of Finance . . Revenue	19,22,000	..	19,22,000
		Capital	503,15,00,000	503,15,00,000
45	Department of Food . . Capital	1,000	..	1,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
48	Medical and Public Health . . Revenue	10,00,00,000	..	10,00,00,000
49	Family Welfare . . Revenue	26,55,00,000	..	26,55,00,000
51	Cabinet . . Revenue	1,00,00,000	..	1,00,00,000
58	Andaman and Nicobar Islands . . Revenue	2,00,00,000	..	2,00,00,000
62	Industries . . Revenue	10,00,00,000	..	10,00,00,000
	Capital	37,26,00,000	..	37,26,00,000
63	Village and Small Industries . . Revenue	20,00,01,000	15,00,00,000	35,00,01,000
65	Information and Publicity . . Revenue	..	9,000	9,000
70	Department of Rehabilitation . . Revenue	..	1,42,000	1,42,000
	Capital	1,00,00,000	..	1,00,00,000
76	Ministry of Rural Development . . Revenue	90,00,00,000	..	90,00,00,000
79	Ports, Lighthouses and Shipping . . Revenue	5,00,00,000	..	5,00,00,000
	Capital	76,05,00,000	..	76,05,00,000
80	Road and Inland Water Transport . . Capital	22,90,00,000	..	22,90,00,000
82	Department of Steel . . Capital	100,00,00,000	..	100,00,00,000
83	Department of Mines . . Revenue	2,50,00,000	..	2,50,00,000
	Capital	15,00,00,000	..	15,00,00,000
86	Aviation . . Revenue	8,05,77,000	..	8,05,77,000
95	Nuclear Power Schemes . . Revenue	60,00,00,000	..	60,00,00,000
96	Department of Electronics . . Revenue	1,02,00,000	..	1,02,00,000
	Capital	4,47,00,000	..	4,47,00,000
97	Department of Environment . . Revenue	1,25,00,000	..	1,25,00,000
99	Department of Science and Technology . . Revenue	1,13,00,000	..	1,13,00,000
101	Grants to Council of Scientific and Industrial Research . . Revenue	5,00,00,000	..	5,00,00,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
102	Department of Space	Revenue	12,92,18,000	37,000
		Capital	25,17,26,000	..
108	Department of Parliamentary Affairs	Revenue	3,72,000	..
	CHARGED—			3,72,000
	Staff, Household and Allowances of the President	Revenue	..	24,60,000
109	Secretariat of the Vice-President	Revenue	1,37,000	..
	TOTAL		1782,27,89,000	291,38,08,000
				2073,65,97,000

THE APPROPRIATION (RAILWAYS) No. 5 ACT, 1983

No. 37 OF 1983

[25th December, 1983.]

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 1983-84 for the purposes of Railways.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows :—

1. This Act may be called the Appropriation (Railways) No. 5 Act, 1983, 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 five lakhs rupees towards defraying the several charges which will come in course of payment during the financial year 1983-84, in respect of the services relating to Railways specified in column 2 of the Schedule.

Issue of Rs.
5,00,000
out of the
Consolidated
Fund of
India for the
financial
year
1983-84.

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.

Appropria-
tion,

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 Consolidated Fund	Total
		Rs.	Rs.	Rs.
16	Assets—Acquisition, Construction and Replacement—Other Expenditure	5,00,000	..	5,00,000
	TOTAL	5,00,000	..	5,00,000

THE TEA (AMENDMENT) ACT, 1983

NO. 38 OF 1983

[25th December, 1983.]

An Act further to amend the Tea Act, 1953.

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

Short title and commencement.

Amendment of sections 16D and 16-I.

Repeal and saving.

1. (1) This Act may be called the Tea (Amendment) Act, 1983.
(2) It shall be deemed to have come into force on the 7th day of October, 1983.
2. In the proviso to sub-section (2) of section 16D and in clause (a) of sub-section (2) of section 16-I of the Tea Act, 1953 (hereinafter referred to as the principal Act), for the words "two years", the words "six years" shall be substituted.
3. (1) The Tea (Amendment) Ordinance, 1983, is hereby repealed.
(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

THE ILLEGAL MIGRANTS (DETERMINATION BY TRIBUNALS) ACT, 1983

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY

SECTIONS

1. Short title, extent and commencement.
2. Application.
3. Definitions and construction of references.
4. Overriding effect of the Act.

CHAPTER II

ESTABLISHMENT OF TRIBUNALS

5. Establishment of Illegal Migrants (Determination) Tribunals.
6. Filling of vacancies.
7. Staff of the Tribunals.
8. References or applications to Tribunals.
9. Powers of the Tribunal.
10. Procedure with respect to references under sub-section (1) of section 8.
11. Procedure with respect to applications under sub-section (2) of section 8.
12. Determination of the question as to whether a person is an illegal migrant.
13. Reference and application to be disposed of within six months.
14. Appeal.
15. Appellate Tribunal.
16. Order of the Appellate Tribunal.
17. Revision.

CHAPTER III

PROVISIONS APPLICABLE TO ALL TRIBUNALS

18. Procedure.
19. Proceeding before every Tribunal to be judicial proceeding for certain purposes.

*Arrangement of Sections***CHAPTER IV****ENFORCEMENT OF THE ORDERS MADE BY THE TRIBUNALS****SECTIONS**

20. Expulsion of illegal migrants.

CHAPTER V**MISCELLANEOUS**

21. Delegation of powers.
22. Power to give effect to the orders, etc.
23. Bar of jurisdiction of civil courts.
24. Transitory provision.
25. Penalties.
26. Protection of action taken in good faith.
27. Power to remove difficulties.
28. Power to make rules.
29. Repeal and saving.

THE ILLEGAL MIGRANTS (DETERMINATION
BY TRIBUNALS) ACT, 1983

No. 39 OF 1983

[25th December, 1983.]

An Act to provide for the establishment of Tribunals for the determination, in a fair manner, of the question whether a person is an illegal migrant to enable the Central Government to expel illegal migrants from India and for matters connected therewith or incidental thereto.

WHEREAS a good number of the foreigners who migrated into India across the borders of the eastern and north-eastern regions of the country on and after the 25th day of March, 1971, have, by taking advantage of the circumstances of such migration and their ethnic similarities and other connections with the people of India and without having in their possession any lawful authority so to do, illegally remained in India;

AND WHEREAS the continuance of such foreigners in India is detrimental to the interests of the public of India;

AND WHEREAS on account of the number of such foreigners and the manner in which such foreigners have clandestinely been trying to pass off as citizens of India and all other relevant circumstances, it is necessary for the protection of the citizens of India to make special provisions for the detection of such foreigners in Assam and also in any other part of India in which such foreigners may be found to have remained illegally;

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Illegal Migrants (Determination by Tribunals) Act, 1983.

(2) It extends to the whole of India.

(3) It shall be deemed to have come into force in the State of Assam on the 15th day of October, 1983 and in any other State on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different States and references in this Act to the commencement of this Act shall be

Short title, extent and commencement.

construed in relation to any State as references to the date of commencement of this Act in such State.

Application.

2. Nothing in this Act shall apply to or in relation to—

- (a) any person who was in any State and who had been expelled from that State or India before the commencement of this Act in that State or in relation to whose expulsion from such State or India any order made before such commencement under any other law is in force;
- (b) any person detected as a foreigner at the time of his entry across any border of India;
- (c) any foreigner who, having entered into India under a valid passport or travel document, continued to remain therein after the expiry of the period for which he was authorised to remain in India under such passport or travel document.

**Definitions
and construction of references.**

3. (1) In this Act, unless the context otherwise requires,—

(a) "Appellate Tribunal" means an Appellate Tribunal established by the Central Government under sub-section (1) of section 15;

(b) "foreigner" has the same meaning as in the Foreigners Act, 1946;

(c) "illegal migrant" means a person in respect of whom each of the following conditions is satisfied, namely:—

(i) he has entered into India on or after the 25th day of March, 1971,

(ii) he is a foreigner,

(iii) he has entered into India without being in possession of a valid passport or other travel document or any other lawful authority in that behalf;

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

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

(f) "Tribunal" means a Tribunal established by the Central Government under sub-section (1) of section 5.

(2) Any reference in this Act to any law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area.

Overriding effect of the Act.

4. (1) The provisions of this Act or of any rule or order made thereunder shall have effect notwithstanding anything contained in the Passport (Entry into India) Act, 1920 or the Foreigners Act, 1946 or the Immigrants (Expulsion from Assam) Act, 1950 or the Passports Act, 1967 or any rule or order made under any of the said Acts and in force for the time being.

34 of 1920.
31 of 1946.
10 of 1950.
15 of 1967.

31 of 1946.

10 of 1950.

(2) In particular and without prejudice to the generality of the provisions of sub-section (1), nothing in the proviso to section 2 of the Immigrants (Expulsion from Assam) Act, 1950 shall apply to or in relation to an illegal migrant as defined in clause (c) of sub-section (1) of section 3.

CHAPTER II

ESTABLISHMENT OF TRIBUNALS

5. (1) The Central Government may, by notification, establish, for the purposes of this Act, as many Illegal Migrants (Determination) Tribunals as it may deem necessary and specify the principal place of sitting of, and the territorial limits within which, each such Tribunal shall exercise its jurisdiction.

Establishment of
Illegal
Migrants
(Determi-
nation).
Tribunals.

(2) No person shall be appointed as a member of any such Tribunal unless he is or has been a District Judge or an Additional District Judge in any State.

(3) Each Tribunal shall consist of three members.

(4) On the establishment of a Tribunal, the Central Government shall appoint one of the members thereof as the Chairman of such Tribunal.

(5) Each Tribunal shall sit in its principal place of sitting and in such other place or places as its Chairman may, from time to time, appoint.

6. If, for any reason, any vacancy occurs in the office of the Chairman or any other member of a Tribunal, the Central Government may fill the vacancy by appointing any person who fulfils the qualifications specified in sub-section (2) of section 5, as the Chairman, or, as the case may be, member of such Tribunal.

Filling of
vacancies.

7. The Central Government shall make available to every Tribunal such staff as may be necessary for the discharge of its functions under this Act.

Staff of
the Tribu-
nals.

31 of 1946.

8. (1) If any question arises as to whether any person is or is not an illegal migrant, the Central Government may, whether such question has arisen on a representation made by such person against any order under the Foreigners Act, 1946 requiring him not to remain in India or to any other effect or has arisen in any other manner whatsoever, refer such question to a Tribunal for decision.

Refer-
ences or
applica-
tions to
Tribunals.

(2) Without prejudice to the power conferred on the Central Government by sub-section (1), any person may make an application to the Tribunal, for its decision, as to whether the person whose name and other particulars are given in the application, is or is not an illegal migrant:

Provided that no such application shall be entertained by the Tribunal unless the person in relation to whom the application is made is found, or resides, at a place within three kilometres from the place of residence of the applicant.

(3) Every application made under sub-section (2) shall be made in such form and in such manner as may be prescribed and shall be accompanied by affidavits sworn by not less than two persons residing within three kilometres of the area in which the person referred to in the application is found, or residing, corroborating the averments made in the application, and shall also be accompanied by such fee, being not less than twenty-five, and not more than one hundred, rupees, as may be prescribed.

(4) Every reference under sub-section (1), and every application under sub-section (2), shall be made to the Tribunal within the territorial limits of whose jurisdiction the place of residence of the person named in such reference or application, as the case may be, is situated:

Provided that where the person named in such reference or application has no place of residence, the reference or application, as the case may be, shall be made to the Tribunal within the territorial limits of whose jurisdiction such person is found.

Powers of
the Tri-
bunal.

9. Every Tribunal shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:—

5 of 1908.

- (a) summoning and enforcing the attendance of witnesses and examining them on oath;
- (b) discovery and production of any document;
- (c) reception of evidence on affidavits;
- (d) requisitioning of public records from any court or office;
- (e) issuing of any commission for the examination of witnesses.

Procedure
with re-
spect to
references
under sub-
section
(1) of
section 8.

10. On receipt of a reference under sub-section (1) of section 8, the Tribunal shall serve on the person named in such reference, a notice, accompanied by a copy of such reference, calling upon him to make, within a period of thirty days from the date of receipt of such notice, such representation with regard to the averments made in the reference, and to produce such evidence as he may think fit in support of his defence:

Provided that if the Tribunal is satisfied that the person aforesaid was prevented by sufficient cause from making his representation and from producing evidence in support of his defence within the said period of thirty days, it may permit him to make his representation and to produce evidence in support of his defence, within such further period, not exceeding thirty days, as it may, by order, specify.

Procedure
with re-
spect to
appli-
ca-
tions
under sub-
section
(2) of
section 8.

11. (1) On receipt of an application under sub-section (2) of section 8, the Tribunal shall issue a notice, accompanied by a copy of the application, to the prescribed authority calling upon it to furnish, after making such inquiry as that authority may deem fit, a report to the Tribunal with regard to the averments made in the application.

(2) If, on a consideration of the report made by the prescribed authority, the Tribunal is satisfied that—

(a) the person named in the application is not an illegal migrant or that the application is frivolous or vexatious, or has not been made in good faith, the Tribunal shall, after giving the applicant an opportunity to be heard, reject the application;

(b) there are reasonable grounds to believe that the person named in the application is an illegal migrant, the Tribunal shall issue a notice accompanied by a copy of the application, to the person named in the application, calling upon him to make, within thirty days from the date of receipt of the notice, such representation with regard to the averments made in the application and to produce such evidence as he may think fit in support of his defence:

Provided that if the Tribunal is satisfied that the person aforesaid was prevented by sufficient cause from making his representation and from producing evidence in support of his defence within the said period of thirty days, it may permit him to make his representation and to produce evidence in support of his defence, within such further period, not exceeding thirty days, as it may, by order, specify.

12. (1) The Tribunal to which a reference has been made under section 8, or to which an application has been made under that section, shall, after taking such evidence as may be adduced before it and after making such inquiry as it may think fit and after hearing such persons as it may deem appropriate, by order, decide the question as to whether the person named in such reference or application, as the case may be, is or is not an illegal migrant:

Determination of the question as to whether a person is an illegal migrant.

Provided that where for the determination of such question in any case the decision on any issue renders any decision on any other issue or issues unnecessary, the Tribunal may not decide such other issue or issues.

(2) Where the members of the Tribunal differ in their opinion on any point, the decision on such point shall be according to the opinion of the majority of such members.

(3) The Tribunal shall send a copy of every order passed by it to the prescribed authority and to the parties to the reference, or the application, as the case may be.

(4) Every order passed under sub-section (1) shall, subject to the decision of the Appellate Tribunal, be final and shall not be called in question in any court.

13. Every reference made to a Tribunal under section 8 or application made to a Tribunal under that section shall be inquired into as expeditiously as possible and every endeavour shall be made to conclude such inquiry within a period of six months from the date of the service, on the person concerned, of a copy of such reference or application.

Reference and application to be disposed of within six months.

Appeal.

14. The Central Government, or any person, named in a reference or an application under section 8, or any applicant under sub-section (2) of that section may, if it or he is not satisfied with any order made by a Tribunal under section 12, prefer an appeal to the Appellate Tribunal against such order.

Appellate
Tribunal.

15. (1) The Central Government may, by notification, establish for each State in which this Act is in force an Appellate Tribunal to be known as the Illegal Migrants (Determination) Appellate Tribunal for deciding appeals preferred under section 14 against orders made by Tribunals in the State and specify the principal place of sitting of such Appellate Tribunal.

(2) No person shall be appointed as a member of an Appellate Tribunal unless he is or has been a Judge of a High Court.

(3) An Appellate Tribunal shall consist of as many members, not being less than three and more than six, as the Central Government may think fit.

(4) The Central Government shall appoint one of the members of an Appellate Tribunal to be the President thereof.

(5) An Appellate Tribunal shall sit in its principal place of sitting or any such other place or places as the President thereof may, from time to time, appoint.

(6) The powers and functions of an Appellate Tribunal may be exercised and discharged by benches constituted by the President thereof from amongst the members thereof and each bench shall consist of not less than two members.

(7) The Central Government shall make available to every Appellate Tribunal such staff as may be necessary for the discharge of its functions under this Act.

(8) Every memorandum of appeal to an Appellate Tribunal shall be made in such form and in such manner as may be prescribed, and, in the case of an appeal preferred by an applicant under sub-section (2) of section 8, shall also be accompanied by such fee, not being less than twenty-five and more than one hundred rupees, as may be prescribed.

(9) Every appeal shall be preferred within thirty days from the date on which the order sought to be appealed against was communicated to the appellant:

Provided that the Appellate Tribunal may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period, admit an appeal after the expiry of the aforesaid period of thirty days.

(10) Every Appellate Tribunal shall have the same powers as are vested in 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 witnesses and examining them on oath;

- (b) discovery and production of any document;
- (c) reception of evidence on affidavits;
- (d) requisitioning of public records from any court or office;
- (e) issuing of any commission for the examination of witnesses.

16. (1) The Appellate Tribunal may, after giving the parties to the appeal a reasonable opportunity of being heard, pass such orders thereon as it may think fit, confirming, modifying or annulling the order appealed against or may remand the case to the Tribunal which had passed such order, with such directions to that Tribunal as the Appellate Tribunal may think fit, for fresh determination after taking additional evidence, if necessary.

Order of
the Appel-
late Tri-
bunal.

(2) Where an appeal had been heard by the Appellate Tribunal and the members thereof differ in their opinion on any point, the decision on such point shall, where there is a majority, be according to the opinion of such majority, and where there is no majority and the members are equally divided in their opinion, they shall draw up a statement of the facts of the case and the point or points on which they differ in their opinion and make a reference of the point or points or of the appeal, as the case may be, to the President of such Tribunal, and on receipt of such reference, the President of the Tribunal shall arrange for the hearing of such point or points, or the appeal, by one or more of the members of the Appellate Tribunal, and such point or points, or the appeal, as the case may be, shall be decided according to the opinion of the majority of the members of the Appellate Tribunal, who have heard the appeal, including those who had first heard it.

(3) The Appellate Tribunal shall send a copy of every order passed by it under sub-section (1) to the parties to the appeal and to the Tribunal concerned.

(4) Subject to the provisions of section 17, every order passed under sub-section (1), other than an order remanding the case, shall be final and no order passed under that sub-section shall be called in question in any court.

17. The High Court may call for the record of any case which has been decided by the Appellate Tribunal situate within its local jurisdiction, and if such Appellate Tribunal appears—

Revision.

- (a) to have exercised a jurisdiction not vested in it by law, or
- (b) to have failed to exercise a jurisdiction so vested, or
- (c) to have acted in the exercise of its jurisdiction illegally or with material irregularity,

the High Court may make such order in the case as it thinks fit:

Provided that the High Court shall not, under this section, vary or reverse any order made or any order deciding an issue in the course of a proceeding with respect to an appeal, except where—

- (i) the order, if it had been made in favour of the party applying for revision, would have finally disposed of the proceeding, or

(ii) the order, if allowed to stand, would occasion a failure of justice or cause irreparable injury to the party against whom it was made.

Explanation.—In this section, the expression “any case which has been decided” includes any order made or any order deciding an issue in the course of a proceeding with respect to any appeal.

CHAPTER III

PROVISIONS APPLICABLE TO ALL TRIBUNALS

Procedure.

18. Subject to the provisions of this Act and the rules made thereunder, every Tribunal and every Appellate Tribunal shall have the power to regulate its own procedure in all matters arising out of the exercise of its powers or for the discharge of its functions.

Proceeding before every Tribunal to be judicial proceeding for certain purposes.

19. Every proceeding before a Tribunal or the Appellate Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196 of the Indian Penal Code; and every such Tribunal or Appellate Tribunal, as the case may be, shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

45 of 1860.

2 of 1974.

CHAPTER IV

ENFORCEMENT OF THE ORDERS MADE BY THE TRIBUNALS

Expulsion of illegal migrant.

20. Where a person has been determined by a Tribunal, or, as the case may be, by the Appellate Tribunal, to be an illegal migrant, the Central Government shall, by order served on such person, direct such person to remove himself from India within such time and by such route as may be specified in the order and may give such further directions in regard to his removal from India as it may consider necessary or expedient.

Delega-tion of powers.

CHAPTER V

MISCELLANEOUS

21. The Central Government may, by notification, direct that the powers and duties conferred or imposed on it by this Act, other than the powers conferred by section 28, and the powers conferred by this section, may, subject to such conditions as may be specified in the notification, be exercised or discharged also by—

- (a) any officer subordinate to the Central Government;
- (b) any State Government or any officer subordinate to that Government.

Power to give effect to the orders, etc.

22. Any authority empowered by or in pursuance of the provisions of this Act to exercise any power, may, in addition to any other action expressly provided for in this Act, take, or cause to be taken, such steps, and use, or cause to be used, such force, as may in its opinion be reasonably necessary for the effective exercise of such power.

23. Where a Tribunal or Appellate Tribunal has been established for any area for the purpose of determining whether a person is or is not an illegal migrant, no civil court shall have jurisdiction to entertain any question relating to that matter in that area and no injunction or any other order in respect of any action taken by, or before, the Tribunal or Appellate Tribunal in respect of that matter shall be granted or made by any civil court.

Bar of jurisdiction of civil courts.

24. Where in any suit or other legal proceeding pending, whether in a civil court or in any Tribunal established under any other law for the time being in force, immediately before the commencement of this Act, a question arises as to whether a person is or is not an illegal migrant, such court or Tribunal shall, without deciding such question, make an order transferring such suit or other legal proceeding to the Tribunal under this Act within the territorial limits of whose jurisdiction such court or other Tribunal is situate and on such transfer such question shall be dealt with by such Tribunal in accordance with the provisions of this Act.

Transitory provision.

25. Any person who,—

Penalties.

(a) contravenes or attempts to contravene, or abets the contravention of, any order made under section 20; or

(b) fails to comply with any direction given by any such order; or

(c) harbours any person who has contravened any order made under section 20 or has failed to comply with any direction given by any such order,

shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

26. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Protection of action taken in good faith.

27. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order to be published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

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

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

28. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

- (a) the form and the manner in which an application may be made and the fee which shall accompany such application, as required by sub-section (3) of section 8;
- (b) the authority to be prescribed under section 11;
- (c) the form and the manner in which an appeal to the Appellate Tribunal may be preferred and the fee which shall accompany such appeal, as required by sub-section (8) of section 15;
- (d) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the 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
saving.

29. (1) The *Illegal Migrants (Determination by Tribunals)* Ordinance, 1983, is hereby repealed.

8 of 1983.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

**THE TEXTILE UNDERTAKINGS (TAKING-OVER OF
MANAGEMENT) ACT, 1983**

No. 40 OF 1983

[25th December, 1983.]

An Act to provide for the taking over in the public interest of the management of the textile undertakings of the companies specified in the First Schedule pending nationalisation of such undertakings and for matters connected therewith or incidental thereto.

WHEREAS by reason of mismanagement of the affairs of the textile undertakings specified in the First Schedule, their financial condition became wholly unsatisfactory even before the commencement in January 1982 of the textile strike in Bombay and their financial condition has thereafter further deteriorated;

AND WHEREAS certain public financial institutions have advanced large sums of money to the companies owning the said undertakings with a view to making the said undertakings viable;

AND WHEREAS further investment of very large sums of money is necessary for reorganising and rehabilitating the said undertakings and thereby to protect the interests of the workmen employed therein and to augment the production and distribution at fair prices of different varieties of cloth and yarn so as to subserve the interests of the general public;

AND WHEREAS acquisition by the Central Government of the said undertakings is necessary to enable it to invest such large sums of money;

AND WHEREAS, pending the acquisition of the said undertakings, it is expedient in the public interest to take over the management of the said undertakings;

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Textile Undertakings (Taking Over of Management) Act, 1983.

(2) It shall be deemed to have come into force on the 18th day of October, 1983.

Short title and commencement.

Definitions.

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

(a) "appointed day" means the date on which this Act comes into force;

(b) "Custodian" means the person appointed under section 4 to take over the management of the undertakings;

(c) "notification" means a notification published in the Official Gazette;

(d) "textile undertaking" or "the textile undertaking" means an undertaking specified in the second column of the First Schedule;

(e) "textile company" means a company (being a company as defined in the Companies Act, 1956) specified in the third column of the First Schedule, as owning the undertaking specified in the corresponding entry in the second column of that Schedule;

(f) words and expressions used herein and not defined but defined in the Companies Act, 1956, shall have the meanings respectively assigned to them in that Act.

CHAPTER II

TAKING OVER OF THE MANAGEMENT OF CERTAIN TEXTILE UNDERTAKINGS

Management of certain textile undertakings to vest in the Central Government.

3. (1) On and from the appointed day, the management of all the textile undertakings shall vest in the Central Government.

(2) The textile undertaking shall be deemed to include all assets, rights, leaseholds, powers, authorities and privileges of the textile company in relation to the said textile undertaking and all property, movable and immovable, including lands, buildings, workshops, projects, stores, spares, instruments, machinery, equipment, automobiles and other vehicles, and goods under production or in transit, cash balances, reserve fund, investments and book debts and all other rights and interests in or arising out of such property as were, immediately before the appointed day, in the ownership, possession, power or control of the textile company whether within or outside India and all books of account, registers and all other documents of whatever nature relating thereto.

(3) Any contract, whether express or implied, or other arrangement, in so far as it relates to the management of the business and affairs of the textile undertaking and in force immediately before the appointed day, or any order made by any court in so far as it relates to the management of the business and affairs of the textile undertaking and in force immediately before the appointed day shall be deemed to have terminated on the appointed day.

(4) All persons in charge of the management, including persons holding offices as directors, managers or any other managerial personnel, of the textile company in relation to the textile undertaking, immediately before the appointed day, shall be deemed to have vacated their offices as such on the appointed day.

(5) Notwithstanding anything contained in any other law for the time being in force no person in respect of whom any contract of management or other arrangement is terminated by reason of the provisions contained in sub-section (3), or who ceases to hold any office by reason of the provisions contained in sub-section (4), shall be entitled to claim any compensation for the premature termination of the contract of management or other arrangement or for the loss of office, as the case may be.

(6) Notwithstanding any judgment, decree or order of any court, tribunal or other authority or anything contained in any other law (other than this Act) for the time being in force, every receiver or other person in whose possession or custody or under whose control the textile undertaking or any part thereof may be immediately before the appointed day, shall, on the commencement of this Act, deliver the possession of the said undertaking or such part thereof, as the case may be, to the Custodian, or where no Custodian has been appointed, to such other person as the Central Government may direct.

(7) For the removal of doubts, it is hereby declared that any liability incurred by a textile company in relation to the textile undertaking before the appointed day shall be enforceable against the concerned textile company and not against the Central Government or the Custodian.

4. (1) The Central Government may, as soon as it is convenient administratively so to do, appoint any person or body of persons (including a Government company, whether in existence at the commencement of this Act or incorporated thereafter) as a Custodian of the textile undertaking for the purpose of carrying on the management of such undertaking and the Custodian so appointed shall carry on the management of the textile undertaking for and on behalf of the Central Government.

Custodian
of the
textile
under-
takings.

(2) On the appointment of a Custodian under sub-section (1), the management of the textile undertaking shall vest in such Custodian and all persons in charge of the management of such undertaking immediately before such appointment shall cease to be in charge of such management and shall be bound to deliver such management to the Custodian.

(3) The Central Government may, by notification, authorise the Custodian to appoint any person (including a Government company, whether in existence at the commencement of this Act or incorporated thereafter) as the Additional Custodian of the textile undertaking.

(4) The Additional Custodian shall assist the Custodian in the exercise of his or its powers and duties under this Act and shall function under the direction, supervision and control of the Custodian; and the Custodian may delegate to the Additional Custodian all or such of his or its powers as he or it may think fit.

(5) Subject to any general or special direction given or condition imposed by the Custodian, any person authorised by the Custodian to exercise any power may exercise that power in the same manner and with the same effect as if it had been conferred on that person directly by this Act and not by way of authorisation.

(6) The Central Government may issue such directions (including directions as to initiating, defending or continuing any legal proceedings before any court, tribunal or other authority) to the Custodian as to his or its powers and duties as the Central Government deems to be desirable in the circumstances of the case, and the Custodian may also apply to the Central Government at any time for instructions as to the manner in which he or it shall conduct the management of the textile undertaking or in relation to any other matter arising in the course of such management.

(7) Subject to the other provisions of this Act and the control of the Central Government, the Custodian shall be entitled, notwithstanding anything contained in the Companies Act, 1956, to exercise all the powers, in relation to the textile undertaking, of the Board of Directors of the textile

company (including the power to dispose of any properties or assets of the textile company) whether such powers are derived from the Companies Act, 1956, or from the memorandum and articles of association of the concerned textile company or from any other source.

(8) Every person having possession, custody or control of any property forming part of the textile undertaking shall deliver forthwith such property to the Custodian or to any officer or other employee of the Central Government or the Custodian, as may be authorised by the Central Government or the Custodian in this behalf.

(9) Any person who, on the appointed day, has in his possession or under his control any books, papers or other documents relating to the textile undertaking the management of which has vested in the Central Government under this Act, shall, notwithstanding anything contained in any other law for the time being in force, be liable to account for the books, papers and other documents (including such minutes books, cheque books, letters, memoranda, notes or other communications) to the Custodian and shall deliver them up to the Custodian or to any such person (being an officer or other employee of the Central Government or the Custodian) as may be authorised by the Central Government or the Custodian in this behalf.

(10) Every person in charge of the management of any textile undertaking immediately before the appointed day shall, within ten days from that day or within such further period as the Central Government may allow in this behalf, furnish to the Custodian a complete inventory of all the properties and assets (including particulars of book debts and investments and belongings) forming part of the undertaking immediately before the appointed day and of all the liabilities and obligations of the textile company in relation to the undertaking, subsisting immediately before that day, and also of all agreements entered into by such textile company in relation to the undertaking and in force immediately before that day.

(11) The Custodian and the Additional Custodian shall receive from the funds of the textile undertakings such remuneration as the Central Government may fix.

**Payment
of
amount.**

5. (1) Every textile company shall be given by the Central Government an amount, in cash, and at the rate specified in sub-section (2), for the vesting in it, under section 3, of the management of the textile undertaking of the company.

(2) For every month during which the management of the textile undertaking remains vested in the Central Government under this Act, the amount, referred to in sub-section (1), shall be computed—

(i) for a spinning unit, at the rate of fifty paise per 1,000 spindles or any part thereof;

(ii) for a weaving unit, at the rate of one rupee per 100 looms or any part thereof;

(iii) for a composite unit with or without dye-house, at the rate of fifty paise per 1,000 spindles or any part thereof plus one rupee per 100 looms plus one paisa per 10,000 metres of cloth processed in the dye-house based on the average monthly production during the period of three years immediately preceding the appointed day;

(iv) for a wholly processing unit (being a unit which does not have any spindle or loom), one paisa per one thousand square metres or any

part thereof of the average of the total quantity of textiles processed during the period of three years immediately preceding the appointed day in such unit.

CHAPTER III

POWER TO PROVIDE RELIEF TO THE TEXTILE UNDERTAKINGS

6. (1) The Central Government may, if satisfied, in relation to any of the textile undertakings or any part thereof, the management of which has vested in it under this Act, that it is necessary so to do in the interests of the general public with a view to preventing any fall in the volume of production of such undertaking, by notification, declare that—

(a) all or any of the enactments specified in the Second Schedule shall not apply or shall apply with such adaptations, whether by way of modification, addition or omission (which does not, however, affect the policy of the said enactments) to such undertaking as may be specified in such notification, or

(b) the operation of all or any of the contracts, assurances of property, agreements, settlements, awards, standing orders or other instruments in force (to which such textile undertaking or the textile company owning such undertaking is a party or which may be applicable to such textile undertaking or textile company) immediately before the date of issue of the notification shall remain suspended or that all or any of the rights, privileges, obligations and liabilities accruing or arising thereunder before the said date, shall remain suspended or shall be enforceable subject to such adaptations and in such manner as may be specified in the notification.

(2) The notification made under sub-section (1) shall remain in force, in the first instance, for a period of one year but the duration of such notification may be extended from time to time by a further notification by a period not exceeding one year at a time:

Provided that no such notification shall, in any case, remain in force after the expiry of three years from the commencement of this Act.

(3) Any notification made under sub-section (1) shall have effect notwithstanding anything to the contrary contained in any other law, agreement or instrument or any decree or order of a court, tribunal, officer or other authority or in any submission, settlement or standing order.

(4) where by virtue of a notification under clause (b) of sub-section (1), any right, privilege, obligation or liability remains suspended or is enforceable subject to the adaptations and in the manner specified in the notification, all proceedings relating thereto pending before any court, tribunal, officer or other authority shall accordingly remain stayed or be subject to such adaptations, as the case may be; so however, on the notification ceasing to have effect—

(a) such right, privilege, obligation or liability shall be enforceable as if the notification had never been made;

Power of the Central Government to make certain declarations in relation to certain textile undertakings.

(b) any proceeding so remaining stayed shall be proceeded with subject to the provisions of any law which may be then in force, from the stage which had been reached when the proceeding became stayed.

(5) In computing the period of limitation for the enforcement of any right, privilege, obligation or liability referred to in clause (b) of sub-section (1), the period during which, it or the remedy for the enforcement thereof remained suspended shall be excluded.

CHAPTER IV

MISCELLANEOUS

Act to have overriding effect.

Application of Act 1 of 1956.

7. The provisions of this Act or any notification, order or rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any law (other than this Act) or in any instrument having effect by virtue of any law other than this Act or in any decree or order of any court.

8. (1) So long as the management of the textile undertaking of a textile company remains vested in the Central Government under this Act, notwithstanding anything contained in the Companies Act, 1956 or in the memorandum or articles of association of such company,—

(a) it shall not be lawful for the shareholders of the textile company or any other person to nominate or appoint any person to be a Director of such textile company in relation to such undertaking;

(b) no resolution affecting (whether directly or indirectly) such undertaking which is passed at any meeting of the shareholders of the textile company on or after the appointed day shall be given effect to unless approved by the Central Government;

(c) no proceeding for the winding up of the textile company or for the appointment of a liquidator or receiver in respect thereof shall lie in any court except with the consent of the Central Government.

(2) Subject to the provisions contained in sub-section (1), and to the other provisions contained in this Act and subject to such other exceptions, restrictions and limitations, if any, as the Central Government may, by notification, specify in this behalf, the Companies Act, 1956, shall continue to apply to the textile companies in the same manner as it applied thereto before the appointed day.

1 of 1956.

Exclusion of period of operation of this Act from limitation.

Protection of action taken in good faith.

9. In computing the period of limitation prescribed by any law for the time being in force for any suit or application against any person by any of the textile companies in respect of any matter arising out of any transaction in relation to its textile undertaking, the time during which this Act remains in force shall be excluded.

10. (1) No suit, prosecution or other legal proceeding shall lie against the Central Government or the Custodian or the Additional Custodian or any officer or other employee of the Central Government or the Custodian for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or the Custodian or the Additional Custodian or any of the officers or other employees of the Central Government or the Custodian for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

11. (1) If the Central Government is satisfied, after such inquiry as it may think proper, that any contract or agreement entered into at any time within three years immediately preceding the appointed day between any of the textile companies or managing or other director of any such textile company and any other person in relation to any service, sale or supply to, or by, its textile undertaking and in force immediately before the appointed day, has been entered into in bad faith, or is detrimental to the interests of the textile undertaking of the concerned textile company, it may make, within one hundred and eighty days from the appointed day, an order cancelling or varying (either unconditionally or subject to such conditions as it may think fit to impose) such contract or agreement and thereafter the contract or agreement shall have effect accordingly:

Contracts,
etc., in
bad faith
may be
cancelled
or varied.

Provided that no contract or agreement shall be cancelled or varied except after giving to the parties to the contract or agreement a reasonable opportunity of being heard.

(2) Any person aggrieved by an order made under sub-section (1) may make an application to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the registered office of the concerned textile company is situated for the variation or reversal of such order and thereupon such court may confirm, modify or reverse such order.

12. Any transfer of property, movable or immovable, or any delivery of goods made by or on behalf of any of the textile companies (not being a transfer or delivery made in the ordinary course of its business or in favour of a purchaser for valuable consideration and in good faith), if made within a period of six months immediately preceding the appointed day, shall be void against the Central Government or the Custodian, as the case may be.

Avoid-
ance of
voluntary
trans-
fers.

13. If the Custodian is of opinion that any contract of employment entered into by any textile company or managing or other director of the company in relation to its textile undertaking at any time before the appointed day is unduly onerous, he or it may, by giving to the employee one month's notice in writing or salary or wages for one month in lieu thereof, terminate such contract of employment.

Power to
terminate
contracts
of em-
ployment.

14. (1) Any person who,—

Penalties:

(a) having in his possession or custody or under his control any property forming part of any of the textile undertakings, wrongfully withdraws such property from the Custodian or any person authorised under this Act, or

(b) wrongfully obtains possession of any such property, or

(c) wilfully retains any property forming part of such textile undertaking or removes or destroys it, or

(d) wilfully withdraws from, or fails to deliver to, the Custodian or any person authorised under this Act, any books, papers or other documents relating to such textile undertaking which may be in his possession, power or custody or under his control, or

(e) fails, without any reasonable excuse, to furnish information or particulars as provided in section 4,

shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

(2) No court shall take cognizance of an offence punishable under this section except with the previous sanction of the Central Government or an officer authorised by that Government in this behalf.

**Offences
by com-
panies.**

15. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

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

**Power to
make
rules.**

16. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the 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
saving.**

17. (1) The Textile Undertakings (Taking Over of Management) Ordinance, 1983, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

10 of 1983.

THE FIRST SCHEDULE

[See section 2(d) and (e)]

S. No.	Name of the undertaking	Name of the owner
1	2	3
1	Elphinstone Spinning and Weaving Mills, Elphinstone Road, Bombay.	The Elphinstone Spinning and Weaving Mills Co. Ltd., Kamani Chambers, 32, Ramji Bhai Kamani Marg, Bombay-38.
2	Finlay Mills, 10/11, Dr. S. S. Rao Road, Bombay.	The Finlay Mills Ltd., Chartered Bank Building, Fort, Bombay-23.
3	Gold Mohur Mills, Dadasaheb Phalke Road, Dadar, Bombay.	The Gold Mohur Mills Ltd., Chartered Bank Building, Fort, Bombay-23.
4	Jam Manufacturing Mills, Lalbaug, Parel, Bombay.	The Jam Manufacturing Co. Ltd., Lalbaug, Parel, Bombay-12.
5	Kohinoor Mills (No. 1), Naigaum Cross Road, Dadar, Bombay.	The Kohinoor Mills Co. Ltd., Killick House, Charanjit Rai Marg (Home Street), Fort, Bombay-1.
6	Kohinoor Mills (No. 2), Naigaum Cross Road, Dadar, Bombay.	The Kohinoor Mills Co. Ltd., Killick House, Charanjit Rai Marg (Home Street), Fort, Bombay-1.
7	Kohinoor Mills (No. 3), Lady Jamshedji Road, Dadar, Bombay.	The Kohinoor Mills Co. Ltd., Killick House, Charanjit Rai Marg (Home Street), Fort, Bombay-1.
8	New City of Bombay Manufacturing Mills, 63, Tukaram B. Kadam Marg, Bombay.	The New City of Bombay Manufacturing Co. Ltd., 63, Tukaram Bhisaji Kadam Path, Bombay-33.
9	Podar Mills, N. M. Joshi Marg, Bombay.	The Podar Mills Ltd., Podar Chambers, Syed Abdulla Brelvi Road, Fort, Bombay-1.
10	Podar Mills (Process House), Ganpat Rao Kadam Marg, Bombay.	The Podar Mills Ltd., Podar Chambers, Syed Abdulla Brelvi Road, Fort, Bombay-1.
11	Shree Madhusudan Mills, Pandurang Budhkar Marg, Bombay.	Shree Madhusudan Mills Ltd., 31, Chowringhee Road, Calcutta-16.
12	Shree Sitaram Mills, N. M. Joshi Marg, Bombay.	Shree Sitaram Mills Ltd., N. M. Joshi Marg, Bombay-11.
13	Tata Mills, Dr. Ambedkar Road, Dadar, Bombay.	The Tata Mills Ltd., Bombay House, 24, Homi Mody Street, Fort, Bombay-23.

THE SECOND SCHEDULE

(See section 6)

- 20 of 1946 1. The Industrial Employment (Standing Orders) Act, 1946.
- 14 of 1947 2. The Industrial Disputes Act, 1947.
- 11 of 1948 3. The Minimum Wages Act, 1948.

THE TRANSFORMER AND SWITCHGEAR LIMITED
(ACQUISITION AND TRANSFER OF UNDERTAKINGS)
ACT, 1983

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THE SCHEDULE.

THE TRANSFORMER AND SWITCHGEAR LIMITED
(ACQUISITION AND TRANSFER OF UNDERTAKINGS)

ACT, 1983

No. 41 OF 1983

[25th December, 1983.]

An Act to provide for the acquisition and transfer of the undertakings of the Transformer and Switchgear Limited with a view to securing the better utilisation of the available infra-structure thereof and to modernise and augment the production of transformers, switchgears and other allied electrical equipments by the said undertakings so as to subserve the interests of the general public by ensuring the continued supply of the aforesaid articles which are essential to the needs of the economy of the country and for matters connected therewith or incidental thereto.

WHEREAS the Transformer and Switchgear Limited are engaged in the production of certain articles mentioned in the First Schedule to the Industries (Development and Regulation) Act, 1951, under the heading "ELECTRICAL EQUIPMENT";

65 of 1951

AND WHEREAS the Company had been suffering heavy losses for a number of years with the result that a majority of the workers of the Company had been laid off and the affairs of the Company are being managed in a manner prejudicial to the interests of the Company and the public interest;

AND WHEREAS for the purpose of securing the better utilisation of the available infra-structure of the undertakings of the Company and for modernising and augmenting the production of transformers, switchgears and other allied electrical equipments by the said undertakings, investment of a large amount is necessary;

AND WHEREAS it is necessary to acquire the undertakings of the Transformer and Switchgear Limited to enable the Central Government to have such investments made so as to subserve the interests of the general public by the continuance by the undertakings of the Company of the production and supply of the aforesaid articles which are essential to the needs of the economy of the country;

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

CHAPTER I
PRELIMINARY

Short title
and com-
mencement.

1. (1) This Act may be called the Transformer and Switchgear Limited (Acquisition and Transfer of Undertakings) Act, 1983.

(2) It shall be deemed to have come into force on the 8th day of November, 1983.

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

- (a) "Andrew Yule" means Andrew Yule and Company Limited, Calcutta, a company formed and registered under the Companies Act, 1956;
- (b) "appointed day" means the 8th day of November, 1983;
- (c) "Commissioner" means the Commissioner of Payments appointed under section 14;
- (d) "Company" means the Transformer and Switchgear Limited, being a company as defined in the Companies Act, 1956, and having its registered office at 21, Guindy Road, Adyar, Madras-600020;
- (e) "notification" means a notification published in the Official Gazette;
- (f) "prescribed" means prescribed by rules made under this Act;
- (g) "specified date" in relation to any provision of this Act, means such date as the Central Government may, by notification, specify for the purposes of that provision and different dates may be specified for different provisions of this Act;
- (h) words and expressions used herein and not defined but defined in the Companies Act, 1956, shall have the meanings, respectively, assigned to them in that Act.

Definitions.

1 of 1956.

CHAPTER II

ACQUISITION AND TRANSFER OF THE UNDERTAKINGS OF THE COMPANY

3. On the appointed day, the undertakings of the Company, and the right, title and interest of the Company in relation to its undertakings, shall, by virtue of this Act, stand transferred to, and vest in, the Central Government.

Transfer to, and vesting in, the Central Government of the undertakings of the Company.

4. (1) The undertakings of the Company shall be deemed to include all assets, rights, lease-holds, powers, authorities and privileges, and all property, movable and immovable, including lands, buildings, workshops, stores, instruments, machinery and equipment, cash balances, cash on hand, reserve funds, investments, book debts and all other rights and interests in, or arising out of, such property as were immediately before the appointed day in the ownership, possession, power or control of the Company, whether within or outside India, and all books of account, registers and all other documents of whatever nature relating thereto.

General effect of vesting.

(2) All properties as aforesaid which have vested in the Central Government under section 3 shall, by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien and all other incumbrances affecting them, and any attachment, injunction, decree or order of any court, tribunal or other authority restricting the use of such properties in any manner shall be deemed to have been withdrawn.

(3) Every mortgagee of any property which has vested under this Act in the Central Government and every person holding any charge, lien or other interest in, or in relation to, any such property shall give, within such time and in such manner as may be prescribed, an intimation to the Commissioner of such mortgage, charge, lien or other interest.

(4) For the removal of doubts, it is hereby declared that the mortgagee of any property referred to in sub-section (3) or any other person holding any charge, lien or other interest in, or in relation to, any such property shall be entitled to claim, in accordance with his rights and interests, payment of the mortgage money or other dues, in whole or in part, out of the amount specified in section 7 and also out of the amount determined under section 8, but no such mortgage, charge, lien or other interest shall be enforceable against any property which has vested in the Central Government.

(5) Any licence or other instrument granted to the Company in relation to any undertaking which has vested in the Central Government under section 3, at any time before the appointed day and in force immediately before that day, shall continue to be in force on and after such day in accordance with its tenor in relation to, and for the purposes of, such undertaking and on and from the date of vesting of such undertaking under section 6 in Andrew Yule, that company shall be deemed to be substituted in such licence or other instrument as if such licence or other instrument had been granted to Andrew Yule and that company shall hold it for the remainder of the period for which the Company would have held it under the terms thereof.

(6) If, on the appointed day, any suit, appeal or other proceeding of whatever nature in relation to any property which has vested in the Central Government under section 3, instituted or preferred by or against the Company is pending, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of the transfer of the undertakings of the Company or of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted or enforced by or against the Central Government, or where the undertakings of the Company are directed under section 6, to vest in Andrew Yule; by or against Andrew Yule.

Central
Govern-
ment or
Andrew
Yule not
to be
liable for
prior lia-
bilities.

5. (1) Every liability of the Company in respect of any period prior to the appointed day, shall be the liability of the Company and shall be enforceable against it and not against the Central Government, or, where the undertakings of the Company are directed under section 6 to vest in Andrew Yule, against Andrew Yule.

(2) For the removal of doubts, it is hereby declared that,—

(a) save as otherwise expressly provided in this section or in any other provision of this Act, no liability of the Company in respect of any period prior to the appointed day, shall be enforceable against the Central Government, or, where the undertakings of the Company are directed under section 6 to vest in Andrew Yule, against Andrew Yule;

(b) no award, decree or order of any court, tribunal or other authority in relation to the undertakings of the Company, passed after the appointed day, in respect of any matter, claim or dispute which arose before that day, shall be enforceable against the Central Government, or, where the undertakings of the Company are directed under section 6 to vest in Andrew Yule, against Andrew Yule;

(c) no liability incurred by the Company before the appointed day, for the contravention of a provision of any law for the time being in force, shall be enforceable against the Central Government, or, where the undertakings of the Company are directed under section 6 to vest in Andrew Yule, against Andrew Yule.

6. (1) Notwithstanding anything contained in sections 3 and 4, the Central Government may, subject to such terms and conditions as it may think fit to impose, direct, by notification, that the undertakings of the Company, and the right, title and interest of the Company in relation to its undertakings, which have vested in the Central Government under section 3, shall, instead of continuing to vest in the Central Government, vest in Andrew Yule either on the date of the notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification.

(2) Where the right, title and interest of the Company in relation to its undertakings vest in Andrew Yule under sub-section (1), Andrew Yule shall, on and from the date of such vesting, be deemed to have become the owner in relation to such undertakings, and all the rights and liabilities of the Central Government in relation to such undertakings shall, on and from the date of such vesting, be deemed to have become the rights and liabilities of Andrew Yule.

Power of
the
Central
Govern-
ment
to direct
vesting
of the
undertak-
ings of
the Com-
pany in
Andrew
Yule.

CHAPTER III PAYMENT OF AMOUNTS

7. For the transfer to, and vesting in, the Central Government, under section 3, of the undertakings of the Company and the right, title and interest of the Company in relation to its undertakings, there shall be paid by the Central Government to the Company, in cash, and in the manner specified in Chapter VI, an amount of rupees seventy-eight lakhs and twenty-six thousand.

Pay-
ment of
amount.

8. (1) The amount specified in section 7 shall carry simple interest at the rate of four per cent. per annum for the period commencing on the appointed day and ending on the date on which payment of such amount is made by the Central Government to the Commissioner.

Payment
of fur-
ther
amount.

(2) The amount determined in accordance with the provisions of sub-section (1) shall be paid by the Central Government to the Company in addition to the amount specified in section 7.

(3) For the removal of doubts, it is hereby declared that the liabilities of the Company, in relation to its undertakings which have vested in the Central Government under section 3, shall be discharged from the amount referred to in section 7, and also from the amount determined under sub-section (1) in accordance with the rights and interests of the creditors of the Company.

CHAPTER IV

MANAGEMENT, ETC., OF THE UNDERTAKINGS OF THE COMPANY

9. The general superintendence, direction, control and management of the affairs and business of the undertakings of the Company, the right, title and interest in relation to which have vested in the Central Government under section 3, shall, where a direction has been made by the Central Government under sub-section (1) of section 6, vest in Andrew Yule and thereupon Andrew Yule shall be entitled to exercise, to the exclusion of all other persons, all such powers and do all such things as the Company was authorised to exercise and do in relation to its undertakings.

• Manage-
ment, etc.,
of the
under-
take-
ings
of the
Company.

Duty of persons in charge of management of the undertakings of the Company to deliver all assets, etc.

Duty of persons to account for assets, etc., in their possession.

Continuance of employees.

10. (1) On the vesting of the management of the undertakings of the Company in Andrew Yule, all persons in charge of the management of the undertakings of the Company immediately before such vesting, shall be bound to deliver to Andrew Yule, all assets, books of account, registers and other documents in their custody relating to the undertakings of the Company.

(2) The Central Government may issue such directions as it may deem desirable in the circumstances of the case to Andrew Yule and that company may also, if it is considered necessary so to do, apply to the Central Government at any time for instructions as to the manner in which the management of the undertakings of the Company shall be conducted or in relation to any other matter arising in the course of such management.

11. (1) Any person who has, on the appointed day, in his possession or under his control, any assets, books, documents or other papers relating to any of the undertakings owned by the Company, which have vested in the Central Government or in Andrew Yule under this Act, and which belong to the Company or would have so belonged, if the undertakings owned by the Company had not vested in the Central Government or Andrew Yule, shall be liable to account for the said assets, books, documents and other papers to the Central Government or Andrew Yule and shall deliver them up to the Central Government or Andrew Yule or to such person or persons as the Central Government or Andrew Yule may specify in this behalf.

(2) The Central Government or Andrew Yule may take or cause to be taken all necessary steps for securing possession of the undertakings of the Company which have vested in the Central Government or Andrew Yule under this Act.

(3) The Company shall, within such period as the Central Government may allow in this behalf, furnish to that Government a complete inventory of all its properties and assets, as on the appointed day, pertaining to the undertakings which have vested in the Central Government under section 3, and, for this purpose, the Central Government or Andrew Yule shall afford to the Company all reasonable facilities.

CHAPTER V

PROVISIONS RELATING TO THE EMPLOYEES OF THE COMPANY

12. (1) Every person who has been, immediately before the appointed day, employed in any of the undertakings of the Company shall become,—

(a) on and from the appointed day, an employee of the Central Government; and

(b) where the undertakings of the Company are directed under sub-section (1) of section 6 to vest in Andrew Yule, an employee of Andrew Yule on and from the date of such vesting,

and shall hold office or service under the Central Government or Andrew Yule, as the case may be, with the same rights and privileges as to pension, gratuity and other matters as would have been admissible to him if there had been no such vesting and shall continue to do so unless and until his employment under

the Central Government or Andrew Yule, as the case may be, is duly terminated or until his remuneration and other conditions of service are duly altered by the Central Government or Andrew Yule, as the case may be.

14 of 1947.
(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947, or in any other law for the time being in force, the transfer of the services of any officer or other person employed in any undertaking of the Company to the Central Government or Andrew Yule shall not entitle such officer or other employee to any compensation under this Act or under any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

13. (1) Where the Company has established a provident fund, superannuation fund, welfare fund or any other fund for the benefit of the persons employed in any of the undertakings of the Company, the monies relatable to the officers or other employees, whose services have become transferred, by or under this Act, to the Central Government or Andrew Yule, shall, out of the monies standing, on the appointed day, to the credit of such provident fund, superannuation fund, welfare fund or other fund, stand transferred to, and vest in, the Central Government or Andrew Yule, as the case may be.

Provident fund and other funds.

(2) The monies which stand transferred under sub-section (1) to the Central Government or Andrew Yule, as the case may be, shall be dealt with by that Government or that company in such manner as may be prescribed.

CHAPTER VI COMMISSIONER OF PAYMENTS

14. (1) The Central Government shall, for the purpose of disbursing the amounts payable to the Company under sections 7 and 8, by notification, appoint a Commissioner of Payments.

Appointment of Commissioner of Payments.

(2) The Central Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons also to exercise all or any of the powers exercisable by him under this Act and different persons may be authorised to exercise different powers.

(3) Any person authorised by the Commissioner to exercise any of the powers exercisable by the Commissioner may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Act and not by way of authorisation.

(4) The salaries and allowances of the Commissioner and other persons appointed under this section shall be defrayed out of the Consolidated Fund of India.

15. (1) The Central Government shall, within thirty days from the specified date, pay in cash to the Commissioner, for payment to the Company—

Payment by the Central Government to the Commissioner.

- (a) an amount equal to the amount specified in section 7, and
- (b) an amount equal to the amount payable to the Company under section 8.

4. 25.1.1985! vide notification M.S.O. 51(E), dt. 25.1.1985.

(2) A deposit account shall be opened by the Central Government in favour of the Commissioner, in the Public Account of India, and every amount paid under this Act to the Commissioner shall be deposited by him to the credit of the said deposit account and the said deposit account shall be operated by the Commissioner.

(3) Records shall be maintained by the Commissioner in respect of the undertakings of the Company in relation to which payment has been made to him under this Act.

(4) The interest accruing on the amount standing to the credit of the deposit account referred to in sub-section (2) shall enure to the benefit of the Company.

Certain powers of the Central Government or Andrew Yule.

16. (1) The Central Government or Andrew Yule, as the case may be, shall be entitled to receive up to the specified date, to the exclusion of all other persons, any money due to the Company, in relation to its undertakings which have vested in the Central Government or Andrew Yule, and realised after the appointed day, notwithstanding that the realisation pertains to a period prior to the appointed day.

(2) The Central Government or Andrew Yule, as the case may be, may make a claim to the Commissioner with regard to every payment made by it after the appointed day for discharging any liability of the Company in relation to any period prior to the appointed day; and every such claim shall have priority in accordance with the priorities attaching, under this Act, to the matter in relation to which such liability has been discharged by the Central Government or Andrew Yule.

(3) Save as otherwise provided in this Act, the liabilities of the Company in respect of any transaction prior to the appointed day, which have not been discharged on or before the specified date, shall be the liabilities of the Company.

Claims to be made to the Commissioner.

17. Every person having a claim against the Company with regard to any of the matters specified in the Schedule pertaining to the undertakings of the Company shall prefer such claim before the Commissioner within thirty days from the specified date;

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the said period of thirty days, he may entertain the claim within a further period of thirty days and not thereafter.

Priority of claims.

18. The claims made under section 17 shall have priorities in accordance with the following principles, namely:—

(a) Category I shall have precedence over all other categories and Category II shall have precedence over Category III, and so on;

(b) the claims specified in each of the categories shall rank equally and be paid in full, but, if the amount is insufficient to meet such claims in full, they shall abate in equal proportions and be paid accordingly; and

(c) the question of discharging any liability with regard to a matter specified in a lower category shall arise only if a surplus is left after meeting all the liabilities specified in the immediately higher category.

L. 1.6.1985. Vide notification no. 366(E), dt. 27.4.1985.

19. (1) On receipt of the claims made under section 17, the Commissioner shall arrange the claims in the order of priorities specified in the Schedule and examine the same in accordance with such order of priorities.

Examination of claims.

(2) If, on examination of the claims, the Commissioner is of opinion that the amount paid to him under this Act is not sufficient to meet the liabilities specified in any lower category, he shall not be required to examine the claims in respect of such lower category.

Admission or rejection of claims.

20. (1) After examining the claims with reference to the priorities set out in the Schedule, the Commissioner shall fix a certain date on or before which every claimant shall file the proof of his claim.

(2) Not less than fourteen days' notice of the date so fixed shall be given by advertisement in one issue of any daily newspaper in the English language having circulation in the major part of the country and one issue of any daily newspaper in such regional language as the Commissioner may consider suitable, and every such notice shall call upon the claimant to file the proof of his claim with the Commissioner within the period specified in the advertisement.

(3) Every claimant who fails to file the proof of his claim within the time specified by the Commissioner shall be excluded from the disbursements made by the Commissioner.

(4) The Commissioner shall, after such investigation as may, in his opinion, be necessary and after giving the Company an opportunity of refuting the claim and after giving the claimant a reasonable opportunity of being heard, by order in writing, admit or reject the claim in whole or in part.

(5) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge of his functions, including the place or places at which he may hold his sittings and shall, for the purpose of making an investigation under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:—

- (a) the summoning and enforcing the attendance of any witness and examining him on oath;
- (b) the discovery and production of any document or other material object producible as evidence;
- (c) the reception of evidence on affidavits;
- (d) the issuing of any commission for the examination of witnesses.

(6) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the Commissioner shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

45 of 1860.

2 of 1974.

(7) A claimant, who is dissatisfied with the decision of the Commissioner, may prefer an appeal against the decision to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the registered office of the Company is situated:

Provided that where a person who is a Judge of a High Court is appointed to be the Commissioner, such appeal shall lie to the High Court of Madras and such appeal shall be heard and disposed of by not less than two Judges of the High Court.

Disburse-
ment of
money by
the Com-
missioner
to claim-
ants.

Disburse-
ment of
amounts
to the
Company.

Undisbur-
sed or
unclaimed
amount to
be depo-
sited to
the gene-
ral re-
venue ac-
count.

Act to
have
overriding
effect.

Contracts
to cease to
have effect
unless ra-
tified by the
Central
Government
or And-
rew Yule.

21. After admitting a claim under this Act, the amount due in respect of such claim shall be paid by the Commissioner to the person or persons to whom such amount is due, and on such payment, the liability of the Company in respect of such claim shall stand discharged.

22. (1) If, out of the monies paid to him in relation to the undertakings of the Company, there is a balance left after meeting the liabilities as specified in the Schedule, the Commissioner shall disburse such balance to the Company.

(2) Where the possession of any machinery, equipment or other property has vested in the Central Government or Andrew Yule under this Act, but such machinery, equipment or other property does not belong to the Company, it shall be lawful for the Central Government or Andrew Yule to continue to possess such machinery or equipment or other property on the same terms and conditions under which they were possessed by the Company immediately before the appointed day.

23. Any money paid to the Commissioner which remains undisbursed or unclaimed on the date immediately preceding the date on which the office of the Commissioner is finally wound up, shall be transferred by the Commissioner, before his office is finally wound up, to the general revenue account of the Central Government; but a claim to any money so transferred may be preferred to the Central Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, and the order, if any, for payment of the claim, being treated as an order for the refund of revenue.

CHAPTER VII

MISCELLANEOUS

24. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law, other than this Act or in any decree or order of any court, tribunal or other authority.

25. Every contract entered into by the Company in relation to its undertakings, which has vested in the Central Government under section 3, for any service, sale or supply and in force immediately before the appointed day, shall, on and from the expiry of one hundred and eighty days from the appointed day, cease to have effect unless such contract is, before the expiry of that period, ratified, in writing, by the Central Government or Andrew Yule, in which such undertakings have been vested under this Act, and in ratifying such contract, the Central Government or Andrew Yule may make such alteration or modification therein as it may think fit;

Provided that the Central Government or Andrew Yule shall not omit to ratify a contract and shall not make any alteration or modification in a contract—

(a) unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith or is detrimental to the interests of the Central Government or Andrew Yule; and

(b) except after giving to the parties to the contract a reasonable opportunity of being heard and except after recording in writing its reasons for refusal to ratify the contract or for making any alteration or modification therein.

26. (1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any officer or other employee of that Government or Andrew Yule or other person authorised by the Central Government or Andrew Yule for anything which is in good faith done or intended to be done under this Act.

protection
of action
taken in
good
faith.

(2) No suit or other legal proceeding shall lie against the Central Government or any of its officers or other employees or Andrew Yule or other person authorised by the Central Government or Andrew Yule for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

27. (1) The Central Government may, by notification, direct that all or any of the powers exercisable by it under this Act, other than the powers conferred by this section, section 30 and section 31, may also be exercised by such person or persons as may be specified in the notification.

Delegation
of powers.

(2) Whenever any delegation of power is made under sub-section (1), the person to whom such power has been delegated shall act under the direction, control and supervision of the Central Government.

28. Any person who,—

Penalties.

(a) having in his possession, custody or control any property forming part of the undertakings of the Company, wrongfully withholds such property from the Central Government or Andrew Yule; or

(b) wrongfully obtains possession of, or retains, any property forming part of the undertakings of the Company; or

(c) wilfully withholds or fails to furnish to the Central Government or Andrew Yule or any person or body of persons specified by that Government or Andrew Yule, as the case may be, any document relating to the undertakings of the Company, which may be in his possession, custody or control; or

(d) fails to deliver to the Central Government or Andrew Yule or to any person or body of persons specified by that Government or Andrew Yule, any assets, books of account, registers or other documents in his possession, custody or control, relating to the undertakings of the Company; or

(e) wrongfully removes or destroys any property forming part of the undertakings of the Company; or

(f) prefers any claim under this Act which he knows or has reasonable cause to believe to be false or grossly inaccurate,

shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

29. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company, for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences
by com-
panies.

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 had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall 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.

Power to make rules.

30. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the time within which, and the manner in which, an intimation shall be given to the Commissioner under sub-section (3) of section 4;

(b) the manner in which the monies in any provident fund or other fund under section 13 shall be dealt with;

(c) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the 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.

Power to remove difficulties.

31. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the appointed day.

Repeal and saving.

32. (1) The Transformer and Switchgear Limited (Acquisition and Transfer of Undertakings) Ordinance, 1983, is hereby repealed.

11 of 1983.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE SCHEDULE

(See sections 17, 19, 20 and 22)

ORDER OF PRIORITIES FOR THE DISCHARGE OF LIABILITIES OF THE COMPANY

Category I—

- (a) Wages, salaries and other dues payable to the employees of the Company.
- (b) Deductions made from the salaries and wages of the employees for provident fund, Employees' State Insurance contribution, premium relating to Life Insurance Corporation of India or for any other purposes.
- (c) Arrears in relation to contributions to be made by the Company to the provident fund, Employees' State Insurance Fund, Life Insurance Corporation premium and any other arrear under any law for the time being in force (excluding gratuity).

Category II—

Principal amount of secured loans advanced by—

- (i) Central Government;
- (ii) State Government;
- (iii) Banks;
- (iv) Public financial institutions;
- (v) Others.

Category III—

Principal amount of unsecured loans advanced by—

- (i) Central Government;
- (ii) State Government;
- (iii) Banks;
- (iv) Public financial institutions.

Category IV—

- (a) Any credit availed of by the Company for the purpose of carrying on any trading or manufacturing operations.
- (b) Any dues payable to the State Electricity Boards or other Government or semi-Government institutions for supply of goods or services.
- (c) Arrears of interest on loans and advances.

Category V—

- (a) Revenue, taxes, cesses, rates or other dues to Central Government, State Government and local authorities.
- (b) Any other loans or dues.

THE MINES (AMENDMENT) ACT, 1983

No. 42 OF 1983

[25th December, 1983.]

An Act further to amend the Mines Act, 1952.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title and commencement.

Amendment of section 2.

1. (1) This Act may be called the Mines (Amendment) Act, 1983.
(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.
2. In the Mines Act, 1952 (hereinafter referred to as the principal Act), in section 2, in sub-section (1),—
 - (i) clause (a) shall be omitted;
 - (ii) for clause (c), the following clause shall be substituted, namely:—

(c) “agent”, when used in relation to a mine, means every person, whether appointed as such or not, who, acting or purporting to act on behalf of the owner, takes part in the management, control, supervision or direction of the mine or of any part thereof;;
 - (iii) for clause (e), the following clause shall be substituted, namely:—

(e) “Committee” means a committee constituted under section 12;;
 - (iv) for clause (h), following clause shall be substituted, namely:—

(h) a person is said to be “employed” in a mine who works as the manager or who works under appointment by the owner, agent or manager of the mine or with the knowledge of the manager, whether for wages or not—
 - (i) in any mining operation (including the concomitant operations of handling and transport of minerals up to the point of despatch and of gathering sand and transport thereof to the mine);
 - (ii) in operations or services relating to the development of the mine including construction of plant therein but

¹31-5-1984: Vide Notification No. S.O. 411 (E), dated 31-5-1984, Gazette of India, Extraordinary, Part II, Section 3(ii).

excluding construction of buildings, roads, wells and any building work not directly connected with any existing or future mining operations;

(iii) in operating, servicing, maintaining or repairing any part of any machinery used in or about the mine;

(iv) in operations, within the premises of the mine, of loading for despatch of minerals;

(v) in any office of the mine;

(vi) in any welfare, health, sanitary or conservancy services required to be provided under this Act, or watch and ward, within the premises of the mine excluding residential area; or

(vii) in any kind of work whatsoever which is preparatory or incidental to, or connected with, mining operations;

(v) clause (ii) shall be omitted;

(vi) for clause (j), the following clause shall be substituted, namely:—

(j) "mine" means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on and includes—

(i) all borings, bore holes, oil wells and accessory crude conditioning plants, including the pipe conveying mineral oil within the oilfields;

(ii) all shafts, in or adjacent to and belonging to a mine, whether in the course of being sunk or not;

(iii) all levels and inclined planes in the course of being driven;

(iv) all open cast workings;

(v) all conveyors or aerial ropeways provided for the bringing into or removal from a mine of minerals or other articles or for the removal of refuse therefrom;

(vi) all adits, levels, planes, machinery, works, railways, tramways and sidings in or adjacent to and belonging to a mine;

(vii) all protective works being carried out in or adjacent to a mine;

(viii) all workshops and stores situated within the precincts of a mine and under the same management and used primarily for the purposes connected with that mine or a number of mines under the same management;

(ix) all power stations, transformer sub-stations, convertor stations, rectifier stations and accumulator storage stations for supplying electricity solely or mainly for the purpose of working the mine or a number of mines under the same management;

(x) any premises for the time being used for depositing sand or other material for use in a mine or for depositing refuse from a mine or in which any operations in connection with such sand, refuse or other material is being carried on, being premises exclusively occupied by the owner of the mine;

(xi) any premises in or adjacent to and belonging to a mine on which any process ancillary to the getting, dressing or preparation for sale of minerals or of coke is being carried on;—

(viii) clause (jjj) shall be omitted;

(viii) in clause (l),—

(a) the words “and in the case of a mine owned by a company, the business whereof is being carried on by a managing agent, such managing agent” shall be omitted;

(b) for the words “any contractor”, the words “any contractor or sub-lessee” shall be substituted;

(ix) for clause (n), the following clause shall be substituted, namely:—

‘(n) “qualified medical practitioner” means a medical practitioner who possesses any recognised medical qualification as defined in clause (h) of section 2 of the Indian Medical Council Act, 1956 and who is enrolled on a State medical register as 102 of 1956, defined in clause (k) of that section;’

(x) after clause (p), the following clause shall be inserted, namely:—

‘(pp) “reportable injury” means any injury other than a serious bodily injury which involves, or in all probability will involve, the enforced absence of the injured person from work for a period of seventy-two hours or more;’

(xi) for clauses (q) and (r), the following clauses shall be substituted, namely:—

‘(q) “serious bodily injury” means any injury which involves, or in all probability will involve, the permanent loss of any part or section of a body or the use of any part or section of a body, or the permanent loss of or injury to the sight or hearing or any permanent physical incapacity or the fracture of any bone or one or more joints or bones of any phalanges of hand or foot;

(r) “week” means a period of seven days beginning at midnight on Saturday night or such other night as may be approved in writing for a particular area by the Chief Inspector or an Inspector.’

3. In section 3 of the principal Act, in sub-section (1),—

(a) in the opening portion, for the words and figures “sections 7, 8, 9, 44, 45 and 46”, the words and figures “sections 7, 8, 9, 40, 45 and 46” shall be substituted;

(b) in clause (b),—

(i) after the words "building stone," the word "slate," shall be inserted;

(ii) after the words "fullers earth", the words "marl, chalk" shall be inserted.

4. In section 5 of the principal Act, in the proviso to sub-section (3), for the word and figures "section 22", the words, figures and letter "section 22 or section 22A" shall be substituted.

Amend.
ment of
section 5.

5. In section 7 of the principal Act, in sub-section (2),—

Amend.
ment of
section 7.

(a) for the words and figures "Code of Criminal Procedure, 1898", the words and figures "Code of Criminal Procedure, 1973" shall be substituted;

(b) for the word and figures "section 98", the word and figures "section 94" shall be substituted.

6. In section 8 of the principal Act,—

Amend.
ment of
section 8.

(a) after the words "levelling or measuring any mine", the words "or any output therefrom" shall be inserted;

(b) after the words "level or measure the mine or any part thereof", the words "or any output therefrom" shall be inserted.

7. After section 9 of the principal Act, the following section shall be inserted, namely:—

Insection of
new section
9A.

"9A. (1) The Chief Inspector or an Inspector or other officer authorised by him in writing in this behalf may, at any time during the normal working hours of the mine or at any time by day or night as may be necessary, undertake safety and occupational health survey in a mine after giving notice in writing to the manager of the mine; and the owner, agent or manager of the mine shall afford all necessary facilities (including facilities for the examination and testing of plant and machinery, for the collection of samples and other data pertaining to the survey and for the transport and examination of any person employed in the mine chosen for the survey) to such Inspector or officer.

Facilities
to be provi-
ded
for occupa-
tional
health
survey.

(2) Every person employed in a mine who is chosen for examination in any safety and occupational health survey under sub-section (1) shall present himself for such examination and at such place as may be necessary and shall furnish all information regarding his work and health in connection with the said survey.

(3) The time spent by any person employed in a mine who is chosen for examination in the safety and occupational health survey, shall be counted towards his working time, so however that any overtime shall be paid at the ordinary rate of wages.

Explanation.—For the purposes of this sub-section, "ordinary rate of wages" means the basic wages plus any dearness allowance and underground allowance and compensation in cash including such compensation, if any, accruing through the free issue of food-grains and edible oils as persons employed in a mine may, for the

time being, be entitled to, but does not include a bonus (other than a bonus given as incentive for production) or any compensation accruing through the provision of amenities such as free housing, free supply of coal, medical and educational facilities, sickness allowance, supply of kerosene oil, baskets, tools and uniforms.

(4) Any person who, on examination under sub-section (2), is found medically unfit to discharge the duty which he was discharging in a mine immediately before such presentation shall be entitled to undergo medical treatment at the cost of the owner, agent and manager with full wages during the period of such treatment.

(5) If, after the medical treatment, the person referred to in sub-section (4) is declared medically unfit to discharge the duty which he was discharging in a mine immediately before presenting himself for the said examination and such unfitness is directly ascribable to his employment in the mine before such presentation, the owner, agent and manager shall provide such person with an alternative employment in the mine for which he is medically fit:

Provided that where no such alternative employment is immediately available, such person shall be paid by the owner, agent and manager disability allowance determined in accordance with the rates prescribed in this behalf:

Provided further that where such person decides to leave his employment in the mine, he shall be paid by the owner, agent and manager a lump sum amount by way of disability compensation determined in accordance with the rates prescribed in this behalf.

(6) The rates under the provisos to sub-section (5) shall be determined having regard to the monthly wages of the employees, the nature of disabilities and other related factors.”

8. In section 10 of the principal Act,—

(a) in sub-section (1), after the word “inspection”, the words “or survey” and after the word and figure “section 8”, the words, figure and letter “or section 9A” shall be inserted;

(b) in sub-section (2),—

(i) for clause (b), the following clause shall be substituted, namely:—

“(b) a Committee or court of inquiry constituted or appointed under section 12 or section 24, as the case may be;”;

(ii) for clause (e), the following clauses shall be substituted, namely:—

“(e) the Controller, Indian Bureau of Mines;

(f) any registered or recognised trade union;

(g) such other officer, authority or organisation as may be specified in this behalf by the Central Government.”

9. In section 11 of the principal Act, in sub-section (4), clause (a) and sub-clause (ii) of clause (c) shall be omitted.

Amend-
ment of
section
10.

Amend-
ment of
section
11.

10. For the heading "MINING BOARDS AND COMMITTEES", occurring immediately before section 12 of the principal Act, and for sections 12, 13 and 14 of the principal Act, the following heading and sections shall be substituted, namely:—

Substi-
tution of
new
sections
for
sections
12, 13 and
14.

"COMMITTEES"

12. (1) The Central Government shall, with effect from such date as that Government may, by notification in the Official Gazette, specify in this behalf, constitute for the purposes of this Act, a Committee consisting of—

Com-
mittees.

(a) a person in the service of the Government, not being the Chief Inspector or an Inspector, appointed by the Central Government to act as Chairman;

(b) the Chief Inspector of Mines;

(c) two persons to represent the interests of miners appointed by the Central Government;

(d) two persons to represent the interests of owners of mines appointed by the Central Government;

(e) two qualified mining engineers not directly employed in the mining industry, appointed by the Central Government:

Provided that one at least of the persons appointed under clause (c) shall be for representing the interests of workers in coal mines and one at least of the persons appointed under clause (d) shall be for representing the interests of owners of coal mines.

(2) Without prejudice to the generality of sub-section (1), the Central Government may constitute one or more Committees to deal with specific matters relating to any part of the territories to which this Act extends or to a mine or a group of mines and may appoint members thereof and the provisions of sub-section (1) (except the proviso thereto) shall apply for the constitution of any Committee under this sub-section as they apply for the constitution of a Committee under that sub-section.

(3) No act or proceeding of a Committee shall be invalid by reason only of the existence of any vacancy among its members or any defect in the constitution thereof.

13. (1) The Committee constituted under sub-section (1) of section 12 shall—

Functions
of the
Commit-
tee.

(a) consider proposals for making rules and regulations under this Act and make appropriate recommendations to the Central Government;

(b) enquire into such accidents or other matters as may be referred to it by the Central Government from time to time and make reports thereon; and

(c) subject to the provisions of sub-section (2), hear and decide such appeals or objections against notices or orders under this Act or the regulations, rules or bye-laws thereunder, as

are required to be referred to it by this Act or as may be prescribed.

(2) The Chief Inspector shall not take part in the proceedings of the Committee with respect to any appeal or objection against an order or notice made or issued by him or act in relation to any matter pertaining to such appeal or objection as a member of the Committee.

Powers,
etc., of
the Com-
mittees.

14. (1) A Committee constituted under section 12 may exercise such of the powers of an Inspector under this Act as it thinks necessary or expedient to exercise for the purposes of discharging its functions under this Act.

(2) A Committee constituted under section 12 shall, for the purposes of discharging its functions, have the same powers as are vested in a court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely:—

- (a) discovery and inspection;
- (b) enforcing the attendance of any person and examining him on oath;
- (c) compelling the production of documents; and
- (d) such other matters as may be prescribed.”

Amend-
ment of
section 15.

11. In section 15 of the principal Act, for the words and figures “a Mining Board constituted under section 12 or by a Committee appointed under section 13”, the words and figures “a Committee constituted under section 12” shall be substituted.

Amend-
ment of
section 16.

12. In section 16 of the principal Act, in sub-section (1), for the word “Director”, the word “Controller” shall be substituted.

Substi-
tution of
new
sections
for
sections
17 and 18.

13. For sections 17 and 18 of the principal Act, the following sections shall be substituted, namely:—

Managers.

“17. (1) Save as may be otherwise prescribed, every mine shall be under a sole manager who shall have the prescribed qualifications and the owner or agent of every mine shall appoint a person having such qualifications to be the manager:

Provided that the owner or agent may appoint himself as manager if he possesses the prescribed qualifications.

(2) Subject to any instructions given to him by or on behalf of the owner or agent of the mine, the manager shall be responsible for the overall management, control, supervision and direction of the mine and all such instructions when given by the owner or agent shall be confirmed in writing forthwith.

(3) Except in case of an emergency, the owner or agent of a mine or anyone on his behalf shall not give, otherwise than through the manager, instructions affecting the fulfilment of his statutory duties, to a person, employed in a mine, who is responsible to the manager.

18. (1) The owner and agent of every mine shall each be responsible for making financial and other provisions and for taking such other steps as may be necessary for compliance with the provisions of this Act and the regulations, rules, bye-laws and orders made thereunder.

Duties and responsibilities of owners, agents and managers

(2) The responsibility in respect of matters provided for in the rules made under clauses (d), (e) and (p) of section 58 shall be exclusively carried out by the owner and agent of the mine and by such person (other than the manager) whom the owner or agent may appoint for securing compliance with the aforesaid provisions.

(3) If the carrying out of any instructions given under sub-section (2) or given otherwise than through the manager under sub-section (3) of section 17, results in the contravention of the provisions of this Act or of the regulations, rules, bye-laws or orders made thereunder, every person giving such instructions shall also be liable for the contravention of the provisions concerned.

(4) Subject to the provisions of sub-sections (1), (2) and (3), the owner, agent and manager of every mine shall each be responsible to see that all operations carried on in connection with the mine are conducted in accordance with the provisions of this Act and of the regulations, rules, bye-laws and orders made thereunder.

(5) In the event of any contravention by any person whosoever of any of the provisions of this Act or of the regulations, rules, bye-laws or orders made thereunder except those which specifically require any person to do any act or thing or prohibit any person from doing an act or thing, besides the person who contravenes, each of the following persons shall also be deemed to be guilty of such contravention unless he proves that he had used due diligence to secure compliance with the provisions and had taken reasonable means to prevent such contravention:—

- (i) the official or officials appointed to perform duties of supervision in respect of the provisions contravened;
- (ii) the manager of the mine;
- (iii) the owner and agent of the mine;
- (iv) the person appointed, if any, to carry out the responsibility under sub-section (2):

Provided that any of the persons aforesaid may not be proceeded against if it appears on inquiry and investigation, that he is not *prima facie* liable.

(6) It shall not be a defence in any proceedings brought against the owner or agent of a mine under this section that the manager and other officials have been appointed in accordance with the provisions of this Act or that a person to carry the responsibility under sub-section (2) has been appointed.”

14. In section 19 of the principal Act, in sub-section (2), for the words “twenty feet”, the words “six metres” shall be substituted.

Amend
ment of
section
19.

Amend-
ment of
section
22.

15. In section 22 of the principal Act,—

(a) in sub-section (3), for the words "until the danger is removed", the words "until he is satisfied that the danger is removed" shall be substituted;

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

"(3A) Every person whose employment is prohibited under sub-section (1A) or sub-section (3) shall be entitled to payment of full wages for the period for which he would have been, but for the prohibition in employment and the owner, agent or manager shall be liable for payment of such full wages of that person:

Provided that the owner, agent or manager may instead of paying such full wages provide such person with an alternative employment at the same wages which such person was receiving in the employment which was prohibited.";

(c) in sub-section (6), for the words "which shall refer", the words "which shall, ordinarily within a period of two months from the date of receipt of the objection, refer" shall be substituted;

(d) in sub-section (7), in the proviso, for the word "requisition", the word "notice" shall be substituted.

16. After section 22 of the principal Act, the following section shall be inserted, namely:—

Insertion
of new
section
22A.

Power to
prohi-
bit em-
ployment
in certain
cases.

"22A. (1) Where in respect of any matter relating to safety for which express provision is made by or under this Act, the owner, agent or manager of a mine fails to comply with such provisions, the Chief Inspector may give notice in writing requiring the same to be complied with within such time as he may specify in the notice or within such extended period of time as he may, from time to time, specify thereafter.

(2) Where the owner, agent or manager fails to comply with the terms of a notice given under sub-section (1) within the period specified in such notice or, as the case may be, within the extended period of time specified under that sub-section, the Chief Inspector may, by order in writing, prohibit the employment in or about the mine or any part thereof of any person whose employment is not, in his opinion, reasonably necessary for securing compliance with the terms of the notice.

(3) Every person whose employment is prohibited under sub-section (2), shall be entitled to payment of full wages for the period for which he would have been, but for the prohibition, in employment, and the owner, agent or manager shall be liable for payment of such full wages of that person:

Provided that the owner, agent or manager may, instead of paying such full wages, provide such person with an alternative employment at the same wages which such person was receiving in the employment which was prohibited under sub-section (2).

(4) The provisions of sub-sections (5), (6) and (7) of section 22 shall apply in relation to a notice issued under sub-section (1) or an order made under sub-section (2) of this section as they apply in relation to a notice under sub-section (1) or an order under sub-section (1A) of that section.”.

17. In section 23 of the principal Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Whenever there occurs in or about a mine an accident causing reportable injury to any person, the owner, agent or manager of the mine shall enter in a register such occurrence in the prescribed form and copies of such entries shall be furnished to the Chief Inspector once in a quarter.”;

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

“(3) The Central Government may, by notification in the Official Gazette, direct that accidents other than those specified in sub-sections (1) and (1A) which cause bodily injury resulting in the enforced absence from work of the person injured for a period exceeding twenty-four hours shall be entered in a register in the prescribed form or shall be subject to the provisions of sub-section (1) or sub-section (1A), as the case may be.”;

(c) after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) Whenever there occurs in or about a mine an accident causing loss of life or serious bodily injury to any person, the place of accident shall not be disturbed or altered before the arrival or without the consent of the Chief Inspector or the Inspector to whom notice of the accident is required to be given under sub-section (1) of section 23, unless such disturbance or alteration is necessary to prevent any further accident, to remove bodies of the deceased, or to rescue any person from danger, or unless discontinuance of work at the place of accident would seriously impede the working of the mine:

Provided that where the Chief Inspector or the said Inspector fails to inspect the place of accident within seventy-two hours of the time of the accident, work may be resumed at the place of the accident.”.

18. In section 27 of the principal Act, for the word and figures “section 13”, the word and figures “section 12” shall be substituted.

Amend-
ment of
section
27.

19. In section 33 of the principal Act, for sub-sections (2) and (3), the following sub-section shall be substituted, namely:—

Amend-
ment of
section
33.

“(2) Where any person employed in a mine is paid on piece-rate basis, the time-rate shall be taken as equivalent to the daily average of his full-time earnings for the days on which he actually worked during the week immediately preceding the week in which overtime work has been done, exclusive of any overtime, and such time-rate shall be deemed to be the ordinary rate of wages of such person;

Provided that if such person has not worked in the preceding week on the same or identical job, the time-rate shall be based on the average for the days he has worked in the same week excluding the overtime or on the daily average of his earnings in any preceding week, whichever is higher.

Explanation.—For the purposes of this section, “ordinary rate of wages” shall have the same meaning as in the *Explanation* to sub-section (3) of section 9A.’

Amend-
ment of
section
38.

20. In section 38 of the principal Act, in sub-section (1), after the words and figures “subject to the provisions of section 22”, the words, figures and letter “and section 22A” shall be inserted.

Amend-
ment of
section
39.

21. In section 39 of the principal Act, in the opening portion, for the words “Save in respect of adolescents, the Central Government”, the words “The Central Government” shall be substituted.

Substi-
tution of
new
section
for
section 40.

22. For section 40 of the principal Act, the following section shall be substituted, namely:—

Employ-
ment of
persons
below
eighteen
years of
age.

‘40. (1) After the commencement of the Mines (Amendment) Act, 1983, no person below eighteen years of age shall be allowed to work in any mine or part thereof.

(2) Notwithstanding anything contained in sub-section (1), apprentices and other trainees, not below sixteen years of age, may be allowed to work, under proper supervision, in a mine or part thereof by the manager:

Provided that in the case of trainees, other than apprentices, prior approval of the Chief Inspector or an Inspector shall be obtained before they are allowed to work.

Explanation.—In this section and in section 43, “apprentice” means an apprentice as defined in clause (a) of section 2 of the Apprentices Act, 1961.’

52 of 1961

Omission
of
sections
41 and 42.

23. Sections 41 and 42 of the principal Act shall be omitted.

Substi-
tution of
new
section
for
section
43.

24. For section 43 of the principal Act, the following section shall be substituted, namely:—

Power
to re-
quire
medical
exam-
ination.

“43. (1) Where an Inspector is of opinion that any person employed in a mine otherwise than as an apprentice or other trainee is not an adult or that any person employed in a mine as an apprentice or other trainee is either below sixteen years of age or is no longer fit to work, the Inspector may serve on the manager of the mine a notice requiring that such person shall be examined by a

certifying surgeon and such person shall not, if the Inspector so directs, be employed or permitted to work in any mine until he has been so examined and has been certified that he is an adult or, if such person is an apprentice or trainee, that he is not below sixteen years of age and is fit to work.

(2) Every certificate granted by a certifying surgeon on a reference under sub-section (1), shall, for the purpose of this Act, be conclusive evidence of the matters referred therein."

25. Section 44 of the principal Act shall be omitted.

Omission of section 44.

26. For section 45 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 45.

"45. Subject to the provisions of sub-section (2) of section 40, after such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, no person below eighteen years of age shall be allowed to be present in any part of a mine above ground where any operation connected with or incidental to any mining operation is being carried on."

Prohibition of the presence of persons below eighteen years of age in a mine.

27. In section 48 of the principal Act, in sub-section (1), clause (d) shall be omitted.

Amendment of section 48.

28. In section 49 of the principal Act, for the proviso, the following proviso shall be substituted, namely:—

Amendment of section 49.

"Provided that if such award, agreement or contract of service, provides for a longer annual leave with wages than that provided in this Chapter, the quantum of leave, which the person employed shall be entitled to, shall be in accordance with such award, agreement or contract of service, but leave shall be regulated in accordance with the provisions of sections 50 to 56 (both inclusive) with respect to matters not provided for in such award, agreement or contract of service."

29. In section 52 of the principal Act,—

Amendment of section 52.

(a) in sub-section (1), in clause (a), for the words "sixteen days", the words "fifteen days" shall be substituted;

(b) after sub-section (9) and before the *Explanation*, the following sub-section shall be inserted, namely:—

"(10) Where a person employed in a mine is discharged or dismissed from service or quits his employment or is superannuated or dies while in service, he or his heirs or his nominee, as the case may be, shall be entitled to wages in lieu of leave due to him calculated at the rate specified in sub-section (1), if,—

(a) in the case of a person employed below ground in a mine, he has put in attendance for not less than one-half of

the total number of days from the date of his employment to the date of his discharge or dismissal or quitting of employment or superannuation or death; and

(b) in any other case, he has put in attendance for not less than two-thirds of the total number of days from the date of his employment to the date of his discharge or dismissal or quitting of employment or superannuation or death,

and payment of such wages shall be made by the owner, agent or manager of the mine at the rate specified in section 53, where the person is discharged or dismissed from service or quits employment or is superannuated, before the expiry of the second working day after such discharge, dismissal, quitting of employment or superannuation, as the case may be, and where the person employed dies while in service, within a period of two months of his death.”;

(c) in the *Explanation*, for the words, brackets and figures “sub-sections (1) and (3)”, the words, brackets and figures “sub-sections (1), (3) and (10)” shall be substituted.

Amend.
ment of
section
57.

30. In section 57 of the principal Act,—

(a) in clause (j), the words “adolescents and” shall be omitted;

(b) in clause (q), for the words “for providing for the safety of persons present on haulage roads”, the words “for regulating the use of machinery in mines, for providing for the safety of persons employed on or near such machinery and on haulage roads” shall be substituted;

(c) in clause (u), for the words “for prescribing the plans, and sections and field notes connected therewith, to be kept by owners, agents and managers of mines”, the words “for requiring owners, agents and managers of mines to have fixed boundaries for the mines, for prescribing the plans and sections and field notes connected therewith to be kept by them” shall be substituted;

(d) in clause (v), the words “for dealing effectively with the situation” shall be inserted at the end;

(e) in clause (x), for the words “fifty yards”, the words “forty-five metres” shall be substituted.

Amend.
ment of
section
58.

31. In section 58 of the principal Act,—

(a) for clause (a), the following clause shall be substituted, namely:—

“(a) for providing the term of office and other conditions of service of, and the manner of filling vacancies among, the members of a Committee and for regulating the procedure to be followed by a Committee for transacting its business;”;

(b) in clause (c), after the words “connected with the enquiry”, the words “in the same manner as an arrear of land revenue” shall be inserted;

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

"(cc) for providing for inspection of mines to be carried out on behalf of the persons employed therein by a technical expert (not less than an overman in status), the facilities therefor, the frequency at which and the manner in which such inspections are to be carried out and the manner in which reports of such inspections are to be made;";

(d) clause (k) shall be omitted;

(e) for clauses (r) and (s), the following clauses shall be substituted, namely:—

"(r) for requiring the establishment of rescue stations for specified mines or groups of specified mines or for all mines in a specified area and for prescribing how and by whom such stations shall be established;

(s) for providing for the management of rescue stations;

(sa) for providing for the standards of physical fitness and other qualifications of the persons constituting rescue brigades;

(sb) prescribing the places of residence of the persons constituting rescue brigades;";

(f) in clause (t), the word "central" shall be omitted;

(g) for clause (u), the following clause shall be substituted, namely:—

"(u) for providing for the levy and collection of a duty of excise (at a rate not exceeding twenty-five paise per tonne) on coke and coal produced in and despatched from mines specified under clause (r), the creation of a rescue stations fund for such mines, the crediting to such fund of such sums of money as the Central Government may, after due appropriation made by Parliament by law in this behalf, provide from out of the proceeds of such cess credited to the Consolidated Fund of India, the manner in which the money from such fund shall be utilised and the administration of such fund;";

(h) in clause (v), the words "and for the terms and conditions of service of persons trained in rescue work employed in mines", and the word "and" occurring at the end, shall be omitted;

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

"(vv) for providing for the constitution of safety Committees for specified mine or groups of specified mines or for all mines in a specified area for promoting safety and for laying down the composition, manner of formation and functions of such safety Committees, and;".

Amend-
ment of
section
59.

32. In section 59 of the principal Act,—

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

"(4) No regulation or rule shall be made unless the draft thereof has been referred to the Committee constituted under sub-section (1) of section 12 and unless that Committee has had a reasonable opportunity of reporting as to the expediency of making the same and as to the suitability of its provisions";

(b) sub-section (7) shall be omitted.

Amend-
ment of
section
60.

33. In section 60 of the principal Act,—

(a) for the words "Mining Boards", the words "the Committee constituted under sub-section (1) of section 12" shall be substituted;

(b) in the proviso, after the words "so made", the words "shall be sent to the said Committee for information and" shall be inserted.

Amend-
ment of
section
61.

34. In section 61 of the principal Act,—

(a) in sub-section (1), for the words "for the control and guidance of the persons acting in the management of, or employed in, the mine", the words "governing the use of any particular machinery or the adoption of a particular method of working in the mine" shall be substituted;

(b) in sub-section (3), for the words "Mining Board or, where there is no Mining Board, to such officer or authority as the Central Government may, by general or special order, appoint in this behalf", the words "Committee constituted under sub-section (1) of section 12" shall be substituted;

(c) in sub-section (4), in clause (a), for the words "Mining Board or such officer or authority as aforesaid", the words "Committee constituted under sub-section (1) of section 12" shall be substituted.

Insertion of
new sec-
tion 61A.

35. After section 61 of the principal Act, the following section shall be inserted, namely:—

Laying of
regulations,
rules and
bye-
laws before
Parliament.

"61A. Every regulation made under section 57, every rule made under section 58 and every bye-law made under section 61 shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation, rule or bye-law or both Houses agree that the regulation, rule or bye-law should not be made, the regulation, rule or bye-law 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 regulation, rule or bye-law, as the case may be."

36. In section 65 of the principal Act, for the word and figures "section 40", the word and figures "section 43" shall be substituted.

Amend-
ment of
section 65.

37. For section 68 of the principal Act, the following section shall be substituted, namely:—

Substi-
tution
of new
section
for
section 68.

"68. If a person below eighteen years of age is employed in a mine in contravention of section 40, the owner, agent or manager of such mine shall be punishable with fine which may extend to five hundred rupees."

Penalty
for em-
ployment
of
persons
below
eighteen
years of
age.

38. In section 72B of the principal Act,—

Amend-
ment of
section
72B.

(a) after the word and figures "section 22", the words, brackets, figures and letter "or under sub-section (2) of section 22A" shall be inserted;

(b) the following proviso shall be inserted at the end, namely:—

"Provided that in the absence of special and adequate reasons to the contrary to be recorded in writing in the judgment of the court, such fine shall not be less than two thousand rupees."

39. In section 72C of the principal Act, in sub-section (1),—

Amend-
ment of
section
72C.

(a) after the word and figures "section 22", the words, brackets, figures and letter "or under sub-section (2) of section 22A" shall be inserted;

(b) the following proviso shall be inserted at the end, namely:—

"Provided that in the absence of special and adequate reasons to the contrary to be recorded in writing in the judgment of the court, such fine, in the case of a contravention referred to in clause (a), shall not be less than three thousand rupees."

40. In section 75 of the principal Act, in the proviso, for the words "Provided that", the words "Provided further that" shall be substituted, and before the proviso as so amended, the following proviso shall be inserted, namely:—

Amend-
ment of
section
75.

"Provided that the Chief Inspector or the district magistrate or the Inspector as so authorised shall, before instituting such prosecution, satisfy himself that the owner, agent or manager had failed to exercise all due diligence to prevent the commission of such offence."

41. In section 76 of the principal Act, for the proviso, the following proviso shall be substituted, namely:—

Amend-
ment of
section
76.

"Provided that where a firm, association or company has given notice in writing to the Chief Inspector that it has nominated—

(a) in the case of a firm, any of its partners or managers;

(b) in the case of an association, any of its members or managers;

(c) in the case of a company, any of its directors or managers,

who is resident, in each case in any place to which this Act extends and who is in each case either in fact in charge of the management of, or holds the largest number of shares in such firm, association or company, to assume the responsibility of the owner of the mine for the purposes of this Act, such partner, member, director or manager, as the case may be, shall, so long as he continues to so reside and be in charge or hold the largest number of shares as aforesaid, be deemed to be the owner of the mine for the purposes of this Act unless a notice in writing cancelling his nomination or stating that he has ceased to be a partner, member, director or manager, as the case may be, is received by the Chief Inspector.

Explanation.—Where a firm, association or company has different establishments or branches or different units in any establishment or branch, different persons may be nominated under this proviso in relation to different establishments or branches or units and the person so nominated shall, with respect only to the establishment, branch or unit in relation to which he has been nominated, be deemed to be the owner of the mine.”

42. In section 79 of the principal Act,—

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

“(iii) in any case in which the accused is or was a public servant and previous sanction of the Central Government or of the State Government or of any other authority is necessary for taking cognizance of the offence under any law for the time being in force, within three months of the date on which such sanction is received by the Chief Inspector, or”;

(b) in clause (iii), for the words “six months”, the words “one year” shall be substituted.

43. In section 80 of the principal Act, for the words “presidency magistrate or magistrate of the first class”, the words “Metropolitan Magistrate or Judicial Magistrate of the first class” shall be substituted.

44. Section 80A of the principal Act shall be omitted.

45. In section 81 of the principal Act, in sub-sections (1) and (2), the words “a Mining Board or” shall be omitted.

46. In section 83 of the principal Act,—

(a) in sub-section (1),—

(i) for the words “all or any of the provisions of this Act”, the words “all or any of the provisions of this Act or the regulations, rules or bye-laws” shall be substituted;

(ii) in the proviso, for the word and figures “section 45”, the words and figures “sections 40 and 45” shall be substituted;

Amend-
ment of
section
79.

Amend-
ment of
section
80.

Omission
of
section
80A.

Amend-
ment of
section
81.

Amend-
ment of
section
83.

(b) in sub-section (2), for the words "regulations or rules under this Act", the words "regulations, rules or bye-laws" shall be substituted.

47. Section 84 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-sections shall be inserted, namely:

"(2) The Chief Inspector may, for reasons to be recorded in writing, reverse or modify any order passed by him under this Act or under any regulation, rule, or bye-law.

(3) No order prejudicial to the owner, agent or manager of a mine shall be made under this section unless such owner, agent or manager has been given a reasonable opportunity of making representation."

48. After section 85A of the principal Act, the following sections shall be inserted, namely:—

"85B. All returns and notices required to be furnished or given or communications sent by or on behalf of the owner of a mine in connection with the provisions of this Act or any regulation, rule, bye-law or any order made thereunder shall be signed by the owner, agent or manager of the mine or by any person to whom power in this behalf has been delegated by the owner by a power of attorney.

85C. No fee or charge shall be realised from any person employed in a mine in respect of any protective arrangements or facilities to be provided, or any equipment or appliances to be supplied under the provisions of this Act."

49. (1) As from the date of constitution of the Committee under sub-section (1) of section 12 of the principal Act as amended by this Act—

(i) any Mining Board constituted under section 12 of the principal Act and functioning as such on the aforesaid date shall stand dissolved;

(ii) the Chairman and members of any such Board, who on the aforesaid date are members of that Mining Board shall cease to hold office as such;

(iii) all proceedings pending on the aforesaid date in any Mining Board shall stand transferred to the said Committee which shall deal with them as if they had been pending therein.

(2) Anything done or any action taken before the aforesaid date by any Mining Board shall, so far as it is not inconsistent with any of the provisions of the principal Act as amended by this Act, be as valid and effective as if it had been done or taken by the Committee.

Amend-
ment of
section
84.

Insertion
of new
sections
85B and
85C.

Signing
of
returns,
notices,
etc.

No fee
or charge
to be
realised
for
facilities
and
con-
venien-
ces,

Transi-
tory
pro-
vision.

THE CRIMINAL LAW (AMENDMENT) ACT, 1983

NO. 43 OF 1983

[25th December, 1983.]

An Act further to amend the Indian Penal Code, the Code of Criminal Procedure, 1973 and the Indian Evidence Act, 1872.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Criminal Law (Amendment) Act, 1983.

Insertion
of new
section
228A.

2. In the Indian Penal Code (hereinafter referred to as the Penal Code), after section 228, the following section shall be inserted, namely:— 45 of 1860.

Disclosure
of identity
of the
victim of
certain
offences,
etc.

228A. (1) Whoever prints or publishes the name or any matter which may make known the identity of any person against whom an offence under section 376, section 376A, section 376B, section 376C or section 376D is alleged or found to have been committed (hereafter in this section referred to as the victim) shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

(2) Nothing in sub-section (1) extends to any printing or publication of the name or any matter which may make known the identity of the victim if such printing or publication is—

(a) by or under the order in writing of the officer-in-charge of the police station or the police officer making the investigation into such offence acting in good faith for the purposes of such investigation; or

(b) by, or with the authorisation in writing of, the victim; or

(c) where the victim is dead or minor or of unsound mind, by, or with the authorisation in writing of, the next of kin of the victim:

Provided that no such authorisation shall be given by the next of kin to anybody other than the chairman or the secretary, by whatever name called, of any recognised welfare institution or organisation.

Explanation.—For the purposes of this sub-section, “recognised welfare institution or organisation” means a social welfare institution or organisation recognised in this behalf by the Central or State Government.

(3) Whoever prints or publishes any matter in relation to any proceeding before a court with respect to an offence referred to in sub-section (1) without the previous permission of such court shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

Explanation.—The printing or publication of the judgment of any High Court or the Supreme Court does not amount to an offence within the meaning of this section.

3. In the Penal Code, for the heading “Of rape” occurring immediately before section 375 and for sections 375 and 376, the following heading and sections shall be substituted, namely:—

Substitution of new sections for sections 375 and 376.

Sexual offences

375. A man is said to commit “rape” who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the six following descriptions:—
Rape.

First.—Against her will.

Secondly.—Without her consent.

Thirdly.—With her consent, when her consent has been obtained by putting her or any person in whom she is interested in fear of death or of hurt.

Fourthly.—With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.

Fifthly.—With her consent, when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.

Sixthly.—With or without her consent, when she is under sixteen years of age.

Explanation.—Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.

Exception.—Sexual intercourse by a man with his own wife, the wife not being under fifteen years of age, is not rape.

Punish-
ment for
rape.

376. (1) Whoever, except in the cases provided for by sub-section (2), commits rape shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine unless the woman raped is his own wife and is not under twelve years of age, in which case, he shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both:

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than seven years.

(2) Whoever,—

(a) being a police officer commits rape—

(i) within the limits of the police station to which he is appointed; or

(ii) in the premises of any station house whether or not situated in the police station to which he is appointed; or

(iii) on a woman in his custody or in the custody of a police officer subordinate to him; or

(b) being a public servant, takes advantage of his official position and commits rape on a woman in his custody as such public servant or in the custody of a public servant subordinate to him; or

(c) being on the management or on the staff of a jail, remand home or other place of custody established by or under any law for the time being in force or of a women's or children's institution takes advantage of his official position and commits rape on any inmate of such jail, remand home, place or institution; or

(d) being on the management or on the staff of a hospital, takes advantage of his official position and commits rape on a woman in that hospital; or

(e) commits rape on a woman knowing her to be pregnant; or

(f) commits rape on a woman when she is under twelve years of age; or

(g) commits gang rape,

shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may be for life and shall also be liable to fine:

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment of either description for a term of less than ten years.

Explanation 1.—Where a woman is raped by one or more in a group of persons acting in furtherance of their common intention, each of the persons shall be deemed to have committed gang rape within the meaning of this sub-section.

Explanation 2.—“women’s or children’s institution” means an institution, whether called an orphanage or a home for neglected women or children or a widows’ home or by any other name, which is established and maintained for the reception and care of women or children.

Explanation 3.—“hospital” means the precincts of the hospital and includes the precincts of any institution for the reception and treatment of persons during convalescence or of persons requiring medical attention or rehabilitation.

376A. Whoever has sexual intercourse with his own wife, who is living separately from him under a decree of separation or under any custom or usage without her consent shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

Inter-course by a man with his wife during separation.

376B. Whoever, being a public servant, takes advantage of his official position and induces or seduces, any woman, who is in his custody as such public servant or in the custody of a public servant subordinate to him, to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine.

Inter-course by public servant with woman in his custody.

376C. Whoever, being the superintendent or manager of a jail, remand home or other place of custody established by or under any law for the time being in force or of a women’s or children’s institution takes advantage of his official position and induces or seduces any female inmate of such jail, remand home, place or institution to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine.

Inter-course by superintendent of jail, remand home, etc.

Explanation 1.—“superintendent” in relation to a jail, remand home or other place of custody or a women’s or children’s institution includes a person holding any other office in such jail, remand home, place or institution by virtue of which he can exercise any authority or control over its inmates.

Explanation 2.—The expression “women’s or children’s institution” shall have the same meaning as in *Explanation 2* to sub-section (2) of section 376.

Inter-course by any member of the management or staff of a hospital with any woman in that hospital.

376D. Whoever, being on the management of a hospital or being on the staff of a hospital takes advantage of his position and has sexual intercourse with any woman in that hospital, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine.

Explanation.—The expression “hospital” shall have the same meaning as in *Explanation 3* to sub-section (2) of section 376.

Amend-
ment of
section
327.

4. In the Code of Criminal Procedure, 1973 (hereinafter referred to as the Criminal Procedure Code), section 327 shall be renumbered as sub-section (1) of that section and after it, as so renumbered, the following sub-sections shall be inserted, namely:—

“(2) Notwithstanding anything contained in sub-section (1), the inquiry into and trial of rape or an offence under section 376, section 376A, section 376B, section 376C or section 376D of the Indian Penal Code shall be conducted *in camera*:

45 of 1860.

Provided that the presiding judge may, if he thinks fit, or on an application made by either of the parties, allow any particular person to have access to, or be or remain in, the room or building used by the court.

(3) Where any proceedings are held under sub-section (2), it shall not be lawful for any person to print or publish any matter in relation to any such proceedings, except with the previous permission of the court.”

Amend-
ment of
the First
Schedule.

5. In the First Schedule to the Criminal Procedure Code, under the heading “I.—Offences under the Indian Penal Code”,—

(a) after the entries relating to section 228, the following entries shall be inserted, namely:—

1	2	3	4	5	6
“228A Disclosure of Imprisonment identity of the victim for two years and fine. certain offences, etc.		Cognizable	Bailable	Any Magistrate:	
Printing or publication of a proceeding without prior permission of court.	Ditto	Ditto	Ditto	Ditto.”;	

(b) for the entries relating to section 376, the following entries shall be substituted, namely:—

1	2	3	4	5	6
375	Rape	Imprisonment for life or imprisonment for ten years and fine.	Cognizable	Non-bailable	Court of Session.
	Intercourse by a man with his wife not being under twelve years of age.	Imprisonment for two years or fine or both.	Non-cognizable	Bailable	Ditto.
376A	Intercourse by a man with his wife during separation.	Imprisonment for two years and fine.	Ditto	Ditto	Ditto.
376B	Intercourse by public servant with woman in his custody.	Imprisonment for five years and fine.	Cognizable (but no arrest shall be made without a warrant or without an order of a Magistrate).	Ditto	Ditto.
376C	Intercourse by superintendent of jail, remand home, etc.	Ditto	Ditto	Ditto	Ditto.
376D	Intercourse by manager, etc., of a hospital with any woman in that hospital.	Ditto	Ditto	Ditto	Ditto.

1 of 1872.

6. After section 114 of the Indian Evidence Act, 1872, the following section shall be inserted, namely:—

45 of 1860.

“114A. In a prosecution for rape under clause (a) or clause (b) or clause (c) or clause (d) or clause (e) or clause (g) of sub-section (2) of section 376 of the Indian Penal Code, where sexual intercourse by the accused is proved and the question is whether it was without the consent of the woman alleged to have been raped and she states in her evidence before the Court that she did not consent, the Court shall presume that she did not consent.”

Insertion
of new
section
114A.

Presump-
tion as
to absence
of consent
in certain
prosecu-
tions for
rape.

THE INDIAN RAILWAYS (AMENDMENT) ACT, 1983

No. 44 OF 1983

[25th December, 1983.]

An Act further to amend the Indian Railways Act, 1890.

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

Short title.

1. This Act may be called the Indian Railways (Amendment) Act, 1983.

Amend-
ment of
section
82 A.

2. In section 82A of the Indian Railways Act, 1890 (hereinafter referred to as the principal Act), in sub-section (2), for the words "fifty thousand rupees", the words "rupees one lakh" shall be substituted and shall be deemed to have been substituted with effect from the 4th day of March, 1983.

Amend-
ment of
section
82B.

3. In section 82B of the principal Act, after the words "for such local area", the words "or for such accident or accidents" shall be inserted.

Amend-
ment of
section
82C.

4. In section 82C of the principal Act, in sub-section (2), the following *Explanation* shall be inserted at the end, namely:—

"Explanation.—Where a Claims Commissioner is appointed under section 82B with respect to any particular accident or accidents, the references in this sub-section to the occurrence of the accident shall be construed as references to the date on which the claims Commissioner so appointed assumes charge of his office."

Valida-
tion.

5. Any action or thing taken or done or purported to have been taken or done under the principal Act before the commencement of this Act, shall be deemed to be, and to have always been, as validly and effectively taken or done as if the amendments made in the principal Act by sections 3 and 4 had been in force at all material times.

THE PUNJAB PANCHAYAT SAMITIS AND ZILA PARISHADS
(TEMPORARY SUPERSESSION) SECOND AMENDMENT
ACT, 1983

No. 45 OF 1983

[25th December, 1983.]

An Act further to amend the Punjab Panchayat Samitis and Zila Parishads (Temporary Supersession) Act, 1978.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Punjab Panchayat Samitis and Zila Parishads (Temporary Supersession) Second Amendment Act, 1983.

Short title and commencement.

(2) It shall be deemed to have come into force on the 11th day of October, 1983.

2. In the Punjab Panchayat Samitis and Zila Parishads (Temporary Supersession) Act, 1978 (hereinafter referred to as the principal Act), in section 3, in the proviso to sub-section (1), for the words "five years", the words "six years" shall be substituted.

Amendment of section 3

Punjab
Act No.
29 of 1978,

Punjab
Ordinance
No. 4 of
1983.

3. (1) The Punjab Panchayat Samitis and Zila Parishads (Temporary Supersession) Amendment Ordinance, 1983, is hereby repealed.

Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the principal Act, as amended by this Act.

THE CRIMINAL LAW (SECOND AMENDMENT) ACT, 1983

No. 46 OF 1983

[25th December, 1983.]

An Act further to amend the Indian Penal Code, the Code of Criminal Procedure, 1973 and the Indian Evidence Act, 1872.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Criminal Law (Second Amendment) Act, 1983.

Amendment of
Act 45 of
1861.

2. In the Indian Penal Code, after Chapter XX, the following Chapter shall be inserted, namely:—

'CHAPTER XXXA'

OF CRUELTY BY HUSBAND OR RELATIVES OF HUSBAND

Husband or relative of husband of a woman subjecting her to cruelty.

498A. Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

*Explanation.—*For the purposes of this section, "cruelty" means—

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

Amend-
ment of
section
174.

3. In the Code of Criminal Procedure, 1973 (hereinafter referred to as the Code of Criminal Procedure), in section 174, in sub-section (3), for the words "When there is any doubt regarding the cause of death, or when for any other reason the police officer considers it expedient so to do, he shall", the following shall be substituted, namely:—

"When—

(i) the case involves suicide by a woman within seven years of her marriage; or

- (ii) the case relates to the death of a woman within seven years of her marriage in any circumstances raising a reasonable suspicion that some other person committed an offence in relation to such woman; or
- (iii) the case relates to the death of a woman within seven years of her marriage and any relative of the woman has made a request in this behalf; or
- (iv) there is any doubt regarding the cause of death; or
- (v) the police officer for any other reason considers it expedient so to do,
- he shall".

4. In section 176 of the Code of Criminal Procedure, in sub-section (1), for the words "When any person dies while in the custody of the police", the words, brackets and figures "When any person dies while in the custody of the police or when the case is of the nature referred to in clause (i) or clause (ii) of sub-section (3) of section 174" shall be substituted.

5. In the Code of Criminal Procedure, after section 198, the following section shall be inserted, namely:—

453 1860
54 of 1960.—

"198A. No Court shall take cognizance of an offence punishable under section 498A of the Indian Penal Code except upon a police report of facts which constitute such offence or upon a complaint made by the person aggrieved by the offence or by her father, mother, brother, sister or by her father's or mother's brother or sister or, with the leave of the Court, by any other person related to her by blood, marriage or adoption.".

6. In the Code of Criminal Procedure, in the First Schedule, after the entries relating to section 498, the following entries shall be inserted, namely:—

Section	Offence	Punishment	Cognizable or non-cognizable	Bailable or non-bailable	By what Court triable
1	2	3	4	5	6
498A	Punishment for subjecting a married woman to cruelty.	Imprisonment for three years and fine.	Cognizable if information relating to the commission of the offence is given to an officer in charge of a police station by the person aggrieved by the offence or by any person related to her by blood, marriage or adoption or if there is no such relative, by any public servant belonging to such class or category as may be notified by the State Government in this behalf.	Non-bailable	Magistrate of the first class."

"CHAPTER XXX—OF CRUELTY BY HUSBAND OR RELATIVES OF HUSBAND

Amendment of section 176.

Insertion of new section 198A.

Prosecution of offences under section 498A of the Indian Penal Code.

Amendment of the First Schedule.

Amend-
ment of
Act 1 of
1872.

Presump-
tion as to
abettment
of suicide
by a
married
woman.

7. In the Indian Evidence Act, 1872, after section 113, the following section shall be inserted, namely:—

'113A. When the question is whether the commission of suicide by a woman had been abetted by her husband or any relative of her husband and it is shown that she had committed suicide within a period of seven years from the date of her marriage and that her husband or such relative of her husband had subjected her to cruelty, the court may presume, having regard to all the other circumstances of the case, that such suicide had been abetted by her husband or by such relative of her husband.'

Explanation.—For the purposes of this section, "cruelty" shall have the same meaning as in section 498A of the Indian Penal Code.'

45 of 1860.

THE LEPERS (DELHI, ANDAMAN AND NICOBAR ISLANDS,
LAKSHADWEEP, DADRA AND NAGAR HAVELI AND
CHANDIGARH REPEAL) ACT, 1983

No. 47 OF 1983

[30th December, 1983.]

An Act to provide for the repeal of the Lepers Act, 1898, as in force in the Union territories of Delhi, Andaman and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli and Chandigarh.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Lepers (Delhi, Andaman and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli and Chandigarh Repeal) Act, 1983. Short title.
2. The Lepers Act, 1898, as in force in the Union territories of Delhi, Andaman and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli and Chandigarh, is hereby repealed.

Repeal of
Act 3 of
1898.

THE PUBLIC FINANCIAL INSTITUTIONS (OBLIGATION AS
TO FIDELITY AND SECRECY) ACT, 1983

No. 48 OF 1983

[30th December, 1983.]

An Act to provide for the obligation of public financial institutions as to fidelity and secrecy.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Public Financial Institutions (Obligation as to Fidelity and Secrecy) Act, 1983.

Definitions.

2. (1) In this Act, "public financial institution" means—

(a) the Industrial Credit and Investment Corporation of India Limited, a company formed and registered under the Indian Companies Act, 1913;

(b) the Industrial Reconstruction Corporation of India Limited, a company formed and registered under the Companies Act, 1956; or

(c) any other institution, being a company as defined in section 617 of the Companies Act, 1956 or a company to which the provisions of section 619 of that Act apply, which the Central Government may, having regard to the nature of the business carried on by such institution, by notification in the Official Gazette, specify to be a public financial institution for the purposes of this Act.

7 of 1913.

1 of 1956.

1 of 1956.

(2) Every notification issued under clause (c) of sub-section (1) shall, as soon as may be, after it is issued, be laid before each House of Parliament.

Obligation as to fidelity and secrecy.

3. (1) A public financial institution shall not, except as otherwise provided in sub-section (2) or in any other law for the time being in force, divulge any information relating to, or to the affairs of, its constituents except in circumstances in which it is, in accordance with the law or practice and usage, customary among bankers, necessary or appropriate for the public financial institution to divulge such information.

(2) A public financial institution may, for the purpose of efficient discharge of its functions, collect from, or furnish to,—

(a) the Central Government; or

(b) the State Bank of India constituted under section 3 of the State Bank of India Act, 1955, any subsidiary bank within the meaning of the State Bank of India (Subsidiary Banks) Act, 1959, any corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 or under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, any other scheduled bank within the meaning of the Reserve Bank of India Act, 1934; or

(c) any other public financial institution, such credit information or other information as it may consider useful for the purpose, in such manner and at such time as it may think fit.

Explanation.—For the purposes of this sub-section, the expression "credit information" shall have the same meaning as in clause (c) of section 45A of the Reserve Bank of India Act, 1934 subject to the modification that the banking company referred to therein shall mean a bank referred to in clause (b) of this sub-section or a public financial institution.

4. Every director, member of any committee, auditor or officer or any other employee of a public financial institution to which this Act applies, shall,—

(a) before entering upon his duties; or

(b) where he has entered upon his duties as such before the date on which this Act became applicable to such institution, within thirty days from the date on which this Act became applicable to such institution,

make a declaration of fidelity and secrecy in the form set out in the Schedule to this Act.

5. In the Industrial Finance Corporation Act, 1948,—

(a) section 39 shall be re-numbered as sub-section (3) thereof and before sub-section (3) as so re-numbered, the following sub-sections shall be inserted, namely:—

(1) The Corporation shall not, except as otherwise required by this Act or any other law for the time being in force, divulge any information relating to, or to the affairs of, its constituents except in circumstances in which it is, in accordance with the law or practice and usage, customary among bankers, necessary or appropriate for the Corporation to divulge such information.

(2) The Corporation may, for the purpose of efficient discharge of its functions under this Act, collect from, or furnish to,—

(a) the Central Government;

(b) the State Bank of India constituted under section 3 of the State Bank of India Act, 1955, any subsidiary bank within the meaning of the State Bank of India (Subsidiary Banks) Act, 1959, any corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 or under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, any other scheduled bank, any State co-operative bank or the Development Bank;

Declaration
of
fidelity
and se-
crecy.

Amend-
ment of
Act 15
of 1948.

such credit information or other information as it may consider useful for the purpose, in such manner and at such time as it may think fit.

Explanation.—For the purposes of this sub-section, the expression "credit information" shall have the same meaning as in clause (c) of section 45A of the Reserve Bank of India Act, 1934 subject to the modification that the banking company referred to therein shall mean a bank referred to in clause (b) of this sub-section.;

2 of 1934.

(b) in the Schedule, for the brackets, words and figures "(See section 39)", the brackets, words and figures "[See section 39(3)]" shall be substituted.

6. In the State Financial Corporations Act, 1951,—

(a) section 40 shall be re-numbered as sub-section (3) thereof, and before sub-section (3) as so re-numbered, the following sub-sections shall be inserted, namely:—

(1) The Financial Corporation shall not, except as otherwise required by this Act or any other law for the time being in force, divulge any information relating to, or to the affairs of, its constituents except in circumstances in which it is, in accordance with the law or practice and usage, customary among bankers, necessary or appropriate for the Financial Corporation to divulge such information.

(2) The Financial Corporation may, for the purpose of efficient discharge of its functions under this Act, collect from, or furnish to—

(a) the Central Government;

(b) the State Bank of India constituted under section 3 of the State Bank of India Act, 1955, any subsidiary bank within the meaning of the State Bank of India (Subsidiary Banks) Act, 1959, any corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 or under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, any other scheduled bank, any State co-operative bank or the Development Bank,

23 of 1955.

38 of 1959.

5 of 1970.

40 of 1980.

such credit information or other information as it may consider useful for the purpose, in such manner and at such time as it may think fit.

Explanation.—For the purposes of this sub-section, the expression "credit information" shall have the same meaning as in clause (c) of section 45A of the Reserve Bank of India Act, 1934 subject to the modification that the banking company referred to therein shall mean a bank referred to in clause (b) of this sub-section.;

2 of 1934.

(b) in the Schedule, for the brackets, words and figures "(See section 40)", the brackets, words and figures "[See section 40(3)]" shall be substituted..

THE SCHEDULE

(See section 4)

DECLARATION OF FIDELITY AND SECRECY

I, do hereby declare that I will faithfully, truly and to the best of my skill and ability, execute and perform the duties required of me as director, member of any Committee, auditor, officer or other employee (as the case may be) of the * and which properly relate to the office or position held by me in, or in relation to, the *

I further declare that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of the * or to the affairs of any person having any dealing with the * nor will I allow any such person to inspect, or have access to, any books or documents belonging to, or in the possession of, the * and relating to the business of the * or the business of any person having any dealing with the *

Signed before me.

Signature.

*Here insert the name of the public financial institution concerned.

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