

1966

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**TABLE SHOWING EFFECT OF PARLIAMENTARY LEGISLATION
OF 1966**

Part I.—Central Acts amended, repealed or otherwise affected.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 1966 Act by which affected
1	2	3	4	5
1915	16	Banaras Hindu University Act, 1915.	Ss. 3, 4, 4A, 5, 8, 11, 13 to 15, 16A, 19 and 20 amended (w.e.f. 31-12-1966).	52, ss. 3 to 6, 8, 11, 13 to 16, 19 and 20.
			Ss. 2, 6, 7, 9, 10, 12A, 17 and 19A substituted (w.e.f. 31-12-1966).	<i>Ibid.</i> , ss. 2, 7, 10, 12, 18 and 21.
			Ss. 8A, 16B, 16C and 16D inserted (w.e.f. 31-12-1966).	<i>Ibid.</i> , ss. 9 and 17.
1922	8	Delhi University Act, 1922.	S. 5 amended.	53, s. 27.
1934	2	Reserve Bank of India Act, 1934.	S. 17 amended (w.e.f. 10-6-1966).	17, s. 11.
1934	32	Indian Tariff Act, 1934	First Schedule amended.	3, s. 2.
				50, s. 2.
1942	6	Multi-Unit Co-operative So- cieties Act, 1942.	S. 5D inserted.	31, s. 70.
1944	1	Central Excises and Salt Act, 1944.	First Schedule amended.	13, s. 47.
1947	18	Imports and Exports (Con- trol) Act, 1947	Ss. 1 and 3 amended. S. 5 substituted.	2, ss. 2 and 3. <i>Ibid.</i> , s. 4.
1948	34	Employees' State Insurance Act, 1948	Ss. 2, 4, 5, 8, 10, 12, 16, 17, 36, 41 to 43, 46, 49, 50, 71, 75, 77, 86, 90, 95 to 97 amended.	44, ss. 2, 4, 5, 7 to 11, 13 to 16, 18, 21, 22, 30, 32, 33, 35, 36 and 38 to 40.
			Ss. 2A, 45A, 45B, 59A, 91A and 99A inserted.	<i>Ibid.</i> , ss. 3, 17, 28, 37 and 41.
			Ss. 7, 47, 51 to 55, Sch. I & Sch. II substituted.	<i>Ibid.</i> , ss. 6, 19, 23 to 27 and 42.
			Ss. 27, 31, 48, 66, 67, 73H and 80 omitted.	<i>Ibid.</i> , ss. 12, 20, 29, 31 and 34.

Table showing effect of Parliamentary Legislation of 1966

		1	2	3
				4
1948	54	Electricity (Supply) Act, 1948	Ss. 5, 7, 16, 19, 30 to 32, 40, 62, 67, 75, 82, Fourth Schedule and Ninth Schedule amended.	30, ss. 2 to 5, 7 to 10, 13, 14, 16, 18, 19 and 23.
				Fifth Schedule, Sixth Schedule and Eighth Schedule amended (w.e.f. 1-4-1966).
				Ss. 29 and 68 substituted. 30, ss. 6 and 15.
				S. 49 substituted (re <i>Ibid.</i> , s. 11, retrospectively).
				S. 60 A inserted. <i>Ibid.</i> , s. 12.
				S. 76 omitted. <i>Ibid.</i> , s. 17.
1949	1	Indian Tariff (Amendment) Act, 1949.	Ss. 4 and 5 amended.	13, s. 46.
1950	4	Preventive Detention Act, 1950.	S. 1 amended.	48, s. 2.
1950	15	Judicial Commissioner's Courts (Declaration as High Courts) Act, 1950.	S. 3 amended.	26, s. 19 and the Schedule.
1950	43	Representation of the People Act, 1950.	Ss. 13B, 20, 21, 24 and 28 amended (w.e.f. 14-12-1966).	47, ss. 6, 8, 9, 11 and 12.
				S. 27A amended (w.e.f. 19, s. 35, 7-9-1966).
				Second Schedule and Third Schedule amended.
				Ss. 3, 4, 7, 13D, 23, First Schedule and Second Schedule substituted (w.e.f. 14-12-1966).
				47, ss. 2, 4, 7, 10, 13 and 14.
				S. 13AA inserted (w.e.f. <i>Ibid.</i> , s. 5, 14-12-1966).

Table showing effect of Parliamentary Legislation of 1966

V

		1	2	3
				4
1951	43 Representation of the People Act, 1951.	S. 2, heading of Pt. II, ss. 3 to 5, 21, 22, 26, 30, 31, 33, 39, 52, 60, 66, 78, 79, 81, 95 to 102, 106, 107, III, 116, 121, 123, 126, 129, 130, 133, 134 and 136 amended (w.e.f. 14-12-1966).	47, ss. 15 to 19, 23, 24, 26 to 30, 32, 33, 35 to 37, 39, 42, 44, 47, 49, 52 to 58 and 60.	5
		Chapter III of Part II (ss. 7 to 9), ss. 25, 41, 86 to 92, 103, 109, 110, 113 to 115, 116A, 116B and 117 to 120 sub- stituted (w.e.f. 14-12-1966).	<i>Ibid.</i> , ss. 20, 25, 31, 41, 43, 46, 48, 50 and 51.	
		Ss. 19A, 20A, 64A, 80A and 134A inserted (w.e.f. 14-12-1966).	<i>Ibid.</i> , ss. 21, 22, 34, 38 and 59.	
		Ss. 85, 108, 137 and Part VIII (Chapters I, II and III) omitted (w.e.f. 14-12-1966).	<i>Ibid.</i> , ss. 40, 45, 61 and 62.	
1952	46 Criminal Law Amendment Act, 1952.	S. 8 amended.	22, s. 2.	
		s. 11 inserted (retrospec- tively).	<i>Ibid.</i> , s. 3.	
1953	34 Estate Duty Act, 1953	Ss. 9 to 12, 22, 33 (partly w.e.f. 1-4-1965), 46 and Second Schedule amended (w.e.f. 1-4- 1966).	13, s. 38.	
		S. 34 amended (w.e.f. 1-4-1965).	<i>Ibid.</i> , s. 38.	
1954	8 Delhi Land Reforms Act, 1954.	Ss. 3 and 13 amended (retrospectively).	1, Ss. 2. and 3.	
1955	10 Essential Commodities Act, 1955.	Ss. 3 and 7 amended.	25, ss. 2 and 4.	
		Ss. 6A, 6B, 6C and 6D inserted.	<i>Ibid.</i> , s. 3.	
1955	51 Railway Stores (Unlawful Possession) Act, 1955.	Repealed.	29, s. 16.	

vi Table showing effect of Parliamentary Legislation of 1966

	1	2	3	4	5
1956	1	Companies Act, 1956	Ss. 240 and 370 amended (w.e.f. 1-4-1967).	34, ss. 2 and 3.	
			S. 108 amended (w.e.f. 37, s. 2. 1-4-1966).		
1956	37	States Reorganisation Act, 1956.	S. 15 amended.	31, s. 86.	
1956	74	Central Sales Tax Act, 1956	Ss. 8 and 15 amended (w.e.f. 1-7-1966).	13, s. 51.	
1957	29	Expenditure-tax Act, 1957	Repealed (w.e.f. 1-4-1966).	13, s. 40.	
1957	58	Additional Duties of Excise (Goods of Special Importance) Act, 1957.	Second Schedule amended.	31, s. 46 and Twelfth Schedule.	
1957	61	Delhi Development Act, 1957.	S. 3 amended (w.e.f. 1-7-1966).	19, s. 36.	
1958	18	Gift-tax Act, 1958	S. 5 amended (w.e.f. 1-4-1966).	13, s. 41.	
			S. 6A omitted (w.e.f. Ibid., s. 41. 1-4-1966).		
			Schedule substituted (w.e.f. 1-4-1966).	Ibid., s. 41.	
1958	44	Merchant Shipping Act, 1958.	Ss. 3, 9, 241, 242, 244, 284, 288, 291, 292, 294, 296 to 299, 300, 301, 303, 304, 306 to 309, 331, 332, 343, 354, 356, 436, 456 and 458 amended (w.e.f. 28-5-1966).	21, ss. 2 to 15, 17 to 24, 26, 28, 29, 31, 34, 35, 37 and 38.	
			Ss. 299A, 299B, 309A, 331A, 344A, 344B, 344C, 344D, 344E, 344F, 344G, 344H, 344I, 354A, 355A, 454A and 460A, inserted (w.e.f. 28-5-1966).	Ibid., ss. 16, 25, 27, 30, 32, 33, 36 and 39.	
1960	63	Preference Shares (Regulation of Dividends) Act, 1960.	S. 4A amended (w.e.f. 1-4-1966).	13, s. 52.	
1961	25	Advocates Act, 1961	S. 3 amended.	31, s. 31.	
			S. 8 substituted (retrospectively).	23, s. 2.	
			S. 15 amended (retrospectively).	Ibid., s. 3.	

Table showing effect of Parliamentary Legislation of 1966

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1	2	3	4	5
1961	43	Income-tax Act, 1961	Ss. 2, 13, 32, 33, 33A, 34, (partly retrospectively), 36, 43, 45 and 55, heading of Chapter VIA, ss. 80A, 85A, 86A, 88, 104, (partly retrospectively), 109, 112A, 114, 115, 193, 201, 235, 236A, 280C, 280E, 280W, 280ZB, 297, (retrospectively), First Schedule and Fifth Schedule amended (w.e.f. 1-4-1966).	Ss. 4 to 9, 11 to 16, 18 to 29, 32, 33, 35 to 37 and Third Schedule.
			Ss. 35A, 80E, 85B, 85C, 288A and 288B inserted (w.e.f. 1-4-1966).	<i>Ibid.</i> , ss. 10, 15, 17, and 34.
			Ss. 156, 246 and 280M	<i>Ibid.</i> , s. 32 and Third Schedule amended (w.e.f. 1-4-1967).
			Ss. 280J, 280K, 280R and 280T omitted (w.e.f. 1-4-1967).	<i>Ibid.</i> , s. 32 and Third Schedule.
			Ss. 280O, 280P and 280Q substituted (w.e.f. 1-4-1966).	<i>Ibid.</i> , ss. 30, 32 and Third Schedule.
			S. 280X substituted (w.e.f. 1-4-1967).	<i>Ibid.</i> , s. 31.
1962	3	Union Duties of Excise (Distribution) Act, 1962.	S. 3 amended.	31, s. 46 and Twelfth Schedule.
1962	9	Estate Duty (Distribution) Act, 1962.	S. 3 amended.	<i>Ibid.</i> , s. 46 and Twelfth Schedule.
1962	52	Customs Act, 1962.	Ss. 14 and 15 amended.	20, ss. 2 and 3.
1963	14	Super Profits Tax Act, 1963	Repealed (w.e.f. 1-4-1966).	13, s. 42.
1963	20	Government of Union Territories Act, 1963.	S. 41 amended (w.e.f. 7-9-1966).	19, s. 37.
1963	52	Unit Trust of India Act, 1963	Ss. 2, 4, 19 to 21, 27 and 32 amended (w.e.f. 10-6-1966).	17, ss. 2 to 5, 7, 9 and 10.
			Ss. 20A and 20B inserted (w.e.f. 10-6-1966).	<i>Ibid.</i> , s. 6.
			Chapter V (ss. 22 to 25) substituted (w.e.f. 10-6-1966).	<i>Ibid.</i> , s. 8.
			S. 32 amended (w.e.f. 1-4-1966).	13, s. 53.

Table showing effect of Parliamentary Legislation of 1966

1	2	3	4	5
1964	7	Companies (Profits) Surtax First Schedule (prtly retrospectively) and Third Schedule amended (w.e.f. 1-4-1966).		13, s. 43.
1966	15	Produce Cess Act, 1966	Ss. 2, 3, II and 20 amended (retrospectively).	49, ss. 2 to 5. First Schedule amended. <i>Ibid.</i> , s. 6.

Part II.—Central Ordinances repealed or amended

Year	No.	Short title	How affected	No. and section of 1966 Act by which affected				
				1	2	3	4	5
1965	7	Indian Tariff (Amendment) Ordinance, 1965.	Repealed.				3, s. 3.	
1966	1	Indian Tariff (Amendment) Ordinance, 1966.	Repealed.				3, s. 3.	
1966	2	Delhi Land Reforms (Amendment) Ordinance, 1966.	Repealed.				1, s. 5.	
1966	3	Merchant Shipping (Amendment) Ordinance, 1966.	Repealed.				21, s. 41.	
1966	4	Jayanti Shipping Company (Taking Over of Management) Ordinance, 1966.	Repealed.				24, s. 21.	
1966	5	Advocates (Amendment) Ordinance, 1966.	Repealed.				23, s. 5.	
1966	7	Criminal Law Amendment (Amendment) Ordinance, 1966.	Repealed.				22, s. 6.	
1966	8	Customs (Amendment) Ordinance, 1966.	Repealed.				20, s. 4.	
1966	9	Essential Commodities (Amendment) Ordinance, 1966.	Repealed.				25, s. 5.	
1966	10	Metal Corporation of India (Acquisition of Undertaking) Ordinance, 1966.	Repealed (w.e.f. 22-10-1965).				36, s. 18.	
1966	11	Companies (Amendment) Ordinance, 1966.	Repealed.				37, s. 4.	

Table showing effect of Parliamentary Legislation of 1966

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Part III.—Central Regulation amended

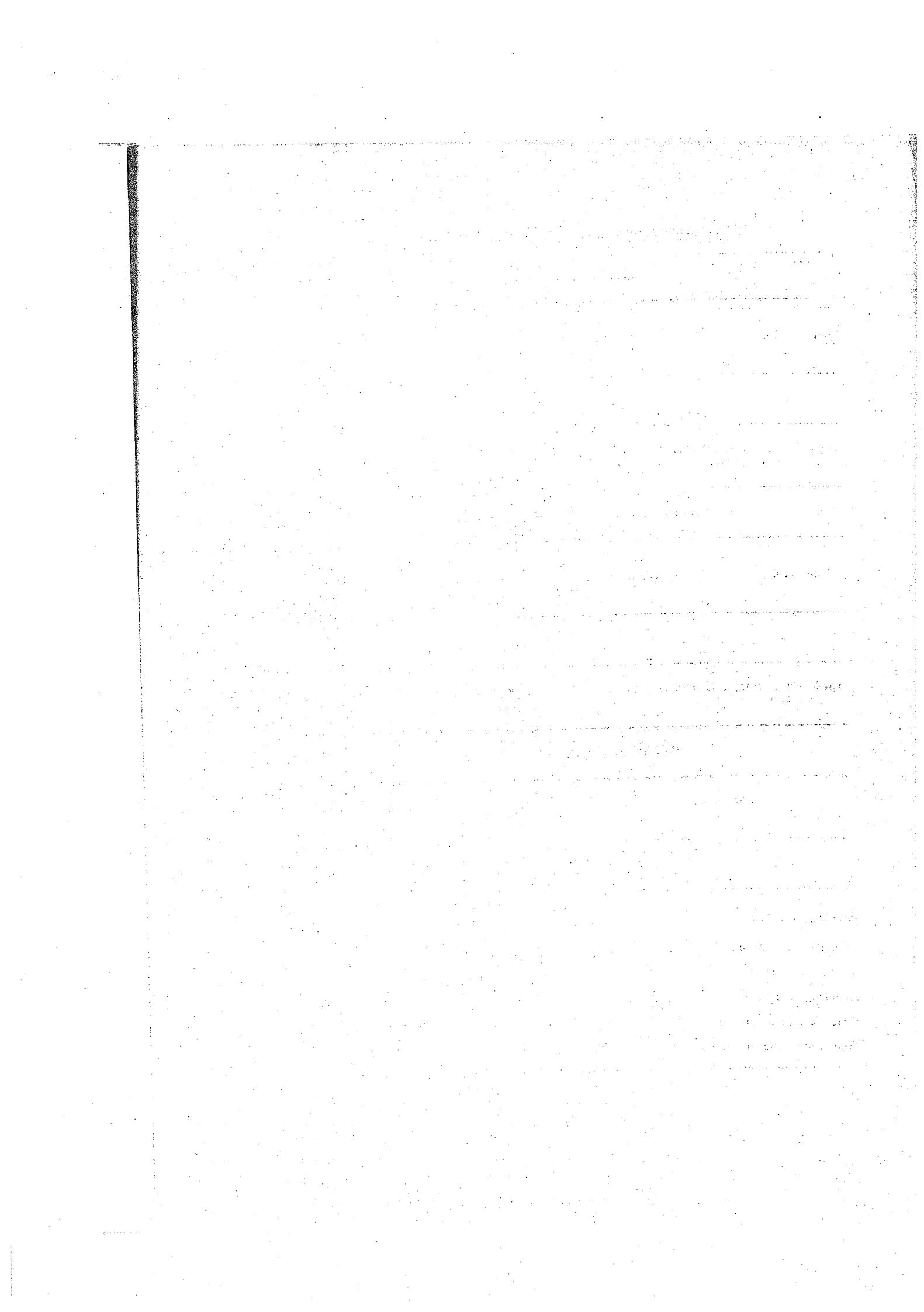
Year	No.	Short title	How amended	No. and section of 1966 Act by which amended
1	2	3	4	5
1958	2	Armed Forces (Special Powers) Regulation, 1958.	Long title, ss. 1 to 9, ss. 2 to 4, and 3 amended.	

Part IV.—Act in force in the Union Territory of Delhi amended

Year	No.	Short title	How affected	No. and section of 1966 Act by which affected
1	2	3	4	5
1918	Punjab Courts Act, 1918 Act 6		Ss. 25 and 26 amended.	26, s. 19 and Schedule.

Part V.—Constitution of India amended

How affected	No. and section of 1966 Act by which affected
1	2
Article 3 amended	Constitution (Eighteenth Amendment) Act, 1966, s. 2.
Article 233A inserted	Constitution (Twentieth Amendment) Act, 1966, s. 2.
Article 324 amended	Constitution (Nineteenth Amendment) Act, 1966, s. 2.
Article 371 amended	31, s. 26.
First Schedule amended	<i>Ibid.</i> , s. 7.
Fourth Schedule amended	<i>Ibid.</i> , s. 9.



THE DELHI LAND REFORMS (AMENDMENT)
ACT, 1966

No. 1 OF 1966

[18th March, 1966]

An Act further to amend the Delhi Land Reforms Act, 1954.

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

1. This Act may be called the Delhi Land Reforms (Amendment) Short title Act, 1966.

Delhi
Act 8
of 1954.

2. In section 3 of the Delhi Land Reforms Act, 1954 (hereinafter Amendment of referred to as the principal Act),— section 3

(a) for clause (6), the following clause shall be, and shall be deemed always to have been, substituted, namely:—

'(6) "Deputy Commissioner" includes—

(i) a Collector;

(ii) an Additional Collector;

(iii) a Revenue Assistant empowered by the Chief Commissioner by notification in the Official Gazette to discharge all or any of the functions of a Deputy Commissioner under this Act; and

(iv) an Assistant Collector of the first grade or class empowered as aforesaid;'

(b) or clause (19A), the following clause shall be, and shall be deemed always to have been, substituted, namely:—

'(19A) "Revenue Assistant" includes any Assistant Collector of the first grade or class empowered by the Chief Commissioner to perform all or any of the functions of a Revenue Assistant under this Act;'

2 *Delhi Land Reforms (Amendment) [ACT 1 OF 1966]*

Amend-
ment of
section
13.

Valida-
tion of
action
taken
under
sections
11 and 13.

3. In section 13 of the principal Act, in sub-section (7), for clause (f), the following clause shall be, and shall be deemed always to have been, substituted, namely:—

“(f) a tenant of or over twelve years in Shahdara Circle and a non-occupancy tenant in any part of the Union territory of Delhi other than a non-occupancy tenant referred to in clause (d);”.

4. Notwithstanding anything to the contrary contained in the principal Act or in any other law for the time being in force or in any judgment, decree or order of any court,—

(a) all declarations (whether general or individual) conferring or purporting to confer Bhumidhari rights in favour of any person or class of persons under any of the clauses (a) to (c) of sub-section (1) of section 11, or in favour of any tenant or class of tenants under any of the clauses (a) to (h) of sub-section (1) of section 13, of the principal Act, made before the 5th day of February, 1966, by the Deputy Commissioner or a Revenue Assistant (whether or not such Revenue Assistant was empowered by the Chief Commissioner to discharge all or any of the functions of a Deputy Commissioner), shall be deemed to be, and to have always been, made by such Deputy Commissioner or, as the case may be, Revenue Assistant in accordance with law and the persons or class of persons or the tenants or class of tenants in whose favour any such declaration has been made shall be deemed to have been validly and lawfully declared as Bhumidhars:

Provided that nothing herein contained shall affect the right of any person to call in question any such declaration on the ground only that the entries in the revenue records on the basis of which such declaration has been made are incorrect;

(b) all suits, appeals and other proceedings relating to any such declaration pending before any court or other authority immediately before the 5th day of February, 1966, other than those based on the ground referred to in the proviso to clause (a), shall, on that date, be deemed to have abated.

5. (1) The Delhi Land Reforms (Amendment) Ordinance, 1966, ^{2 of 1966.} 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 this Act as if this Act had commenced on the 5th day of February, 1966.

Repeal
and
saving.

THE IMPORTS AND EXPORTS (CONTROL)
AMENDMENT ACT, 1966

No. 2 OF 1966

[19th March, 1966]

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

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

1. This Act may be called the Imports and Exports (Control) Amendment Act, 1966. Short title.
2. In section 1 of the Imports and Exports (Control) Act, 1947 (hereinafter referred to as the principal Act), in sub-section (3), for the figures "1966", the figures "1971" shall be substituted. Amendment of section 1.
3. In section 3 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—
Amendment of section 3.

"(2) All goods to which any order under sub-section (1) applies shall be deemed to be goods of which the import or export has been prohibited under section 11 of the Customs Act, 1962, and all the provisions of that Act shall have effect accordingly."
4. For section 5 of the principal Act, the following section shall be substituted, namely:—
Substitution of new section for section 5.

"5. If any person contravenes or attempts to contravene, or abets a contravention of, any order made or deemed to have been

made under this Act or any condition of a licence granted under any such order, he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Customs Act, 1962, be punishable with imprisonment for a term ~~not exceeding~~ 52 of 1962, which may extend to two years and also with fine:

Provided that in the absence of special and adequate reasons to the contrary to be recorded in the judgment of the Court, such imprisonment shall not be for less than six months.”.

THE INDIAN TARIFF (AMENDMENT) ACT, 1966
No. 3 OF 1966

[19th March, 1966]

An Act further to amend the Indian Tariff Act, 1934.

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

1. This Act may be called the Indian Tariff (Amendment) Act, 1966. Short title.
2. In the First Schedule to the Indian Tariff Act, 1934,—
 - (a) in Section V, after Item 27(9), the following Item shall be, and shall be deemed to have been, inserted with effect from the 1st day of February, 1966, namely:—

“27(10)	Petroleum, crude.	Protective	20 per cent. <i>ad valorem.</i>	December 31st, 1966.”;
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 - (b) in Section XVI, in Items Nos. 72(35), 72(36) and 72(37),—
 - (i) in the third column headed “Nature of duty”, for the word “Protective”, the word “Revenue” shall be, and shall be deemed to have been, substituted with effect from the 1st day of January, 1966;
 - (ii) in the last column headed “Duration of protective rates of duty”, the entry “December 31st, 1965” shall be, and shall be deemed to have been, omitted with effect from the 1st day of January, 1966.
3. The Indian Tariff (Amendment) Ordinance, 1965, and the Repeals, 7 of 1965.
1 of 1966. Indian Tariff (Amendment) Ordinance, 1966; are hereby repealed.

THE SEAMEN'S PROVIDENT FUND ACT, 1966

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and application.
2. Definitions.
3. Seamen's Provident Fund Scheme.
4. Vesting of Fund, etc.
5. Constitution of Board of Trustees.
6. Committees.
7. Appointment of employees of Board.
8. Contributions.
9. Determination of moneys due from employers.
10. Mode of recovery of moneys due from employers.
11. Fund deemed to be recognised Provident Fund under Act 43 of 1961.
12. Protection against attachment.
13. Priority of payment of contributions over other debts.
14. Employer not to reduce wages.
15. Inspectors.
16. Penalties.
17. Offences by companies.
18. Power to recover damages.
19. Transfer of account.
20. Power to exempt.

SECTIONS

21. Protection for acts done in good faith.
22. Delegation.
23. Power to remove difficulties.
24. Scheme to be laid before Houses of Parliament.

THE SCHEDEULE.

~~Not Corrected: See India Code, Vol. V B, Pt. VII, p. 463.~~

THE SEAMEN'S PROVIDENT FUND ACT, 1966

No. 4 OF 1966

[26th March, 1966]

An Act to provide for the institution of a provident fund for seamen.

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

Short title and application.

1. (1) This Act may be called the Seamen's Provident Fund Act, 1966.

(2) Unless otherwise expressly provided, the provisions of this Act shall apply to every seaman and to the employer of such seaman.

Definitions.

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

(a) "agreement with the crew" means the agreement referred to in section 100 or, as the case may be, section 114 of the Merchant Shipping Act;

(b) "Board" means the Board of Trustees of the Seamen's Provident Fund constituted under section 5;

(c) "continuous discharge certificate" means the certificate referred to in section 99 of the Merchant Shipping Act;

(d) "contribution" means a contribution payable in respect of a member under the Scheme;

(e) "employer", in relation to a seaman, means the owner of the ship on which the seaman is employed or engaged, or the agent of such owner or the master of the ship;

(f) "Fund" means the Seamen's Provident Fund established under the Scheme;

(g) "Government" means the Central Government;

44 of 1958.

(h) "master" and "ship" have the meanings respectively assigned to them in the Merchant Shipping Act;

(i) "member" means a seaman who is in possession of a continuous discharge certificate and who is admitted as a member of the Fund;

(j) "Merchant Shipping Act" means the Merchant Shipping Act, 1958;

(k) "Scheme" means the Seamen's Provident Fund Scheme framed under sub-section (1) of section 3;

(l) "seaman" means a person employed or engaged as a member of the crew of a ship under the Merchant Shipping Act but does not include a master, navigating or engineering officer, radio officer, medical officer, welfare officer, purser, electrician, nurse, musician, pilot, apprentice or deck barber;

(m) "service" means the period of employment of a seaman under the agreement with the crew and includes any period in respect of which wages are paid or are payable to him;

(n) "wages" means the basic wages for the time being payable to a seaman under the agreement with the crew and includes—

(i) any remuneration to which he is entitled in respect of holidays or any leave period;

(ii) any increase of such wages in accordance with such agreement or any other agreement between the parties; but does not include the overtime allowance.

3. (1) The Government may, by notification in the Official Gazette, frame a scheme to be called the Seamen's Provident Fund Scheme for the establishment of a provident fund for seamen and there shall be established, as soon as may be after the framing of the Scheme, a Fund in accordance with the provisions of this Act and the Scheme.

(2) Subject to the provisions of this Act, the Scheme may provide for all or any of the matters specified in the Schedule to this Act.

(3) The Scheme may provide that any of its provisions shall take effect either prospectively or retrospectively on such date as may be specified in this behalf in the Scheme.

(4) The Scheme shall have effect notwithstanding anything contained in any law for the time being in force other than this Act or in any instrument having effect by virtue of any law other than this Act.

Seamen's
Provident
Fund
Scheme:

- (5) The Government may, by notification in the Official Gazette, add to, amend, vary or rescind the Scheme.
- Vesting of Fund, etc.**
4. (1) The Fund referred to in sub-section (1) of section 3 shall vest in, and be administered by, the Board constituted under section 5.
- (2) The moneys in the Fund shall be applied for—
- (a) meeting the pay and allowances of the employees of the Board and other administrative expenses of the Board;
 - (b) carrying out the purposes of this Act.
- (3) All moneys in the Fund shall be deposited in the State Bank of India or be invested in such securities as may be approved by the Government.
- Constitution of Board of Trustees.**
5. (1) The Government shall, by notification in the Official Gazette, constitute, with effect from such date as may be specified therein, a Board to be known as the Board of Trustees of the Seamen's Provident Fund which shall be a body corporate having perpetual succession and a common seal and may, by that name, sue and be sued.
- (2) The head office of the Board shall be in Bombay or at such other place as the Government may, by notification in the Official Gazette, specify.
- (3) The Board shall consist of—
- (a) a Chairman to be appointed by the Government;
 - (b) not more than three persons appointed by the Government from amongst its officials;
 - (c) three persons representing employers, to be appointed by the Government after consultation with such organisation or organisations of employers as may be recognised by the Government in this behalf;
 - (d) three persons representing seamen, to be appointed by the Government after consultation with such organisation or organisations of seamen as may be recognised by the Government in this behalf.
- (4) The terms and conditions subject to which a member of the Board may be appointed and the time, place and procedure of the meetings of the Board, including the quorum, shall be such as may be provided for in the Scheme.

~~Not Corrected: See India Code~~

of 1966]

Seamen's Provident Fund

II

(5) The Board shall administer the Fund vested in it in such manner as may be specified in the Scheme.

(6) The Board shall perform such other functions as it may be required to perform by or under any provision of the Scheme.

6. (1) The Board may, from time to time, constitute one or more ~~Committee~~ committee or committees for exercising any power or discharging any duty of the Board or for inquiring into, or reporting and advising on, any matter which the Board may refer to such committee or committees.

(2) A committee may include persons who are not members of the Board but their number shall not exceed one-half of its strength.

7. (1) The Government shall appoint a Seamen's Provident Fund Commissioner who shall be the chief executive officer of the Board and shall be subject to the general control and superintendence of the Board.

(2) The Government may also appoint as many Deputy Seamen's Provident Fund Commissioners and other officers whose maximum monthly salary is not less than six hundred rupees, as it may consider necessary, to assist the Seamen's Provident Fund Commissioner in the discharge of his duties.

(3) The Board may appoint such other officers and employees as it may consider necessary for the efficient administration of the Scheme.

(4) No appointment to the post of the Seamen's Provident Fund Commissioner or Deputy Seamen's Provident Fund Commissioner or to any other post carrying a maximum monthly salary of not less than six hundred rupees shall be made except after consultation with the Union Public Service Commission:

Provided that no such consultation shall be necessary in regard to any such appointment—

(a) for a period not exceeding one year; or

(b) if the person to be appointed is at the time of his appointment—

(i) a member of the Indian Administrative Service; or

(ii) in the service of the Government in a Class I or Class II post or in the service of the Board.

(5) The method of recruitment, salary and allowances, discipline and other conditions of service of the Seamen's Provident Fund Commissioner and of the officers referred to in sub-section (2) shall be such as may be specified by the Government.

(6) The method of recruitment, salary and allowances, discipline and other conditions of service of other officers and employees of the Board shall be such as may be specified by the Board with the approval of the Government.

(7) All persons appointed under this section shall be the employees of the Board.

Contributions.

(8) (1) Every employer to whom this Act applies shall, in respect of each seaman (being a member) employed by him, contribute to the Fund for the period beginning with the 1st day of July, 1964 and ending with the 31st day of March, 1968, at the rate of six per cent., and thereafter at the rate of eight per cent., of the wages paid or payable to each such seaman and every such seaman shall also contribute to the Fund an amount equal to the contribution payable by the employer in respect of him:

Provided that the amount of contribution aforesaid shall, in so far as it relates to the period prior to the commencement of the Scheme, be payable by the employer or, as the case may be, by the seaman only on such date (being a date not earlier than sixty days after the commencement of the Scheme) as the Government may, by notification in the Official Gazette, specify in this behalf.

(2) The employer shall pay, in respect of each seaman (being a member) employed by him, both the employer's contribution and the employee's contribution and shall be entitled to recover from the seaman the employee's contribution by deduction from his wages and not otherwise.

(3) Every employer shall also pay such sums of money as may be specified in the Scheme towards the cost of administering the Fund.

(4) Where the amount of any contribution under sub-section (1) or any sum payable under sub-section (3) contains a part of a rupee then, if such part is fifty paise or more, it shall be increased to one complete rupee and if such part is less than fifty paise it shall be ignored.

~~Not Corrected: See Indian Code~~

of 1966]

Seamen's Provident Fund

13

9. (1) The Seamen's Provident Fund Commissioner or any Deputy Seamen's Provident Fund Commissioner may, by order, determine the amount due from any employer under any provision of this Act or of the Scheme and for this purpose may conduct such inquiry as he may deem necessary.

(2) The officer conducting the inquiry under sub-section (1) shall, for the purposes of such inquiry, have the same powers as are vested in a court under the Code of Civil Procedure, 1908, for trying a suit in respect of the following matters, namely:—

- (a) enforcing the attendance of any person or examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavit;
- (d) issuing commission for the examination of witnesses;

and any such inquiry shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purpose of section 196, of the Indian Penal Code.

(3) No order shall be made under this section unless the employer has been given a reasonable opportunity of representing his case.

(4) An order made under this section shall be final and shall not be questioned in any court of law.

10. Any amount due from an employer in respect of any contribution payable to the Fund, or damages recoverable under section 18 or any charges payable by him under any other provision of this Act or under any provision of the Scheme, may, if the amount is in arrear, be recovered by the Government in the same manner as an arrear of land revenue.

Mode of recovery of moneys due from employers.

11. For the purposes of the Income-tax Act, 1961, the Fund shall be deemed to be a recognised provident fund within the meaning of that Act.

Fund deemed to be recognised Provident Fund under Act 43 of 1961.

12. (1) The amount standing to the credit of any member in the Fund shall not in any way be capable of being assigned or charged and shall not be liable to attachment under any decree or order of any court in respect of any debt or liability incurred by the mem-

Protection against attachment.

ber, and neither the official assignee appointed under the Presidency Towns Insolvency Act, 1909, nor any receiver appointed under the ³ of 1909. Provincial Insolvency Act, 1920, shall be entitled to, or have any ⁵ of 1920. claim on, any such amount.

(2) Any amount standing to the credit of any member in the Fund at the time of his death and payable under the Scheme to his nominee shall, subject to any deduction authorised by the Scheme, vest in the nominee and shall be free from any debt or other liability incurred by the deceased or he nominee before the death of the member.

Priority of payment of contributions over other debts.

13. Where any employer is adjudicated insolvent, or, being a company, an order for winding up is made, the amount due from the employer in respect of any contribution payable to the Fund, damages recoverable under section 18 or any charges payable by him under any other provision of this Act or under any provision of the Scheme shall, where the liability therefor has accrued before the order of adjudication or winding up is made, be deemed to be included among the debts which under section 49 of the Presidency Towns Insolvency Act, 1909, or under section 61 of the Provincial ³ of 1909. Insolvency Act, 1920, or under section 530 of the Companies Act, 1956, ⁵ of 1920. are to be paid in priority to all other debts in the distribution of the ¹ of 1956. property of the insolvent or the assets of the company being wound up, as the case may be.

Employer not to reduce wages.

14. No employer shall, by reason only of his liability for the payment of any contribution to the Fund or any charges under this Act or the Scheme, reduce, whether directly or indirectly, the wages of any seaman to whom the Scheme applies or the total quantum of benefits in the nature of old age pension, gratuity or provident fund to which the seaman is entitled under the agreement with the crew or any other agreement between the parties.

Inspectors.

15. (1) The Government may, by notification in the Official Gazette, appoint such employees of the Board, as the Government thinks fit, to be Inspectors for the purposes of this Act and the Scheme, and may define their jurisdiction.

(2) Every Inspector appointed under sub-section (1) may, for the purpose of inquiring into the correctness of any information furnished in connection with this Act or the Scheme or for the purpose of ascertaining whether any of the provisions of this Act or of the Scheme have been complied with—

(a) require an employer to furnish such information as he may consider necessary in relation to the Scheme;

(b) at any reasonable time and with such assistance, if any, as he may think fit, enter any office or board any ship, search the same and require any one found in charge thereof to produce before him for examination any accounts, books, registers and other documents in relation to the employment of seamen or the payment of wages to seamen:

(c) examine, with respect to any matter relevant to any of the purposes aforesaid, the employer, his agent or servant or any other person found in charge of the office or the ship or whom the Inspector has reasonable cause to believe to be, or to have been, an employee in the office or on the ship;

(d) make copies of, or take extracts from, any book, register or other document maintained in connection with the Fund and, where he has reason to believe that any offence under this Act has been committed by an employer, seize with such assistance as he may think fit such book, register or other document or portions thereof as he may consider relevant in respect of that offence;

(e) exercise such other powers as the Scheme may provide.

5 of 1898.

(3) The provisions of the Code of Criminal Procedure, 1898 shall, as far as may be, apply to any search or seizure under sub-section (2) as they apply to any search or seizure made under the authority of a warrant issued under section 98 of the said Code.

45 of 1860

(4) Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

16. (1) Whoever, for the purpose of avoiding any payment to be made by himself under this Act or under the Scheme or of enabling any other person to avoid such payment, knowingly makes or causes to be made any false statement or false representation 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.

(2) The Scheme may provide that any person who contravenes, or makes default in complying with, any of the provisions thereof 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.

(3) Whoever contravenes or makes default in complying with any provision of this Act shall, if no other penalty is elsewhere provided by or under this Act for such contravention or non-compliance, be

punishable with imprisonment which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

(4) No court shall take cognizance of any offence punishable under this Act or under the Scheme except on a report in writing of the facts constituting such offence made by the Seamen's Provident Fund Commissioner or by an Inspector appointed under sub-section (1) of section 15, with the previous sanction of such authority as may be specified in this behalf by the Government.

Offences by companies.

17. (1) If the person committing an offence under this Act or the Scheme is 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 due diligence to prevent the commission of such offence.

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

(3) Where any offence under this Act or the Scheme is committed by a company not registered in India and such a company has an agent in India which agent is also a company, then the provisions of this section shall apply to such agent as if the offence was committed by that agent.

Explanation.—For the purposes of this section—

(a) "company" means any body corporate and includes a firm and other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

Power to recover damages.

18. Where any employer makes default in the payment of any contribution to the Fund or in the payment of any charges payable

under any other provision of this Act or under the Scheme, the Government may recover from the employer such damages, not exceeding twenty-five per cent. of the amount of arrears, as it may think fit.

19. Where a seaman leaves the seafaring profession with no present intention of resuming that profession and obtains employment in any establishment to which the Employees' Provident Funds Act, 1952, applies, the amount standing to the credit of such seaman in the Fund shall be transferred, within such time as may be specified by the Board in this behalf, to the credit of his account in the provident fund of that establishment, if the seaman so desires and the rules in relation to that provident fund permit such transfer. Transfer
of account

20. (1) The Board may, by order in writing, exempt any seaman to whom this Act applies and his employer from the operation of all or any of the provisions of this Act if, in the opinion of the Board, the seaman is in enjoyment of benefits in the nature of provident fund or pension and such benefits, separately or jointly are on the whole not less favourable to the seaman than the benefits provided by or under this Act. Power to
exempt.

(2) Where an exemption has been granted under sub-section (1), the employer shall not at any time after the grant of the exemption, without the leave of the Board, reduce the total quantum of benefits in the nature of provident fund, pension or gratuity to which the seaman was entitled at the time of grant of such exemption.

(3) Any exemption granted under this section, may be cancelled by the Board, by order in writing, if the employer fails to comply with the requirements of sub-section (2):

Provided that no such order shall be made unless the employer has been given a reasonable opportunity of showing cause against the proposed cancellation.

21. No suit or other legal proceeding shall lie against the Government or the Board or any officer or employee thereof in respect of anything which is in good faith done or intended to be done under this Act or under the Scheme. Protection
for acts
done in
good faith.

22. (1) The Government may, by order, direct that any power or duty which by this Act or by the Scheme is conferred or imposed

Delega-
tion.

upon the Government (other than the power to frame a scheme under section 3) shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged also by such officer or authority as may be so specified.

(2) The Board may, with the prior approval of the Government, delegate to its Chairman or to any of its employees, subject to such conditions and limitations, if any, as it may specify, such of its functions under this Act as it may deem necessary for the efficient administration of the Scheme.

Power to remove difficulties.

23. If any difficulty arises in giving effect to the provisions of this Act, the Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of the difficulty, and any such order shall be final.

Scheme to be laid before Houses of Parliament.

24. Any Scheme framed under this Act shall be laid, as soon as may be after it is framed, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and, if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in any provision of the Scheme or both Houses agree that any provision in the Scheme should not be made, that provision of the Scheme 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 provision.

THE SCHEDULE

[See section 3(2)]

Matters for which provision may be made in the Scheme

1. Seamen who shall join the Fund.
2. The time and manner in which contributions shall be made to the Fund by employers and by, or on behalf of, seamen.
3. The payment by the employer of such sums of money as may be necessary to meet the cost of administering the Fund and the rate at which and the manner in which the payment shall be made.
4. Other functions of the Board.
5. The constitution of any committee for assisting the Board.
6. The opening of regional and other offices of the Board.
7. The manner in which accounts shall be kept, the investments of moneys belonging to the Fund in accordance with the directions issued or conditions specified by the Government, the preparation of the budget, the audit of accounts and the submission of reports to the Government.
8. The conditions under which withdrawals from the Fund may be permitted and any deductions or forfeiture may be made and the maximum amount of such deduction or forfeiture.
9. The fixation by the Government in consultation with the Board of the rate of interest payable to members.
10. The form in which a seaman shall furnish particulars about himself and his family whenever required.
11. The nomination of a person by a member to receive the amount standing to his credit after his death and the cancellation or variation of such nomination.
12. The registers and records to be maintained with respect to seamen and the returns to be furnished by employers.
13. The fees to be levied for any of the purposes specified in this Schedule.

14. The contraventions or defaults which shall be punishable under section 16.
15. Further powers, if any, which may be exercised by Inspectors.
16. The conditions under which a member may be permitted to pay premia on life insurance from the Fund.
17. Any other matter which is to be provided for in the Scheme or which may be necessary or proper for the purpose of implementing the Scheme.

THE APPROPRIATION (VOTE ON ACCOUNT) ACT, 1966

No. 5 OF 1966

[26th March, 1966]

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 1966-67.

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

1. This Act may be called the Appropriation (Vote on Account) Short title.
Act, 1966.
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 two thousand one hundred and one crores, fifty-eight lakhs and thirty-six thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1966-67.

out of
the
Conso-
lidated
Fund of
India for
the
finan-
cial
year
1966-67.
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.

THE SCHEDULE

(See sections 2 and 3)

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
1	Ministry of Commerce . . .	Rs. 6,74,000	..	Rs. 6,74,000
2	Foreign Trade . . .	3,20,64,000	1,000	3,20,65,000
3	Other Revenue Expenditure of the Ministry of Commerce . . .	3,30,80,000	..	3,30,80,000
4	Ministry of Defence . . .	12,78,000	..	12,78,000
5	Defence Services—Effective—Army . . .	1,07,02,78,000	1,67,000	1,07,04,45,000
6	Defence Services—Effective—Navy . . .	5,16,35,000	8,000	5,16,43,000
7	Defence Services—Effective—Air Force . . .	24,57,22,000	17,000	24,57,39,000
8	Defence Services—Non-effective . . .	3,98,33,000	..	3,98,33,000
9	Ministry of Education . . .	13,79,000	..	13,79,000
10	Education . . .	7,60,64,000	..	7,60,64,000
11	Archaeology . . .	17,92,000	..	17,92,000
12	Survey of India . . .	70,62,000	..	70,62,000
13	Botanical Survey . . .	5,13,000	..	5,13,000
14	Zoological Survey . . .	4,16,000	..	4,16,000
15	Other Revenue Expenditure of the Ministry of Education . . .	2,11,79,000	..	2,11,79,000
16	External Affairs . . .	2,88,34,000	..	2,88,34,000
17	Other Revenue Expenditure of the Ministry of External Affairs . . .	1,02,16,000	..	1,02,16,000
18	Ministry of Finance . . .	41,42,000	..	41,42,000
19	Customs . . .	91,66,000	7,000	91,73,000
20	Union Excise Duties . . .	2,24,43,000	8,000	2,24,51,000

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
21	Taxes on Income including Corporation Tax, etc.	1,63,89,000	23,000	1,64,12,000
22	Stamps	59,93,000	..	59,93,000
23	Audit	2,97,87,000	4,99,000	3,02,86,000
24	Currency and Coinage	1,72,92,000	..	1,72,92,000
25	Mint	51,94,000	..	51,94,000
26	Kolar Gold Mines	76,53,000	..	76,53,000
27	Pensions and other Retirement Benefits	1,44,18,000	4,23,000	1,48,41,000
28	Territorial and Political Pensions	3,51,000	..	3,51,000
29	Opium	1,58,48,000	..	1,58,48,000
30	Other Revenue Expenditure of the Ministry of Finance	11,13,63,000	46,000	11,14,09,000
31	Grants-in-aid to State and union territory Governments	41,60,17,000	38,10,25,000	79,70,42,000
32	Miscellaneous Adjustments between the Central and State and union territory Governments	5,79,000	..	5,79,000
33	Pre-partition Payments	64,000	1,31,000	1,95,000
	CHARGED.—Interest on Debt and Other Obligations and Reduction or Avoidance of Debt	..	68,30,95,000	68,30,95,000
	CHARGED.—Payments of States' Share of Union Excise Duties	..	17,72,89,000	17,72,89,000
34	Ministry of Food, Agriculture, Community Development and Co-operation	21,14,000	..	21,14,000
35	Agriculture	80,33,000	..	80,33,000
36	Agricultural Research	1,84,31,000	..	1,84,31,000
37	Animal Husbandry	31,19,000	..	31,19,000
38	Community Development Projects and National Extension Service	7,92,000	..	7,92,000

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
39	Forest	35,82,000	..	35,82,000
40	Other Revenue Expenditure of the Ministry of Food, Agriculture, Community Development and Co-operation	7,34,19,000	4,05,000	7,38,24,000
41	Ministry of Health and Family Planning	4,15,000	..	4,15,000
42	Medical and Public Health	2,69,85,000	..	2,69,85,000
43	Other Revenue Expenditure of the Ministry of Health and Family Planning	8,05,000	..	8,05,000
44	Ministry of Home Affairs	88,17,000	..	88,17,000
45	Cabinet	9,99,000	..	9,99,000
46	Zonal Councils	22,000	..	22,000
47	Administration of Justice	55,000	3,93,000	4,48,000
48	Police	5,48,00,000	..	5,48,00,000
49	Census	16,67,000	..	16,67,000
50	Statistics	60,36,000	..	60,36,000
51	Privy Purses and Allowances of Indian Rulers	50,000	1,26,28,000	1,26,78,000
52	Delhi	4,36,15,000	6,000	4,36,21,000
53	Andaman and Nicobar Islands	62,15,000	..	62,15,000
54	Tribal Areas	2,59,38,000	..	2,59,38,000
55	Dadra and Nagar Haveli Area	4,55,000	..	4,55,000
56	Laccadive, Minicoy and Amin-dvi Islands	11,54,000	..	11,54,000
57	Other Revenue Expenditure of the Ministry of Home Affairs	70,33,000	8,000	70,41,000
58	Ministry of Industry	7,14,000	..	7,14,000
59	Industries	61,81,000	83,000	62,64,000
60	Salt	8,08,000	..	8,08,000

No. of Vote	Services and purposes	3		
		Sums not exceedin		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
61	Other Revenue Expenditure of the Ministry of Industry . . .	Rs. 6,46,000	Rs. ..	Rs. 6,46,000
62	Ministry of Information and Broadcasting . . .	Rs. 2,77,000	Rs. ..	Rs. 2,77,000
63	Broadcasting . . .	Rs. 1,11,56,000	Rs. ..	Rs. 1,11,56,000
64	Other Revenue Expenditure of the Ministry of Information and Broadcasting . . .	Rs. 86,62,000	Rs. ..	Rs. 86,62,000
65	Ministry of Iron and Steel . . .	Rs. 5,58,000	Rs. ..	Rs. 5,58,000
66	Other Revenue Expenditure of the Ministry of Iron and Steel . . .	Rs. 1,22,70,000	Rs. ..	Rs. 1,22,70,000
67	Ministry of Irrigation and Power . . .	Rs. 4,80,000	Rs. ..	Rs. 4,80,000
68	Multi-purpose River Schemes . . .	Rs. 26,87,000	Rs. ..	Rs. 26,87,000
69	Other Revenue Expenditure of the Ministry of Irrigation and Power . . .	Rs. 1,20,00,000	Rs. ..	Rs. 1,20,00,000
70	Ministry of Labour, Employment and Rehabilitation . . .	Rs. 11,79,000	Rs. ..	Rs. 11,79,000
71	Chief Inspector of Mines . . .	Rs. 6,90,000	Rs. ..	Rs. 6,90,000
72	Labour and Employment . . .	Rs. 2,12,03,000	Rs. 2,000	Rs. 2,12,05,000
73	Expenditure on Displaced Persons . . .	Rs. 2,02,95,000	Rs. 6,000	Rs. 2,03,01,000
74	Other Revenue Expenditure of the Ministry of Labour, Employment and Rehabilitation . . .	Rs. 12,66,000	Rs. ..	Rs. 12,66,000
75	Ministry of Law . . .	Rs. 11,91,000	Rs. ..	Rs. 11,91,000
76	Elections . . .	Rs. 56,50,000	Rs. ..	Rs. 56,50,000
77	Other Revenue Expenditure of the Ministry of Law . . .	Rs. 7,89,000	Rs. ..	Rs. 7,89,000
78	Ministry of Mines and Metals . . .	Rs. 2,87,000	Rs. ..	Rs. 2,87,000
79	Geological Survey . . .	Rs. 1,33,71,000	Rs. ..	Rs. 1,33,71,000

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
80	Other Revenue Expenditure of the Ministry of Mines and Metals . . .	3,72,40,000	..	3,72,40,000
81	Ministry of Petroleum and Chemicals . . .	3,36,000	..	3,36,000
82	Other Revenue Expenditure of the Ministry of Petroleum and Chemicals . . .	1,24,88,000	..	1,24,88,000
83	Ministry of Supply and Technical Development . . .	11,22,000	..	11,22,000
84	Supplies and Disposals . . .	60,69,000	..	60,69,000
85	Other Revenue Expenditure of the Ministry of Supply and Technical Development . . .	9,15,000	..	9,15,000
86	Ministry of Transport and Aviation . . .	22,77,000	..	22,77,000
87	Meteorology . . .	47,50,000	..	47,50,000
88	Central Road Fund . . .	63,52,000	..	63,52,000
89	Communications (including National Highways) . . .	1,91,55,000	..	1,91,55,000
90	Mercantile Marine . . .	26,86,000	..	26,86,000
91	Lighthouses and Lightships . . .	22,49,000	..	22,49,000
92	Aviation . . .	1,19,94,000	..	1,19,94,000
93	Other Revenue Expenditure of the Ministry of Transport and Aviation . . .	57,61,000	..	57,61,000
94	Ministry of Works, Housing and Urban Development . . .	3,78,000	..	3,78,000
95	Public Works . . .	5,91,37,000	4,75,000	5,96,12,000
96	Stationery and Printing . . .	1,96,50,000	..	1,96,50,000
97	Other Revenue Expenditure of the Ministry of Works, Housing and Urban Development . . .	26,37,000	..	26,37,000
98	Department of Atomic Energy . . .	4,34,000	..	4,34,000

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
99	Atomic Energy Research . . .	2,34,87,000	..	2,34,87,000
100	Department of Communications . . .	2,01,000	..	2,01,000
101	Overseas Communications Service . . .	35,97,000	..	35,97,000
102	Posts and Telegraphs (Working Expenses) . . .	26,06,08,000	4,000	26,06,12,000
103	Posts and Telegraphs Dividend to General Revenues and Appropriations to Reserve Funds . . .	3,20,95,000	..	3,20,95,000
104	Other Revenue Expenditure of the Department of Communications . . .	5,10,000	..	5,10,000
105	Department of Parliamentary Affairs . . .	83,000	..	83,000
106	Department of Social Welfare . . .	3,23,000	..	3,23,000
107	Other Revenue Expenditure of the Department of Social Welfare . . .	59,04,000	..	59,04,000
108	Planning Commission . . .	27,23,000	..	27,23,000
109	Lok Sabha . . .	22,38,000	11,000	22,49,000
110	Other Revenue Expenditure of Lok Sabha . . .	76,000	..	76,000
111	Rajya Sabha . . .	9,00,000	14,000	9,14,000
	CHARGED.—Staff, Household and Allowances of the President	4,95,000	4,95,000
112	Secretariat of the Vice-President . . .	43,000	..	43,000
	CHARGED.—Union Public Service Commission	11,15,000	11,15,000
113	Capital Outlay of the Ministry of Commerce . . .	27,76,000	..	27,76,000
114	Defence Capital Outlay . . .	20,66,67,000	1,67,000	20,68,34,000
115	Capital Outlay of the Ministry of Education . . .	1,14,68,000	..	1,14,68,000

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
			Rs.	
116	Capital Outlay on the India Security Press . . .	99,000	..	99,000
117	Capital Outlay on Currency and Coinage . . .	2,73,92,000	..	2,73,92,000
118	Capital Outlay on Mints . . .	4,73,000	..	4,73,000
119	Capital Outlay on Kolar Gold Mines . . .	5,29,000	..	5,29,000
120	Commuted Value of Pensions . . .	42,46,000	25,000	42,71,000
121	Other Capital Outlay of the Ministry of Finance . . .	55,22,00,000	..	55,22,00,000
122	Capital Outlay on Grants to State and union territory Governments for Development . . .	8,32,01,000	..	8,32,01,000
123	Loans and Advances by the Central Government . . .	70,30,44,000	1,19,90,31,000	1,90,20,75,000
	CHARGED.—Repayment of Debt	11,74,44,50,000	11,74,44,50,000
124	Capital Outlay on Forests . . .	24,000	..	24,000
125	Purchase of Foodgrains . . .	1,16,55,00,000	16,000	1,16,55,16,000
126	Other Capital Outlay of the Ministry of Food, Agriculture, Community Development and Co-operation . . .	18,46,12,000	18,000	18,46,30,000
127	Capital Outlay of the Ministry of Health and Family Planning . . .	1,95,16,000	..	1,95,16,000
128	Capital Outlay of the Ministry of Home Affairs . . .	40,13,000	..	40,13,000
129	Capital Outlay of the Ministry of Industry . . .	9,30,36,000	..	9,30,36,000
130	Capital Outlay of the Ministry of Information and Broadcasting . . .	31,30,000	..	31,30,000
131	Capital Outlay of the Ministry of Iron and Steel . . .	5,13,33,000	..	5,13,33,000

OF 1966]

Appropriation (Vote on Account)

29

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
132	Capital Outlay on Multi-purpose River Schemes .	3,59,05,000	..	3,59,05,000
133	Other Capital Outlay of the Ministry of Irrigation and Power . . .	1,76,04,000	..	1,76,04,000
134	Capital Outlay of the Ministry of Labour, Employment and Rehabilitation . . .	1,84,98,000	2,000	1,85,00,000
135	Capital Outlay of the Ministry of Mines and Metals . . .	3,99,90,000	..	3,99,90,000
136	Capital Outlay of the Ministry of Petroleum and Chemicals . . .	3,47,68,000	..	3,47,68,000
137	Capital Outlay on Roads . . .	8,02,12,000	..	8,02,12,000
138	Capital Outlay on Ports . . .	1,38,25,000	..	1,38,25,000
139	Capital Outlay on Aviation . . .	83,84,000	4,000	83,88,000
140	Other Capital Outlay of the Ministry of Transport and Aviation . . .	46,31,000	..	46,31,000
141	Capital Outlay on Public Works . . .	1,70,08,000	83,000	1,70,91,000
142	Delhi Capital Outlay . . .	2,30,22,000	14,61,000	2,44,83,000
143	Other Capital Outlay of the Ministry of Works, Housing and Urban Development . . .	13,42,000	..	13,42,000
144	Capital Outlay of the Department of Atomic Energy . . .	8,68,08,000	..	8,68,08,000

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
145	Capital Outlay on Posts and Telegraphs (Not met from Revenue) . . .	7,12,83,000	..	7,12,83,000
146	Other Capital Outlay of the Department of Communications . . .	16,09,000	..	16,09,000
	TOTAL . . .	6,81,21,95,000	14,20,36,41,000	21,01,58,36,000

THE APPROPRIATION ACT, 1966

No. 6 of 1966

[30th March, 1966]

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 1965-66.

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

1. This Act may be called the Appropriation Act, 1966.

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 thirty-five crores, forty-six lakhs and five thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1965-66, in respect of the services specified in column 2 of the Schedule.

Issue of
Rs. 3,35,46,
05,000 out
of the
Consoli-
dated
Fund of
India for
the year
1965-66.

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
			Rs.	
4	Other Revenue Expenditure of the Ministry of Civil Aviation	1,39,000	..	1,39,000
7	Other Revenue Expenditure of the Ministry of Commerce	1,000	..	1,000
11	Defence Services, Effective—Army	22,03,00,000	..	22,03,00,000
12	Defence Services, Effective—Navy	2,48,00,000	..	2,48,00,000
14	Defence Services, Non-effective	1,76,50,000	..	1,76,50,000
18	Survey of India	1,000	1,000
21	Other Revenue Expenditure of the Ministry of Education	90,68,000	..	90,68,000
25	Ministry of Finance	12,51,000	..	12,51,000
27	Union Excise Duties	40,75,000	..	40,75,000
28	Taxes on Income including Corporation Tax, etc.	25,00,000	..	25,00,000
30	Audit	55,00,000	94,000	55,94,000
31	Currency and Coinage	1,12,55,000	..	1,12,55,000
32	Mint	16,81,000	..	16,81,000
36	Opium	11,40,000	..	11,40,000
37	Other Revenue Expenditure of the Ministry of Finance	21,67,28,000	..	21,67,28,000
39	Grants-in-Aid to State and Union Territory Governments	6,00,00,000	..	6,00,00,000
CHARGED.—Interest on Debt and Other Obligations and Reduction or Avoidance of Debt	16,50,00,000	16,50,00,000

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
	CHARGED.—<i>Payments of States' Share of Union Excise Duties</i>	Rs.	Rs.	Rs.
		..	5,07,04,000	5,07,04,000
46	Forest	11,80,000	..	11,80,000
48	Ministry of Health . . .	1,30,000	..	1,30,000
51	Ministry of Home Affairs . .	44,00,000	..	44,00,000
52	Cabinet	92,000	..	92,000
54	Administration of Justice . .	28,000	..	28,000
55	Police	2,27,57,000	4,000	2,27,61,000
57	Statistics	44,31,000	..	44,31,000
58	Privy Purses and Allowances of Indian Rulers . .	86,000	..	86,000
59	Delhi	1,40,00,000	..	1,40,00,000
60	Andaman and Nicobar Islands	10,00,000	..	10,00,000
63	Other Revenue Expenditure of the Ministry of Home Affairs	1,000	..	1,000
64	Ministry of Industry and Supply	4,22,000	..	4,22,000
67	Supplies and Disposals	1,000	1,000
69	Ministry of Information and Broadcasting . . .	24,000	..	24,000
70	Broadcasting	28,00,000	..	28,00,000
71	Other Revenue Expenditure of the Ministry of Information and Broadcasting . .	20,00,000	..	20,00,000
72	Ministry of Irrigation and Power	2,80,000	..	2,80,000
74	Other Revenue Expenditure of the Ministry of Irrigation and Power . . .	93,00,000	..	93,00,000
78	Other Revenue Expenditure of the Ministry of Labour and Employment . . .	32,99,000	..	32,99,000
82	Ministry of Petroleum and Chemicals	1,49,000	..	1,49,000

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
83	Other Revenue Expenditure of the Ministry of Petroleum and Chemicals . . .	94,000	..	94,000
84	Ministry of Rehabilitation . . .	1,30,000	..	1,30,000
87	Geological Survey . . .	1,39,47,000	..	1,39,47,000
88	Other Revenue Expenditure of the Ministry of Steel and Mines . . .	2,11,48,000	..	2,11,48,000
93	Lighthouses and Lightships . . .	30,55,000	..	30,55,000
95	Ministry of Works and Housing . . .	1,47,000	..	1,47,000
96	Public Works . . .	3,11,09,000	..	3,11,09,000
100	Atomic Energy Research . . .	6,00,000	..	6,00,000
103	Posts and Telegraphs—Working Expenses . . .	2,07,05,000	..	2,07,05,000
104	Posts and Telegraphs—Dividend to General Revenues and Appropriations to Reserve Funds . . .	1,000	..	1,000
106	Department of Parliamentary Affairs . . .	70,000	..	70,000
107	Department of Social Security . . .	3,64,000	..	3,64,000
	CHARGED.—Union Public Service Commission	1,21,000	1,21,000
	Other Capital Outlay of the Ministry of Civil Aviation . . .	77,000	..	77,000
	Capital Outlay of the Ministry of Commerce . . .	85,000	..	85,000
118	Capital Outlay of the Ministry of Education . . .	1,21,37,000	..	1,21,37,000
119	Capital Outlay of the Ministry of External Affairs . . .	10,00,000	..	10,00,000
121	Capital Outlay on Currency and Coinage . . .	6,41,66,000	..	6,41,66,000
122	Capital Outlay on Mints . . .	8,13,000	..	8,13,000

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
124	Commuted Value of Pensions . . .	Rs. 64,84,000	Rs. ..	Rs. 64,84,000
127	Loans and Advances by the Central Government . . .	70,00,00,000	1,25,00,00,000	1,95,00,00,000
129	Purchase of Food Grains	2,02,000	2,02,000
130	Other Capital Outlay of the Ministry of Food and Agriculture . . .	13,00,01,000	..	13,00,01,000
131	Capital Outlay of the Ministry of Health . . .	82,59,000	..	82,59,000
132	Capital Outlay of the Ministry of Home Affairs. . .	25,00,000	..	25,00,000
134	Capital Outlay of the Ministry of Information and Broadcasting	1,000	46,000	47,000
135	Capital Outlay on Multipurpose River Schemes . . .	6,61,06,000	..	6,61,06,000
136	Other Capital Outlay of the Ministry of Irrigation and Power . . .	12,45,000	..	12,45,000
138	Capital Outlay of the Ministry of Petroleum and Chemicals . . .	12,77,02,000	..	12,77,02,000
140	Capital Outlay of the Ministry of Steel and Mines. . .	1,38,00,000	..	1,38,00,000
142	Capital Outlay on Ports. . .	1,51,18,000	..	1,51,18,000
145	Delhi Capital Outlay	51,00,000	51,00,000
148	Capital Outlay on Posts and Telegraphs (Not met from Revenue) . . .	1,000	..	1,000
TOTAL . . .		1,88,33,32,000	1,47,12,73,900	3,35,46,05,000

THE APPROPRIATION (RAILWAYS) ACT, 1966

No. 7 OF 1966

[30th March, 1966]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1966-67 for the purposes of Railways.

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

Short title,

1. This Act may be called the Appropriation (Railways) Act, 1966.

Issue of Rs.
1,435,79,65,000
out of the
Consolidated
Fund of
India for
the fin-
ancial
Year
1966-67.

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 thousand, four hundred and thirty-five crores, seventy-nine lakhs and sixty-five thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1966-67, in respect of the services relating to railways specified in column 2 of the Schedule.

Approp-
riation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Railway Board . . .	1,26,17,000	..	1,26,17,000
2	Miscellaneous Expenditure	3,89,14,000	3,00,000	3,92,14,000
3	Payments to Worked Lines and Others . . .	49,65,000	..	49,65,000
4	Working Expenses—Administration . . .	58,22,22,000	1,00,000	58,23,22,000
5	Working Expenses—Repairs and Maintenance . . .	187,01,26,000	1,00,000	187,02,26,000
6	Working Expenses—Operating Staff . . .	119,96,68,000	1,00,000	119,97,68,000
7	Working Expenses—Operation (Fuel) . . .	116,62,63,000	1,00,000	116,63,63,000
8	Working Expenses—Operation other than Staff and Fuel . . .	34,30,54,000	72,81,000	35,03,35,000
9	Working Expenses—Miscellaneous Expenses . . .	31,93,65,000	9,90,000	32,03,55,000
10	Working Expenses—Staff Welfare . . .	21,07,40,000	..	21,07,40,000
II	Working Expenses—Appropriation to Depreciation Reserve Fund . . .	100,00,00,000	..	100,00,00,000
II-A	Working Expenses—Appropriation to Pension Fund . . .	13,60,00,000	..	13,60,00,000
12	Dividend to General Revenues . . .	133,49,78,000	..	133,49,78,000
13	Open Line Works (Revenue) . . .	12,00,38,000	2,000	12,00,40,000
14	Construction of New Lines . . .	49,08,51,000	..	49,08,51,000
15	Open Line Works—Capital, Depreciation Reserve Fund and Development Fund . . .	523,72,77,000	12,000	523,72,89,000

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
16	Pensionary Charges—Pension Fund	3,60,80,000	..	3,60,80,000
18	Appropriation to Development Fund	22,18,87,000	..	22,18,87,000
20	Withdrawal from Revenue Reserve Fund	2,39,35,000	..	2,39,35,000
	TOTAL	1,434,89,80,000	89,85,000	1,435,79,65,000

THE APPROPRIATION (RAILWAYS) No. 2 ACT, 1966

No. 8 OF 1966

[30th March, 1966]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1965-66 for the purposes of Railways.

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

1. This Act may be called the Appropriation (Railways) No. 2 Short title. Act, 1966.
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 forty-nine crores, thirty-nine lakhs and sixty-seven thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1965-66, in respect of the services relating to Railways specified in column 2 of the Schedule.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE
(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
1	Railway Board	Rs. 2,74,000	Rs. ..	Rs. 2,74,000
4	Working Expenses—Administration	Rs. 3,31,01,000	Rs. ..	Rs. 3,31,01,000
5	Working Expenses—Repairs and Maintenance	Rs. 11,03,24,000	Rs. 27,000	Rs. 11,03,51,000
6	Working Expenses—Operating Staff	Rs. 7,23,41,000	Rs. ..	Rs. 7,23,41,000
7	Working Expenses—Operation (Fuel)	Rs. 5,81,44,000	Rs. ..	Rs. 5,81,44,000
8	Working Expenses—Operation Other than Staff and Fuel	Rs. 2,30,91,000	Rs. ..	Rs. 2,30,91,000
9	Working Expenses—Miscellaneous Expenses	Rs. 1,36,22,000	Rs. ..	Rs. 1,36,22,000
10	Working Expenses—Labour Welfare	Rs. ..	Rs. 23,000	Rs. 23,000
12	Payments to General Revenues	Rs. 38,82,000	Rs. ..	Rs. 38,82,000
13	Open Line Works (Revenue)	Rs. 30,97,000	Rs. 2,000	Rs. 30,99,000
14	Construction of New Lines	Rs. 2,73,07,000	Rs. 1,88,000	Rs. 2,74,95,000
15	Open Line Works—Capital, Depreciation Reserve Fund and Development Fund	Rs. 14,80,74,000	Rs. 4,76,600	Rs. 14,85,44,000
	TOTAL	Rs. 49,32,57,000	Rs. 7,10,000	Rs. 49,39,67,000

THE ARMED FORCES (SPECIAL POWERS)
AMENDMENT ACT, 1966

No. 9 OF 1966

[30th March, 1966]

An Act further to amend the Armed Forces (Special Powers) Regulation, 1958.

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

1. This Act may be called the Armed Forces (Special Powers) Amendment Act, 1966. Short title.

Reg. 2 of
1958. 2. In the long title of the Armed Forces (Special Powers) Regulation, 1958 (hereinafter referred to as the principal Regulation), the words "the Kohima and Mokokchung districts of" shall be omitted. Amendment of
long title.

3. In section 1 of the principal Regulation,—

(a) for sub-section (2), the following sub-section shall be substituted, namely:— Amendment of
section 1.

"(2) It extends to the whole of the State of Nagaland.";

(b) in sub-section (4), for the words "eight years", the words "nine years" shall be substituted.

4. In section 3 of the principal Regulation,—

(a) the words "the Kohima district or the Mokokchung district in" shall be omitted; Amendment of
section 3.

(b) for the words "the whole or any part of such district or districts, as the case may be," the words "the whole or, as the case may be, such part of the State of Nagaland" shall be substituted.

THE KERALA APPROPRIATION ACT, 1966

No. 10 OF 1966

[30th March, 1966]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Kerala for the services of the financial year 1965-66.

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

Short title.

Issue of Rs. 8,79,07,200 from and out of the Consolidated Fund of the State of Kerala for the financial year 1965-66.

Appropriation

1. This Act may be called the Kerala Appropriation Act, 1966.

2. From and out of the Consolidated Fund of the State of Kerala 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 crores, seventy-nine lakhs, seven thousand and two hundred rupees towards defraying the several charges which will come in course of payment during the financial year 1965-66, 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 the State of Kerala by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
			Rs.	
I	Agricultural Income-tax and Sales Tax	1,89,500	..	1,89,500
II	Land Revenue	300	..	300
I	Registration Fees	1,17,100	..	1,17,100
	Debt Charges	64,60,300	64,60,300
IX	Heads of States, Ministers and Head-quarters Staff	93,000	93,000
X	District Administration and Miscellaneous	4,43,100	..	4,43,100
XI	Administration of Justice	9,15,000	53,400	9,68,400
XII	Jails	3,12,500	..	3,12,500
XIII	Police	400	400
XIV	State Insurance and Miscellaneous	33,400	..	33,400
XV	Scientific Departments	34,700	..	34,700
XVI	University Education	97,500	..	97,500
XIX	Medical	100	..	100
XXI	Public Health Engineering	7,55,100	500	7,55,600
XXII	Agriculture	36,00,000	..	36,00,000
XXIII	Fisheries	5,00,000	..	5,00,000
XXIV	Rural Development	12,700	12,700
XXVI	Co-operation	1,51,000	..	1,51,000
XXVII	Industries	28,19,100	..	28,19,100
XXVIII	Community Development Projects, National Extension Service and Local Development Works	10,00,000	..	10,00,000
XXIX	Labour and Employment	200	200	400
XXX	Harijan Welfare	8,00,000	..	8,00,000
XXXII	Irrigation	40,00,800	..	40,00,800
XXXIII	Public Works	1,11,200	1,11,200
XXXIV	Ports	2,58,600	..	2,58,600

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
XXXVII	Pensions	7,000	7,000
XXXIX	Forest	15,22,700	..	15,22,700
XL	Miscellaneous	55,200	..	55,200
XLII	National Emergency	100	..	100
XLIII	Capital Outlay on Public Health	17,90,200	..	17,90,200
XLIV	Capital Outlay on Agricultural Im- provement	2,30,000	..	2,30,000
XLV	Capital Outlay on Industrial and Eco- nomic Development	1,12,54,000	..	1,12,54,000
XLVI	Capital Outlay on Irrigation	1,08,99,900	16,100	1,09,16,000
XLVII	Capital Outlay on Public Works	29,27,500	8,73,900	38,01,400
XLVIII	Capital Outlay on Other Works	2,00,000	37,700	2,37,700
XLIX	Capital Outlay on Ports	100	..	100
L	Capital Outlay on Forests	33,12,300	..	33,12,300
LII	Commututed Value of Pensions	1,07,000	..	1,07,000
LV	Loans and Advances by the Govern- ment	3,19,13,800	..	3,19,13,800
	TOTAL	8,02,40,800	76,66,400	8,79,07,200

**THE KERALA APPROPRIATION (VOTE ON ACCOUNT)
ACT, 1966**

No. II OF 1966

[30th March, 1966]

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State of Kerala for the services of a part of the financial year 1966-67.

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

**1. This Act may be called the Kerala Appropriation (Vote on Short title.
Account) Act, 1966.**

**2. From and out of the Consolidated Fund of the State of Kerala Withdrawal
there may be withdrawn sums not exceeding those specified in 36,96,18,700
column 3 of the Schedule amounting in the aggregate to the sum of the Conso-
lided Fund
thirty-six crores, ninety-six lakhs, eighteen thousand and seven of the State
hundred rupees towards defraying the several charges which will the financial
come in course of payment during the financial year 1966-67.**

**3. The sums authorised to be withdrawn from and out of the Appropria-
Consolidated Fund of the State of Kerala by this Act shall be appro-
priated for the services and purposes expressed in the Schedule in
relation to the said year.**

THE SCHEDULE

(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Con- solidated Fund	Total
		Rs.	Rs.	Rs.
A. REVENUE ACCOUNT				
I	Agricultural Income-tax and Sales Tax	8,72,100	1,700	8,73,800
II	Land Revenue	36,21,300	..	36,21,300
III	Excise	5,98,900	700	5,99,600
IV	Taxes on Vehicles	1,95,200	200	1,95,400
V	Stamps	2,79,300	..	2,79,300
VI	Registration Fees	7,71,200	200	7,71,400
	<i>Debt Charges</i>	1,82,06,900	1,82,06,900
VII	State Legislature	1,62,300	4,300	1,66,600
VIII	Elections	3,48,300	..	3,48,300
IX	Heads of States, Ministers and Headquarters staff	14,89,700	2,28,500	17,18,200
X	District Administration and Miscellaneous	18,59,800	3,000	18,62,800
XI	Administration of Justice	20,41,400	2,46,900	22,88,300
XII	Jails	9,88,800	200	9,89,000
XIII	Police	89,28,200	800	89,29,000
XIV	State Insurance and Miscellaneous	3,50,600	200	3,50,800
XV	Scientific Departments	1,83,200	..	1,83,200
XVI	University Education	35,52,700	200	35,52,900
XVII	General Education	5,02,74,500	35,800	5,03,10,300
XVIII	Technical Education	27,01,800	800	27,02,600
XIX	Medical	1,19,13,800	700	1,19,14,500
XX	Public Health	45,51,400	4,200	45,55,600
XXI	Public Health Engineering	29,95,400	1,700	29,97,100

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total Rs.
			Rs.	
XXII	Agriculture . . .	68,47,100	..	68,47,100
XXIII	Fisheries . . .	15,56,400	..	15,56,400
XXIV	Rural Development . . .	9,54,100	..	9,54,100
XXV	Animal Husbandry . . .	19,43,000	700	19,43,700
XXVI	Co-operation . . .	11,45,600	100	11,45,700
XXVII	Industries . . .	19,19,600	1,000	19,20,600
XXVIII	Community Development Projects, National Extension Service and Local Development Works . . .	49,51,900	..	49,51,900
XXIX	Labour and Employment . . .	14,73,400	400	14,73,500
XXX	Harijan Welfare . . .	32,96,700	2,500	32,99,200
XXXI	Statistics and Miscellaneous . . .	10,29,600	..	10,29,600
XXXII	Irrigation . . .	62,60,400	..	62,60,400
XXXIII	Public Works . . .	1,73,30,500	19,000	1,73,49,500
XXXIV	Ports . . .	2,93,500	200	2,93,700
XXXVI	Famine . . .	2,80,600	..	2,80,600
XXXVII	Pensions . . .	52,25,300	52,900	52,78,200
XXXVIII	Stationery and Printing . . .	13,34,900	1,700	13,36,600
XXXIX	Forest . . .	27,19,800	800	27,20,600
XL	Miscellaneous . . .	16,75,100	8,04,200	24,79,300
XLI	Miscellaneous Compensations and Assignments . . .	3,55,400	16,700	3,72,100
	TOTAL 'A' . . .	15,92,72,800	1,96,36,900	17,89,09,700
B. CAPITAL EXPENDITURE OUTSIDE THE REVENUE ACCOUNT				
XLIII	Capital Outlay on Public Health . . .	19,89,700	..	19,89,700
XLIV	Capital Outlay on Agricultural Improvement . . .	3,39,800	12,500	3,52,300
XLV	Capital Outlay on Industrial and Economic Development . . .	61,38,100	3,400	61,41,500
XLVI	Capital Outlay on Irrigation . . .	69,75,800	..	69,75,800

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
XLVII	Capital Outlay on Public Works	95,10,800	66,700	95,77,500
XLVIII	Capital Outlay on other Works	4,06,800	..	4,06,800
XLIX	Capital Outlay on Ports . . .	14,52,300	..	14,52,300
LI	Capital Outlay on Forests . . .	16,08,000	200	16,08,200
LII	Commututed Value of Pensions . .	59,500	..	59,500
LIII	Capital Outlay on Schemes of Government Trading . . .	1,01,51,900	800	1,01,52,700
	TOTAL 'B' . . .	3,86,32,700	83,600	3,87,16,300
LV	C. DISBURSEMENT OF LOANS AND ADVANCES AND REPAYMENT OF DEBT			
	Loans and Advances by the Government . . .	3,69,88,800	..	3,69,88,800
	Public Debt Repayment	11,50,03,900	11,50,03,900
	TOTAL 'C' . . .	3,69,88,800	11,50,03,900	15,19,92,700
	GRAND TOTAL . . .	23,48,94,300	3,47,24,400	36,96,18,700

THE APPROPRIATION (No. 2) ACT, 1966

No. 12 OF 1966

[13th May, 1966]

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 1966-67.

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

1. This Act may be called the Appropriation (No. 2) Act, 1966. 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, 1966] to the sum of eleven thousand, nine hundred and seventy-three crores, twenty-seven lakhs and forty-nine thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1966-67 in respect of the services specified in column 2 of the Schedule.

Issue of Rs.
11,973,27,
49,000 out of
the Consol-
idated Fund
of India for
the year
1966-67.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Ministry of Commerce . . .	40,46,000	..	40,46,000
2	Foreign Trade . . .	19,23,84,000	5,000	19,23,89,000
3	Other Revenue Expenditure of the Ministry of Com- merce . . .	19,84,80,000	..	19,84,80,000
4	Ministry of Defence . . .	76,68,000	..	76,68,000
5	Defence Services, Effective —Army . . .	6,42,16,66,000	10,00,000	6,42,26,66,000
6	Defence Services, Effective— Navy . . .	30,98,10,000	50,000	30,98,60,000
7	Defence Services, Effective —Air Force . . .	1,47,43,31,000	1,00,000	1,47,44,31,000
8	Defence Services, Non- effective . . .	23,90,00,000	..	23,90,00,000
9	Ministry of Education . . .	82,74,000	..	82,74,000
10	Education . . .	45,63,84,000	..	45,63,84,000
11	Archaeology . . .	1,07,51,000	..	1,07,51,000
12	Survey of India . . .	4,23,69,000	..	4,23,69,000
13	Botanical Survey . . .	30,76,000	..	30,76,000
14	Zoological Survey . . .	24,95,000	..	24,95,000
15	Other Revenue Expenditure of the Ministry of Edu- cation . . .	12,70,72,000	..	12,70,72,000
16	External Affairs . . .	17,30,03,000	..	17,30,03,000
17	Other Revenue Expenditure of the Ministry of External Affairs . . .	6,12,98,000	..	6,12,98,000
18	Ministry of Finance . . .	2,48,50,000	..	2,48,50,000
19	Customs . . .	5,49,98,000	40,000	5,50,38,000
20	Union Excise Duties . . .	13,46,58,000	50,000	13,47,08,000

OF 1966]

Appropriation (No. 2)

51

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
21	Taxes on Income including Corporation Tax, etc.	9,83,36,000	1,40,000	9,84,76,000
22	Stamps	3,59,58,000	..	3,59,58,000
23	Audit	17,87,23,000	29,94,000	18,17,17,000
24	Currency and Coinage	10,37,51,000	..	10,37,51,000
25	Mint	3,11,62,000	..	3,11,62,000
26	Kolar Gold Mines	4,59,18,000	..	4,59,18,000
27	Pensions and Other Retirement Benefits	5,76,75,000	16,93,000	5,93,68,000
28	Territorial and Political Pensions	21,07,000	..	21,07,000
29	Opium	2,21,99,000	..	2,21,99,000
30	Other Revenue Expenditure of the Ministry of Finance	66,81,77,000	2,75,000	66,84,52,000
31	Grants-in-aid to State and Union territory Governments	2,49,61,03,000	1,52,41,00,000	4,02,02,03,000
32	Miscellaneous Adjustments between the Central and State and Union territory Governments	34,72,000	..	34,72,000
33	Pre-partition Payments	3,84,000	7,85,000	11,69,000
	CHARGED.—Interest on Debt and other obligations and Reduction or Avoidance of Debt	..	4,14,85,67,000	4,14,85,67,000
	CHARGED.—Payments of States' Share of Union Excise Duties	..	2,12,74,71,000	2,12,74,71,000
34	Ministry of Food, Agriculture, Community Development and Co-operation	1,26,86,000	..	1,26,86,000
35	Agriculture	4,81,96,000	..	4,81,96,000
36	Agricultural Research	11,05,83,000	..	11,05,83,000
37	Animal Husbandry	1,87,11,000	..	1,87,11,000

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
38	Community Development Projects and National Extension Service . . .	47,55,000	..	47,55,000
39	Forest . . .	2,14,93,000	..	2,14,93,000
40	Other Revenue Expenditure of the Ministry of Food, Agriculture, Community Development and Co-operation . . .	44,05,12,000	24,29,000	44,29,41,000
41	Ministry of Health and Family Planning . . .	24,87,000	..	24,87,000
42	Medical and Public Health . . .	16,19,09,000	..	16,19,09,000
43	Other Revenue Expenditure of the Ministry of Health and Family Planning . . .	48,32,000	..	48,32,000
44	Ministry of Home Affairs . . .	5,29,02,000	..	5,29,02,000
45	Cabinet . . .	59,91,000	..	59,91,000
46	Zonal Councils . . .	1,34,000	..	1,34,000
47	Administration of Justice . . .	3,30,000	23,60,000	26,90,000
48	Police . . .	32,88,02,000	..	32,88,02,000
49	Census . . .	1,00,00,000	..	1,00,00,000
50	Statistics . . .	3,62,16,000	..	3,62,16,000
51	Privy Purses and Allowances of Indian Rulers . . .	2,00,000	5,05,11,000	5,07,11,000
52	Delhi . . .	26,16,90,000	36,000	26,17,26,000
53	Andaman and Nicobar Islands . . .	3,72,93,000	..	3,72,93,000
54	Tribal Areas . . .	15,56,27,000	..	15,56,27,000
55	Dadra and Nagar Haveli Area	27,29,000	..	27,29,000
56	Laccadive, Minicoy and Amin-divi Islands . . .	69,22,000	..	69,22,000
57	Other Revenue Expenditure of the Ministry of Home Affairs . . .	4,21,99,000	50,000	4,22,49,000

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
58	Ministry of Industry . . .	42,83,000	..	42,83,000
59	Industries . . .	3,70,83,000	5,00,000	3,75,83,000
60	Salt . . .	48,50,000	..	48,50,000
61	Other Revenue Expenditure of the Ministry of Industry . . .	38,78,000	..	38,78,000
62	Ministry of Information and Broadcasting . . .	16,63,000	..	16,63,000
63	Broadcasting . . .	6,69,33,000	..	6,69,33,000
64	Other Revenue Expenditure of the Ministry of Information and Broadcasting . . .	5,19,73,000	..	5,19,73,000
65	Ministry of Iron and Steel . . .	33,48,000	..	33,48,000
66	Other Revenue Expenditure of the Ministry of Iron and Steel . . .	7,36,20,000	..	7,36,20,000
67	Ministry of Irrigation and Power . . .	28,77,000	..	28,77,000
68	Multi-purpose River Schemes . . .	1,61,24,000	..	1,61,24,000
69	Other Revenue Expenditure of the Ministry of Irrigation and Power . . .	7,20,01,000	..	7,20,01,000
70	Ministry of Labour, Employment and Rehabilitation . . .	70,72,000	..	70,72,000
71	Chief Inspector of Mines . . .	41,42,000	..	41,42,000
72	Labour and Employment . . .	12,72,19,000	10,000	12,72,29,000
73	Expenditure on Displaced Persons . . .	12,17,68,000	40,000	12,18,08,000
74	Other Revenue Expenditure of the Ministry of Labour, Employment and Rehabilitation . . .	75,93,000	..	75,93,000
75	Ministry of Law . . .	71,46,000	..	71,46,000
76	Elections . . .	3,39,03,000	..	3,39,03,000
77	Other Revenue Expenditure of the Ministry of Law . . .	47,35,000	..	47,35,000

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
78	Ministry of Mines and Metals .	17,20,000	..	17,20,000
79	Geological Survey . . .	8,02,25,000	..	8,02,25,000
80	Other Revenue Expenditure of the Ministry of Mines and Metals . . .	11,34,39,000	..	11,34,39,000
81	Ministry of Petroleum and Chemicals . . .	20,16,000	..	20,16,000
82	Other Revenue Expenditure of the Ministry of Petroleum and Chemicals . . .	7,49,30,000	..	7,49,30,000
83	Ministry of Supply and Technical Development . . .	67,35,000	..	67,35,000
84	Supplies and Disposals . . .	3,64,13,000	..	3,64,13,000
85	Other Revenue Expenditure of the Ministry of Supply and Technical Development. . .	54,90,000	..	54,90,000
86	Ministry of Transport and Aviation . . .	1,36,60,000	..	1,36,60,000
87	Meteorology . . .	2,85,01,000	..	2,85,01,000
88	Central Road Fund . . .	3,81,12,000	..	3,81,12,000
89	Communications including National Highways) . . .	11,49,32,000	..	11,49,32,000
90	Merchantile Marine . . .	1,61,14,000	..	1,61,14,000
91	Lighthouses and Lightships . . .	1,34,96,000	..	1,34,96,000
92	Aviation . . .	7,19,64,000	..	7,19,64,000
93	Other Revenue Expenditure of the Ministry of Transport and Aviation . . .	3,45,67,000	..	3,45,67,000
94	Ministry of Works, Housing and Urban Development . . .	22,66,000	..	22,66,000
95	Public Works . . .	35,48,20,000	28,52,000	35,76,72,000
96	Stationery and Printing . . .	11,79,01,000	..	11,79,01,000
97	Other Revenue Expenditure of the Ministry of Works, Housing and Urban Development .	1,58,24,000	..	1,58,24,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
98	Department of Atomic Energy.	26,04,000	..	26,04,000
99	Atomic Energy Research . . .	14,09,24,000	..	14,09,24,000
100	Department of Communications.	12,07,000	..	12,07,000
101	Overseas Communications Service	2,15,79,000	..	2,15,79,000
102	Posts and Telegraphs (Working Expenses)	1,56,36,48,000	25,000	1,56,36,73,000
103	Posts and Telegraphs Dividend to General Revenue and Appropriations to Reserve Funds	19,25,73,000	..	19,25,73,000
104	Other Revenue Expenditure of the Department of Communications	30,59,000	..	30,59,000
105	Department of Parliamentary Affairs	4,96,000	..	4,96,000
106	Department of Social Welfare	19,41,000	..	19,41,000
107	Other Revenue Expenditure of the Department of Social Welfare	3,54,24,000	..	3,54,24,000
108	Planning Commission	1,63,39,000	..	1,63,39,000
109	Lok Sabha	1,34,30,000	68,000	1,34,98,000
110	Other Revenue Expenditure of Lok Sabha.	2,43,000	..	2,43,000
111	Rajya Sabha	54,00,000	82,000	54,82,000
	CHARGED.— <i>Staff, Household and allowances of the President</i>		29,71,000	29,71,000
112	Secretariat of the Vice-President	2,59,000	..	2,59,000
	CHARGED.— <i>Union Public Service Commission</i>		66,91,000	66,91,000
113	Capital Outlay of the Ministry of Commerce	1,66,55,000	..	1,66,55,000

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
114	Defence Capital Outlay . . .	1,24,00,00,000	10,00,000	1,24,10,00,000
115	Capital Outlay of the Ministry of Education . . .	6,88,09,000	..	6,88,09,000
116	Capital Outlay on the India Security Press . . .	5,93,000	..	5,93,000
117	Capital Outlay on Currency and Coinage . . .	16,43,52,000	..	16,43,52,000
118	Capital Outlay on Mints . . .	28,39,000	..	28,39,000
119	Capital Outlay on Kolar Gold Mines . . .	31,76,000	..	31,76,000
120	Commututed Value of Pensions . . .	2,54,76,000	1,50,000	2,56,26,000
121	Other Capital Outlay of the Ministry of Finance . . .	3,31,32,00,000	..	3,31,32,00,000
122	Capital Outlay on Grants to State and Union territory Governments for Development . . .	49,92,08,000	..	49,92,08,000
123	Loans and Advances by the Central Government . . .	3,61,82,66,000	6,59,41,87,000	10,21,24,53,000
	CHARGED.—Repayment of Debt	67,32,09,54,000	67,32,09,54,000
124	Capital Outlay on Forests . . .	1,42,000	..	1,42,000
125	Purchase of Foodgrains . . .	4,86,29,28,000	1,00,000	4,86,30,28,000
126	Other Capital Outlay of the Ministry of Food, Agriculture, Community Development and Co-operation . . .	1,10,76,73,000	1,07,000	1,10,77,80,000
127	Capital Outlay of the Ministry of Health and Family Planning . . .	11,70,94,000	..	11,70,94,000
128	Capital Outlay of the Ministry of Home Affairs . . .	2,40,78,000	..	2,40,78,000
129	Capital Outlay of the Ministry of Industry . . .	55,82,14,000	..	55,82,14,000
130	Capital Outlay of the Ministry of Information and Broadcasting . . .	1,87,81,000	..	1,87,81,000

I No. of Vote	Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
131	Capital Outlay of the Ministry of Iron and Steel . . .	30,80,00,000	..	30,80,00,000
132	Capital Outlay on Multipurpose River Schemes . . .	21,54,29,000	..	21,54,29,000
133	Other Capital Outlay of the Ministry of Irrigation and Power . . .	10,56,24,000	..	10,56,24,000
134	Capital Outlay of the Ministry of Labour, Employment and Rehabilitation . . .	11,09,90,000	10,000	11,10,00,000
135	Capital Outlay of the Ministry of Mines and Metals . .	23,99,40,000	..	23,99,40,000
136	Capital Outlay of the Ministry of Petroleum and Chemicals .	20,86,06,000	..	20,86,06,000
137	Capital Outlay on Roads . . .	48,12,69,000	..	48,12,69,000
138	Capital Outlay on Ports . . .	8,29,52,000	..	8,29,52,000
139	Capital Outlay on Aviation . . .	5,03,05,000	25,000	5,03,30,000
140	Other Capital Outlay of the Ministry of Transport and Aviation . . .	2,77,83,000	..	2,77,83,000
141	Capital Outlay on Public Works . . .	10,20,45,000	5,00,000	10,25,45,000
142	Delhi Capital Outlay . . .	13,81,34,000	87,66,000	14,69,00,000
143	Other Capital Outlay of the Ministry of Works, Housing and Urban Development . . .	80,50,000	..	80,50,000
144	Capital Outlay of the Department of Atomic Energy . . .	52,08,50,000	..	52,08,50,000
145	Capital Outlay on Posts and Telegraphs (Not met from Revenue) . . .	42,77,00,000	..	42,77,00,000
146	Other Capital Outlay of the Department of Communications . . .	96,55,000	..	96,55,000
TOTAL . . .		37,93,10,55,000	81,80,16,94,000	1,19,73,27,49,000

THE FINANCE ACT, 1966

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY

SECTIONS

1. Short title and commencement.

CHAPTER II

INCOME-TAX AND ANNUITY DEPOSITS FOR THE FINANCIAL YEAR 1966-67

2. Income-tax.
3. Annuity deposit.

CHAPTER III

AMENDMENTS TO THE INCOME-TAX ACT

4. Amendment of section 2.
5. Amendment of section 13.
6. Amendment of section 32.
7. Amendment of section 33.
8. Amendment of section 33A.
9. Amendment of section 34.
10. Insertion of new section 35A.
11. Amendment of section 36.
12. Amendment of section 43.
13. Amendment of section 45.
14. Amendment of section 55.
15. Amendment of Chapter VIA.
16. Amendment of section 85A.
17. Insertion of new sections 85B and 85C.
18. Amendment of section 86A.
19. Amendment of section 88.
20. Amendment of section 104.
21. Amendment of section 109.
22. Amendment of section 112A.
23. Amendment of section 114.
24. Amendment of section 115.

SECTIONS I

25. Amendment of section 193.
26. Amendment of section 201.
27. Amendment of section 235.
28. Amendment of section 236A.
29. Amendment of section 280C.
30. Substitution of new sections for sections 280O and 280P.
31. Substitution of new section for section 280X.
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THE FIRST SCHEDULE.**THE SECOND SCHEDULE.****THE THIRD SCHEDULE.**

THE FINANCE ACT, 1966

No. 13 OF 1966

[13th May, 1966]

An Act to give effect to the financial proposals of the Central Government for the financial year 1966-67.

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

CHAPTER I

PRELIMINARY

Short
title and
Commen-
tment.

1. (1) This Act may be called the Finance Act, 1966.
- (2) Save as otherwise provided in this Act, sections 2 to 43, section 52 and section 53 shall be deemed to have come into force on the 1st day of April, 1966.

CHAPTER II

INCOME-TAX AND ANNUITY DEPOSITS FOR THE FINANCIAL YEAR 1966-67

Income-
tax.

2. (1) Subject to the provisions of sub-sections (2), (3), (4) and (5), for the assessment year commencing on the 1st day of April, 1966, income-tax shall be charged at the rates specified in Part I of the First Schedule and, in the cases to which Paragraphs A, B, C and D of that Part apply, shall be increased by a surcharge for purposes of the Union and a special surcharge for purposes of the Union calculated in either case in the manner provided therein.

- (2) In making any assessment for the assessment year commencing on the 1st day of April, 1966, where the total income of an assessee, not being a company, includes any income chargeable under the head "Salaries", the income-tax payable by the assessee on that

part of his total income which consists of such inclusion shall be an amount bearing to the total amount of income-tax payable according to the rates applicable under the operation of the Finance Act, 1965, on his total income the same proportion as the amount of such inclusion bears to his total income.

(3) In making any assessment for the assessment year commencing on the 1st day of April, 1966, where the total income of a company, other than the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956, includes any profits and gains from life insurance business, the income-tax payable by it shall be the aggregate of the income-tax calculated—

(i) on the amount of profits and gains from life insurance business so included, at the rate applicable in the case of the Life Insurance Corporation of India, in accordance with Paragraph E of Part I of the First Schedule, to that part of its total income which consists of profits and gains from life insurance business; and

(ii) on the remaining part of its total income, at the rate applicable to the company, on its total income.

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

(5) (a) In respect of any assessment for the assessment year commencing on the 1st day of April, 1966, in the case of an assessee being a domestic company or an assessee other than a company,—

(i) where his total income includes any profits and gains derived from the export of any goods or merchandise out of India, he shall be entitled to a deduction, from the amount of income-tax with which he is chargeable, of an amount equal to the income-tax calculated at one-tenth of the average rate of income-tax on the amount of such profits and gains included in his total income;

(ii) where he is engaged in the manufacture of any articles in an industry specified in the First Schedule to the Industries (Development and Regulation) Act, 1951, and has, during the previous year, exported such articles out of India, he shall be entitled, in addition to the deduction of income-tax referred to in sub-clause (i), to a further deduction, from the amount of income-tax with which he is chargeable for the assessment year, of an amount equal to the income-tax calculated at the average rate of income-tax on an amount equal to two per cent. of the sale proceeds receivable by him in respect of such export.

Explanation.—In this sub-clause, the expression “sale proceeds” does not include freight or insurance attributable to the transport of the articles beyond the customs station as defined in the Customs Act, 1962;

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(iii) where he is engaged in the manufacture of any articles in an industry specified in the said First Schedule and has, during the previous year, sold such articles to any other person in India who himself has exported them out of India, and evidence is produced before the Income-tax Officer of such articles having been so exported, the assessee shall be entitled to a deduction, from the amount of income-tax with which he is chargeable for the assessment year, of an amount equal to the income-tax calculated at the average rate of income-tax on a sum equal to two per cent. of the sale proceeds receivable by him in respect of such articles from the exporter.

(b) The aggregate amount of the deductions under this sub-section shall in no case exceed the amount of income-tax otherwise payable by the assessee.

(c) Nothing contained in sub-clause (ii) or sub-clause (iii) of clause (a) shall apply in relation to—

(1) fuels,

(2) fertilisers,

(3) photographic raw film and paper,

(4) textiles (including those dyed, printed or otherwise processed) made wholly or in part of jute, including jute twine and rope,

(5) newsprint,

(6) pulp—wood pulp, mechanical, chemical, including dissolving pulp,

- (7) sugar,
- (8) vegetable oils and vanaspathi,
- (9) cement and gypsum products,
- (10) arms and ammunition, and
- (11) cigarettes,

respectively, specified in items 2, 18, 20, 23(2), 24(2), 24(5), 25, 28, 35, 37 and 38 of the First Schedule to the Industries (Development and Regulation) Act, 1951.

(d) The amount of any profits and gains derived from the export of any goods or merchandise out of India in respect of which deduction of income-tax is admissible under sub-clause (i) of clause (a) shall be computed in accordance with the rules made by the Board in this behalf.

(6) In cases in which tax has to be deducted under sections 193 to 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.

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

(a) "company in which the public are substantially interested" includes a subsidiary company of such company referred to in clause (b) of 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, 1966, has made the prescribed arrangements of the declaration and payment within India of the dividends payable out of such income in accordance with the provisions of section 194 of that Act;

(c) "earned income" means any income of an assessee who is an individual, or a Hindu undivided family, or an unregistered firm [not being an unregistered firm assessed under clause (b) of section 183 of the Income-tax Act] or an association of persons or body of individuals, whether incorporated or not, not being—

- (A) a company, or
- (B) a local authority, or
- (C) a registered firm, or
- (D) an unregistered firm assessed under clause (b) of the said section 183.

(i) which is chargeable under the head "Salaries";
or

(ii) which is chargeable under the head "Profits and gains of business or profession" where the business or profession is carried on by the assessee or, in the case of a firm, where the assessee is a partner actively engaged in the conduct of the business or profession; or

(iii) which is chargeable under the head "Income from other sources" if it is immediately derived from personal exertion or represents a pension or superannuation or other allowance given to the assessee in respect of the past services of any deceased person, or which is chargeable under that head under clause (ia) of subsection (2) of section 56 of the Income-tax Act, and

includes any such income which, though it is the income of another person, is included in the assessee's total income under the provisions of the Income-tax Act, but does not include any such income on which income-tax is not payable under clause (iii) or clause (v) of section 86 of that Act or which is exempted from tax under a notification issued under section 60 or section 60A of the Indian Income-tax Act, 1922, as continued in force by clause (l) of sub-section (2) of section 297 of the Income-tax Act;

(d) "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 of the aforesaid activities included in its total income for the previous year is not less than fifty-one per cent. of such total income;

(e) "unearned income" means income which is not "earned income";

(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 and 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.

3. (1) Save as otherwise provided in Chapter XXIII A of the Income-tax Act, annuity deposit for the assessment year commencing on the 1st day of April, 1966 and annuity deposit to be made during the financial year commencing on the 1st day of April, 1966, shall be made by every person to whom the provisions of that Chapter apply, at the rate or rates specified in the Second Schedule.

(2) For the purposes of this section and the Second Schedule, the expressions "adjusted total income", "annuity deposit" and "depositor" have the meanings respectively assigned to them under clauses (1), (5) and (6) of section 280B of the Income-tax Act.

CHAPTER III

AMENDMENTS TO THE INCOME-TAX ACT

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

Amend-
ment of
section 2,

(a) in clause (18),—

(i) in sub-clause (b), for the words "if it is not a private company", the words "if it is a company which is not a private company" shall be substituted;

(ii) in *Explanation 2*, for the words "consists wholly", the words "consists mainly in the construction of ships or" shall be substituted;

(b) in clause (22), in sub-clause (ia), after the words figures and letters "the 31st day of March, 1964", the words, figures and letters "and before the 1st day of April, 1965" shall be inserted;

(c) in clause (42A), after the words "the date of its transfer", the following shall be inserted, namely:—

"but does not include a capital asset, being a certificate issued by an authorised dealer as defined in clause (ai) of section 2 of the Foreign Exchange Regulation Act, 1947, as evidence of the remittance of foreign currency or other foreign exchange [as defined respectively in clause (c) and clause (d) of the said section] to India from a country outside India in accordance with the provisions of the said Act and any rules made thereunder, during the period

7 of 1947.

commencing on the 26th day of October, 1965 and ending on the 28th day of February, 1966, or such later date as the Central Government may, by notification in the Official Gazette, specify in this behalf, notwithstanding that such capital asset has been held by the assessee for not more than twelve months immediately preceding the date of its transfer".

Amend-
ment of
section
13.

5. In section 13 of the Income-tax Act, in clause (b), for sub-clause (ii), the following sub-clause shall be substituted, namely:—

"(ii) if under the terms of the trust or the rules governing the institution, any part of such income enures, directly or indirectly, or if any part of such income or any property of the trust or the institution is during the previous year used or applied, directly or indirectly, for the benefit of the author of the trust or the founder of the institution or any person who has made a substantial contribution to such trust or institution or any relative of such author, founder or person and where such author, founder or person is a Hindu undivided family, any part of such income enures, or any part of such income or any such property is during the previous year used or applied, directly or indirectly, for the benefit of any member of the Hindu undivided family or any relative of any member of the family:

Provided that in a case where this section applies by reason only that under the terms of the trust or the rules governing the institution any part of such income enures directly or indirectly or that any part of the income or any property of the trust or institution is, during the previous year, used or applied directly or indirectly, for the benefit of any relative of such author, founder, person or member, and the amount of income so enuring or used or applied for the benefit of such relative, together with the value of the benefit derived by him from the user or application of such property, if any, during the previous year, does not exceed a sum calculated at the rate of twenty-five per cent. of the income of the trust or institution of the previous year, the provisions of this section shall have effect only in respect of that part of the income of the trust or institution which does not exceed the amount so enuring or used or applied together with the value of the benefit aforesaid."

Amend-
ment of
section
32.

6. In section 32 of the Income-tax Act, in sub-section (1),—

(a) to clause (ii), the following proviso shall be added, namely:—

"Provided that where the actual cost of any machinery or plant does not exceed seven hundred and fifty rupees, the actual cost thereof shall be allowed as a deduction in respect of the previous year in which such machinery or plant is first put to use by the assessee for the purposes of his business or profession;";

(b) in clause (iii), for clause (1) of the *Explanation*, the following clause shall be substituted, namely:—

(1) "moneys payable" in respect of any building, machinery, plant or furniture includes—

(a) any insurance, salvage or compensation moneys payable in respect thereof;

(b) where the building, machinery, plant or furniture is sold, the price for which it is sold,

so, however, that where the actual cost of a motor car is, in accordance with the proviso to clause (1) of section 43, taken to be twenty-five thousand rupees, the moneys payable in respect of such motor car shall be taken to be a sum which bears to the amount for which the motor car is sold or, as the case may be, the amount of any insurance, salvage or compensation moneys payable in respect thereof (including the amount of scrap value, if any) the same proportion as the amount of twenty-five thousand rupees bears to the actual cost of the motor car to the assessee as it would have been computed before applying the said proviso;"

(c) in clause (iv), for the words "drawing a remuneration not exceeding two hundred rupees per mensem," the words 'the income of each such person chargeable under, the head "Salaries" is seven thousand five hundred rupees or less,' shall be substituted.

7. In section 33 of the Income-tax Act, in the *Explanation* to sub-section (3), the words "and the subsidiary company is an Indian company" shall be omitted.

Amendment of section 33.

3. In section 33A of the Income-tax Act,—

Amendment of section 33A.

(a) in sub-section (1),—

(i) in clause (i), for the words "forty per cent.", the words "fifty per cent." shall be substituted;

(ii) in clause (ii), for the words "twenty per cent.", the words "thirty per cent." shall be substituted;

(iii) for the words "be allowed as a deduction in respect of the third succeeding previous year next following the previous year in which the land is prepared for planting or replanting, as the case may be:", the following shall be substituted, namely:—

"be allowed as a deduction in the manner specified hereunder, namely:—

(a) the amount of the development allowance shall, in the first instance, be computed with reference to that portion of the actual cost of planting which is incurred during the previous year in which the land is prepared or planting or replanting, as the case may be, and in the previous year next following, and the amount so computed shall be allowed as a deduction in respect of such previous year next following; and

(b) thereafter, the development allowance shall again be computed with reference to the actual cost of planting, and if the sum so computed exceeds the amount allowed as a deduction under clause (a), the amount of the excess shall be allowed as a deduction in respect of the third succeeding previous year next following the previous year in which the land has been prepared for planting or replanting, as the case may be:";

(b) in sub-section (2),—

(i) for the words "the third succeeding previous year next following the previous year in which the land has been prepared", the words, brackets and figure "the previous year in respect of which the deduction is required to be allowed under sub-section (1)" shall be substituted;

(ii) for the words, brackets and figure "calculated at the rates specified in sub-section (1)", the words, brackets and figure "calculated at the rates and in the manner specified in sub-section (1)" shall be substituted.

9. In section 34 of the Income-tax Act, in clause (a) of sub-section (3)—

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

Amend-
ment of
section
34.

'Provided further that where a ship has been acquired after the 28th day of February, 1966, this clause shall have effect in respect of such ship as if for the words "seventy-five", the word "fifty" had been substituted.'

(ii) the following *Explanation* shall be, and shall be deemed always to have been, inserted, namely:—

"Explanation.—For the removal of doubts, it is hereby declared that the deduction referred to in section 33 shall not be denied by reason only that the amount debited to the profit and loss account of the relevant previous year and credited to the reserve account aforesaid exceeds the amount of the profit of such previous year (as arrived at without making the debit aforesaid) in accordance with the profit and loss account."

10. After section 35 of the Income-tax Act, the following section shall be inserted, namely:—

Insertion
of new
section
35A.

'35A. (1) In respect of any expenditure of a capital nature incurred after the 28th day of February, 1966, on the acquisition of patent rights or copyrights (hereafter, in this section, referred to as rights) used for the purposes of the business, there shall, subject to and in accordance with the provisions of this section, be allowed for each of the relevant previous years, a deduction equal to the appropriate fraction of the amount of such expenditure.

Expenditure
on
acquisition
of patent
rights or
copy-
rights.

Explanation.—For the purposes of this section,—

(i) "relevant previous years" means the fourteen previous years beginning with the previous year in which such expenditure is incurred or, where such expenditure is incurred before the commencement of the business, the fourteen previous years beginning with the previous year in which the business commenced:

Provided that where the rights commenced, that is to say, became effective, in any year prior to the previous year in which expenditure on the acquisition thereof was incurred by the assessee, this clause shall have effect with the substitution for the reference to fourteen years of a reference to fourteen years less the number of complete years which, when the rights are acquired by the assessee, have elapsed since the commencement thereof, and if fourteen years have elapsed as aforesaid, of a reference to one year;

(ii) "appropriate fraction" means the fraction the numerator of which is one and the denominator of which is the number of the relevant previous years.

(2) Where the rights come to an end without being subsequently revived or where the whole or any part of the rights is sold and the proceeds of the sale (so far as they consist of capital sums) are not less than the cost of acquisition thereof remaining unallowed, no deduction under sub-section (1) shall be allowed in respect of the previous year in which the rights come to an end or, as the case may be, the whole or any part of the rights is sold or in respect of any subsequent previous year.

(3) Where the rights either come to an end without being subsequently revived or are sold in their entirety and the proceeds of the sale (so far as they consist of capital sums) are less than the cost of acquisition thereof remaining unallowed, a deduction equal to such cost remaining unallowed or, as the case may be, such cost remaining unallowed as reduced by the proceeds of the sale, shall be allowed in respect of the previous year in which the rights come to an end, or, as the case may be, are sold.

(4) Where the whole or any part of the rights is sold and the proceeds of the sale (so far as they consist of capital sums) exceed the amount of the cost of acquisition thereof remaining unallowed, so much of the excess as does not exceed the difference between the cost of acquisition of the rights and the amount of such cost remaining unallowed shall be chargeable to income-tax as income of the business of the previous year in which the whole or any part of the rights is sold.

Explanation.—Where the whole or any part of the rights is sold in a previous year in which the business is no longer in existence, the provisions of this sub-section shall apply as if the business is in existence in that previous year.

(5) Where a part of the rights is sold and sub-section (4) does not apply, the amount of the deduction to be allowed under sub-section (1) shall be arrived at by—

(a) subtracting the proceeds of the sale (so far as they consist of capital sums) from the amount of the cost of acquisition of the rights remaining unallowed; and

(b) dividing the remainder by the number of relevant previous years which have not expired at the beginning of the previous year during which the rights are sold.

11. In section 36 of the Income-tax Act, in sub-section (1), in clause (viii), for the words "an amount not exceeding ten per cent. of the total income carried to such reserve account:", the following shall be substituted, namely:—

"an amount not exceeding—

(a) in the case of a financial corporation whose paid-up share capital does not exceed three crores of rupees, twenty-five per cent.,

(b) in the case of any other financial corporation, ten per cent.,

of the total income carried to such reserve account:".

12. In section 43 of the Income-tax Act, to clause (1), the following proviso shall be added, namely:—

Amend-
ment of
section
43.

"Provided that where the actual cost of an asset, being a motor car acquired by the assessee after the 28th day of February, 1966, exceeds twenty-five thousand rupees, the excess of the actual cost over such amount shall be ignored, and the actual cost thereof shall be taken to be twenty-five thousand rupees".

13. In section 45 of the Income-tax Act, sub-sections (2), (3) and (4) shall be omitted.

Amend-
ment of
section
45.

14. In section 55 of the Income-tax Act, in sub-section (2), clause (iv) shall be omitted.

Amend-
ment of
section
55.

15. In Chapter VIA of the Income-tax Act,—

Amend-
ment of
Chapter
VIA.

(a) below the heading, the following sub-heading shall be inserted, namely:—

"A.—Deductions in respect of certain payments";

(b) in section 80A, in sub-section (2)—

(i) in sub-clause (ii) of clause (a), for the word "or" occurring at the end, the words "notwithstanding that such contract contains a provision for the exercise by the insured of an option to receive a cash payment in lieu of the payment of the annuity; or" shall be substituted;

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

"Explanation.—For the purposes of sub-clause (i) of clause (a) and or clause (b) of this sub-section, an insurance on the life of any person referred to therein shall include—

(i) a policy of insurance on the life of such person securing the payment of a specified sum on the stipulated date of maturity of the policy, if such person is alive on such date notwithstanding that the policy of insurance provides only for the return of premiums paid (with or without any interest thereon) in the event of such person dying before the said stipulated date;

(ii) a policy of insurance effected by a person for the benefit of a minor (being the assessee, or a male member of a Hindu undivided family where such family is the assessee) with the object of enabling the minor, after he has attained majority, to secure an insurance on his own life by adopting the policy and on his being alive on a date (after such adoption) specified in the policy in this behalf;”

(c) after section 80D, the following sub-heading and section shall be inserted, namely:—

"B.—Other deductions

Deduction
in respect
of profits
and gains
from
specified
industries
in the case
of certain
companies.

80E. (1) In the case of a company to which this section applies, where the total income (as computed in accordance with the other provisions of this Act) includes any profits and gains attributable to the business of generation or distribution of electricity or any other form of power or of construction, manufacture or production of any one or more of the articles or things specified in the list in the Fifth Schedule, there shall be allowed a deduction from such profits and gains of an amount equal to eight per cent. thereof, in computing the total income of the company.

(2) This section applies to—

(a) an Indian company; or

(b) any other company which has made the prescribed arrangements for the declaration and payment of dividends (including dividends on preference shares) within India,

but does not apply to any Indian company referred to in clause (a), or to any other company referred to in clause (b), if such Indian or other company is a company referred to in section 108 and its total income as computed before applying the provisions of sub-section (1) does not exceed twenty-five thousand rupees.”.

16. In section 85A of the Income-tax Act,—

Amend.
ment of
section
85A.

(a) in the proviso,—

(i) the words “wholly or” shall be omitted;

(ii) for the words, figures and brackets “the list in paragraph 2 of the Third Schedule to the Companies (Profits) Surtax Act, 1964”, the words “the list in the Fifth Schedule” shall be substituted;

(b) in the *Explanation*, for the words, figures and brackets “the list in paragraph 2 of the Third Schedule to the Companies (Profits) Surtax Act, 1964”, the words “the list in the Fifth Schedule” shall be substituted.

17. After section 85A of the Income-tax Act, the following sections shall be inserted, namely:

Insertion
of new
sections
85B and
85C.

‘85B. Where shares in a company which is neither an Indian company nor a company which has made the prescribed arrangements for the declaration and payment of dividends within India (hereafter, in this section, referred to as the foreign company) have been allotted to an assessee, being an Indian company, in consideration of any patent, invention, model, design, secret formula or process, or similar property right, or information concerning industrial, commercial or scientific knowledge, experience or skill made available or provided or agreed to be made available or provided to the foreign company by the assessee, or in consideration of technical services rendered or agreed to be rendered to the foreign company by the assessee, under an agreement approved by the Central Government in this behalf before the 1st day of October of the relevant

Deduction
of tax
on divi-
dends
received
from
certain
foreign
com-
pa-
nies.

assessment year, and any income by way of dividend on such shares is included in the total income of the assessee, the assessee shall be entitled to a deduction from the income-tax with which it is chargeable on its total income for the assessment year of so much of the amount of income-tax calculated at the average rate of income-tax on the income by way of dividend so included as exceeds the amount of twenty-five per cent. thereof.

**Deduction
of tax
on royal-
ties, etc.,
received
from
certain
foreign
compa-
nies.**

85C. Where the total income of an assessee, being an Indian company, includes any income by way of royalty, commission, fees or any similar payment received by it from a company which is neither an Indian company nor a company which has made the prescribed arrangements for the declaration and payment of dividends within India (hereafter, in this section, referred to as the foreign company) in consideration for the use of any patent, invention, model, design, secret formula or process, or similar property right, or information concerning industrial, commercial or scientific knowledge, experience or skill made available or provided or agreed to be made available or provided to the foreign company by the assessee, or in consideration of technical services rendered or agreed to be rendered to the foreign company by the assessee, under an agreement approved by the Central Government in this behalf before the 1st day of October of the relevant assessment year, the assessee shall be entitled to a deduction from the income-tax with which it is chargeable on its total income for the assessment year of so much of the amount of income-tax calculated at the average rate of income-tax on the income so included as exceeds the amount of twenty-five per cent. thereof.”.

**Amend-
ment of
section
86A.**

18. In section 86A of the Income-tax Act, for the words “twenty-five”, the words “twenty-seven and a half” shall be substituted.

**Amend-
ment of
section
88.**

19. In section 88 of the Income-tax Act, in clause (a) of sub-section (1), for the words “twenty-five”, the words “twenty-seven and a half” shall be substituted.

**Amend-
ment of
section
104.**

20. In section 104 of the Income-tax Act,—

(a) in sub-section (1),—

(i) for the words, brackets and figure—

“on the distributable income as reduced by—

(i) the amount of dividends actually distributed, and”, the words “on the distributable income as reduced

by the amount of dividends actually distributed, if any" shall be substituted;

(ii) clause (ii) shall be omitted;

(b) in sub-section (4),—

(i) in clause (a), for the words "wholly or mainly", the words "mainly in the construction of ships or" shall be substituted;

(ii) after clause (b), the following clause shall be, and shall be deemed always to have been, inserted, namely:—

"(c) a company which is neither an Indian company nor a company which has made the prescribed arrangements for the declaration and payment of dividends within India.;"

(iii) in the *Explanation*, after the words "consist mainly in", the words "the construction of ships or in" shall be inserted.

21. In section 109 of the Income-tax Act,—

(a) in clause (i), after sub-clause (f), the following sub-clauses shall be inserted, namely:—

"(g) any expenditure actually incurred for the purposes of the business, but not deducted in computing the income chargeable under the head "Profits and gains of business or profession" being—

(1) a bonus or gratuity paid to an employee,

(2) legal charges,

(3) any such expenditure as is referred to in clause (c) of section 40,

(4) any expenditure claimed as a revenue expenditure but not allowed to be deducted as such and not resulting in the creation of an asset or enhancement in the value of an existing asset;

(h) any expenditure wholly and exclusively incurred for the purpose of making or earning any income (other than income chargeable under the head "Profits and gains of business or profession") included in the total income but not

Amend-
ment of
section
109.

allowed to be deducted in computing such income and not resulting in the creation of an asset or enhancement in the value of an existing asset;'

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

(ii) "investment company" means a company whose total income consists mainly of income which, if it had been the income of an individual, would have been regarded as unearned income.

Explanation.—In this clause, the expression "unearned income" has the meaning assigned to it in the Finance Act of the relevant year;

(c) in clause (iia), the words "wholly or" shall be omitted;
(d) in clause (iii),—

(i) in sub-clause (1), after the words "an investment company", the words "other than an investment company which falls under sub-clause (3) of this clause" shall be inserted;

(ii) for sub-clause (3), the following sub-clause shall be substituted, namely:—

"(3) in the case of an Indian company [not being an Indian company which falls under the provisions of clause (a) of sub-section (4) of section 104], a part only of whose total income consists of profits and gains attributable to the business of construction of ships or of manufacture or processing of goods or of mining or of generation or distribution of electricity or any other form of power—

(a) in relation to the profits and gains attributable to such business Nil;

(b) in relation to the remaining part of its total income—

(1) if it is an investment company or a company which satisfies the conditions specified in sub-clause (4) (a) of this clause 90%;

(2) in any other case 60%.

Explanation.—The provisions of this Chapter shall, in relation to the remaining part of the total income aforesaid, apply as if such part were the total income of the company; and, for the purposes of

section 104, the amount of dividends actually distributed shall be deemed to be such proportion thereof as the part aforesaid bears to the total income of the company.”.

22. In section 112A of the Income-tax Act, the existing *Explanation* shall be re-numbered as *Explanation 1* and after *Explanation 1* as so re-numbered, the following *Explanation* shall be inserted, namely:—

Amendment of section 112A.

'Explanation 2.—For the purposes of this section and sections 112, 114 and 193, "National Savings Certificates (First Issue)" includes "National Savings Certificates (First Issue)—Bank Series".'

23. In section 114 of the Income-tax Act, in sub-clause (ii) of clause (b), the third proviso shall be omitted.

Amendment of section 114.

24. In section 115 of the Income-tax Act,—

Amendment of section 115.

(a) clause (i) shall be omitted;

(b) in sub-clause (b) of clause (ii), the brackets, words and figure “[excluding capital gains, if any, referred to in clause (i)]” shall be omitted;

(c) in clause (iii), for the words, brackets and figures “in clauses (i) and (ii)”, the words, brackets and figures “in clause (ii)” shall be substituted.

25. In section 193 of the Income-tax Act, in the proviso, after clause (iii), the following clause shall be inserted, namely:—

Amendment of section 193.

“(iv) any interest payable on any other security of the Central or State Government, where the security is held by an individual, not being a non-resident, and the holder thereof makes a declaration in writing before the person responsible for paying the interest that—

(a) he has not previously been assessed under this Act or under the Indian Income-tax Act, 1922;

(b) his total income of the previous year in which the interest is due is not likely to exceed the maximum amount not chargeable to tax; and

(c) the total nominal value of the securities held by him (including such securities, if any, as are held on his behalf by any other person) did not exceed two thousand five hundred rupees at any time during the said previous year.”.

Amend-
ment of
section
201.

26. In section 201 of the Income-tax Act,—

(a) in sub-section (1), in the proviso, for the word "wilfully", the words "without good and sufficient reasons" shall be substituted;

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

"(1A) Without prejudice to the provisions of sub-section (1), if any such person, principal officer or company as is referred to in that sub-section does not deduct or after deducting fails to pay the tax as required by or under this Act, he or it shall be liable to pay simple interest at six per cent. per annum on the amount of such tax from the date on which such tax was deductible to the date on which such tax is actually paid.";

(c) in sub-section (2), for the words "it shall be a charge", the words, brackets, figure and letter "the amount of the tax together with the amount of simple interest thereon referred to in sub-section (1A) shall be a charge" shall be substituted.

Amend-
ment of
section
235.

27. In section 235 of the Income-tax Act, in sub-clauses (i) and (ii) of clause (b), for the words "twenty-five", the words "twenty-seven and a half" shall be substituted.

Amend-
ment of
section
236A.

28. In section 236A of the Income-tax Act,—

(a) in sub-section (1), for the words, figures and letters "the 1st day of April, 1964", the words, figures and letters "the 1st day of April, 1966" shall be substituted;

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

"(2) The amount to be given as credit under sub-section (1) shall be a sum which bears to the amount of the tax payable by the company under the provisions of the annual Finance Act with reference to the relevant amount of distributions of dividends by it the same proportion as the amount of the dividends (other than dividends on preference shares) received by the institution or fund from the company bears to the total amount of dividends (other than dividends on preference shares) declared or distributed by the company during the previous year.

Explanation.—In sub-section (2) of this section and in section 280ZB, the expression “the relevant amount of distributions of dividends” has the meaning assigned to it in the Finance Act of the relevant year.”.

29. In section 280C of the Income-tax Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) In respect of the adjusted total income in relation to which an annuity deposit is to be made under sub-section (1), such deposit shall—

(i) in respect of the adjusted total income of the previous year or previous years relevant to the assessment year commencing on the 1st day of April, 1966, or any earlier assessment year, be made in advance in accordance with the provisions of sections 280E to 280I;

(ii) in respect of the adjusted total income of the previous year or previous years relevant to the assessment year commencing on the 1st day of April, 1967, or any subsequent assessment year, be made by such person at any time (in one sum or in instalments of his choice) during the financial year immediately preceding such assessment year at the rate or rates specified in this behalf in the annual Finance Act:

Provided that the Income-tax Officer may, in such cases, under such circumstances and subject to such conditions as may be specified in a scheme framed under section 280W, allow a depositor to make a deposit or a further deposit at any time after the expiry of the financial year referred to in clause (ii), and any deposit or further deposit so made shall be deemed to be an annuity deposit for the relevant assessment year for the purposes of this Chapter.”.

30. For sections 280O and 280P of the Income-tax Act, the following sections shall be substituted, namely:—

‘280O. (1) Notwithstanding anything to the contrary contained in the provisions of this Act relating to the computation of income chargeable under any head of income, the annuity deposit required to be made under this Chapter shall, subject to the provisions of sub-section (2), be allowed as a deduction in computing the total income assessable for the assessment year in respect of which the annuity deposit is required to be made:

Amend-
ment of
section
280C.

Substi-
tion of
new sec-
tions for
280O and
280P.

Annuity
deposit
allowed
as deduc-
tion in
computing
total
income.

Provided that where in relation to the assessment year commencing on the 1st day of April, 1967 or any subsequent assessment year, no annuity deposit has been made during the financial year immediately preceding such assessment year [or such further period as may be allowed by the Income-tax Officer under the proviso to clause (ii) of sub-section (2) of section 280C], or the amount of annuity deposit made during the financial year or further period aforesaid falls short of the annuity deposit required to be made under this Chapter, the amount to be allowed as a deduction under this sub-section shall be *nil* or, as the case may be, limited to the amount of the deposit so made, and the provisions of this section shall have effect as if references therein to the annuity deposit required to be made were references to the amount of annuity deposit actually so made.

(2) If the adjusted total income of the depositor includes any income chargeable under the head "Salaries", the allowance under sub-section (1) shall be made in computing the income under that head, and if there is no income chargeable under that head or the annuity deposit required to be made exceeds such income, the whole or the balance of the annuity deposit required to be made shall be allowed as a deduction in computing earned income chargeable under any other head, and if there is no earned income chargeable under any other head or the whole or the balance of the annuity deposit required to be made exceeds such earned income, the whole or the balance of the annuity deposit required to be made shall be allowed as a deduction in computing any other income under any head.

Explanation.—In this sub-section, the expression "earned income" has the meaning assigned to it in the Finance Act, of the relevant year.

Annuity deposit deductible in computing income under the head "Salaries" for purposes of section 192.

280P. Any person responsible for paying any income chargeable under the head "Salaries" to a resident may, at the time of payment, deduct income-tax under section 192 as if the estimated income referred to in sub-section (1) of that section had been reduced by the amount of annuity deposit, if any, required to be made by the assessee in respect of such income, whether such annuity deposit has or has not been made:

Provided that nothing contained in this section shall apply in the case of a person whose estimated income aforesaid does not exceed twenty-five thousand rupees unless such person has, not later than the 31st day of December of the financial year, made a declaration, in writing, before the person responsible for paying the income chargeable under the head "Salaries", of his intention to make the annuity deposit under the provisions of this Chapter and specifying the amount which he so intends to deposit; and where such declaration has been made, the provisions of this section shall apply as if the reference therein to the amount of annuity deposit required to be made were a reference to the amount specified in such declaration.'

31. For section 280X of the Income-tax Act, the following section shall be substituted with effect from the 1st day of April, 1967, namely:—

Substitution
of new se-
ction for
section
280X.

"280X. (1) Where in relation to the assessment year commencing on the 1st day of April, 1967 or any subsequent assessment year, a depositor does not make any annuity deposit during the financial year immediately preceding such assessment year or such further period as may be allowed by the Income-tax Officer under the proviso to clause (ii) of sub-section (2) of section 280C, or the amount of annuity deposit made by him during the financial year or further period aforesaid falls short of the annuity deposit required to be made (which short-fall is hereafter, in this section, referred to as deficiency), he shall, in addition to the income-tax payable by him for that assessment year, be liable to a further amount of income-tax calculated in the manner specified in sub-section (2):

Liability
to pay
additional
income-tax
in certain
cases.

Provided that nothing contained in this section shall apply in a case where—

(a) such depositor is more than seventy years of age on the last day of the previous year relevant to the assessment year: or

(b) the total income of such depositor of the previous year relevant to the assessment year (the total income for this purpose being computed without making any allowance under section 280O) does not exceed twenty-five thousand rupees.

(2) The further amount of income-tax referred to in sub-section (1) shall be—

(i) in a case where the depositor does not make any annuity deposit, a sum equal to fifty per cent. of the amount by which the amount of annuity deposit required to be made in respect of that assessment year exceeds the difference between—

- (a) the tax payable by him on his total income, and
- (b) the tax that would have been payable had his total income been reduced by the amount of annuity deposit required to be made;

(ii) In a case where the amount of annuity deposit made by him falls short of the annuity deposit required to be made, a sum equal to fifty per cent. of the amount by which the amount of the deficiency exceeds the difference between—

- (a) the tax payable by him on his total income, and
- (b) the tax that would have been payable had his total income been reduced by the amount of the deficiency.

Explanation.—In this section, the expression “annuity deposit required to be made” shall mean—

(i) the amount of annuity deposit calculated on the adjusted total income of the depositor at the rate or rates specified in the Finance Act of the relevant year, or

(ii) the amount by which the total income of the depositor for the relevant assessment year (such total income being computed without making any allowance under section 2800) exceeds twenty-five thousand rupees,

whichever is less.’

32. The amendments directed in the Third Schedule shall be made in the Income-tax Act.

Conse-
quential
or minor
amend-
ments
relating
to annuity
deposits
in the
income-
tax Act.

Amend-
ment of
section
220. ZB.

33. In section 280ZB of the Income-tax Act, in *Explanation 2*, for the sentence beginning with the words “The amount of income-tax payable by the company” and ending with the words “during the previous year or any previous year prior to that year”, the following shall be substituted, namely:—

"The amount of income-tax payable by the company for any assessment year shall be computed after making allowance for any relief, rebate or deduction in respect of income-tax to which the company is entitled under the provisions of this Act or the annual Finance Act and after deducting from such amount of income-tax—

(a) the amount of additional income-tax, if any, payable by the company under the provisions of section 104; and

(b) (i) in respect of the assessment year commencing on the 1st day of April, 1965, the amount, if any, by which the rebate of income-tax admissible to the company under the provisions of the Finance Act, 1965, is, under the provisions of the said Act, reduced with reference to the face value of any bonus shares or the amount of any bonus issued by the company to its shareholders during the previous year or any previous year prior to that year or with reference to any amount of dividends declared or distributed by it during the previous year or any previous year prior to that year; or

(ii) in respect of the assessment year commencing on the 1st day of April, 1966, or any subsequent assessment year, the amount of income-tax, if any, payable by the company under the provisions of the annual Finance Act with reference to the relevant amount of distributions of dividends by it."

34. After section 288 of the Income-tax Act, the following sections shall be inserted, namely:—

'288A. (1) Subject to the provisions of sub-section (2), the amount of total income computed in accordance with the foregoing provisions of this Act shall be rounded off to the nearest multiple of ten rupees and for this purpose any part of a rupee consisting of paise shall be ignored and thereafter if such amount is not a multiple of ten, then, if the last figure in that amount is five or more, the amount shall be increased to the next higher amount which is a multiple of ten and if the last figure is less than five, the amount shall be reduced to the next lower amount which is a multiple of ten; and the amount so rounded off shall be deemed to be the total income of the assessee for the purposes of this Act.

Insertion
of new
sections
288A and
288B.

Rounding
off of
income.

(2) If the total income of the assessee includes earned income chargeable under any head, the adjustment under sub-section (1) shall, to the extent possible, be made in computing such earned income and, as to the balance, if any, against any other income; and if there is no earned income, the adjustment shall be made in computing any other income under any head.

Explanation.—In this section, the expression “earned income” has the meaning assigned to it in the Finance Act of the relevant year.

Rounding off of tax, etc.

288B. The amount of tax (including tax deductible at source or payable in advance), interest, penalty, fine or any other sum payable, and the amount of refund due, under the provisions of this Act shall be rounded off to the nearest rupee and, for this purpose, where such amount contains a part of a rupee consisting of paise, then, if such part is fifty paise or more, it shall be increased to one rupee and if such part is less than fifty paise, it shall be ignored.

Amendment of section 297.

35. In section 297 of the Income-tax Act, in clause (l) of sub-section (2), after the word and figures “section 60”, the words, figures and letter “or section 60A” shall be, and shall be deemed always to have been, inserted.

Amendment of First Schedule.

36. In the First Schedule to the Income-tax Act, in rule 3, in clause (c), for the words “twenty-five”, the words “twenty-seven and a half” shall be substituted.

Amendment of Fifth Schedule.

37. (1) In the Fifth Schedule to the Income-tax Act,—

(a) for the brackets, words, figures and letter “[See section 33(1) (iii) (c)]”, the following shall be substituted, namely:—

“[See sections 33(1) (iii) (c), 80E and 85A]”;

(b) in item (16), after the word “pulp”, the words “including newsprint” shall be inserted;

(c) after item (25), the following items shall be inserted, namely:—

“(26) Tea.

(27) Printing machinery.”

(2) For the purposes of sub-section (1) of section 33 of the said Act, the amendments made by clauses (b) and (c) shall have effect in respect of machinery or plant installed after the 31st day of March, 1966.

CHAPTER IV

OTHER DIRECT TAXES

38. In the Estate Duty Act, 1953,—

Amend-
ment of
Act 34
of 1953.

- (a) in section 9, in sub-section (1), for the words "one year", the words "two years" shall be substituted;
- (b) in section 10, in the proviso, for the words "one year", the words "two years" shall be substituted;
- (c) in section 11, in sub-section (2), for the words "one year", wherever they occur, the words "two years" shall be substituted;
- (d) in section 12, in the proviso to sub-section (1), for the words "one year", the words "two years" shall be substituted;
- (e) in section 22, for the words "one year", the words "two years" shall be substituted;
- (f) in section 33, in sub-section (1),—
 - (i) in clause (b), for the words "one year", the words "two years" shall be substituted;
 - (ii) after clause (m), the following clause shall be, and shall be deemed to have been, inserted with effect from the 1st day of April, 1965, namely:—

“(mm) property belonging to the deceased who was a member of any police force (including a border security force) and was killed in any action in protecting the border;”;
- (g) in section 34, in clause (a) of sub-section (1), after the brackets and letter "(m)", the brackets and letters "(mm)" shall be, and shall be deemed to have been, inserted with effect from the 1st day of April, 1965;
- (h) in section 46, in sub-section (2), for the words "one year", the words "two years" shall be substituted;

(i) in the Second Schedule, for Part I, the following Part shall be substituted, namely:—

"PART I

In the case of any property which passes or is deemed to pass on the death of the deceased—

- | | |
|---|---|
| (1) where the principal value of the estate does not exceed Rs. 50,000 | Nil; |
| (2) where the principal value of the estate exceeds Rs. 50,000 but does not exceed Rs. 1,00,000 | 4 per cent. of the amount by which the principal value of the estate exceeds Rs. 50,000; |
| (3) where the principal value of the estate exceeds Rs. 1,00,000 but does not exceed Rs. 2,00,000 | Rs. 2,000 plus 10 per cent. of the amount by which the principal value of the estate exceeds Rs. 1,00,000; |
| (4) where the principal value of the estate exceeds Rs. 2,00,000 but does not exceed Rs. 3,50,000 | Rs. 12,000 plus 15 per cent. of the amount by which the principal value of the estate exceeds Rs. 2,00,000; |
| (5) where the principal value of the estate exceeds Rs. 3,50,000 but does not exceed Rs. 5,00,000 | Rs. 34,500 plus 25 per cent. of the amount by which the principal value of the estate exceeds Rs. 3,50,000; |
| (6) where the principal value of the estate exceeds Rs. 5,00,000 but does not exceed Rs. 10,00,000 | Rs. 72,000 plus 30 per cent. of the amount by which the principal value of the estate exceeds Rs. 5,00,000; |
| (7) where the principal value of the estate exceeds Rs. 10,00,000 but does not exceed Rs. 15,00,000 | Rs. 2,22,000 plus 40 per cent. of the amount by which the principal value of the estate exceeds Rs. 10,00,000; |
| (8) where the principal value of the estate exceeds Rs. 15,00,000 but does not exceed Rs. 20,00,000 | Rs. 4,22,000 plus 50 per cent. of the amount by which the principal value of the estate exceeds Rs. 15,00,000; |
| (9) where the principal value of the estate exceeds Rs. 20,00,000 | Rs. 6,72,000 plus 85 per cent. of the amount by which the principal value of the estate exceeds Rs. 20,00,000." |

Transitional provisions.

39. In the case of persons dying on or after the 1st day of April, 1966, but before the 1st day of April, 1967, sections 9, 10, 11, 12, 22, 33 and 46 of the Estate Duty Act, 1953, as amended, respectively, by clauses (a), (b), (c), (d) and (e), sub-clause (i) of clause (f) and clause (h) of section 38, shall have effect as if references therein to the two years before the death of the deceased were references to the said two years less so much thereof as fell before the 1st day of April, 1965.

**Repeal of
Act 29 of
1957.**

40. The Expenditure-tax Act, 1957 is hereby repealed.

**Amendment of
Act 18 of
1958.**

41. In the Gift-tax Act, 1958,—

(a) in section 5,—

(i) in sub-section (1), after clause (ii), the following clause shall be inserted, namely:—

(iiia) being an individual who is not resident in India, to any person resident in India, of foreign currency or other foreign exchange [as defined, respectively,

7 of 1947.

in clause (c) and clause(d) of section 2 of the Foreign Exchange Regulation Act, 1947] remitted from a country outside India in accordance with the provisions of the said Act, and any rules made thereunder, during the period commencing on the 26th day of October, 1965 and ending on the 28th day of February, 1966, or such later date as the Central Government may, by notification in the Official Gazette, specify in this behalf.

Explanation.—For the purposes of this clause, the expression "resident in India" shall have the meaning assigned to it in the Income-tax Act;

(ii) in sub-section (2), for the words "five thousand", the words "ten thousand" shall be substituted;

(b) section 6A shall be omitted;

(c) for the Schedule, the following Schedule shall be substituted, namely:—

"THE SCHEDULE

[See section 3]

RATES OF GIFT-TAX

- | | |
|---|---|
| (1) Where the value of all taxable gifts does not exceed Rs. 15,000 | 5 per cent. of the value of such gifts. |
| (2) Where the value of all taxable gifts exceeds Rs. 15,000 but does not exceed Rs. 40,000 | Rs. 750 plus 8 per cent. of the amount by which the value of such gifts exceeds Rs. 15,000. |
| (3) Where the value of all taxable gifts exceeds Rs. 40,000 but does not exceed Rs. 90,000 | Rs. 2,750 plus 10 per cent. of the amount by which the value of such gifts exceeds Rs. 40,000. |
| (4) Where the value of all taxable gifts exceeds Rs. 90,000 but does not exceed Rs. 1,40,000 | Rs. 7,750 plus 15 per cent. of the amount by which the value of such gifts exceeds Rs. 90,000. |
| (5) Where the value of all taxable gifts exceeds Rs. 1,40,000 but does not exceed Rs. 1,90,000 | Rs. 15,250 plus 17½ per cent. of the amount by which the value of such gifts exceeds Rs. 1,40,000. |
| (6) Where the value of all taxable gifts exceeds Rs. 1,90,000 but does not exceed Rs. 3,40,000 | Rs. 24,000 plus 20 per cent. of the amount by which the value of such gifts exceeds Rs. 1,90,000. |
| (7) Where the value of all taxable gifts exceeds Rs. 3,40,000 but does not exceed Rs. 4,90,000 | Rs. 54,000 plus 25 per cent. of the amount by which the value of such gifts exceeds Rs. 3,40,000. |
| (8) Where the value of all taxable gifts exceeds Rs. 4,90,000 but does not exceed Rs. 9,90,000 | Rs. 91,500 plus 30 per cent. of the amount by which the value of such gifts exceeds Rs. 4,90,000. |
| (9) Where the value of all taxable gifts exceeds Rs. 9,90,000 but does not exceed Rs. 14,90,000 | Rs. 2,41,500 plus 40 per cent. of the amount by which the value of such gifts exceeds Rs. 9,90,000. |
| (10) Where the value of all taxable gifts exceeds Rs. 14,90,000 | Rs. 4,41,500 plus 50 per cent. of the amount by which the value of such gifts exceeds Rs. 14,90,000." |

Repeal of
Act 14 of
1963.

Amend-
ment of
Act 7 of
1964.

42. The Super Profits Tax Act, 1963 is hereby repealed.

43. In the Companies (Profits) Surtax Act, 1964,—

(a) in the First Schedule, in clause (i) of rule 2,—

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

‘(b) the amount of income-tax, if any, payable by the company under the provisions of the annual Finance Act with reference to the relevant amount of distributions of dividends by it.’

*Explanation.—*In this sub-clause, the expression “the relevant amount of distributions of dividends” has the meaning assigned to it in the Finance Act of the relevant year;’;

(ii) after sub-clause (b), the following sub-clause shall be, and shall be deemed always to have been, inserted, namely:—

‘(c) the amount of income-tax, if any, payable by the company under section 104 of the Income-tax Act.

*Explanation.—*In relation to the assessment year commencing on the 1st day of April, 1964, the reference in this sub-clause to “income-tax” shall be construed as a reference to “super-tax”;’;

(b) in the Third Schedule.—

(i) in Paragraph 1,—

(1) for the figures and words “40 per cent.”, the figures and words “35 per cent.” shall be substituted;

(2) the first and second provisos shall be omitted;

(3) in the third proviso,—

(A) for the words “Provided further”, the word “Provided” shall be substituted;

(B) in clause (a), the words “after deducting from such amount of income-tax the amount, if any, by which the rebate of income-tax admissible to the company under the provisions of the annual Finance Act is, under the provisions of the said Act, reduced

with reference to the face value of any bonus shares or the amount of any bonus issued by the company to its shareholders during the previous year or any previous year prior to that year" shall be omitted;

(ii) Paragraph 2 shall be omitted.

CHAPTER V

INDIRECT TAXES

32 of 1934.

44. (1) In the case of goods chargeable with a duty of customs which is specified in the First Schedule to the Indian Tariff Act, 1934 (hereinafter referred to as the Tariff Act), or in that Schedule as amended by a subsequent Central Act, if any, or in that Schedule read with any notification of the Central Government for the time being in force, there shall be levied and collected as an addition to and in the same manner as, the total amount so chargeable, a special duty of customs equal to 10 per cent. of such amount:

Provided that in computing the total amount so chargeable, any duty chargeable under section 2A of the Tariff Act or section 45 of this Act shall not be included.

10 of 1897.

(2) Sub-section (1) shall cease to have effect after the 31st day of May, 1967 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.

45. (1) With a view to regulating or bringing greater economy in imports, there shall be levied and collected, with effect from such date, and at such rate, as may be specified in this behalf by the Central Government by notification in the Official Gazette, on all or any of the goods mentioned in the First Schedule to the Tariff Act or in that Schedule as amended by a subsequent Central Act, if any, a regulatory duty of customs not exceeding—

(a) 25 per cent. of the rate, if any, specified in the said First Schedule read with any notification issued under section 3A or sub-section (1) of section 4 of the Tariff Act; or

(b) 10 per cent. of the value of the goods as determined in accordance with the provisions of section 14 of the Customs Act 1962,

52 of 1962.

whichever is higher:

Provided that different dates and different rates may be specified by the Central Government for different kinds of goods.

(2) Sub-section (1) shall cease to have effect after the 15th day of July, 1967, except as respects things done or omitted to be done before such cesser; and section 6 of the General Clauses Act, 1897¹⁰ of 1897, shall apply upon such cesser as if the said sub-section had then been repealed by a Central Act.

(3) The regulatory duty of customs leviable under this section in respect of any goods referred to in sub-section (1) shall be in addition to any other duty of customs chargeable on such goods under the Customs Act, 1962.
52 of 1962.

(4) The provisions of the Customs Act, 1962 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 regulatory duty 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.
52 of 1962.

(5) Every notification issued under sub-section (1) shall, as soon as may be after it is issued, be placed before each House of Parliament.

Amend.
ment of
Act 1 of
1949.

46. In the Indian Tariff (Amendment) Act, 1949, in sections 4 and 5, for the figures "1966", the figures "1967" shall be substituted.

Amend-
ment of
Act 1 of
1944.

47. In the Central Excises and Salt Act, 1944 (hereinafter referred to as the Central Excises Act), in the First Schedule,—

(a) in Item No. 1, for the entries in the third column against sub-items (1) and (2), the entries "Thirty rupees and fifty paise per quintal." and "Fifteen rupees per quintal." shall, respectively, be substituted;

(b) in Item No. 4,—

(1) under "I. Unmanufactured tobacco—", for the entries in the third column against sub-items (1), (2) and (4), the entries "Three rupees and twenty paise.", "Twenty-five rupee." and "Two rupees and sixty paise" shall, respectively, be substituted;

(2) under "II. Manufactured tobacco—", for the entries in the third column against sub-items (1) (i), (1) (ii), (1) (iii) and (1) (iv), the entries "Twenty rupees.", "Twelve rupees.", "Four rupees." and "One rupee." shall, respectively, be substituted;

(c) in item No. 9, for the entry in the third column, the entry "One hundred and ninety-five rupees per metric tonne." shall be substituted;

(d) after Item No. 14D, the following Item shall be inserted, namely:—

"14DD. SYNTHETIC ORGANIC PRODUCTS OF A KIND USED AS ORGANIC LUMINOPHORES; PRODUCTS OF THE KIND KNOWN AS OPTICAL BLEACHING AGENTS, SUBSTANTIVE TO THE FIBRE.

Fifteen
per cent.
*ad
vatuorem.*";

(e) in Item No. 14H, for the entry in the third column against sub-item (iv), the entry "One rupee per kilogram." shall be substituted;

(f) after Item No. 15A, the following Item shall be inserted, namely:—

"15AA. ORGANIC SURFACE-ACTIVE AGENTS (OTHER THAN SOAP); SURFACE-ACTIVE PREPARATIONS AND WASHING PREPARATIONS, WHETHER OR NOT CONTAINING SOAP.

Ten per cent
advaloram.";

(g) in Item No. 18, for the entry in the third column, the entry "Twelve rupees per kilogram." shall be substituted;

(h) in Item No. 18A, for the entries in the third column against sub-items (1) and (2), the entries "One rupee and fifty paise per kilogram." and "Sixty paise per kilogram." shall, respectively, be substituted;

(i) in Item No. 19.—

(1) for the entry in the third column against each of the sub-items (1), (2) and (5), the entry "Eighty paise per square metre." shall be substituted;

(2) for the entry in the third column against each of the sub-items (3) and (4), the entry "Sixty paise per square metre." shall be substituted;

(j) in Item No. 26AA.—

(1) the word "flats" occurring in the entry in the second column against sub-item (ia) shall be omitted;

(2) for the words "Skelp and strips" occurring in the entry in the second column against sub-item (iii), the words "Flats skelp and strips." shall be substituted;

(3) for the entry in the third column against sub-item (iv), the entry "Fifteen per cent. *ad valorem* plus the excise duty for the time being leviable on pig iron or steel ingots, as the case may be." shall be substituted;

(k) in Item No. 33B,—

(1) for the entry in the second column against sub-item (i), the following entry shall be substituted, namely:—

"Insulated wires and cables of copper, aluminium or other metals and alloys, whether sheathed or un-sheathed, the conductor of any core of which, not being one specially designed as a pilot core, has a sectional area not exceeding 1.5 square millimetres in the case of copper, or not exceeding 2.5 square millimetres in the case of aluminium or of not more than equivalent conductivity as of copper in the case of other metals and alloys.";

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

'Explanation.—The expression "Electric wires and cables, all sorts" used in this item shall not include square or rectangular conductors, whether insulated or not.'

Special
duties of
excise on
certain
goods.

48. (1) When goods of the description mentioned in this section chargeable with a duty of excise under the Central Excises Act (as amended by this Act or any subsequent Central Act) read with any notification for the time being in force issued by the Central Government in relation to the duty so chargeable, are assessed to duty, there shall be levied and collected—

(a) as respects goods comprised in Items Nos. 6, 8, 9, 14D, 22A, 23A except sub-item (1) thereof, 23B, 28, 29, sub-items (2) and (3) of Item No. 31 and Item No. 32 of the First Schedule to the Central Excises Act, a special duty of excise equal to 10 per cent. of the total amount so chargeable on such goods;

(b) as respects goods comprised in Items Nos. 2, 3(1), sub-items I, II(2) and II(3) of Item No. 4, Items Nos. 13, 14, 14F, 15, 15A, 1OB, 16, 16A, 17, 18A(2) 21, 22, 23, 23A(1), 27, 30, 31(1), 33,

sub-items (1), (3a) and (4) of Item No. 34 and Item No. 37 of that Schedule, a special duty of excise equal to 20 per cent. of the total amount so chargeable on such goods; and

(c) as respects goods comprised in Items Nos. 4 II(1), 18, 18A (1), 18B, 20, 29A, 33A, sub-items (2) and (3) of Item No. 34 and radiograms comprised in Item No. 37A of that Schedule, a special duty of excise equal to 33½ per cent. of the total amount so chargeable on such goods.

(2) Sub-section (1) shall cease to have effect after the 31st day of May, 1967, except as respects things done or omitted to be done before 30 of 1897. 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 duties of excise referred to in sub-section (1) in respect of the goods specified therein shall be in addition to the duties of excise chargeable on such goods under the Central Excises Act or any other law for the time being in force and such special duties shall be levied for purposes of the Union and the proceeds thereof shall not be distributed among the States.

(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 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.

49. (1) With a view to regulating or bringing greater economy in consumption, there shall be levied and collected, with effect from such date, and at such rate, as may be specified in this behalf by the Central Government by notification in the Official Gazette, on all or any of the goods mentioned in the First Schedule to the Central Excises Act as amended by this Act or any subsequent Central Act, a regulatory duty of excise which shall not exceed 15 per cent. of the value of the goods as determined in accordance with the provisions of section 4 of the Central Excises Act:

Regulatory
duties of
excise.

Provided that different dates and different rates may be specified by the Central Government for different kinds of goods.

(2) Sub-section (1) shall cease to have effect after the 15th day of July, 1967, except as respects things done or omitted to be done

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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 duties of excise referred to in sub-section (1) in respect of the goods specified therein shall be in addition to the duties of excise chargeable on such goods under the Central Excises Act or any other law for the time being in force and such regulatory duties shall be levied for purposes of the Union and the proceeds thereof shall not be distributed among the States.

(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 regulatory 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.

(5) Every notification issued under sub-section (1) shall, as soon as may be after it is issued, be placed before each House of Parliament.

50. For the year beginning on the 1st day of April, 1966, no duty under the Central Excises Act, or the Tariff Act shall be levied in respect of salt manufactured in, or imported into, India.

Discontinuance of
salt duty.

CHAPTER VI

MISCELLANEOUS

51. (1) In the Central Sales Tax Act, 1956,—

Amendment of
Act 74 of
1956.

(a) in section 8, in sub-section (1) and in sub-section (2A), for the words "two per cent.", wherever they occur, the words "three per cent." shall be substituted;

(b) in section 15, in clause (a), for the words "two per cent.", the words "three per cent." shall be substituted.

(2) The amendments by sub-section (1) made in the Central Sales Tax Act, 1956 shall take effect on and from the 1st day of July, 1966.

52. In section 4A of the Preference Shares (Regulation of Dividends) Act, 1960, for the words "such deduction shall in no case exceed twenty-five per cent. of the stipulated dividend.", the following words, figures, letters and brackets shall be substituted, namely:—

Amendment of
Act 63 of
1960.

"such deduction made by the company from any dividend declared after the 28th day of February, 1966 shall in no case exceed twenty-seven and a half per cent. of the aggregate of—

(i) the stipulated dividend, and

(ii) an amount equal to eleven per cent. of the stipulated dividend as specified in sub-section (3) of section 3.".

53. In section 32 of the Unit Trust of India Act, 1963—

Amend-
ment of
Act 52 of
1963.

(a) in sub-section (1), for clause (b) and the *Explanation*, the following clause and *Explanation* shall be substituted, namely:—

'(b) where in the case of a unit-holder, being an individual, the income in respect of units received by him from the Trust during the previous year does not exceed one thousand rupees, such income, and where such income exceeds one thousand rupees, a sum of one thousand rupees, shall not be included in computing his total income of that year under the Income-tax Act, 1961.'

Explanation.—In this clause, "previous year" has the same meaning as in the Income-tax Act, 1961;'

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

'(c) where in the case of a unit-holder, being an individual who is not resident in India, the income in respect of units receivable by him from the Trust during the financial year—

(i) does not exceed one thousand rupees, no deduction of income-tax shall be made by the Trust from the income distributed to him:

(ii) exceeds one thousand rupees, deduction of income-tax shall be made by the Trust from the whole of the income distributed to him at the rate of fifteen per cent. of such income."

THE FIRST SCHEDULE

(See section 2)

PART I

Income-tax and surcharges on income-tax

Paragraph A

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 any other Paragraph of this Part applies,—

Rates of income-tax

(1) where the total income does not exceed Rs. 5,000	5 per cent. of the total income;
(2) where the total income exceeds Rs. 5,000 but does not exceed Rs. 10,000	Rs. 250 plus 10 per cent. of the amount by which the total income exceeds Rs. 5,000;
(3) where the total income exceeds Rs. 10,000 but does not exceed Rs. 15,000	Rs. 750 plus 15 per cent. of the amount by which the total income exceeds Rs. 10,000;
(4) where the total income exceeds Rs. 15,000 but does not exceed Rs. 20,000	Rs. 1,500 plus 20 per cent. of the amount by which the total income exceeds Rs. 15,000;
(5) where the total income exceeds Rs. 20,000 but does not exceed Rs. 25,000	Rs. 2,500 plus 30 per cent. of the amount by which the total income exceeds Rs. 20,000;
(6) where the total income exceeds Rs. 25,000 but does not exceed Rs. 30,000	Rs. 4,000 plus 40 per cent. of the amount by which the total income exceeds Rs. 25,000;
(7) where the total income exceeds Rs. 30,000 but does not exceed Rs. 50,000	Rs. 6,000 plus 50 per cent. of the amount by which the total income exceeds Rs. 30,000;
(8) where the total income exceeds Rs. 50,000 but does not exceed Rs. 70,000	Rs. 16,000 plus 60 per cent. of the amount by which the total income exceeds Rs. 50,000;
(9) where the total income exceeds Rs. 70,000	Rs. 28,000 plus 65 per cent. of the amount by which the total income exceeds Rs. 70,000;

Provided that for the purposes of this Paragraph, in the case of a person, not being a non-resident—

(i) no income-tax shall be payable on a total income not exceeding the following limit, namely:—

(a) Rs. 7,000 in the case of every Hindu undivided family which as at the end of the previous year satisfies either of the following two conditions, namely:—

(1) that it has at least two members entitled to claim partition who are not less than eighteen years of age; or

(2) that it has at least two members entitled to claim partition who are not lineally descended one from the other and who are not lineally descended from any other living member of the family;

(b) Rs. 4,000 in every other case;

(ii) where such person is an individual or a Hindu undivided family, the income-tax computed at the rate hereinbefore specified shall be reduced by so much of the amount specified hereunder, as does not exceed the amount of income-tax so computed:—

- | | |
|-------------|---|
| (a) Rs. 125 | in the case of an unmarried individual; |
| (b) Rs. 200 | in the case of a married individual who has no child mainly dependent on him or a Hindu undivided family which has no minor coparcener; |
| (c) Rs. 220 | in the case of a married individual who has one child mainly dependent on him or a Hindu undivided family which has one minor coparcener mainly supported from the income of such family; |
| (d) Rs. 240 | in the case of a married individual who has more than one child mainly dependent on him or a Hindu undivided family which has more than one minor coparcener mainly supported from the income of such family; |

(iii) where the total income is twenty thousand rupees or less, the income-tax payable shall not exceed forty per cent. of the amount by which the total income exceeds the limit specified in sub-clause (a) or, as the case may be, sub-clause (b) of clause (i) of this proviso.

Surcharges on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph shall be increased by the aggregate of surcharges for purposes of the Union calculated as specified hereunder:—

(a) where—

(i) in the case of an individual or a Hindu undivided family, the amount of unearned income, not being income by

way of interest on any security of the Central or State Government or income received in respect of units from the Unit Trust of India, established under the Unit Trust of India Act, 1963, included in the total income, or

52 of 1963.

(ii) in any other case, the amount of unearned income included in the total income,

exceeds Rs. 15,000,

a surcharge calculated on the difference between the amount of income-tax computed in respect of the income referred to in sub-clause (i) or, as the case may be, sub-clause (ii), if such income had been the total income and the amount of income-tax computed in respect of an income of Rs. 15,000 if it had been the total income, at the following rate, namely:—

- (1) where the amount of the difference does not exceed Rs. 14,500 20 per cent. of the amount of such difference;
- (2) where the amount of the difference exceeds Rs. 14,500 Rs. 2,900 plus 25 per cent. of the amount by which the difference aforesaid exceeds Rs. 14,500;

(b) where—

(i) in the case of an individual or a Hindu undivided family, the earned income and income by way of interest on any security of the Central or State Government and income received in respect of units from the Unit Trust of India, established under the Unit Trust of India Act, 1963, included in the total income, or

(ii) in any other case, the earned income included in the total income,

exceeds Rs. 1 lakh,

a surcharge calculated on the amount of the difference between the income-tax computed in respect of the income referred to in sub-clause (i) or, as the case may be, sub-clause (ii), if such income had been the total income and the income-tax computed in respect of a total income of Rs. 1 lakhs, at the following rate, namely:—

- (1) where the amount of the difference does not exceed Rs. 65,000 5 per cent. of the amount of such difference;
- (2) where the amount of the difference exceeds Rs. 65,000 but does not exceed Rs. 1,30,000 Rs. 3,250 plus 10 per cent. of the amount by which the difference aforesaid exceeds Rs. 65,000;

(3) where the amount of Rs. 9,750 plus 15 per cent. of the difference exceeds amount by which the difference aforesaid exceeds Rs. 1,30,000; and

(c) a special surcharge calculated at the rate of ten per cent. on the aggregate of the following amounts, namely:—

(i) the amount of income-tax computed in accordance with the preceding provisions of this Paragraph; and

(ii) the aggregate of the amounts of the surcharges calculated in accordance with clause (a) and clause (b) of this sub-paragraph.

Paragraph B

In the case of every co-operative society,—

Rates of income-tax

(1) where the total income does not exceed Rs. 5,000	5 per cent. of the total income;
(2) where the total income exceeds Rs. 5,000 but does not exceed Rs. 10,000	Rs. 250 plus 10 per cent. of the amount by which the total income exceeds Rs. 5,000;
(3) where the total income exceeds Rs. 10,000 but does not exceed Rs. 15,000	Rs. 750 plus 15 per cent. of the amount by which the total income exceeds Rs. 10,000;
(4) where the total income exceeds Rs. 15,000 but does not exceed Rs. 20,000	Rs. 1,500 plus 20 per cent. of the amount by which the total income exceeds Rs. 15,000;
(5) where the total income exceeds Rs. 20,000 but does not exceed Rs. 25,000	Rs. 2,500 plus 25 per cent. of the amount by which the total income exceeds Rs. 20,000;
(6) where the total income exceeds Rs. 25,000	Rs. 3,750 plus 41 per cent. of the amount by which the total income exceeds Rs. 25,000:

Provided that—

(i) no income-tax shall be payable on a total income not exceeding Rs. 4,000; and

(ii) where the total income is twenty thousand rupees or less, the income-tax payable shall not exceed forty per cent. of the amount by which the total income exceeds Rs. 4,000.

Surcharges on income-tax

The amount of income-tax computed at the rate hereinbefore specified shall be increased by the aggregate of surcharges for purposes of the Union calculated as specified hereunder:—

(a) where the total income exceeds Rs. 25,000, a surcharge calculated at the rate of 6½ per cent. of the amount of the difference between the income-tax computed at the rates hereinbefore

specified and the income-tax computed in respect of a total income of Rs. 25,000; and

(b) a special surcharge calculated at the rate of ten per cent. on the aggregate of the following amounts, namely:—

(i) the amount of income-tax computed at the rate hereinbefore specified; and

(ii) the amount of the surcharge calculated in accordance with clause (a) of this sub-paragraph.

Paragraph C

In the case of every registered firm,—

Rates of income-tax

(1) where the total income does not exceed Rs. 25,000 Nil.

(2) where the total income exceeds Rs. 25,000 but does not exceed Rs. 50,000 6 per cent. of the amount by which the total income exceeds Rs. 25,000;

(3) where the total income exceeds Rs. 50,000 but does not exceed Rs. 1,00,000 Rs. 1,500 plus 8 per cent. of the amount by which the total income exceeds Rs. 50,000;

(4) where the total income exceeds Rs. 1,00,000 Rs. 5,500 plus 12 per cent. of the amount by which the total income exceeds Rs. 1,00,000.

Surcharges on income-tax

The amount of income-tax computed at the rate hereinbefore specified shall be increased by the aggregate of surcharges for purposes of the Union calculated as specified hereunder:—

(a) in the case of a 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, a surcharge calculated at the rate of ten per cent. of the amount of income-tax computed at the rate hereinbefore specified;

(b) in the case of any other registered firm, a surcharge calculated at the rate of twenty per cent. of the amount of income-tax computed at the rate hereinbefore specified; and

(c) a special surcharge calculated at the rate of ten per cent. on the aggregate of the following amounts, namely:—

(i) the amount of income-tax computed at the rate hereinbefore specified; and

(ii) the amount of the surcharge calculated in accordance with clause (a), or, as the case may be, clause (b) of this sub-paragraph.

Paragraph D

In the case of every local authority,—

Rate of income-tax

On the whole of the total income ... 45 per cent.

Surcharges on income-tax

The amount of income-tax computed at the rate hereinbefore specified shall be increased by the aggregate of surcharges for purposes of the Union calculated as specified hereunder:—

(a) a surcharge calculated at the rate of ten per cent. of the amount of income-tax computed at the rate hereinbefore specified; and

(b) a special surcharge calculated at the rate of ten per cent. on the aggregate of the following amounts, namely:—

(i) the amount of income-tax computed at the rate hereinbefore specified; and

(ii) the amount of the surcharge calculated in accordance with clause (a) of this sub-paragraph.

Paragraph E

In the case of the Life Insurance Corporation of India established 31 of 1956. under the Life Insurance Corporation Act, 1956,—

Rates of income-tax

(i) on that part of its total income which consists of profits and gains from life insurance business 52.5 per cent.;

(ii) on the balance, if any, of the total income the rate of income-tax applicable, in accordance with Paragraph F of this Part, to the total income, of a domestic company which is a company in which the public are substantially interested.

Paragraph F

In the case of a company other than the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956,—

31 of 1956

*Rates of income-tax***I. In the case of a domestic company—**

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

(i) in a case where the total income does not exceed Rs. 25,000

45 per cent. of the total income.

(ii) in a case where the total income exceeds Rs. 25,000

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—

55 per cent.;

(1) on so much of the total income as does not exceed Rs. 10,00,000

60 per cent.;

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

65 per cent. of the total income; and

(ii) in any other case

(B) in addition, where the company is—

(i) a company in which the public are substantially interested, or

(ii) a company as is referred to in clause (iii) of sub-section (2) or clause (a) or clause (b) of sub-section (4) of section 104 of the Income-tax Act, or

(iii) such a company as is exempt from the operation of section 104 of the said Act by a notification issued under the provisions of sub-section (3) of that section,

on so much of the total income as does not exceed the relevant amount of distributions of dividends by the company

7·5 per cent.:

Provided that 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. 25,000, 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. 25,000 (the income of

Rs. 25,000 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) 80 per cent. of the amount by which its total income exceeds Rs. 25,000.

Explanation 1.—In clause (B), the expression “the relevant amount of distributions of dividends” means the aggregate of the following amounts, namely:—

5 of 1964.

10 of 1965.

(a) the amount of dividends, other than dividends on preference shares, declared or distributed by the company during the previous year relevant to the assessment year commencing on the 1st day of April, 1964, or the 1st day of April, 1965, with reference to which the amount of the rebate arrived at under the first proviso to Paragraph D of Part II of the First Schedule to the Finance Act, 1964 or, as the case may be, the first proviso to Paragraph F of Part I of the First Schedule to the Finance Act, 1965 is required to be reduced under the second proviso to the said Paragraph D or, as the case may be, the second proviso to the said Paragraph F, as diminished by so much of the amount of dividends aforesaid with reference to which the rebate referred to hereinabove is reduced under the second proviso to the said Paragraph D or the second proviso to the said Paragraph F; and

(b) so much of the amount of the dividends, other than dividends on preference shares, declared or distributed by the company during the previous year as exceeds ten per cent. of its paid-up equity share capital as on the 1st day of the previous year.

Explanation 2.—For the purposes of clause (B), where a part of the income of a company is not included in its total income because it is agricultural income, the amount declared or distributed as dividends (other than dividends on preference shares) shall be deemed to be such proportion thereof as the sum specified in clause (a) bears to the sum specified in clause (b), such sums being—

(a) the average amount of the total income of the company of the five previous years in which it has been in receipt of taxable income immediately preceding the relevant previous year; and

(b) the average amount of the total profits and gains (excluding capital receipts) of the company of the five previous

years referred to in clause (a) reduced by such allowances as may be admissible under the Income-tax Act but which have not been taken into account by the company in its profit and loss accounts for the said five previous years.

Explanation 3.—For the removal of doubts, it is hereby declared that where any dividends were declared by the company before the commencement of the previous year and are distributed by it during that year, the amount of such dividends shall not be included in the amount of dividends referred to in clause (b) of *Explanation 1*.

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, 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;

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.

PART II

Rates for deduction of tax at source in certain cases

In every case in which under the provisions of sections 183 to 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, on the whole income (excluding interest payable on a tax free security)	18 per cent.	4 per cent.;
(b) where the person is not resident in India—		
(i) on the whole income (excluding interest payable on a tax free security)	income tax at 25 per cent. and surcharge at 8 per cent. of the amount of the income or	

THE FINANCE ACT, 1966
Income-tax

	Rate of income-tax	Rate of surcharge
income-tax and surcharges on income-tax in respect of the income (at the rates prescribed in Paragraph A of Part of this Schedule, if such income had been the total income, whichever is higher;		
(ii) on the income by way of interest payable on a tax free security	12.5 per cent.	4 per cent.
2. In the case of a company—		
(a) where the company is a domestic company, on the whole income (excluding interest payable on a tax free security)	22 per cent.	Nil.
(b) where the company is not a domestic company—		
(i) on the income by way of dividends payable by an Indian company as is referred to in the proviso to section 85A of the Income-tax Act	15 per cent.	Nil.
(ii) on the income by way of dividends payable by any domestic company other than a company referred to in (i) hereinabove	25 per cent.	Nil.
(iii) on the income by way of royalties payable by an Indian concern in pursuance of an agreement made by it with the Indian concern after the 31st day of March, 1961, and which has been approved by the Central Government	50 per cent.	Nil.
(iv) on the income by way of fees payable by an Indian concern for rendering technical services in pursuance of an agreement made by it with the Indian concern after the 29th day of February, 1964, and which has been approved by the Central Government	50 per cent.	Nil.
(v) on the income by way of interest payable on a tax free security	44 per cent.	Nil.
(vi) on any other income	70 per cent.	Nil.

THE SECOND SCHEDULE

(See section 3)

Rates of annuity deposits

- | | |
|--|---|
| (i) In the case of any depositor whose total income does not exceed Rs. 15,000 | Nil. |
| (ii) In the case of any depositor whose total income exceeds Rs. 15,000 but does not exceed Rs. 20,000 | 5 per cent. of the adjusted total income: |

Provided that the annuity deposit to be made shall in no case exceed half the amount by which the total income exceeds Rs. 15,000.

- | | |
|---|---|
| (iii) In the case of a depositor whose total income exceeds Rs. 20,000 but does not exceed Rs. 40,000 | $\frac{7}{2}$ per cent. of the adjusted total income: |
|---|---|

Provided that the annuity deposit to be made shall in no case exceed the aggregate of the following sums, namely:—

(a) an amount calculated at five per cent. on so much of the adjusted total income as does not exceed Rs. 20,000;

(b) one-half of the amount by which the total income exceeds Rs. 20,000.

- | | |
|--|--|
| (iv) In the case of a depositor whose total income exceeds Rs. 40,000 but does not exceed Rs. 70,000 | 10 per cent. of the adjusted total income: |
|--|--|

Provided that the annuity deposit to be made shall in no case exceed the aggregate of the following sums, namely:—

(a) an amount calculated at seven and a half per cent. on so much of the adjusted total income as does not exceed Rs. 40,000;

(b) one-half of the amount by which the total income exceeds Rs. 40,000.

- | | |
|--|---|
| (v) In the case of a depositor whose total income exceeds Rs. 70,000 | $12\frac{1}{2}$ per cent. of the adjusted total income: |
|--|---|

Provided that the annuity deposit to be made shall in no case exceed the aggregate of the following sums, namely:—

- (a) an amount calculated at ten per cent. on so much of the adjusted total income as does not exceed Rs. 70,000;
- (b) one-half of the amount by which the total income exceeds Rs. 70,000.

Explanation.—In this Schedule, “total income” means total income computed in the manner laid down in the Income-tax Act without making any allowance under section 280O of that Act.

THE THIRD SCHEDULE

(See section 32)

FURTHER AMENDMENTS IN THE INCOME-TAX ACT

Section 156.—Omit “(including annuity deposit referred to in Chapter XXIIA)” with effect from the 1st day of April, 1967.

Section 246.—In clause (o),—

- (a) in sub-clause (v), omit “or”;
- (b) omit sub-clause (vi);

with effect from the 1st day of April, 1967.

Section 280E.—Re-number the existing *Explanation* as *Explanation 1*, and after *Explanation 1* as so re-numbered, insert—

“*Explanation 2.*—The provisions of this section and of sections 280F to 280I shall not apply in respect of the financial year commencing on the 1st day of April, 1966 or any subsequent financial year.”.

Omit sections 280J, 280K, 280R and 280T with effect from the 1st day of April, 1967.

Section 280M.—For sub-section (2), substitute with effect from the 1st day of April, 1967—

“(2) Where any depositor has deposited any amount for any assessment year which he is not liable to deposit under the provisions of this Chapter or which is in excess of the amount required to be deposited under the said provisions for that year, then, the entire amount or excess amount, as the

case may be, may be refunded, adjusted or otherwise dealt with in such manner and having regard to such factors as may be specified in a scheme framed under section 280W.”.

For section 280Q, substitute—

Round-
ing off.

“280Q. The amount of any deposit to be made under this Chapter shall be rounded off to the nearest multiple of ten rupees and for this purpose any part of a rupee consisting of paise shall be ignored and thereafter if such amount is not a multiple of ten, then, if the last figure in that amount is five or more, the amount shall be increased to the next higher amount which is a multiple of ten and if the last figure is less than five, the amount shall be reduced to the next lower amount which is a multiple of ten.”.

Section 280W.—After clause (a) of sub-section (2), insert—

“(aa) the cases in which, the circumstances under which and the conditions subject to which, the Income-tax Officer may, under the proviso to clause (ii) of sub-section (2) of section 280C, allow a depositor to make a deposit or a further deposit after the expiry of the financial year immediately preceding the assessment year;”.

THE KERALA APPROPRIATION (No. 2) ACT, 1966

No. 14 OF 1966

[17th May, 1966]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Kerala for the services of the financial year 1966-67.

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

1. This Act may be called the Kerala Appropriation (No. 2) Act, short title, 1966.
2. From and out of the Consolidated Fund of the State of Kerala [Issue of there may be paid and applied sums not exceeding those specified Rs. 2,21, 77,06,600 in column 3 of the Schedule amounting in the aggregate [inclusive out of the of the sums specified in column 3 of the Schedule to the Kerala Consolidated Appropriation (Vote on Account) Act, 1966] to the sum of two hundred and twenty-one crores, seventy-seven lakhs, six thousand the State of Kerla and six hundred rupees towards defraying the several charges which for the will come in course of payment during the financial year 1966-67, year 1966-67. 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 the State of Kerala by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

11 of
1966.

THE SCHEDULE

(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
			Rs.	
A—REVENUE ACCOUNT				
I	Agricultural Income-tax and Sales Tax . . .	52,32,600	10,000	52,42,600
II	Land Revenue . . .	2,17,27,800		2,17,27,800
III	Excise . . .	35,93,500	4,000	35,97,500
IV	Taxes on Vehicles . . .	11,71,100	1,000	11,72,100
V	Stamps . . .	16,75,800		16,75,800
VI	Registration Fees . . .	46,27,300	1,000	46,28,300
	<i>Debt Charges . . .</i>		10,92,41,300	10,92,41,300
VII	State Legislature . . .	9,73,500	25,500	9,99,000
VIII	Elections . . .	20,90,000		20,90,000
IX	Heads of States, Ministers and Headquarter's Staff . . .	89,38,000	13,71,100	1,03,09,100
X	District Administration and Miscellaneous . . .	1,11,58,700	18,000	1,11,76,700
XI	Administration of Justice . . .	1,22,48,400	14,81,400	1,37,29,800
XII	Jails . . .	59,32,500	1,000	59,33,500
XIII	Police . . .	5,35,69,400	5,000	5,35,74,400
XIV	State Insurance and Miscellaneous . . .	21,03,400	1,000	21,04,400
XV	Scientific Departments . . .	10,99,200		10,99,200
XVI	University Education . . .	2,13,16,400	1,000	2,13,17,400
XVII	General Education . . .	30,16,47,200	2,15,000	30,18,62,200
XVIII	Technical Education . . .	1,62,10,700	5,000	1,62,15,700
XIX	Medical . . .	7,14,82,600	4,000	7,14,86,600
XX	Public Health . . .	2,73,08,600	25,000	2,73,33,600
XXI	Public Health Engineering . . .	1,79,72,100	10,000	1,79,82,100
XXII	Agriculture . . .	4,10,82,600	..	4,10,82,600

or 1966]

Kerala Appropriation (No. 2)

III

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
XXIII	Fisheries . . .	93,38,400	..	93,38,400
XXIV	Rural Development . . .	57,24,800	..	57,24,800
XXV	Animal Husbandry . . .	1,16,57,800	4,000	1,16,61,800
XXVI	Co-operation . . .	68,73,500	500	68,74,000
XXVII	Industries . . .	1,15,17,400	6,000	1,15,23,400
XXVIII	Community Development Projects, National Extension Service and Local Development Works . . .	2,97,11,100	..	2,97,11,100
XXIX	Labour and Employment . . .	88,40,500	500	88,41,000
XXX	Harijan Welfare . . .	1,97,80,400	15,000	1,97,95,400
XXXI	Statistics and Miscellaneous . . .	61,77,300	..	61,77,300
XXXII	Irrigation . . .	3,75,62,400	..	3,75,62,400
XXXIII	Public Works . . .	10,39,83,200	1,14,000	10,40,97,200
XXXIV	Ports . . .	17,61,000	1,000	17,62,000
XXXVI	Famine . . .	16,83,400	..	16,83,400
XXXVII	Pensions . . .	3,13,51,700	3,17,300	3,16,69,000
XXXVIII	Stationery and Printing . . .	80,09,200	10,000	80,19,200
XXXIX	Forest . . .	1,63,18,600	5,000	1,63,23,600
XL	Miscellaneous . . .	1,00,50,300	48,25,000	1,48,75,300
XLI	Miscellaneous Compensations and Assignments . . .	21,32,200	1,00,000	22,32,200
	TOTAL—A . . .	95,56,34,600	11,78,18,600	1,07,34,53,200
	B.—CAPITAL EXPENDITURE OUTSIDE THE REVENUE ACCOUNT			
XLIII	Capital Outlay on Public Health . . .	1,19,38,200	..	1,19,38,200
XLIV	Capital Outlay on Agricultural Improvement . . .	20,38,900	75,000	21,13,900
XLV	Capital Outlay on Industrial and Economic Development . . .	3,68,28,500	20,100	3,68,48,600

112. Kerala Appropriation (No. 2) [ACT 14 OF 1966]

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on Consolidated Fund	Total
		Rs.	Rs.	Rs.
XLVI	Capital Outlay on Irrigation	4,18,54,900	..	4,18,54,900
XLVII	Capital Outlay on Public Works	5,70,64,800	4,00,000	5,74,64,800
XLVIII	Capital Outlay on Other Works	24,40,800	..	24,40,800
XLIX	Capital Outlay on Ports	87,13,800	..	87,13,800
LI	Capital Outlay on Forests	96,48,000	1,000	96,49,000
LII	Commuted Value of Pensions	3,57,000	..	3,57,000
LIII	Capital Outlay on Schemes of Government Trading	6,09,11,400	5,000	6,09,16,400
	TOTAL—B	23,17,96,300	5,01,100	23,22,97,400
LV	Loans and Advances by the Government	22,19,32,700	..	22,19,32,700
	<i>Public Debt Repayment</i>	..	69,00,23,300	69,00,23,300
	TOTAL—C	22,19,32,700	69,00,23,300	91,19,56,000
	GRAND TOTAL	1,40,93,63,600	80,83,43,000	2,21,77,06,600

THE PRODUCE CESS ACT, 1966.

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and extent.
2. Definitions.
3. Imposition of cess.
4. Persons who shall be liable to pay duty.
5. Application of proceeds of cess.
6. Refund of cess on oils exported from India.
7. Occupier to supply certain particulars to Collector.
8. Delivery of monthly returns.
9. Collection of cess leviable on produce specified in Second Schedule.
10. Finality of assessment.
11. Collection of cess on any produce specified in First Schedule.
12. Recovery of sums due to Government.
13. Power to inspect mills and take copies of account.
14. Information acquired to be confidential.
15. Provisions of certain Acts to apply.
16. Offences.
17. Limitation of prosecution.
18. Composition of offences.
19. Protection of action taken in good faith.
20. Power to make rules.

ARRANGEMENTS OF SECTIONS

SECTIONS

21. Power to remove difficulties.
22. Rules to be laid before Parliament.

THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

Not Corrected: See India Gazette, Vol. IV A, Pt. I, p. 277

THE PRODUCE CESS ACT, 1966

NO. 15 OF 1966

[21st May, 1966]

An Act to provide for the imposition of cess on certain produce for the improvement and development of the methods of cultivation and marketing of such produce and for matters connected therewith.

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

1. (1) This Act may be called the Produce Cess Act, 1966.

Short title
and extent.

(2) It extends to the whole of India.

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

Definitions.

(a) "Collector" means the officer appointed by the Central Government to perform in any specified area the duties of a Collector under the provisions of this Act and the rules made thereunder, and includes any officer subordinate to that officer whom he may, by order in writing, authorise to perform his duties under those provisions;

(b) "cotton" means raw cotton, whether baled or loose, which has been ginned;

(c) "customs airport," "customs port" and "customs station" have the meanings respectively assigned to them in the Customs Act, 1962;.

(d) "Indian Council of Agricultural Research" means the body registered in that name under the Societies Registration Act, 1860;.

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for cl. (c).

(e) "Sales tax Act 49 of 1966, S. 2 (Rateability)

(e) "lac" includes any form of manufactured or unmanufactured lac other than refuse lac;

(f) "managing agent" has the meaning assigned to it in the Companies Act, 1956;

(g) "mill" means,—

(i) in relation to cotton, any place which is a factory as defined in section 2 of the Factories Act, 1948, and in 63 of 1948 which, or in any part of which, cotton is converted into yarn or thread either for sale as such or for conversion into cotton goods,

(ii) in relation to copra or oil-seed and oil, any premises in which or in any part of which, copra or oil-seed, as the case may be, is crushed, or is ordinarily crushed, with the aid of power for the extraction of oil.

Explanation.—"Power" means electrical energy or any other form of energy, which is mechanically transmitted and is not generated by human or animal agency,

(iii) in relation to any other produce, such place as the Central Government may, by notification in the Official Gazette, specify;

(h) "occupier", in relation to any mill, means the person who has the ultimate control over the affairs of the mill and where the said affairs are entrusted to a managing agent, such agent shall be deemed to be the occupier of the mill;

(i) "oil-seed" does not include copra;

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

(k) "produce" means any goods specified in the First Schedule or the Second Schedule.

U [Customs Station]
to any place

Imposition of cess. 3. (1) There shall be levied and collected as a cess, for the purposes of this Act, on every produce specified in column 2 of the First Schedule, which is exported from any customs port to any port beyond the limits of India, a duty of customs 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:

④ Subs. I, ACT 49 of 1966, S. 3. (Retrograding)

⑤ certain words omitted by ACT 4 of 1979
S. 20 (w.e.f. 1-4-1979).

Provided that until such rate is specified by the Central Government, the duty of customs shall be levied and collected at the rate specified in the corresponding entry in column 4 of the said Schedule.

(2) There shall be levied and collected as a cess, for the purposes of this Act, on every produce specified in column 2 of the Second Schedule, 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 :

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 said Schedule.

4. Every duty of customs leviable under this Act on any produce shall be payable by the person by whom such produce is exported from India and every duty of excise leviable under this Act on any produce shall be payable by the occupier of the mill in which such persons who shall be liable to pay duty. produce is consumed or extracted.

5. (1) An amount equivalent to the proceeds of the duty levied and collected under this Act, reduced by the cost of collection as determined by the Central Government, together with any moneys received by the Central Government for the purposes of this Act, shall, after due appropriation made by Parliament by law, be utilized by the Central Government to meet the expenditure incurred in connection with measures which, in the opinion of that Government, are necessary or expedient to promote the improvement, development and marketing of produce. Application of proceeds of cess.

(2) In particular, and without prejudice to the generality of the provisions of sub-section (1), the proceeds of the duty levied and collected under this Act may be utilized by the Central Government for all or any of the following purposes, namely :—

(a) undertaking, assisting or encouraging, agricultural, industrial, technological and economic research, including research on the utilization of the Products obtained from any produce ;

(b) supplying technical advice to cultivators, growers and millers;

(c) encouraging the adoption of improved methods of cultivation and storage of crops ;

- (d) producing, testing and distributing improved varieties of crops or assisting such work;
- (e) assisting in the control of insects and other pests and diseases of the crops, both in the field and in storage;
- (f) promoting the improvement of the marketing of produce and the products obtained therefrom in India and abroad including the setting up and adoption of grade standards for the produce and the products obtained therefrom;
- (g) collecting statistics from cultivators, growers, dealers and occupiers of mills on all relevant matters and promoting improvement in the forecasting of crops and the preparation of all relevant statistics relating to the crops and the products obtained therefrom;
- (h) maintaining, and assisting in the maintenance of, such institutes, farms and stations as the Central Government may consider necessary;
- (i) advising and providing assistance on all matters connected with the improvement of the cultivation of crops (including advising on the best and most suitable varieties of the crops to be cultivated) and the improvement of the industries using the crops and the products obtained therefrom;
- (j) promoting and encouraging the co-operative movement in any connected industry;
- (k) adopting such measures as may be practicable for ensuring remunerative returns to the growers;
- (l) organising the establishment of cultivators', growers', millers' and consumers' organisations;
- (m) aiding and encouraging the establishment of exhibitions for demonstrating the uses of the produce and the products obtained therefrom;
- (n) adopting any other measures which the Central Government may deem to be necessary or advisable to carry out the purposes of this Act.

(3) In this section, "crops" means crops or plants from which any produce is obtained.

Refund
of cess
on oils
exported
from
India.

6. There shall be refunded from out of the proceeds of cess levied and collected under this Act, on such conditions as may be prescribed, all sums collected as cess on the quantity of oils exported from India, if such oils have been extracted from oil-seed or copra crushed in a mill in India, irrespective of whether the oil-seed or copra is produced in, or imported into, India.

1. The word "or copra" omitted by
Act 4 of 1979, s. 20 (w.e.f. 1-4-1979).

improved varieties

and other pests and
in storage;

marketing of produce
India and abroad inclu-
standards for the pro-

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Occupier to
supply cer-
tain parti-
culars to
Collector.

7. The occupier of every mill shall—

(a) if the mill was established before the commencement of this Act, within fourteen days from such commencement, and

(b) if the mill is established after the commencement of this Act, within fourteen days from such establishment,

furnish to the Collector a statement containing the following particulars, namely:—

- (i) the name and situation of the mill;
- (ii) the name and address of the occupier;
- (iii) the address to which the communications relating to the mill may be sent; and
- (iv) the total capacity of the mill.

8. (1) Every occupier of a mill shall furnish to the Collector every month a return stating the total amount of produce, specified in the Second Schedule, consumed or brought under processing or extracted in the mill during the preceding month.

(2) The return referred to in sub-section (1) shall be furnished before the seventh day of each month together with such other information as may be prescribed.

(3) Every such return shall be made in such form and shall be verified in such manner as may be prescribed.

9. (1) On receiving any return made under section 8, the Collector shall assess the duty of excise payable on every produce specified in the Second Schedule, in respect of the period to which the return relates, and if the amount has not already been paid, shall cause a notice to be served upon the occupier of the mill requiring him to make payment of the amount assessed within ten days of the service of the notice.

(2) If the occupier of any mill fails to furnish in due time the return referred to in section 8 or furnishes a return which the Collector has reason to believe is incorrect or defective, the Collector shall assess the amount payable by him in such manner, if any, as may be prescribed, and the provisions of sub-section (1) shall thereupon apply as if such assessment had been made on the basis of a return furnished by the occupier:

Provided that, in the case of a return which he has reason to believe is incorrect or defective, the Collector shall not assess the duty of excise at an amount higher than that at which it is assessable on the basis of the return without giving to the occupier a reasonable

opportunity of proving the correctness and completeness of the return.

(3) A notice under sub-section (1) may be served on the occupier of a mill either by registered post or by delivering or tendering to the occupier or his agent at the mill.

Finality of assessment.

10. (1) Any occupier of a mill who is aggrieved by an assessment made under section 9 may, within three months of service of the notice referred to in sub-section (1) of that section, appeal to such authority as the Central Government may, by notification in the Official Gazette, appoint in this behalf, for the cancellation or modification of the assessment and, on such appeal, the said authority may cancel or modify the assessment and order the refund to such occupier of the whole or part, as the case may be, of the amount paid thereunder :

Provided that the authority so appointed shall not be inferior in rank to the Collector by whom the assessment was made.

(2) The appellate authority may, if it is satisfied that the appellant was prevented by sufficient cause from presenting the appeal within the aforesaid period of three months, allow it to be presented within a further period of one month.

(3) Where the appellate authority is of opinion that any duty of excise has been short-levied, no order enhancing the duty of excise shall be made unless the appellant has been given notice to show cause, within one month from the date of service thereof, against the proposed order.

(4) The Central Government may, on the application of any person aggrieved by any order made under sub-section (1) or sub-section (3), cancel or modify such order, if such application is made within six months from the date of the order made under sub-section (1) or sub-section (3), as the case may be.

(5) The Central Government may, if it is satisfied that the applicant was prevented by sufficient cause from presenting the application within the aforesaid period of six months, allow it to be presented within a further period of one month.

(6) The decision of the Central Government, and subject to the decision of the Central Government, the decision of the appellate authority, shall be final.

Collection of cess on any produce specified in First Schedule.

11. (1) The Collector shall in respect of any produce specified in the First Schedule which is exported by sea, assess and collect the duty of customs at the customs port of export. [or customs airport.]

J. As. by Act 49 of 1966, S. 44 (Retrospectively).

Not Corrected: See India Code

or 1966]

Produce Cess

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(2) Where any produce specified in the First Schedule is exported by land, the duty of customs leviable under this Act on such produce shall be assessed and collected by such authority and in such manner as may be prescribed, and, until so prescribed, such duty of customs shall be levied and collected in accordance with the law in force immediately before the commencement of this Act.

(3) The Central Board of Excise and Customs constituted under 54 of 1963. the Central Boards of Revenue Act, 1963, may, by rules, specify the conditions and restrictions subject to which—

(a) refund may be made of the duty of customs levied on any produce specified in the First Schedule which is exported by land, where such produce is subsequently imported into India,

(b) export may be made by land, without payment of any duty of customs, of any produce specified in the First Schedule which is intended to be brought back to India.

12. Where any duty of customs or excise demanded from any person or any penalty payable by any person under this Act is not paid,—

Recovery
of sums
due to
Govern-
ment.

(a) the Collector may deduct the amount so payable from any money owing to such person which may be under the control of the Collector or any other officer ; or

(b) the Collector may recover the amount so payable by detaining and selling any goods belonging to such person which are under the control of the Collector or any other officer ; or

(c) if the amount cannot be recovered from such person in the manner provided in clause (a) or clause (b), the Collector may prepare a certificate signed by him specifying the amount due from such person and send it to the Collector of the district in which such person owns any property or resides or carries on his business and the said Collector shall, on receipt of such certificate, proceed to recover from the said person the amount specified therein as if it were an arrear of land revenue.

13. (1) The Collector or any officer empowered by general or special order of the Central Government in this behalf shall have free access at all reasonable times during working hours to any mill or any part of a mill.

Power to
inspect
mill and
take copies
of account.

(2) The Collector or any such officer may, at any time during working hours, with or without notice to the occupier, examine the purchase, sale and stock records and accounts of any mill and take copies of or extracts from all or any of the said records or accounts for the purpose of testing the accuracy of any return or of informing himself as to the particulars regarding which information is required for the purposes of this Act or any rules made thereunder:

196 Law—16.

4. Ins. by Act 49 of 1966, S. 4 (Retrospectively)

Provided that nothing in this section shall be deemed to authorize the examination of any description or formulae of any trade process.

Information acquired to be confidential.

14. (1) All such copies and extracts and all information acquired by a Collector or any other officer from any inspection of any mill or from any return submitted under this Act shall be treated as confidential.

(2) If the Collector or any such officer discloses to any person, other than a superior officer, any such information as aforesaid, without the previous sanction of the Central Government, he shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine:

Provided that nothing in this section shall apply to the disclosure of any such information for the purpose of a prosecution in respect of the making of a false return under this Act.

Provisions of certain Acts to apply.

15. (1) The provisions of the Customs Act, 1962, and the rules ^{52 of 1962} and regulations 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 duties of customs on any produce specified in the First Schedule as they apply in relation to the levy and collection of duty payable to the Central Government under that Act.

(2) The provisions of the Central Excises and Salt Act, 1944, and ^{1 of 1944} 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 duties of excise on any produce specified in the Second Schedule as they apply in relation to the levy and collection of duty payable to the Central Government under that Act.

Offences.

16. (1) Whoever—

(a) evades the payment of any duty of customs or excise payable under this Act, or

(b) fails to furnish any return or information which it is his duty to furnish under this Act or furnishes a return or information which is false in material particulars or which he does not believe to be true, or

(c) obstructs the Collector or any other officer in the performance of his duties under this Act or any rules made thereunder,

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees or with both.

(2) Any court trying an offence under this Act may direct that any produce in respect of which it is satisfied that an offence punishable under this Act has been committed shall be forfeited to Government and may also direct that all packages, coverings or receptacles in which such produce is contained and every animal, vehicle, vessel or other conveyance used in carrying such produce shall be forfeited to Government.

17. No prosecution for any offence punishable under this Act shall be instituted against any person except by, or with the consent of, the Collector. of prosecution.

18. Any offence punishable under this Act may, either before or after the institution of the prosecution, be compounded by the Collector or any other officer authorised by him in this behalf on payment to the Central Government, for the purposes of this Act, of such sum as the Collector or such officer, as the case may be, thinks fit. Composition of offences.

19. (1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any person authorised by the Central Government 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. Protection of action taken in good faith.

(2) No suit or other legal proceeding shall lie against the Central Government or any person authorised by the Central Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act or any rule or order made thereunder.

20. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes 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) conditions subject to which refund may be made of any sums collected as duties of excise on any quantity of oil exported from India;

(b) the form of the monthly return which every occupier of a mill should submit to the Collector and the manner in which such return shall be verified;

(c) information which every occupier may be required to furnish in the monthly returns;

(d) manner in which assessment of duties of excise shall be made where no return has been furnished or the return which has been furnished is believed by the Collector to be incorrect or defective;

(4)
[by land
or inland
water]

(e) the authority by which and the manner in which the duties of customs leviable under this Act shall be collected on any produce specified in the First Schedule which is exported by land; and

(f) any other matter which is required to be, or may be, prescribed.

Power to
remove
difficulties.

21. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, make such directions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such directions shall be made after the expiry of a period of three years from the date of commencement of this Act.

Rules to
be laid
before
Parliament.

22. Every rule made under this Act shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the 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 the rule.

(4) Suls. by Act 49 of 1966, S. 5 (Retrospectively)

THE FIRST SCHEDULE

[See section 3(1)]

S. No.	Name of the produce	The maximum rate at which duty of customs may be collected	Actual rate at which duty of customs is to be collected until a different rate is specified by the Central Government
1	2	3	4
1	Lac produced in India.	Rupees two and thirty paise per quintal.	Rupees two and thirty paise per quintal.
2	Refuse lac produced in India.	Rupee one and seventy paise per quintal.	Rupee one and seventy paise per quintal.

4 [3 Cashew Kernal $1\frac{1}{2}$ per cent. of the tariff value. 1 per cent. of the tariff value.]

4 [Explanation.— In this Schedule, the expression "tariff value" has the meaning assigned to it in the Customs Act, 1962.]

52 of 1962

4 Ins. and added by Act 49 of 1966, S. 6

(Date 15-12-66)

~~Not Corrected: See India Code~~

THE SECOND SCHEDULE

[See section 3(2)]

S. No.	Name of the produce	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	Cotton consumed in any mill in India with a view to producing or manufacturing any goods therefrom.	One rupee per bale of 181.4 kilo- grams, or in the case of unbaled cotton, twenty- eight paise per 50 kilograms.	Seventy-five paise per bale of 181.4 kilo- grams, or in the case of unbaled cotton, twenty-one paise per 50 kilo- grams.
2	Copra consumed in any mill in India with a view to producing or man- ufacturing any goods therefrom.	Seventy-five paise per quintal of copra.	Sixty paise per quintal of copra.
3	Oils extracted from oil-seed crushed in any mill in India.	One rupee per quin- tal of oil.	Sixty paise per quin- tal of oil.

1. Entries 2, 3, 4 omitted by Act
4 of 1979, s. 20 (w.e.f. 1-4-1979).

THE ORISSA LEGISLATIVE ASSEMBLY (EXTENSION OF DURATION) ACT, 1966

NO. 16 OF 1966

[29th May, 1966]

An Act to provide for the extension of the duration of the present Legislative Assembly of the State of Orissa.

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

1. This Act may be called the Orissa Legislative Assembly (Extension of Duration) Act, 1966. Short title.

2. The period of five years [being the period for which the Legislative Assembly of a State may, under clause (1) of article 172 of the Constitution, continue from the date appointed for its first meeting] in relation to the present Legislative Assembly of the State of Orissa shall, while the Proclamation of Emergency issued on the 26th day of October, 1962, is in operation, be extended up to the 1st day of March, 1967. Extension of duration of the present Orissa Legislative Assembly.

Provided that if the Proclamation ceases to operate before the 1st day of March, 1967, the present Legislative Assembly of the State of Orissa shall, unless previously dissolved under clause (2) of article 174 of the Constitution, continue until, six months after the cesser of operation of the Proclamation and no longer.

THE UNIT TRUST OF INDIA (AMENDMENT)
ACT, 1966

No. 17 OF 1966.

[29th May, 1966]

An Act further to amend the Unit Trust of India Act, 1963.

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

Short
title
and com-
mencement.

1. (1) This Act may be called the Unit Trust of India (Amendment) Act, 1966.

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

Amend-
ment of
section
2.

2. In section 2 of the Unit Trust of India Act, 1963 (hereinafter ^{52 of 1963.} referred to as the principal Act),—

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

“(cc) “first unit scheme” means the unit scheme made before the commencement of the Unit Trust of India (Amendment) Act, 1966;”;

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

“(jj) “subsequent unit scheme” means any scheme made after the commencement of the Unit Trust of India (Amendment) Act, 1966;”;

(iii) in clauses (n), (o), (p) and (q), for the words “the unit scheme”, the words “a unit scheme” shall be substituted.

Amend-
ment of
section
4.

3. In section 4 of the principal Act, in sub-section (5), for the words “the contributing institutions”, the following words, brackets, letters and figure shall be substituted, namely:—

“any contributing institution, and in making any such refund the Board shall not make any discrimination between the institutions referred to in clause (c) of sub-section (2) or between the institutions referred to in clause (d) of that sub-section”.

4 10.6.66; Vida Notifn. No. S.O. 1709 dt. 6.6.66,
Gaz. of India, Pt. II, Sec. 3(ii), P. 1543.

Amend-
ment of
section
19.

4. In section 19 of the principal Act, in sub-section (1),—

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

“(cc) formulating in relation to any unit scheme—

(i) savings and life insurance plan or plans in association with or as the agent of, the Life Insurance Corporation of India, but not including the life insurance business; or

(ii) any other plan or plans,

under which a person may acquire an interest in units;”;

(ii) in clause (d), after the words “matters and things”, the words “as may promote the sale of units or” shall be inserted.

5. In section 20 of the principal Act, for sub-sections (2), (3) and (4), the following sub-sections shall be substituted, namely:—

Amend-
ment of
section
20.

“(2) The Trust may borrow money from the Reserve Bank—

(i) repayable on demand or on the expiry of a fixed period not exceeding ninety days from the date on which the money is so borrowed, against stocks, funds and securities (other than immovable property) in which a trustee is authorised to invest trust money by any law for the time being in force in India;

(ii) repayable on demand or within a period of eighteen months from the date on which the money is so borrowed, against the security of the bonds which the Trust may issue with the approval of the Central Government;

(iii) on such terms and conditions and against the security of such other property of the Trust as may be specified in this behalf by the Reserve Bank for the purposes of any scheme other than the first unit scheme:

Provided that any amount borrowed under this clause and outstanding at any one time shall not exceed—

(a) five crores of rupees in respect of each such scheme; and

(b) ten crores of rupees in respect of all such schemes in the aggregate.

(3) The bonds issued by the Trust under sub-section (2) shall be guaranteed by the Central Government as to the repayment of principal and the payment of interest at such rate as may be fixed by the Central Government at the time the bonds are issued.”.

Insertion
of new
sections
20A and
20B.

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

Special
contri-
bution by
Reserve
Bank.

“20A. The Reserve Bank may, from time to time, in its discretion pay to the Trust from out of the amount payable to the Reserve Bank under sub-section (1) of section 25A any sum to be utilised by the Trust solely for meeting the losses arising out of, or any additional amount required in connection with, any variation made by the Trust in the sale or re-purchase price of a unit.

Grants
donations,
etc., to
trust.

20B. The Trust may receive gifts, grants, donations or benefactions from Government or any other source and such gifts, grants, donations or benefactions shall be treated by the Board as capital or income of the first unit scheme or, as the case may be, of any subsequent unit scheme according to the purposes for which they are made and in the absence of any indication of such purposes, they shall be treated as capital or income of such unit scheme or schemes and to such extent as the Board thinks fit.”.

Amend-
ment of
section
21.

7. In section 21 of the principal Act,—

(a) in sub-section (1), for the words “shall make a unit scheme”, the words “may make one or more unit schemes” shall be substituted;

(b) in sub-section (3), for the words “the scheme”, the words “any scheme” shall be substituted;

(c) in sub-section (4), for the words “The scheme”, the words “Every scheme” shall be substituted.

8. For Chapter V and sections 22 to 25 of the principal Act, the following Chapter and sections shall be substituted, namely:—

Substitution of new Chapter for Chapter V.

'CHAPTER V'

ALLOCATION AND DISTRIBUTION OF INCOME AND RESERVE FUNDS

22. (1) The capital of the Trust in relation to the first unit scheme shall consist of—

Capital of the Trust.

- (i) the initial capital,
- (ii) the unit capital of the said scheme,
- (iii) any reserves created for that scheme,
- (iv) any amount borrowed for the purposes of that scheme;
- (v) any amount received for the purposes of that scheme by way of gifts, grants, donations or benefactions from the Government or any other source and treated as the capital of that scheme under section 20B;
- (vi) any other capital allocated to that scheme by the Board having regard to the nature of such capital and other relevant factors.

(2) The capital of the Trust in relation to any subsequent unit scheme shall consist of—

- (i) the unit capital of that scheme,
- (ii) any reserves created for that scheme,
- (iii) any amount borrowed for the purposes of that scheme;
- (iv) any amount received for the purposes of that scheme by way of gifts, grants, donations or benefactions from the Government or any other source and treated as the capital of that scheme under section 20B;
- (v) any other capital allocated to that scheme by the Board having regard to the nature of such capital and other relevant factors.

(3) The capital in respect of a unit scheme shall be held separately from the capital in respect of any other unit scheme and such capital shall, subject to the provisions of this Chapter, be applied solely for the purposes of that unit scheme.

Income
of the
Trust.

23. The income of the Trust shall consist of—

(i) in relation to the first unit scheme,—

(a) the income arising out of the capital referred to in sub-section (1) of section 22,

(b) any gifts, grants, donations or benefactions treated as the income of that scheme under section 20B, and

(c) any other income allocated to that scheme by the Board having regard to the nature of the income and other relevant factors;

(ii) in relation to any subsequent unit scheme,—

(a) the income arising out of the capital referred to in sub-section (2) of section 22,

(b) any gifts, grants, donations or benefactions treated as the income of that scheme under section 20B, and

(c) any other income allocated to that scheme by the Board having regard to the nature of the income and other relevant factors.

Allocation
of
income
in
respect
of first
unit
scheme.

24. The income of the Trust in any year arising out of the capital of the Trust relating to the first unit scheme shall be allocated to the initial capital and the unit capital thereof in the same proportion as the former bears to the latter at the end of that year.

Allocation
of
interest
and
other
expen-
ses.

25. (1) The interest payable for any year for any borrowings by the Trust and the total amount of other expenses incurred by the Trust for that year for the purposes of the first unit scheme shall be allocated and charged to the initial capital and the unit capital thereof in the same proportion as is referred to in section 24.

(2) Notwithstanding anything contained in sub-section (1), if in any year the amount of expenses, other than interest allocated to the unit capital relating to the first unit scheme, is more than five per cent. of the income allocated in that year to that scheme, only an amount equal to such five per cent. shall be charged to that unit capital and the rest of the total amount of expenses other than interest shall be charged to the initial capital.

(3) The interest payable for any year for any borrowings by the Trust and the total amount of other expenses incurred by the

Trust in that year for the purposes of any subsequent unit scheme shall be charged to the unit capital of such scheme in such manner and to such extent as the Board may, with the previous approval of the Reserve Bank, determine.

(4) For purposes of this section, where expenses are incurred in common by the Trust in relation to more than one unit scheme such expenses may be allocated to the different schemes to such extent and in such manner as the Board may, with the previous approval of the Reserve Bank, determine having regard to the nature and purposes of the expenses and other relevant factors.

25A. (1) The income allocated to the initial capital in any year reduced by the interest and the amount of other expenses charged for that year to the initial capital may be distributed in the prescribed manner among the contributing institutions in each case in proportion to their respective contributions.

Distribu-
tion of
income.

(2) The income allocated in any year to the unit capital relating to the first unit scheme reduced by the interest and the amount of other expenses charged for that year to such unit capital may, but not less than ninety per cent. of such income so reduced, shall be distributed in respect of that year to the unit holders under that unit scheme.

(3) The income allocated in any year to the unit capital relating to each of the subsequent unit schemes reduced by the interest and the amount of other expenses charged for that year to such unit capital may, having regard to the purposes of that scheme and other relevant factors,—

(i) be distributed in respect of that year to the unit holders under that scheme in such manner and at such percentage of the income so reduced as the Board may determine; or

(ii) be carried forward and re-invested or otherwise utilised for the benefit of the unit holders in accordance with the provisions of that scheme.

25B. (1) The Trust may establish one or more reserve funds by transferring such sums as it may deem fit out of the amount of the income of the Trust not distributed to the contributing institutions or unit holders under the provisions of this Chapter.

Reserve
funds.

(2) Subject to the provisions of this Act, the amount in any reserve fund created specifically for the purposes of any unit scheme shall be applied or utilised only for the benefit of the unit holders under that unit scheme and for such purposes and in such manner as the Board may determine.

Definition.

25C. In this Chapter, "year" means the period in respect of which the books and accounts of the Trust are balanced and closed under sub-section (2) of section 26.'

Amend-
ment of
section
27.

9. In section 27 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The affairs of the Trust shall be audited by one or more auditors duly qualified to act as auditor under sub-section (1) of section 226 of the Companies Act, 1956 (hereinafter referred to as the auditor) who shall be appointed by the Trust with the previous approval of the Reserve Bank and shall receive such remuneration as the Trust may fix.”.

Amend-
ment of
section
32.

10. In section 32 of the principal Act, in sub-section (1),—

(i) after the words and figures “the Super Profits Tax Act, 1963,” where they occur for the first time, the words, brackets and figures “the Companies (Profits) Surtax Act, 1964,” shall be inserted;

(ii) for the words “or super profits tax”, the words “super profits tax, surtax” shall be substituted;

(iii) in clause (a), after the words “super profits tax”, the word, “. surtax” shall be inserted;

(iv) in clause (c),—

(a) after the words and figures “the Super Profits Tax Act, 1963,” the words, brackets and figures “or to surtax under the Companies (Profits) Surtax Act, 1964,” shall be inserted;

(b) after the words “for the purposes of super profits tax”, the words “or surtax” shall be inserted.

Amend-
ment of
Act 2 of
1934.

11. In section 17 of the Reserve Bank of India Act, 1934, in clause (4BBB),—

(i) the word “or” occurring at the end of sub-clause (i) shall be omitted;

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

“(iii) for the purpose of any scheme other than the first unit scheme under the Unit Trust of India Act, 1963 on such terms and conditions and against the security of such other property of the Unit Trust as may be specified in this behalf by the Bank.”.

~~New Corrected: See India~~, Vol. V B, Pt. VI, p. 199.

THE ASIAN DEVELOPMENT BANK ACT, 1966

No. 18 OF 1966

[29th May, 1966]

An Act to implement the international agreement for the establishment and operation of the Asian Development Bank and for matters connected therewith.

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

1. (1) This Act may be called the Asian Development Bank Act, Short title, extent and commencement. 1966.

(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) “Agreement” means the Agreement for the establishment and operation of the international body known as the Asian Development Bank;

(b) “Bank” means the Asian Development Bank established under the Agreement.
3. (1) There shall be paid out of the Consolidated Fund of India, Payments to Bank. 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 paragraphs 1, 2 and 3 of Article 5 of the Agreement;

¹ 19th December, 1966 : Vide Notification No. S.O. 3803, dated 8-12-1966, Gazette of India, Pt. II, Sec. 3(ii), p. 3416.

(b) any commission, fees or other charges payable by the Central Government to the Bank under Article 16 of the Agreement;

(c) any sums payable by the Central Government to the Bank under paragraph 1 of Article 25 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 such non-interest bearing and non-negotiable notes or other obligations as are provided for by paragraph 3 of Article 6 of the Agreement.

Reserve
Bank to
be deposi-
tory for
Bank.

4. The Reserve Bank of India shall be the depository of the Indian currency holdings of the Bank.

Conferment
of
status
and
certain
immunities,
exemptions
and pri-
vileges on
Bank and
confer-
ment of
certain
immunities;
exemptions
and privi-
leges on
its
officers
and em-
ployees.

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 56 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.

Power
to make
rules.

6. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

~~Not Corrected: See India Code~~

of 1966]

Asian Development Bank

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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 successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the 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

CHAPTER VIII
STATUS, IMMUNITIES, EXEMPTIONS AND PRIVILEGES

ARTICLE 48

PURPOSE OF CHAPTER

To enable the Bank effectively to fulfil its purpose and carry out the functions entrusted to it, the status, immunities, exemptions and privileges set forth in this Chapter shall be accorded to the Bank in the territory of each member.

ARTICLE 49

LEGAL STATUS

The Bank shall possess full juridical personality and, in particular, full capacity:

- (i) to contract;
- (ii) to acquire, and dispose of, immovable and movable property; and
- (iii) to institute legal proceedings.

ARTICLE 50**IMMUNITY FROM JUDICIAL PROCEEDINGS**

1. The Bank shall enjoy immunity from every form of legal process, except in cases arising out of or in connexion with the exercise of its powers to borrow money, to guarantee obligations, or to buy and sell or underwrite the sale of securities, in which cases actions may be brought against the Bank in a court of competent jurisdiction in the territory of a country in which the Bank has its principal or a branch office, or has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities.
2. Notwithstanding the provisions of paragraph 1 of this Article, no action shall be brought against the Bank by any member, or by any agency or instrumentality of a member, or by any entity or person directly or indirectly acting for or deriving claims from a member or from any agency or instrumentality of a member. Members shall have recourse to such special procedures for the settlement of controversies between the Bank and its members as may be prescribed in this Agreement, in the by-laws and regulations of the Bank, or in contracts entered into with the Bank.
3. Property and assets of the Bank shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Bank.

ARTICLE 51**IMMUNITY OF ASSETS**

Property and assets of the Bank, wheresoever 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.

ARTICLE 52**IMMUNITY OF ARCHIVES**

The archives of the Bank and, in general, all documents belonging to it, or held by it, shall be inviolable, wherever located.

ARTICLE 53**FREEDOM OF ASSETS FROM RESTRICTIONS**

To the extent necessary to carry out the purpose and functions of the Bank effectively, and subject to the provisions of this Agreement, all property and assets of the Bank shall be free from restrictions, regulations, controls and moratoria of any nature.

ARTICLE 54**PRIVILEGE FOR COMMUNICATIONS**

Official communications of the Bank shall be accorded by each member treatment not less favourable than that it accords to the official communications of any other member.

ARTICLE 55**IMMUNITIES AND PRIVILEGES OF BANK PERSONNEL**

All Governors, Directors, alternates, officers and employees of the Bank, including experts performing missions for the Bank:

(i) shall be immune from legal process with respect to acts performed by them in their official capacity, except when the Bank waives the immunity;

(ii) where they are not local citizens or 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.

ARTICLE 56**EXEMPTION FROM TAXATION**

1. The Bank, its assets, property, 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 for 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 or employees of the Bank, including experts performing missions for the Bank, except where a member deposits with its instrument of ratification or acceptance a declaration that such member retains for itself and its political sub-divisions the right to tax salaries and emoluments paid by the Bank to citizens or nationals of such member.

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

WAIVER OF IMMUNITIES, EXEMPTIONS AND PRIVILEGES

The Bank at its discretion may waive any of the privileges, immunities and exemptions conferred under this Chapter in any case or instance, in such manner and upon such conditions as it may determine to be appropriate in the best interests of the Bank.

THE DELHI ADMINISTRATION ACT, 1966

ARRANGEMENT OF SECTIONS

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2. Definitions.

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4. Delimitation of constituencies.
5. Power to rectify printing mistakes, etc.
6. Qualification for membership.
7. Electors and electoral rolls.
8. Right to vote.
9. Election to Metropolitan Council.
10. Duration of Metropolitan Council.
11. Sessions of Metropolitan Council, prorogation and dissolution.
12. The Chairman and Deputy Chairman of the Metropolitan Council.
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14. Right of Administrator to attend and address meetings of Metropolitan Council.
15. Rights of members of Executive Council as respects Metropolitan Council.
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27. Executive Council.
28. Other provisions as to members of Executive Council.
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30. Relation of Administrator and members of Executive Council to President.
31. Provision in case of failure of constitutional machinery.
32. Provisions as to Interim Metropolitan Council.
33. Interim Executive Council.
34. Contracts and suits.
35. Amendment of Act 43 of 1950.
36. Amendment of Act 61 of 1957.
37. Amendment of Act 20 of 1963.
38. Powers of President to remove difficulties.

THE SCHEDULE.

THE DELHI ADMINISTRATION ACT, 1966

No. 19 OF 1966

[2nd June, 1966]

An Act to provide for the administration of the Union territory of Delhi and for matters connected therewith.

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

PART I

PRELIMINARY

1. (1) This Act may be called the Delhi Administration Act, 1966. 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:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

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

Definitions.

- (a) "Administrator" means the Administrator of Delhi appointed by the President under article 239;
- (b) "article" means an article of the Constitution;
- (c) "constituency" means a constituency provided by order made under section 4 for the purpose of elections to the Metropolitan Council;
- (d) "Delhi" means the Union territory of Delhi;

¹ The provisions of Pt. I, Pt. II, Ss. 32 and 38, and Sch., shall come into force on 12-7-1966; *vide* Notification No. G.S.R. 1120 dated 11-7-66, Gazette of India, Ext., Pt. II, Sec. 3(i), p. 519; the provisions of Pt. III, Ss. 30, 31, 33 to 36, shall come into force on 7-9-1966; *vide* Notifn. No. F. 10/28/66-S.R. dated 5-9-1966, Delhi Gazette, Ext., Pt. IV, p. 374; Section 37 shall come into force on 13-6-1966: *vide* Notifn. No. G.S.R. 923 dated 10-6-1966, Gazette of India, Ext., Pt. II, Sec. 3(i), p. 445.

(e) "Election Commission" means the Election Commission appointed by the President under article 324;

(f) "member" means a member of the Metropolitan Council;

(g) "Metropolitan Council" means the Metropolitan Council of Delhi constituted under section 3;

(h) "New Delhi" means the area within the boundaries described in the First Schedule to the Delhi Municipal Corporation Act, 1957;

66 of 1957.

(i) "Official Gazette" means the Official Gazette of Delhi;

(j) "scheduled castes" means any of the scheduled castes specified in Part I of the Schedule to the Constitution (Scheduled Castes) (Union Territories) Order, 1951.

PART II

METROPOLITAN COUNCIL

Constitu-
tions of
Metropolitan
Council.

3. (1) There shall be a Metropolitan Council for Delhi.

(2) The total number of seats in the Metropolitan Council to be filled by persons chosen by direct election from territorial constituencies shall be fifty-six.

(3) The Central Government may nominate not more than five persons, not being persons in the service of Government, to be members of the Metropolitan Council.

(4) Seats shall be reserved for the scheduled castes in the Metropolitan Council and the number of such seats shall bear, as nearly as may be, the same proportion to the total number of seats in the Metropolitan Council as the population of the scheduled castes in Delhi bears to the total population of Delhi:

Provided that the reservation of seats for the scheduled castes in the Metropolitan Council shall cease to have effect on the same date on which the reservation of seats for the scheduled castes in the House of the People shall cease to have effect under article 334, but such cesser shall not affect any representation of the scheduled castes in the Metropolitan Council until the dissolution of the then existing Metropolitan Council.

(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.

4. (1) For the purpose of elections to the Metropolitan Council, Delhi shall be divided into single-member constituencies in such manner that the population of each of the constituencies shall, so far as practicable, be the same throughout Delhi.

(2) For the purpose of giving effect to the provisions of sub-section (1), the Election Commission shall determine in the manner hereinafter provided—

(a) the constituencies into which Delhi shall be divided and the extent of each of such constituencies;

(b) the number of seats to be reserved for the scheduled castes in the Metropolitan Council having regard to the provisions of sub-section (4) of section 3 and the constituencies in which these seats shall be so reserved.

(3) For the purpose of assisting the Election Commission in the performance of its functions under sub-section (2), the Commission shall associate with itself all the members of the House of the People representing Delhi:

Provided that none of the said associate members shall have a right to vote or to sign any decision of the Election Commission.

(4) The Election Commission shall—

(a) publish its proposals in regard to matters mentioned in sub-section (2) in the Official Gazette together with a notice specifying the date on or after which the proposals will be further considered by it;

(b) consider all objections and suggestions which may have been received by it before the date so specified, and for the purpose of such consideration, hold one or more public sittings at such place as it thinks fit;

(c) make an order delimiting the constituencies specifying therein the constituencies in which seats shall be reserved for the scheduled castes; and

(d) send an authenticated copy of the order to the Central Government.

(5) An order made by the Election Commission under this section shall not be called in question in any court.

5. The Election Commission may, from time to time, by notification in the Official Gazette, correct any printing mistake in any order made under section 4 or any error arising therein from an inadvertent slip or omission.

Qualification for membership.

6. A person shall not be qualified to be chosen to fill a seat in the Metropolitan Council unless he—

(a) is an elector for any constituency and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Schedule;

(b) is not less than twenty-five years of age; and

(c) in the case of a constituency reserved for the scheduled castes, is also a member of any of those castes.

Electors and electoral rolls.

7. (1) The persons entitled to vote at election of members shall be the persons entitled, by virtue of the provisions of the Constitution and the Representation of the People Act, 1950, to be registered ^{43 of 1950.} as voters at elections to the House of the People.

(2) So much of the electoral roll for any Parliamentary constituency for the time being in force as relates to the areas comprised within a constituency formed under section 4 shall be deemed to be the electoral roll for that constituency for the purposes of this Act.

Right to vote.

8. Every person whose name is, for the time being, entered in the electoral roll of a constituency shall be entitled to vote at the election of a member from that constituency.

Election to Metropolitan Council.

9. The provisions of Part I and Parts III to XI of the Representation of the People Act, 1951 and of any rules and orders made thereunder, for the time being in force, shall apply in relation to an election to the Metropolitan Council, as they apply in relation to an election to the Legislative Assembly of a State, subject to such modifications as the Central Government may, after consultation with the Election Commission, by order, direct. ^{43 of 1951.}

Duration of Metropolitan Council.

10. The Metropolitan Council, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer, and the expiration of the said period of five years shall operate as a dissolution of the Metropolitan Council:

Provided that the said period may, while a Proclamation of Emergency issued under clause (1) of article 352 is in operation, be extended by the President by order for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.

11. (1) The Administrator shall, from time to time, summon the Metropolitan Council to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

Sessions
of Metro-
politan
Council,
proroga-
tion and
dissolu-
tion.

(2) The Administrator may, from time to time,—

(a) prorogue the Metropolitan Council;

(b) with the approval of the President, dissolve the Metropolitan Council.

12. (1) The Metropolitan Council shall, as soon as may be, choose two members to be respectively Chairman and Deputy Chairman thereof and, so often as the office of Chairman or Deputy Chairman becomes vacant, the Metropolitan Council shall choose another member to be Chairman or Deputy Chairman, as the case may be.

The Chair-
man and
Deputy
Chairman
of the
Metropo-
litan
Council.

(2) A member holding office as Chairman or Deputy Chairman,—

(a) shall vacate his office if he ceases to be such a member;

(b) may at any time by writing under his hand addressed, if such member is the Chairman, to the Deputy Chairman, and if such member is the Deputy Chairman, to the Chairman, resign his office; and

(c) may be removed from his office by a resolution of the Metropolitan Council passed by a majority of all the then members:

Provided that no resolution for the purpose of clause (c) shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution:

Provided further that, whenever the Metropolitan Council is dissolved, the Chairman shall not vacate his office until immediately before the first meeting of the Metropolitan Council after the dissolution.

(3) While the office of Chairman is vacant, the duties of the office shall be performed by the Deputy Chairman or, if the office of Deputy Chairman is also vacant, by such member as may be determined by the rules of procedure of the Metropolitan Council.

(4) During the absence of the Chairman from any sitting of the Metropolitan Council, the Deputy Chairman, or, if he is also absent, such person as may be determined by the rules of procedure of the

Metropolitan Council, or, if no such person is present, such other person as may be determined by the Metropolitan Council, shall act as Chairman.

(5) The Chairman and the Deputy Chairman shall be entitled to such salaries and allowances as the President may, by order, determine.

**Chairman
not to
preside
while a
resolution
for his
removal
from office
is under
considera-
tion.**

13. (1) At any sitting of the Metropolitan Council, while any resolution for the removal of the Chairman from his office is under consideration, the Chairman, or while any resolution for the removal of the Deputy Chairman from his office is under consideration, the Deputy Chairman, shall not, though he is present, preside and the provisions of sub-section (4) of section 12 shall apply in relation to every such sitting as they apply in relation to a sitting from which the Chairman, or, as the case may be, the Deputy Chairman, is absent.

(2) The Chairman shall have the right to speak in, and otherwise to take part in the proceedings of, the Metropolitan Council while any resolution for his removal from office is under consideration and shall, notwithstanding anything in section 17, be entitled to vote only in the first instance on such resolution or on any other matter during such proceedings, but not in the case of an equality of votes.

**Right of
Adminis-
trator to
attend and
address
meetings
of Metro-
politan
Council.**

14. The Administrator may attend and address any meeting of the Metropolitan Council and may for that purpose require the attendance of members.

**Rights of
members
of Execu-
tive Coun-
cil as
respects
Metro-
politan
Council.**

15. Every member of the Executive Council shall have the right to speak in, and otherwise to take part in the proceedings of, the Metropolitan Council, and any Committee of the Metropolitan Council of which he may be named a member, but shall not by virtue of this section be entitled to vote.

**Oath or
affirmation
by mem-
bers.**

16. (1) Every member shall, before taking his seat, make and subscribe before the Administrator, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the Schedule.

(2) If a person sits or votes as a member before he has complied with the requirement of sub-section (1), or when he knows that he is

not qualified or that he is disqualified for membership thereof, he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as a debt due to the Union.

17. (1) Save as otherwise provided in this Act, all questions at any sitting of the Metropolitan Council shall be determined by a majority of votes of the members present and voting other than the Chairman or person acting as such. Voting in
Metropoli-
tan
Council.

(2) The Chairman or person acting as such shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

(3) The Metropolitan Council shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Metropolitan Council shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do, sat or voted or otherwise took part in the proceedings.

(4) The quorum to constitute a meeting of the Metropolitan Council shall be fifteen.

(5) If at any time during a meeting of the Metropolitan Council there is no quorum, it shall be the duty of the Chairman, or person acting as such, either to adjourn the Metropolitan Council or to suspend the meeting until there is a quorum.

18. (1) No person shall be a member—

Vacation
of seats.

(a) both of Parliament and of the Metropolitan Council, or

(b) both of the Metropolitan Council and of the Delhi Municipal Corporation,

and if a person is so chosen, then, at the expiration of fourteen days from the date of publication in the Gazette of India or in the Official Gazette, whichever is later, that he has been so chosen,—

(i) in a case referred to in clause (a), that person's seat in Parliament shall become vacant unless he has previously resigned his seat in the Metropolitan Council, and

(ii) in a case referred to in clause (b), that person's seat in the Metropolitan Council shall become vacant unless he has previously resigned his seat in the Delhi Municipal Corporation.

(2) If a member—

(a) becomes subject to any disqualification mentioned in sub-section (1) of section 19, or

(b) resigns his seat by writing under his hand addressed to the Chairman,

his seat shall thereupon become vacant.

(3) If during a period of six successive months, a member is, without permission of the Metropolitan Council, absent from all meetings thereof, the Metropolitan Council may declare his seat vacant.

Disqualifications for membership.

19. (1) A person shall be disqualified for being chosen as, and for being, a member of the Metropolitan Council if he is for the time being disqualified for being chosen as, and for being, a member of either House of Parliament under any of the provisions of article 102 or of any law made in pursuance of that article.

(2) For the purposes of this section, a person shall not be deemed to hold an office of profit by reason only that he is a member of the Executive Council.

(3) If any question arises as to whether a member has become disqualified for being such a member under the provisions of sub-section (1), the question shall be referred for the decision of the President and his decision shall be final.

(4) Before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion.

Powers, privileges, etc., of members.

20. (1) Subject to the provisions of this Act and to the rules and standing orders regulating the procedure of the Metropolitan Council, there shall be freedom of speech in the Metropolitan Council.

(2) No member shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Metropolitan Council or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of the Metropolitan Council of any report, paper, votes or proceedings.

(3) The provisions of sub-sections (1) and (2) shall apply in relation to persons who by virtue of this Act have the right to speak in, and otherwise to take part in the proceedings of, the Metropolitan Council or any Committee thereof as they apply in relation to members.

21. Members shall be entitled to receive such salaries and allowances as the President may, by order, determine.

Salaries
and
allow-
ances
of
members.

22. (1) Subject to the provisions of this Act, the Metropolitan Council shall have the right to discuss, and make recommendations with respect to, the following matters in so far as they relate to Delhi, namely:—

Func-
tions of
Metro-
politan
Council.

(a) proposals for undertaking legislation with respect to any of the matters enumerated in the State List or the Concurrent List in the Seventh Schedule to the Constitution in so far as any such matter is applicable in relation to Union territories (hereafter referred to as the State List and the Concurrent List);

(b) proposals for extension to Delhi of any enactment in force in a State relatable to any matter enumerated in the State List or the Concurrent List;

(c) proposals for legislation referred to it by the Administrator with respect to any of the matters enumerated in the State List or the Concurrent List;

(d) the estimated receipts and expenditure pertaining to Delhi to be credited to and to be made from, the Consolidated Fund of India; and notwithstanding anything contained in the Delhi Development Act, 1957, the estimated receipts and expenditure of the Delhi Development Authority;

(e) matters of administration involving general policy and schemes of development in so far as they relate to matters enumerated in the State List or the Concurrent List;

(f) any other matter referred to it by the Administrator.

61 of 1957.

(2) The recommendations of the Metropolitan Council, after having been duly considered by the Executive Council, shall, wherever necessary, be forwarded by the Administrator to the Central Government with the views, if any, expressed thereon by the Executive Council.

23. Subject to the rules regulating the procedure of the Metropolitan Council, a member shall have the right to ask questions on any matter in so far as it falls within the purview of the Metropolitan Council under sub-section (1) of section 22.

Right of
members
to ask
questions.

Rules of procedure. 24. (1) The Metropolitan Council may make rules for regulating, subject to the provisions of this Act, its procedure and the conduct of its business:

Provided that the Administrator shall, after consultation with the Chairman of the Metropolitan Council and with the approval of the president, make rules for prohibiting the discussion of, or regulating the asking of questions on, any matter which affects the discharge of his functions in so far as he is required by or under this Act to act in his discretion, or by or under any law to exercise judicial or quasi-judicial functions and, if and in so far as any rule so made by the Administrator is inconsistent with any rule made by the Metropolitan Council, the rule made by the Administrator shall prevail.

(2) Until rules are made under sub-section (1), the procedure and conduct of business of the Metropolitan Council shall be regulated by such rules as the Administrator may make in this behalf.

Restriction on discussion in Metropolitan Council.

25. No discussion shall take place in the Metropolitan Council with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties.

Courts not to inquire into proceedings of Metropolitan Council.

26. (1) The validity of any proceedings in the Metropolitan Council shall not be called in question on the ground of any alleged irregularity of procedure.

(2) No officer or member of the Metropolitan Council in whom powers are vested by or under this Act for regulating procedure or the conduct of business, or for maintaining order in the Council shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

PART III

EXECUTIVE COUNCIL

Executive Council.

27. (1) There shall be an Executive Council, consisting of not more than four members one of whom shall be designated as the Chief Executive Councillor and others as the Executive Councillors, to assist and advise the Administrator in the exercise of his functions in relation to matters enumerated in the State List or the Concurrent List, except in so far as he is required by or under this Act to exercise his functions or any of them in his discretion or by or under any law to exercise any judicial or quasi-judicial functions:

Provided that, in case of difference of opinion between the Administrator and the members of the Executive Council on any matter, other than a matter in respect of which he is required by or under this Act to act in his discretion, the Administrator shall refer it to the President for decision and act according to the decision given thereon by the President, and pending such decision, it shall be competent for the Administrator in any case where the matter is in his opinion so urgent that it is necessary for him to take immediate action, to take such action or to give such direction in the matter as he deems necessary:

Provided further that every decision taken by a member of the Executive Council or by the Executive Council in relation to any matter concerning New Delhi shall be subject to the concurrence of the Administrator, and nothing in this sub-section shall be construed as preventing the Administrator in case of any difference of opinion between him and the members of the Executive Council from taking any action in respect of the administration of New Delhi as he, in his discretion, considers necessary.

(2) The Administrator shall preside at every meeting of the Executive Council, but if he is obliged to absent himself from any meeting of the Council owing to illness or any other cause, the Chief Executive Councillor shall preside at the meeting of the Council.

(3) The functions of the Administrator with respect to law and order in Delhi including the organization and discipline of police force, and with respect to such other matters as the President may from time to time specify in this behalf, shall be exercised by him in his discretion.

(4) If any question arises as to whether any matter is or is not a matter as respects which the Administrator is by or under this Act required to act in his discretion, the decision of the Administrator thereon shall be final.

(5) If any question arises as to whether any matter is or is not a matter as respects which the Administrator is required by or under any law to exercise any judicial or quasi-judicial functions, the decision of the Administrator thereon shall be final.

(6) If any question arises as to whether any matter is or is not a matter concerning New Delhi, the decision of the Administrator thereon shall be final.

(7) The question whether any, and if so, what advice was tendered by any member of the Executive Council to the Administrator shall not be enquired into any court.

Other provisions as to members of Executive Council

28. (1) The members of the Executive Council shall be appointed by the President.

(2) The members of the Executive Council shall hold office during the pleasure of the President.

(3) Before a member of the Executive Council enters upon his office, the Administrator shall administer to him the oaths of office and of secrecy according to the forms set out for the purpose in the Schedule.

(4) A member of the Executive Council who for any period of six consecutive months is not a member of the Metropolitan Council shall, at the expiration of that period, cease to be a member of the Executive Council.

(5) The salaries and allowances of the members of the Executive Council shall be such as the President may, by order, determine.

Conduct of business.

29. (1) The President shall make rules—

(a) for the allocation of business to the members of the Executive Council in so far as it is not business with respect to which the Administrator is required by or under this Act to act in his discretion; and

(b) for the more convenient transaction of business with the members of the Executive Council, including the procedure to be adopted in the case of a difference of opinion between the Administrator and the members of the Executive Council or a member of that Council.

(2) Save as otherwise provided in this Act, all executive action of the Administrator, whether taken in his discretion or otherwise shall be expressed to be taken in the name of the Administrator.

(3) Orders and other instruments made and executed in the name of the Administrator shall be authenticated in such manner as may be specified in the rules to be made by the Administrator, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Administrator.

PART IV

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

Relation of Administrator and members of Executive Council to President

30. Notwithstanding anything in this Act, the Administrator and the members of the Executive Council shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given by, the President.

31. If the President, on receipt of a report from the Administrator or otherwise, is satisfied—

- (a) that a situation has arisen in which the administration of Delhi cannot be carried on in accordance with the provisions of this Act; or
- (b) that for the proper administration of Delhi it is necessary or expedient so to do,

the President may, by order, suspend the operation of all or any of the provisions of this Act for such period as he thinks fit and make such incidental and consequential provisions as may appear to him to be necessary or expedient for administering Delhi in accordance with the provisions of article 239.

32. (1) Until a Metropolitan Council has been duly constituted and summoned to meet for the first session under the provisions of Part II of this Act, there shall be an Interim Metropolitan Council consisting of—

(a) forty-two members elected by the members of the electoral college for Delhi, as in existence immediately before the commencement of this Act, in accordance with rules made by the Central Government in this behalf, such elections being held in accordance with the system of proportional representation by means of the single transferable vote, and

(b) not more than five members, not being persons in the service of Government, nominated by the Central Government.

(2) No person shall be qualified to be chosen as a member of the Interim Metropolitan Council unless he is an elector for any Parliamentary constituency in Delhi, and is not less than twenty-five years of age.

(3) The term of office of the members of the Interim Metropolitan Council shall expire immediately before the first meeting of the Metropolitan Council duly constituted under this Act.

(4) Election by the members of the electoral college for Delhi under sub-section (1) shall not be called in question on the ground merely of the existence of any vacancy in the membership of such college.

(5) In other respects, the provisions of Part II shall, so far as may be, apply in relation to the Interim Metropolitan Council as they apply in relation to the Metropolitan Council constituted under and in accordance with the provisions of that Part:

Provision
in case of
failure of
constitu-
tional
machinery.

Provisions
as to
Interim
Metropo-
litan
Council.

Provided that nothing contained in clause (b) of sub-section (1) of section 18 shall preclude a person from being a member of the Interim Metropolitan Council and also of the Delhi Municipal Corporation until the next general election for the Corporation is held under the Delhi Municipal Corporation Act, 1957.

66 of 1957.

Interim
Executive
Council.

33. (1) Notwithstanding anything contained in Part III, the President may appoint such members of the Interim Metropolitan Council, not exceeding four in number, as he thinks fit to be the members of the Interim Executive Council.

(2) The members of the Interim Executive Council shall hold office during the pleasure of the President.

(3) A member of the Interim Executive Council shall cease to hold office as such if he ceases to be a member of the Interim Metropolitan Council.

(4) Subject to the foregoing provisions, the members of the Interim Executive Council shall—

(a) exercise all the powers and perform all the duties conferred by the provisions of this Act on the members of the Executive Council,

(b) be entitled to such salaries and allowances as the President may, by order, determine.

Contracts
and suits.

34. For the removal of doubts it is hereby declared that—

(a) all contracts in connection with the administration of Delhi are contracts made in the exercise of the executive power of the Union;

(b) all suits and proceedings in connection with the administration of Delhi shall be instituted by or against the Government of India.

Amend-
ment of
Act 43 of
1950.

35. In the Representation of the People Act, 1950, in section 27A, for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) The electoral college for the Union territory of Delhi shall consist of the elected members of the Metropolitan Council constituted for that territory under the Delhi Administration Act, 1966.”

36. In the Delhi Development Act, 1957, in section 3,—

Amend-
ment of
Act 61
of 1957.

(i) for clause (f) of sub-section (3), the following clause shall be substituted, namely:—

“(f) as and when the Metropolitan Council for the Union territory of Delhi is constituted, three representatives of that Council to be elected by the members of the Council from among themselves, and until that Council is constituted, three representatives of the Interim Metropolitan Council to be elected by the members of the Interim Metropolitan Council from among themselves;”;

(ii) in sub-section (6), the words, brackets, letter and figure “and the three representatives of the Advisory Committee of Delhi referred to in clause (f) of sub-section (3) shall hold office for so long only as they continue to be members thereof” shall be omitted;

(iii) for sub-sections (7) and (8), the following sub-section shall be substituted, namely:—

“(7) An elected member shall hold office for a term of five years from the date of his election to the Authority and shall be eligible for re-election:

Provided that such term shall come to an end as soon as the member ceases to be a member of the body from which he was elected.”

37. In the Government of Union Territories Act, 1963, in clause (a) of sub-section (2) of section 41, for the words “the total number thereof remaining the same;”, the words and figures “the number being 7, 4, 2 and 2;” shall be substituted.

Amend-
ment of
Act 20 of
1963.

38. (1) If any difficulty arises in giving effect to the provisions of this Act and, in particular in relation to the constitution of the Interim Metropolitan Council, the President may, by order, do anything not inconsistent with the provisions of this Act which appear to him to be necessary or expedient for the purpose of removing the difficulty.

Powers of
Presi-
dent to
remove
difficul-
ties.

(2) 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 successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the 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.

THE SCHEDULE

[See sections 6(a), 16 (1) and 28 (3)]

FORMS OF OATHS OR AFFIRMATIONS

I

FORM OF OATH OR AFFIRMATION TO BE MADE BY A CANDIDATE FOR ELECTION TO THE METROPOLITAN COUNCIL

"I, A.B., having been nominated as a candidate to fill a seat in the Metropolitan Council of Delhi do swear in the name of God solemnly affirm, that I will bear true faith and allegiance to the Constitution of India as by law established and that I will uphold the sovereignty and integrity of India."

II

FORM OF OATH OR AFFIRMATION TO BE MADE BY A MEMBER OF THE METROPOLITAN COUNCIL

"I, A.B., having been elected (or nominated) a member of the Metropolitan Council of Delhi do swear in the name of God solemnly affirm, that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter."

III

FORM OF OATH OF OFFICE FOR A MEMBER OF THE EXECUTIVE COUNCIL

"I, A.B., do swear in the name of God solemnly affirm, that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will fully and conscientiously discharge my duties as a member of the

Executive Council, and that I will do right to all manner of people in accordance with the Constitution and the law without fear or favour, affection or ill-will."

IV

FORM OF OATH OF SECRETARY FOR A MEMBER OF THE EXECUTIVE COUNCIL

"I, A.B., do swear in the name of God that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as a member of the Executive Council except as may be required for the due discharge of my duties as such member."

THE CUSTOMS (AMENDMENT) ACT, 1966

No 20 OF 1966

[31st August, 1966]

An Act further to amend the Customs Act, 1962.

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

Short title.

Amend-
ment of
section
14.

Amend-
ment of
section
15.

Repeal
and
saving.

1. This Act may be called the Customs (Amendment) Act, 1966.

2. In section 14 of the Customs Act, 1962 (hereinafter referred to as the principal Act), in sub-section (1), to clause (a), the following proviso shall be added, 'namely':—

"Provided that in the case of imported goods, such price shall be calculated with reference to the rate of exchange as in force on the relevant date referred to in sub-section (1) of section 15;".

3. In section 15 of the principal Act,—

(a) in sub-section (1), for the words "The rate of duty", the words "The rate of duty, rate of exchange" shall be substituted;

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

(3) For the purposes of section 14 and this section—

(a) "rate of exchange" means the rate of exchange determined by the Central Government for the conversion of Indian currency into foreign currency or foreign currency into Indian currency;

(b) "foreign currency" and "Indian currency" have the meanings respectively assigned to them in the Foreign Exchange Regulation Act, 1947.'

4. (1) The Customs (Amendment) Ordinance, 1966, 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 as if this Act has come into force on the 6th day of June, 1966.

52 of 1962

7 of 1947.

8 of 1966.

THE MERCHANT SHIPPING (AMENDMENT) ACT, 1966

No. 21 OF 1966

[31st August, 1966]

An Act further to amend the Merchant Shipping Act, 1958.

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

1. (1) This Act may be called the Merchant Shipping (Amendment) Act, 1966. Short title and Commencement.

(2) It shall be deemed to have come into force on the 28th day of May, 1966.

of 1958. 2. In section 3 of the Merchant Shipping Act, 1958 (hereinafter referred to as the principal Act),— Amendment of section 3.

(a) clause (1) shall be re-numbered as clause (1A) and before the clause as so re-numbered, the following clause shall be inserted, namely:—

(1) "cargo ship" means a ship which is not a passenger ship; ;

(b) after clause (18), the following clause shall be inserted, namely:—

'(18A) "international voyage" means a voyage from or to a port or place in India to or from a port or place outside India; ;

(c) after clause (22), the following clause shall be inserted, namely:—

‘(22A) “nuclear ship” means a ship provided with a nuclear power plant;’;

(d) in clause (37), for the figures and words “10th day of June, 1948”, the figures and words “17th day of June, 1960” shall be substituted;

(e) for clause (38), the following clause shall be substituted, namely:—

‘(38) “safety convention certificate” means,—

- (i) a passenger ship safety certificate,
- (ii) a qualified passenger ship safety certificate,
- (iii) a cargo ship safety construction certificate,
- (iv) a qualified cargo ship safety construction certificate,
- (v) a cargo ship safety equipment certificate,
- (vi) a qualified cargo ship safety equipment certificate,
- (vii) a cargo ship safety radio telegraphy certificate,
- (viii) a cargo ship safety radio telephony certificate,
- (ix) an exemption certificate,
- (x) a nuclear passenger ship safety certificate,
- (xi) a nuclear cargo ship safety certificate,

issued under Part IX or, as the case may be, Part IXA.’;

(f) after clause (48), the following clause shall be inserted, namely:—

‘(48A) “tanker” means a cargo ship constructed or adapted for the carriage in bulk of liquid cargoes of an inflammable nature;’.

3. In section 9 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

Amend-
ment of
section 9.

“(1A) Without prejudice to the provisions of sub-section (1), the Central Government, in the case of cargo ships, may, by notification in the Official Gazette authorise any person or body of persons, on such terms and conditions as may be specified therein, to be surveyor or surveyors for the purposes of this Act.”

4. In section 241 of the principal Act, in sub-section (3),—

Amend-
ment of
section
241.

(a) for the words and figures “or a safety certificate granted under Part IX”, the words, figures and letter “or a passenger ship safety certificate granted under Part IX or as the case may be, a nuclear passenger ship safety certificate granted under Part IXA” shall be substituted;

(b) for the words “accept the certificate of survey or safety certificate”, the words “accept the certificate of survey or the passenger ship safety certificate or, as the case may be, the nuclear passenger ship safety certificate” shall be substituted.

5. In section 242 of the principal Act, in clause (c), for the words “a safety certificate”, the words “a passenger ship safety certificate or a nuclear passenger ship safety certificate” shall be substituted.

Amend-
ment of
section
242.

6. In section 244 of the principal Act, in the proviso, for the words “a safety certificate”, the words “a passenger ship safety certificate or a nuclear passenger ship safety certificate” shall be substituted.

Amend-
ment of
section
244.

7. In section 284 of the principal Act, for the words “passenger ships”, wherever they occur, the words “passenger or cargo ships” shall be substituted.

Amend-
ment of
section
284.

8. In section 288 of the principal Act, in sub-section (2),—

Amend-
ment of
section
288.

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

“(hh) the training of crew in launching and using life-rafts;”;

(b) in clauses (i) and (j), for the word “boats”, the words “boats or rafts” shall be substituted

Amend-
ment of
section
291.

9. In section 291 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Every Indian passenger ship and every Indian cargo ship of three hundred tons gross tonnage or more, shall in accordance with the rules made under section 296, be provided with a radio installation and shall maintain a radio telegraph service or a radio telephone service of the prescribed nature and shall be provided with such certificated operators as may be prescribed.”;

(b) in sub-section (2), for the words “any other ship of sixteen hundred tons gross or more shall be a radio telegraph installation; and that required to be provided for a ship of less than sixteen hundred tons gross, other than a passenger ship,” the words “any cargo ship of sixteen hundred tons gross or more shall be a radio telegraph installation; and that required to be provided for a cargo ship of less than sixteen hundred tons gross” shall be substituted;

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) The Central Government may, having regard to the length of the voyage or voyages on which a ship or a class of ships is engaged and the maximum distance such ship or class of ships will be from the shore during such voyage or voyages, exempt, by order in writing and subject to such conditions and restrictions as may be specified therein, any ship or class of ships from compliance with all or any of the obligations imposed by or under this section, if that Government is satisfied that such compliance would be unreasonable or unnecessary:

Provided that an exemption from the obligation to provide with radio telegraph installation in respect of any passenger ship or in respect of any cargo ship of sixteen hundred tons gross tonnage or more shall be subject to the condition that she shall have on board a radio telephone installation:

Provided further that no exemption shall be granted under this section, if it will have an adverse effect on the general efficiency of the distress service for the safety of ships.”

10. Section 292 of the principal Act shall be re-numbered as sub-section (1) of that section and after the sub-section as so re-numbered, the following sub-section shall be inserted, namely:—

Amend-
ment of
section
292.

“(2) The Central Government may, by order in writing and subject to such conditions and restrictions as may be specified therein, exempt any ship under five thousand tons gross tonnage from the obligation imposed by sub-section (1), if that Government is satisfied, having regard to the area or areas in which the ship is engaged on a voyage or voyages and the value of radio direction finder as a navigational instrument and as an aid to locating ships, aircraft or survival craft, that such compliance would be unreasonable or unnecessary.”.

11. In section 294 of the principal Act, in sub-sections (1) and (3), the words “and watchers” shall be omitted.

Amend-
ment of
section
294.

12. In section 296 of the principal Act,—

Amend-
ment of
section
296.

(a) in sub-section (1), after the words “radio telephony”, the words “or radio direction finders” shall be inserted;

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

“(aa) the nature of radio telegraph installation to be provided on motor life-boats and survival craft;”.

13. In section 297 of the principal Act, for the words “signalling lamp of the type approved”, the words “signalling lamp which shall not be solely dependent upon the ship's main source of electrical power and which shall be of the type approved” shall be substituted.

Amend-
ment of
section
297.

14. In section 298 of the principal Act,—

Amend-
ment of
section
298.

(a) in sub-section (1), for the words “about the ship's stability as is necessary for the guidance of the master in loading and ballasting the ship”, the words “as is necessary to enable the master by rapid and simple processes to obtain accurate guidance as to the stability of the ship under varying conditions of service” shall be substituted;

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

“(2) The information shall be in such form as may be approved by the Central Government (which may approve the provision of the information in the form of a diagram or drawing only) and shall be suitably amended whenever

any alterations are made to the ship so as to materially affect such information.

(2A) The information shall be based on the determination of the ship's stability by means of an inclining test of the ship and any amendment thereto shall be effected, if necessary, after re-inclining the ship:

Provided that the Central Government may, by a general or special order—

(a) in the case of any ship, allow the information or an amendment thereto to be based on a similar determination of the stability of a sister-ship;

(b) in the case of a ship specially designed for the carriage of liquids or ore in bulk, or of any class of such ships, dispense with such tests if it is satisfied from the information available in respect of similar ships that the ship's proportions and arrangements are such as to ensure more than sufficient stability in all probable loading conditions.”;

(c) in sub-section (3), after the words “any information”, the brackets and words “(including any amendment thereto)” shall be inserted;

(d) in sub-section (4), after the word “information”, the brackets and words “(including any amendment thereto)” shall be inserted.

Amend-
ment of
section
299.

15. In section 299 of the principal Act,—

(a) in sub-section (1),—

(i) after the words “radio telephony installation”, the words “and radio direction finder” shall be inserted;

(ii) for the words “safety certificate”, the words “passenger ship safety certificate” shall be substituted;

(b) in sub-section (2), for the words “qualified safety certificate”, the words “qualified passenger ship safety certificate” shall be substituted.

16. In the principal Act, after section 299, the following sections shall be inserted, namely:—

Insertion
of new
sections
299A
and 299B.
safety
construction

“299A. (1) Where in respect of any Indian cargo ship of five hundred tons gross or more the Central Government is satisfied that the ship has been surveyed in the manner pres-

cribed under section 299B and that she complies with the construction rules made under section 284, the Central Government may issue in respect of the ship—

(a) if the ship performs international voyages, a certificate in the prescribed form to be called a cargo ship safety construction certificate;

(b) in other cases, a certificate in the prescribed form, to be called a cargo ship construction certificate.

(2) Where in respect of any such ship as is referred to in sub-section (1) there is in force an exemption certificate granted under section 302 of the Act and the Central Government is satisfied that the ship complies with all the requirements referred to in that sub-section other than those from which the ship is exempt under that certificate, the Central Government may issue in respect of the ship a certificate in the prescribed form to be called a qualified cargo ship safety construction certificate or a qualified cargo ship construction certificate.

299B. (1) The Central Government may, subject to the condition of previous publication, make rules to regulate the making of surveys of cargo ships under this Part.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the times and places at which, and the manner in which, surveys are to be made;

(b) the requirements as to construction, machinery, equipment and marking of sub-division load-lines which are to be fulfilled by cargo ships generally or by any class of cargo ships in particular;

(c) the duties of the surveyor making a survey;

(d) the rates according to which the fees payable in respect of surveys are to be calculated in the case of all or any of the places or ports of survey;

(e) the closing of, and keeping closed, the openings in ships' hulls and any water-tight bulk-heads;

(f) the securing of, and keeping in place, and the inspection of, contrivances for closing any such openings as aforesaid;

(g) the operation of mechanisms of contrivances for closing any such openings as aforesaid and the drills in connection with the operation thereof; and

(h) the entries to be made in the official log book or other record to be kept of any of the matters aforesaid.”.

Amend-
ment of
section
300.

17. In section 300 of the principal Act,—

(a) in sub-section (1),—

(i) for the words “any Indian ship of five hundred tons gross or more, not being a passenger ship”, the words “any Indian cargo ship of five hundred tons gross or more,” shall be substituted;

(ii) the words “and radio telegraphy or radio telephony installation” shall be omitted;

(iii) in clause (a), for the words “safety equipment certificate”, the words “cargo ship safety equipment certificate” shall be substituted;

(iv) in clause (b), for the words “equipment certificate”. the words “cargo ship equipment certificate” shall be substituted;

(b) in sub-section (2), after the word “qualified”, at both the places where it occurs, the words “cargo ship” shall be inserted.

Amend-
ment of
section
301.

18. In section 301 of the principal Act,—

(a) for the words “any Indian ship, not being a passenger ship”, the words “any Indian cargo ship” shall be substituted:

(b) in clause (a), before the word “safety”, at both the places where it occurs, the words “cargo ship” shall be inserted;

(c) in clause (b), before the word “radio” at both the places where it occurs, the words “cargo ship” shall be inserted.

Amend-
ment of
section
303.

19. In section 303 of the principal Act,—

(a) in sub-section (1), for the words “safety equipment certificate, a qualified safety equipment certificate, an equipment certificate and a qualified equipment certificate”, the words “cargo ship safety equipment certificate, a qualified cargo ship safety equipment certificate, a cargo ship equipment certificate and a qualified cargo ship equipment certificate” shall be substituted;

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

“(1A) A cargo ship safety construction certificate, a qualified cargo ship safety construction certificate, a cargo

ship construction certificate and a qualified cargo ship construction certificate shall be in force for five years from the date of its issue or for such shorter period as may be specified in the certificate.

(1B) An exemption certificate issued under section 302 shall be in force for the period for which the certificate to which it relates remains in force or for such shorter period as may be specified in the exemption certificate.”;

(c) in sub-section (2), for the word, brackets and figure “sub-section (1)”, the words, brackets, figures and letters “sub-section (1), (1A) or (1B)” shall be substituted;

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

“(3) The Central Government or any person authorised by it in this behalf may grant an extension of any certificate issued under this Part in respect of an Indian ship—

(a) where the ship is absent from India on the date when the certificate would, but for the extension, have expired, for such period not exceeding five months from the said date as may be sufficient to enable the ship to return to the port in India at which it is to be surveyed;

(b) in any other case, for a period not exceeding one month from the said date:

Provided that any extension granted under clause (a) shall cease to be operative upon the ship's arrival at the port referred to in that clause:

Provided further that no extension shall be granted under clause (b) in respect of a certificate extended under clause (a).”.

20. In section 304 of the principal Act, in sub-section (1), for the words “a safety certificate”, the words “a passenger ship safety certificate” shall be substituted. Amend-
ment of
section
304.

21. In section 306 of the principal Act,—

(a) in sub-section (1), for the word “registered”, the words “registered or to be registered” shall be substituted; Amend-
ment of
section
306

Amend-
ment of
section
307

(b) in sub-section (2), for the words "in respect of an Indian ship", the words "in respect of a ship registered or to be registered in India" shall be substituted.

22. In section 307 of the principal Act,—

(a) in sub-section (1), for the words "safety certificate" at both the places where they occur, the words "passenger ship safety certificate" shall be substituted;

(b) in sub-section (2),—

(i) for the words "Indian ship, of five hundred tons gross or more, not being a passenger ship,", the words "Indian cargo ship of five hundred tons gross or more" shall be substituted;

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

“(b) a cargo ship safety construction certificate issued under section 299A, a cargo ship safety equipment certificate issued under section 300 and a cargo ship safety radio telephony certificate or a cargo ship safety radio telephony certificate issued under section 301, or”;

(iii) in clause (c), for the words "qualified safety equipment certificate", the words "qualified cargo ship safety equipment certificate" shall be substituted;

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) No sea-going Indian cargo ship, less than 500 tons gross but not less than 300 tons gross, shall proceed on a voyage from any port or place in India to any port or place outside India unless there is in force in respect of the ship a cargo ship safety radio telephony certificate issued under section 301.”;

(d) in sub-section (3),—

(i) for the words "Indian ship of five hundred tons gross or more, not being a passenger ship,", the words "Indian cargo ship of five hundred tons gross or more" shall be substituted;

(ii) in clause (a), for the words "an equipment certificate", the words "a cargo ship equipment certificate" shall be substituted;

(iii) in clause (b), for the words "qualified equipment certificate", the words "qualified cargo ship equipment certificate" shall be substituted;

(iv) in clause (c), before the word "radio", at both the places where it occurs, the words "cargo ship" shall be inserted.

23. In section 308 of the principal Act,—

(a) in sub-section (1), for the words "every ship other than an Indian ship being a passenger ship or being a ship of five hundred tons gross or more", the words "every ship, being a passenger ship or being a cargo ship of three hundred tons gross or more" shall be substituted;

(b) in sub-section (2), the words "other than an Indian ship" shall be omitted;

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Nothing in this section shall apply in respect of an Indian ship or a nuclear ship.”.

24. In section 309 of the principal Act, after the word and figures "sections 299,", the figures and letter "299A," shall be inserted.

Amend-
ment of
section
309.

25. After section 309 of the principal Act, the following section shall be inserted, namely:—

Insertion
of new
section
309A.

"309A. Where any survey of a ship for the purpose of issue under this part of a safety convention certificate has been completed, then, notwithstanding anything contained in this Act, the owner, agent or master of the ship shall not, until such certificate has been issued, make, or cause to be made, any alteration in the structural arrangements, machinery, equipment and other matters covered by the survey without the prior written permission of the Central Government or a person appointed by that Government in this behalf.”.

Alterations per-
ting issue
of a safety
convention
certificate.

26. In section 331 of the principal Act,—

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

Amend-
ment of
section
331.

“(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for the classification, packing, labelling and marking of such goods or any class of such goods stowing of such goods (whether with or without other cargo) including plans for stowing, the fixing of the maximum quantity of any such class of goods

which may be carried in different ships or classes of ships, and such other matters relating to dangerous goods as required to be provided for implementing the provisions of the Safety Convention.”;

(b) in the *Explanation*, for the words “but shall not include any fog or distress signals or like equipment required to be carried by the ship under this Act or the rules or regulations thereunder.”, the following shall be substituted, namely:—

“but shall not include,—

(a) any fog or distress signals or other stores or equipment required to be carried by the ship under this Act or the rules or regulations thereunder;

(b) particular cargoes carried in ships specially built or converted as a whole for that purpose, such as tankers.”.

Insertion
of new
section
331A.

27. After section 331 of the principal Act, the following section shall be inserted, namely:—

Grain-
loading
plan.

“331A. (1) No grain shall be loaded on board any Indian ship anywhere unless there is in force in respect of such ship a grain-loading plan approved under sub-section (3) or sub-section (4).

(2) The grain-loading plan shall be in such form and contain such particulars as to the stability of the ship, circumstances of loading on departure and arrival, the main characteristics of the fittings used to prevent the shifting of cargo and such other matters as may be prescribed, having regard to the rules made under sub-section (5) of section 332.

(3) Save as otherwise provided in sub-section (4), the grain-loading plan shall be submitted to the Central Government for approval and that Government may, having regard to the rules made under sub-section (5) of section 332, the stability of the ship and the circumstances of loading on departure and arrival, approve the plan with such modifications, if any, as it may deem necessary.

(4) The Central Government may request the Government of a country to which the Safety Convention applies to approve the grain-loading plan of an Indian ship and an approval given in pursuance of such a request and containing a statement that it has been so given shall have effect for the purposes of this section as if the approval had been given by the Central Government.

(5) The Central Government may, at the request of the Government of a country to which the Safety Convention applies, approve the grain-loading plan of a ship registered in that country if the Central Government is satisfied, in the like manner as in the case of an Indian ship, that such approval can properly be given and where approval is given at such a request, it shall contain a statement that it has been so given.

(6) It is hereby declared that for the purpose of section 208 (which requires documents relating to navigation to be delivered by the master of a ship to his successor) the plan shall be deemed to be a document relating to the navigation of the ship.”.

28. In section 332 of the principal Act,—

Amend-
ment of
section
332.

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

“(2A) Where grain is loaded on board an Indian ship in accordance with a grain-loading plan approved under section 331A or where grain is loaded on board any other ship in accordance with a grain-loading plan approved by or on behalf of the Government of the country in which that ship is registered, the ship shall be deemed, for the purposes of sub-sections (1) and (2), to have been loaded with all necessary and reasonable precautions.”;

(b) in sub-section (3),—

(i) in clause (a), the word “and” where it occurs last, shall be omitted;

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

“(b) the kind of grain carried and quantity thereof stated in cubic feet, quarters, bushels or tons weight; and

(c) the mode in which the grain is stowed and the precautions taken to prevent the grain from shifting and where the grain has been stowed in accordance with the ships’ grain-loading plan, if any, that it has been so stowed.”;

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

“(4) Any person authorised in this behalf, by general or special order of the Central Government may, for securing the observance of the provisions of this section, go

on board a ship carrying a cargo of grain and require the production of the grain-loading plan of the ship and inspect the mode in which the cargo is stowed in the ship.”;

(d) in sub-section (5), for the words “make rules in relation to the loading of ships”, the words “make rules in relation to grain-loading plans and the loading of ships” shall be substituted;

(e) in sub-section (6), for the words “this section”, the words, figures and letter “section 331A and this section” shall be substituted.

Amend-
ment of
section
343.

29. In section 343 of the principal Act, in sub-section (1), for the words “any ship of less than five hundred tons gross other than a passenger ship”, the words “any cargo ship of less than three hundred tons gross” shall be substituted.

Insertion
of new
part IXA.

30. After Part IX of the principal Act, the following Part shall be inserted, namely:—

“PART IXA

NUCLEAR SHIPS

Applica-
tion of
Act to
nuclear
ships.

344A. (1) This Part applies only to nuclear ships.

(2) Notwithstanding anything contained in this Act, a nuclear ship shall not be required to obtain or produce any certificate referred to in sub-clauses (i) to (ix) of clause (58) of section 3 or, as the case may be, any like valid safety convention certificate.

(3) The Central Government may, by notification in the Official Gazette, direct that any of the provisions of this Act (other than the provisions of this Part and the provisions of section 456) specified in the notification—

(a) shall not apply to nuclear ships; or

(b) shall apply to nuclear ships, only with such exceptions, modifications and adaptations as may be specified in the notification.

(4) A copy of every notification proposed to be issued under sub-section (3) shall be laid in draft before both Houses of Parliament for a period of not less than thirty days while they are

in session and it shall not be issued until it has been approved, whether with or without modification, by each House of Parliament.

344B. (1) If in respect of any Indian nuclear passenger or cargo ship the Central Government is satisfied that the ship has been surveyed in accordance with this Act and has been inspected by a person appointed in this behalf by the Central Government and has complied with such special requirements, if any, as that person has, after such inspection, specified, the Central Government may issue—

Nuclear passenger ship safety certificates and nuclear cargo ship safety certificates.

(a) in the case of a passenger ship, a nuclear passenger ship safety certificate;

(b) in the case of a cargo ship, a nuclear cargo ship safety certificate.

(2) A certificate issued under sub-section (1) shall be in force for a period of twelve months from the date of issue or for such shorter period as may be specified in the certificate.

344C. (1) No Indian nuclear ship shall proceed on a voyage from any port or place in India to any port or place outside India unless there is in force in respect of the ship—

Prohibition of proceeding to sea without certificates.

(a) a nuclear passenger ship safety certificate, if she is a passenger ship;

(b) a nuclear cargo ship safety certificate, if she is a cargo ship.

(2) The master of a ship to which this section applies shall produce to the customs collector from whom a port clearance for the ship is demanded the certificate required by sub-section (1) when the ship proceeds to sea and the port clearance shall not be granted and the ship may be detained until the said certificate is so produced.

344D. (1) Every Indian nuclear ship shall have on board a safety assessment and an operating manual in such form and containing such particulars and approved by such authority as may be prescribed.

Safety assessment and operating manual.

(2) The safety assessment and the operating manual shall be prepared, maintained and kept up-to-date in such manner as may be prescribed.

Foreign
nuclear
ships to
give
advance
notice of
arrival.

344E. (1) No nuclear ship, other than an Indian ship, shall enter the territorial waters of India unless the master, owner or agent thereof has given such advance notice of the ship's intended arrival in India as may be prescribed, to such authority as may be specified by the Central Government, and has forwarded along with the notice a true copy of the ship's safety assessment to that authority.

(2) If on the examination and evaluation of the ship's safety assessment the authority referred to in sub-section (1) is of opinion that the entry of the ship will involve unreasonable radiation or other hazards to the crew, passengers, members of the public, waterways, food or water resources, he may direct the nuclear ship not to enter the territorial waters of India and the ship shall comply with such direction.

Control on
arrival of
nuclear
ships.

344F. (1) The master of every nuclear ship shall, on arrival at a port in India, give notice of the ship's arrival in the prescribed form to such authority as the Central Government may specify in this behalf.

(2) Any person authorised in this behalf (hereinafter referred to as the authorised person), by general or special order of the Central Government, may go on board such ship for the purpose of verifying that she has on board a valid nuclear passenger ship safety certificate or, as the case may be, nuclear cargo ship safety certificate and for the purpose of satisfying himself after examining the safety assessment and operating manual and such other things as he deems fit that there are no unreasonable radiation or other hazards to the crew, passengers, members of the public, waterways, food or water resources.

(3) If the authorised person is satisfied after such examination that there are no unreasonable radiation or other hazards to the crew, passengers, members of the public, waterways, food or water resources, he may issue a certificate to that effect.

Notice of
accidents
to nuclear
ships.

344G. (1) Where an Indian nuclear ship meets with an accident and such accident is likely to lead to environmental hazards, the master of the ship shall forthwith give notice of the accident—

(a) to such officer or authority as may be specified in this behalf by the Central Government; and

(b) if the ship is in or intends to enter the territorial waters of a foreign State, also to the appropriate Governmental authority of the State.

(2) Where a nuclear ship other than an Indian ship meets with an accident of the nature specified in sub-section (1) while she is in the territorial waters of, or at a port in, India, the master of the ship shall forthwith give notice of the accident to the officer or authority specified under clause (a) of sub-section (1).

(3) On receipt of a notice under sub-section (1) or sub-section (2), the officer or authority specified under clause (a) of sub-section (1) shall issue such directions as he thinks necessary and expedient in the circumstances of the case and investigate into the causes of the accident in such manner as may be prescribed.

(4) A copy of the directions issued under sub-section (3) and a report of the findings of the investigation shall be sent to the Central Government within such time as may be prescribed.

(5) Where a nuclear ship other than an Indian ship meets with an accident of the nature specified in sub-section (1) at any port or place outside India and intends to enter the territorial waters of India in a damaged condition, the master of such ship shall give notice of the nature of the accident and the condition of the ship in such form as may be prescribed to the officer or authority specified under clause (a) of sub-section (1) and shall comply with such directions as that officer or authority may give.

(6) The provisions of this section are in addition to and not in derogation of the provisions of Part XII of this Act.

344H. (1) The provisions of sections 228 to 231 (inclusive) shall, so far as may be, apply to and in relation to every certificate issued by the Central Government under section 344B in the same manner as they apply to and in relation to a certificate of survey.

(2) The provisions of section 309A shall apply to and in relation to a nuclear ship surveyed for the purpose of issue of a certificate under section 344B as they apply to and in relation to a ship surveyed for the purpose of issue of a safety convention certificate under Part IX.

344I. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Part.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the design, construction and standards of inspection and assembly of the reactor installations of nuclear ships;
- (b) the standards of safety of nuclear ships;
- (c) the manner of survey of nuclear ships;
- (d) the forms in which certificates under this Part may be issued;
- (e) the form and manner in which the safety assessment and operating manual of a nuclear ship are to be prepared, maintained and kept up-to-date and the particulars to be contained therein;
- (f) the form of notices under this Part and the time when such notices should be given;
- (g) the manner in which investigations may be made into causes of accidents to a nuclear ship;
- (h) the special precautions to be taken against unreasonable radiation or other nuclear hazards to the crew, passengers and other persons, to waterways and to food and water resources;
- (i) the manner in which radio-active waste from nuclear ships is to be stowed and disposed of;
- (j) the manner in which the reactor fuelling, defuelling and refuelling and maintenance of nuclear ships are to be carried out;
- (k) the special training for and qualifications of, masters and seamen of nuclear ships;
- (l) the special requirements relating to approach, entry into, stay in or departure from, an Indian port of a nuclear ship;
- (m) the procedure to be followed for determining the operational conditions of a nuclear ship;
- (n) the protection and closure of the reactor installation of nuclear ships in the case of a collision, grounding, fire, leakage of radio-active material or other accident;

- (o) the fees to be charged for any inspection survey or certificate under this Part;
- (p) any other matter which has to be or may be prescribed.”

31. In section 354 of the principal Act, after the words “direct danger to navigation”, the words “or on encountering sub-freezing air temperatures associated with gale-force winds, causing severe ice accretions on super-structures or strong gales for which no storm warning has been received by him” shall be inserted.

32. After section 354 of the principal Act, the following section shall be inserted, namely:—

“354A. (1) Where an authority prescribed under section 354 receives intelligence from any source of any danger to navigation mentioned in that section, that authority shall, as soon as possible, communicate such intelligence to such ships and authorities as he may deem proper.

(2) The intelligence shall be communicated in such manner and subject to such terms and conditions as may be prescribed:

Provided that no fees shall be levied for communicating any intelligence under this section to a ship.”

33. After section 355 of the principal Act, the following section shall be inserted, namely:—

“355A. (1) The master of every Indian ship shall render assistance to every person found at sea in danger of being lost, unless he is unable or, in the special circumstances of the case, considers that such assistance cannot be rendered without serious danger to his ship, or the persons thereon.

(2) If the master of an Indian ship is unable or considers it unreasonable to go to the assistance of a person found at sea in danger of being lost, the master shall forthwith cause a statement to be entered in the official log book or, if there is no official log book, cause other record to be kept of his reasons for not going to the assistance of that person.”

Amend-
ment of
section
356.

34. In section 356 of the principal Act,—

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

“(aa) the manner of communicating intelligence regarding dangers to navigation, the terms and conditions subject to which such intelligence may be communicated and the fees which may be levied for the communication of intelligence;”;

(b) in clause (b), for the words “signals of distress and of urgency”, the words “signals of distress, urgency and of safety” shall be substituted;

(c) in clause (d), for the words “radio telegraphy”, the words “radio telegraphy or telephony” shall be substituted.

35. In section 436 of the principal Act, in sub-section (2), in the table,—

(a) in item 97,—

(i) in the second column, the words, brackets and figure “sub-section (I) of” shall be omitted;

(ii) in the third column, the brackets and figure “(I)” shall be omitted;

(b) after item 98, the following item shall be inserted, namely:—

Serial No.	Offences	Section of this Act to which offence has reference	Penalties
“98A	If the owner, agent or master fails to comply with section 309A.	309A	Fine which may extend to five hundred rupees.”;

(c) after item 105, the following item shall be inserted, namely:—

Serial No.	Offences	Section of this Act to which offence has reference	Penalties
“105A	If the owner, agent or master fails to comply with sub-section (I) of section 331A.	331A	Fine which may extend to one thousand rupees.”;

(d) after item 108, the following items shall be inserted, namely:—

Serial No.	Offences	Section of this Act to which offence has reference	Penalties
108A	If an Indian nuclear ship proceeds or attempts to proceed to sea in contravention of sub-section (1) of section 344C.	344C	The master or owner shall be liable to fine which may extend to ten thousand rupees.
108B	If an Indian nuclear ship fails to comply with sub-section (1) of section 344D.	344D	The master or owner or agent shall be liable to imprisonment which may extend to six months or fine which may extend to ten thousand rupees or both.
108C	If a nuclear ship other than an Indian ship enters the territorial waters of India in contravention of section 344E.	344E	The master shall be liable to fine which may extend to ten thousand rupees.
108D	If the master of a nuclear ship fails to give the notice required by sub-section (1) of section 344F.	344F	Fine which may extend to ten thousand rupees.
108E	(a) If the master of a nuclear ship fails to give the notice required by sub-section (1) or sub-section (2) or sub-section (5) of section 344G ; (b) if the master of a nuclear ship fails to comply with any directions issued under sub-section (3) or sub-section (5) of section 344G.	344(G)(1), (2) and (5) 344G (3) & (5)	Imprisonment which may extend to one year or fine which may extend to ten thousand rupees or both ; Imprisonment which may extend to one year or fine which may extend to ten thousand rupees or both ;

(e) after item 115, the following item shall be inserted, namely:—

Serial No.	Offences	Section of this Act to which offence has reference	Penalties
115A	If a master fails to comply with section 355A.	355A	Imprisonment which may extend to six months or fine which may extend to one thousand rupees or both.”

Insertion
of new
section
454A.

Power to
prescribe
alternative
fittings,
etc.

Amend-
ment of
section
456.

Amend-
ment of
section
458.

36. After section 454 of the principal Act, the following section shall be inserted, namely:—

“454A. Where this Act requires that a particular fitting, material, appliance or apparatus or any type thereof shall be fitted or provided for in a ship or that any particular provision shall be made in a ship, the Central Government after satisfying itself by trials or otherwise that any other fitting, material, appliance or apparatus or type thereof or provision is as effective as that so required, may permit, by general or special order, such other fitting, material, appliance or apparatus or type thereof or provision to be used or provided.”.

37. In section 456 of the principal Act, to sub-section (1), the following proviso shall be added, namely:—

“Provided that no exemption which is prohibited by the Safety Convention shall be granted under this sub-section.”.

38. In section 458 of the principal Act,—

(a) in sub-section (2), in clause (a), for the word and figures “section 331”, the words, figures and letter “section 331 or section 344I” shall be substituted;

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

“(3) Every rule or 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 successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or the 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.”.

39. In Part XVII of the principal Act, after section 460, the following section shall be inserted, namely:—

Insertion
of new
section
460A.

"460A. If any difficulty arises in giving effect to the provisions of this Act, in so far as they relate to the Safety Convention, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the purposes of this Act, as appear to it to be necessary or expedient for removing the difficulty.".

Removal of
difficulties.

40. Notwithstanding the retrospective operation of this Act, no contravention of, or no failure to comply with, any of the provisions of the principal Act, as amended by this Act, shall render any person guilty of any offence if such contravention or failure—

Certain
contraven-
tions, etc.,
not to be
offences.

(i) relates either to any provision inserted in the principal Act by this Act, or to any existing provision thereof as amended by this Act, and

(ii) occurred on or after the 28th day of May, 1966 and before the 6th day of June, 1966.

8 of 1966.

41. (1) The Merchant Shipping (Amendment) Ordinance, 1966 Repeal
is hereby repealed. and
saving.

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

THE CRIMINAL LAW AMENDMENT (AMENDING)
ACT, 1966

No. 22 OF 1966

[3rd September, 1966]

An Act further to amend the Criminal Law Amendment
Act, 1952.

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

Short title. 1. This Act may be called the Criminal Law Amendment (Amending)
Act, 1966.

**Amendment
of section 8.** 2. In sub-section (3A) of section 8 of the Criminal Law Amendment
Act, 1952 (hereinafter referred to as the principal Act), for the word
and figures "section 350", the words and figures "sections 350 and 549"
shall be substituted.

**Insertion of
new section
11.** 3. After section 10 of the principal Act, the following section shall be
inserted, and shall be deemed always to have been inserted, namely :—

Military,
naval and
air force laws
not to be
affected.
“II. (1) Nothing in this Act shall affect the jurisdiction exer-
cisable by, or the procedure applicable to, any court or other
authority under any military, naval or air force law.

(2) For the removal of doubts, it is hereby declared that for
the purposes of any such law as is referred to in sub-section (1), the
court of the special Judge shall be deemed to be a court of ordinary
criminal justice.”

4. No trial or other proceeding held or taken before, and no sentence passed by a court-martial or any other authority under any military, naval or air force law before the 30th day of June, 1966, shall be called in question in any court merely on the ground that the court-martial or other authority had no jurisdiction by virtue of the provisions of the principal Act, and all such trials, proceedings and sentences shall, notwithstanding any judgment or order of any court, be as valid and operative as if they had been held, taken or passed in accordance with law; and accordingly no suit or other legal proceeding shall be maintained or continued against any person whatever on the ground that any such trial, proceeding or sentence was not held, taken or passed in accordance with law.

Validation
and indem-
nity.

5. (1) Notwithstanding anything contained in this Act or in the principal Act as amended by this Act,—

Pending
cases.

(a) cases pending immediately before the 30th day of June, 1966, before a special Judge in which one or more persons subject to military, naval or air force law is or are charged with and tried for an offence under the principal Act together with any other person or persons not so subject, and

(b) cases pending immediately before the said date before a special Judge in which one or more persons subject to military, naval or air force law is or are alone charged with and tried for an offence under the principal Act and charges have already been framed against such person or persons,

shall be tried and disposed of by the special Judge.

(2) Where in any case pending immediately before the 30th day of June, 1966, before a special Judge, one or more persons subject to military, naval or air force law is or are alone charged with and tried for an offence under the principal Act and charges have not been framed against such person or persons before the said date; or where, on appeal or on revision against any sentence passed by a special Judge in any case in which one or more persons so subject was or were alone tried, the appellate court has directed that such person or persons be retried and on such retrial charges have not been framed against such person or persons before the said date, then, in either case, the special Judge shall follow the procedure laid down in section 549 of the Code of Criminal Procedure, 1898, as if the special Judge were a Magistrate.

186 *Criminal Law Amendment (Amending)*

[ACT 22 OF 1966]

Repeal
and
Saving.

6. (1) The Criminal Law Amendment (Amendment) Ordinance, 1966, is hereby repealed. 5 of 1966.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance or under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under this Act or under the principal Act as amended by this Act as if this Act had commenced on the 30th day of June, 1966.

THE ADVOCATES (AMENDMENT) ACT, 1966

No. 23 OF 1966

[3rd September, 1966]

An Act further to amend the Advocates Act, 1961.

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

1. This Act may be called the Advocates (Amendment) Act, 1965. Short title

25 of 1961. 2. For section 8 of the Advocates Act, 1961 (hereinafter referred to as the principal Act), the following section shall be, and shall be deemed always to have been, substituted, namely:—

“8. (1) The term of office of an elected member of a State Bar Council (other than an elected member thereof referred to in section 54) shall be four years from the date of publication of the result of his election.

Term of office of members of State Bar Council.

(2) An outgoing member shall continue in office until the publication of the result of the election of his successor.”

3. In section 15 of the principal Act, clause (e) of sub-section (2) shall be, and shall be deemed always to have been, omitted.

Amendment of section 15.

4. Where, before the commencement of the Advocates (Amendment) Ordinance, 1966, any member of a State Bar Council has retired under section 8 of the principal Act, such member shall be deemed never to have retired and shall continue to hold office for a period of four years from the date of publication of the result of his election as a member of the State Bar Council (re-constituted on the expiry of the term of office of the elected members of the State Bar Council under section 54) and accordingly no act of the State Bar Council or any Committee thereof shall be called in question on the

Transitional provision.

ground merely that such member having ceased to be a member of the State Bar Council on such retirement sat or voted or otherwise took part in the proceedings of the Council or the Committee thereof.

Repeal and 5. (1) The Advocates (Amendment) Ordinance, 1966 is hereby 5 of 1966.
Definitions. 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 this Act as if this Act had commenced on the 14th day of June, 1966.

**THE JAYANTI SHIPPING COMPANY (TAKING OVER
OF MANAGEMENT) ACT, 1966**

ARRANGEMENTS OF SECTIONS

CHAPTER I

PRELIMINARY

SECTIONS

1. *Short title.*
2. *Definitions,*

CHAPTER II

**THE TAKING OVER OF THE MANAGEMENT OF THE UNDERTAKING OF THE
JAYANTI SHIPPING COMPANY**

3. Board of Control to take over the management of the undertaking.
4. Effect of notified order issued under section 3.
5. Power of Board of Control to appoint managing agent.
6. Contracts in bad faith, etc., may be cancelled or varied.
7. No right to compensation for termination of office or contract.
8. Application of Act 1 of 1956.
9. Power of Central Government to cancel order notified under section 3.

CHAPTER III

MISCELLANEOUS

10. Duty to deliver possession of property and documents relating thereto.
11. Duty to furnish particulars.
12. Powers of inspection.
13. Penalty for false statements.
14. Limitation on prosecution.
15. Protection of action taken under the Act.

SECTIONS:

16. Overriding effect of Act.
17. Payment of remuneration and expenses out of the funds of company.
18. Power of Central Government to give directions.
19. Power to make rules.
20. Power to remove difficulties.
21. Repeal and savings.

**THE JAYANTI SHIPPING COMPANY (TAKING OVER OF
MANAGEMENT) ACT, 1966**

No. 24 OF 1966

[3rd September, 1966]

An Act to provide for the taking over of the management of the undertaking of the Jayanti Shipping Company Limited for a limited period in order to secure the proper management of the same.

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

CHAPTER I

PRELIMINARY

1. This Act may be called the Jayanti Shipping Company (Taking Over of Management) Act, 1966.

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

Definitions

(a) "company" means the Jayanti Shipping Company Limited, being a company as defined in the Companies Act, 1956, having its registered office in the Union territory of Delhi;

(b) "notified order" means an order notified in the Official Gazette;

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

(d) "undertaking" means the property and assets of the company;

(e) words and expressions used but not defined in this Act and defined in the Companies Act, 1956, shall have the meanings respectively assigned to them in that Act.

CHAPTER II

THE TAKING OVER OF THE MANAGEMENT OF THE UNDERTAKING OF THE JAYANTI SHIPPING COMPANY

Board
of
Control
to take
over the
manage-
ment
of the
under-
taking.

3. (1) The Central Government may, by notified order, appoint a body of persons (hereinafter referred to as the "Board of Control") to take over the management of the whole or any part of the undertaking or to exercise in respect of the whole or any part thereof such functions of management as may be specified in the notified order.

(2) The Board of Control shall consist of a Chairman and such number of other members not exceeding ten as the Central Government may think fit, to be appointed by that Government.

(3) The Central Government may either in the notified order issued under sub-section (1) or in a subsequent order specify that one or more members of the Board of Control shall be a full-time member or full-time members thereof.

(4) The term of office of, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among, the members of the Board of Control shall be such as may be prescribed.

(5) The salaries, allowances and other remuneration and the conditions of service of the members of the Board of Control shall be such as may be determined by the Central Government.

(6) Any notified order issued under sub-section (1) shall remain in force for such period not exceeding five years as may be specified in the order:

Provided that if the Central Government is of opinion that in order to secure the proper management of the undertaking it is expedient that any such notified order should continue in force after the expiry of the period of five years as aforesaid, it may, from time to time, issue directions for such continuance for such period, not exceeding

two years at a time, as may be specified in the directions, but no such notified order shall in any case remain in force for more than a total period of fifteen years; and where any such direction is issued, a copy thereof shall be laid, as soon as may be, before each House of Parliament.

4. (1) On the issue of a notified order under section 3 appointing a Board of Control to take over the management of the undertaking,—

Effect of
notified
order
issued
under
section 3.

(a) all persons in charge of the management, including persons holding offices as directors or managers or any other managerial personnel of the company immediately before the issue of the notified order, shall be deemed to have vacated their offices as such;

(b) any contract of management between the company and any managing agent or any director or any other managerial personnel thereof holding office as such immediately before the issue of the notified order shall be deemed to have terminated;

(c) the Board of Control shall alone be entitled notwithstanding anything contained in the Companies Act, 1956, to exercise all the powers of the Board of directors of the company (including the powers to sell or otherwise dispose of any ships or other properties or assets of the company) whether such powers are derived from the said Act or from the memorandum or articles of association of the company or from any other source;

(d) as from the date of the notified order, all the properties, assets and effects of the company shall be deemed to be in the custody of the Board of Control who shall, as soon as may be after such date, take all such steps as may be necessary to take into its possession or control all such properties, assets and effects and all actionable claims to which the company is or appears to be entitled.

(2) Subject to the other provisions contained in this Act and to the control of the Central Government, the Board of Control shall take such steps as may be necessary for the purpose of efficiently managing the business of the company and shall exercise such other powers and have such other duties as may be prescribed.

Power of
Board of
Control to
appoint
managing
agents.

5. (1) Notwithstanding anything contained in the Companies Act, 1956, or in any other law for the time being in force, or in the memorandum or articles of association of the company, the Board of Control may, with a view to securing the proper management of the undertaking, appoint with the previous approval of the Central Government any individual, firm or body corporate as the managing agent of the company.

(2) The managing agent shall receive such remuneration as may be determined by the Board of Control with the previous approval of the Central Government.

(3) The managing agent shall exercise in respect of the whole or any part of the undertaking such functions of management as may be specified in the order of appointment and as may from time to time be entrusted to it by the Board of Control.

(4) The managing agent shall not be removed from office except with the previous permission of the Central Government.

(5) In the discharge of his functions the managing agent shall be under the general superintendence and control of the Board of Control.

(6) The management of the undertaking shall be carried on pursuant to any directions given by the Board of Control in accordance with the provisions of the notified order issued under sub-section (1) of section 3 and the managing agent or any other person having any functions of management in relation to the undertaking or any part thereof shall comply with such directions.

Contracts
in bad
faith, etc.,
may be
cancelled
or varied.

6. Without prejudice to the provisions contained in section 4, the Board of Control may, with the previous approval of the Central Government, make an application to any court having jurisdiction in this behalf for the purpose of cancelling or varying any contract or agreement entered into, at any time before the issue of the notified order under sub-section (1) of section 3, between the company and any other person and the court may, if satisfied after due inquiry that such contract or agreement had been entered into in bad faith and is detrimental to the interests of the company, make an order cancelling or varying (either unconditionally or subject to such conditions as it may think fit to impose) that contract or agreement and the contract or agreement shall have effect accordingly.

7. Notwithstanding anything contained in any law for the time being in force, no person who ceases to hold any office by reason of the provisions contained in clause (a) of sub-section (1) of section 4, or whose contract of management is terminated by reason of the provisions contained in clause (b) of that sub-section, shall be entitled to any compensation for the loss of office or for the premature termination of his contract of management:

Provided that nothing contained in this section shall affect the right of any such person to recover from the company moneys recoverable otherwise than by way of such compensation.

8. (1) Notwithstanding anything contained in the Companies Act, 1956, or in the memorandum or articles of association of the company,—

No right to compensation for termination of office or contract.
Application of Act I of 1956.

(a) it shall not be lawful for the shareholders of the company or any other person to nominate or appoint any person to be a director of the company;

(b) no resolution passed at any meeting of the shareholders of the company shall be given effect to unless approved by the Central Government;

(c) no proceeding for the winding up of the 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 in the Official Gazette, specify in this behalf, the Companies Act, 1956, shall continue to apply to the company in the same manner as it applied thereto before the issue of the notified order under sub-section (1) of section 3.

9. If at any time it appears to the Central Government on the application of any shareholder of the company or otherwise that the purpose of the notified order made under sub-section (1) of section 3 has been fulfilled or that for any other reason it is not necessary that the order should remain in force, the Central Government may, by notified order, cancel such order and on the cancellation of any such order the management of the undertaking shall revert to the shareholders of the company.

CHAPTER III

MISCELLANEOUS

Duty to deliver possession of property and documents relating thereto.

10. (1) Where a notified order has been made under sub-section (1) of section 3 in relation to the undertaking, every person having possession custody or control of any property of the company shall deliver the property to the Board of Control or to any such person (including the managing agent) as may be authorised by the Board in this behalf.

(2) Any person who, on the commencement of this Act, has in his possession or under his control any books, documents or other papers relating to the undertaking, including any letters, memoranda, notes or other communications between him and the company shall, notwithstanding anything contained in any law for the time being in force, be liable to account for the said books, documents and other papers (including such letters, memoranda, notes or other communications) to the Board of Control and shall deliver them up to the Board or to any such person (including the managing agent) as may be authorised by the Board in this behalf.

(3) The Central Government may take all necessary steps for securing possession of all properties of the company.

Duty to furnish particulars.

11. The company shall, within ten days from the commencement of this Act or within such further period as the Central Government may allow in this behalf, furnish to the Board of Control a complete inventory of all the properties and assets (including particulars of book debts and investments and belongings) of the company at the commencement of this Act, and of all liabilities and obligations of the company subsisting at such commencement and also of all agreements entered into by the company and in force from such commencement.

Powers of inspection.

12. (1) For the purpose of ascertaining whether any property is the property of the company or for any other purpose mentioned in this Act or the rules made thereunder, any person authorised by the Central Government in this behalf shall have the right to—

(a) enter and inspect any premises;

(b) require any person having the possession, custody or control of any register or record of the company to produce such register or record;

(c) require the occupier of any property belonging to, or claimed to be the property of, the company, to submit to the person so authorised such accounts, books or other documents or to furnish to him such information as he may reasonably think necessary; and

45 of 1860.

(d) examine any person having the control of, or employed in connection with, the company and require him to make any statement touching the affairs of the company.

(2) Any person authorised by the Central Government under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

13. (1) If any person,—

Penalty
for false
state-
ments.

(a) when required by this Act or by any order made under this Act to make any statement or furnish any information, makes any statement or furnishes any information which is false in any material particular and which he knows or believes to be false or does not believe to be true; or

(b) makes any such statement as aforesaid in any book, account, record, return or other document which he is required by any order made under this Act to submit,

he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both.

(2) Any person, who—

(a) having in his possession, custody or control any property forming part of the assets of the company, wrongfully withholds such property from the Board of Control, or

(b) wrongfully obtains possession of any property forming part of the assets of the company, or

(c) wilfully withholds or fails to produce to any person authorised under this Act, any register, record or other document which may be in his possession, custody or control, or

(d) fails, without any reasonable cause, to submit any accounts, books or other documents, when required to do so,

shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both.

14. No court shall take cognizance of an offence punishable under this Act except with the previous sanction of the Central Government or of an officer authorised by that Government in this behalf.

Limita-
tion on
prosecu-
tion.

Protection of action taken under the Act.

Overriding effect of Act.

Payment of remuneration and expenses out of the funds of company.

Power of Central Government to give directions.

Power to make rules.

Power to remove difficulties.

15. No suit, prosecution or other legal proceedings shall lie against the Central Government or the Board of Control or any member thereof or any other person (including the managing agent) for anything which is in good faith done or intended to be done under this Act.

16. The provisions of this Act or any order or rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any law other than this Act or any instrument having effect by virtue of any law other than this Act.

17. All salaries, allowances and other remuneration paid to the Chairman and other members of the Board of Control, the managing agent or any other person who may be appointed or employed in connection with the affairs of the management of the company and all other expenses duly incurred in connection with such management shall be paid out of the funds of the company.

18. Notwithstanding anything contained in the foregoing provisions of this Act the Central Government may give such directions to the Board of Control as that Government may deem fit for the proper management of the undertaking and the Board of Control shall comply with such directions.

19. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act, and such rules may provide that they shall take effect either prospectively or retrospectively on such date, not earlier than the 10th day of June, 1966, as may be specified therein.

(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 successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

20. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order as occasion requires, do anything (not inconsistent with the provisions of this Act) which appears to it to be necessary for the purpose of removing the difficulty.

or 1966]

*Jayanti Shipping Company (Taking Over
of Management)*

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21. (1) The Jayanti Shipping Company (Taking Over of Management) Ordinance, 1966, is hereby repealed.

Repeal
and
savings.

(2) Notwithstanding such repeal, anything done or any action taken, including any notified order issued, appointment made or direction given under the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of this Act, as if this Act had commenced on the 10th day of June, 1966.

THE ESSENTIAL COMMODITIES (AMENDMENT)
ACT, 1966

No. 25 OF 1966

[3rd September, 1966]

An Act further to amend the Essential Commodities Act, 1955.

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

Short title,

1. This Act may be called the Essential Commodities (Amendment) Act, 1966.

Amend-
ment of
section 3.

2. In the Essential Commodities Act, 1955 (hereinafter referred to as the principal Act), in section 3, after sub-section (3A), the following sub-section shall be inserted, namely:—

'(3B) Where any person is required by an order made with reference to clause (f) of sub-section (2) to sell any grade or variety of foodgrains, edible oilseeds or edible oils to the Central Government or a State Government or to an officer or agent of such Government and either no notification in respect of such foodgrains, edible oilseeds or edible oils has been issued under sub-section (3A) or any such notification having been issued has ceased to remain in force by efflux of time, then, notwithstanding anything contained in sub-section (3), there shall be paid to that person such price for the foodgrains, edible oilseeds or edible oils as may be specified in that order having regard to—

(i) the controlled price, if any, fixed under this section or by or under any other law for the time being in force for such grade or variety of foodgrains, edible oilseeds or edible oils; and

(ii) the price for such grade or variety of foodgrains, edible oilseeds or edible oils prevailing or likely to prevail during the post-harvest period in the area to which that order applies.

Explanation.—For the purposes of this sub-section, “post-harvest period” in relation to any area means a period of four months beginning from the last day of the fortnight during which harvesting operations normally commence.’

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

Insertion
of new
sections
6A to 6D.

“6A. Where any foodgrains, edible oilseeds or edible oils are seized in pursuance of an order made under section 3 in relation thereto, they may be produced, without any unreasonable delay, before the Collector of the district or the Presidency-town in which such foodgrains, edible oilseeds or edible oils are seized and whether or not a prosecution is instituted for the contravention of such order, the Collector, if satisfied that there has been a contravention of the order, may order confiscation of the foodgrains, edible oilseeds or edible oils:

Confisca-
tion of
food-
grains,
edible
oilseeds
and edible
oils.

Provided that without prejudice to any action which may be taken under any other provision of this Act, no foodgrains or edible oilseeds seized in pursuance of an order made under section 3 in relation thereto from a producer shall, if the seized foodgrains or edible oilseeds have been produced by him, be confiscated under this section.

6B. No order confiscating any foodgrains, edible oilseeds or edible oils shall be made under section 6A unless the owner of such articles or the person from whom they are seized—

Issue of
show-
cause
notice
before
confisca-
tion of
food-
grains.

(a) is given a notice in writing informing him of the grounds on which it is proposed to confiscate the articles;

(b) is given an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds of confiscation; and

(c) is given a reasonable opportunity of being heard in the matter.

Appeal

6C. (1) Any person aggrieved by an order of confiscation under section 6A may, within one month from the date of the communication to him of such order, appeal to any judicial authority appointed by the State Government concerned and the judicial authority shall, after giving an opportunity to the appellant to be heard, pass such order as it may think fit, confirming, modifying or annulling the order appealed against.

(2) Where an order under section 6A is modified or annulled by such judicial authority, or where in a prosecution instituted for the contravention of the order in respect of which an order of confiscation has been made under section 6A, the person concerned is acquitted, and in either case it is not possible for any reason to return the foodgrains or edible oilseeds or edible oils seized, such person shall be paid the price therefor as if the foodgrains, edible oilseeds or edible oils, as the case may be, had been sold to the Government with reasonable interest calculated from the day of the seizure of articles; and such price shall be determined in accordance with the provisions of sub-section (3B) of section 3.

**Award of
confiscation not to
interfere
with
other
punish-
ments.
Amend-
ment of
section
7.**

6D. The award of any confiscation under this Act by the Collector shall not prevent the infliction of any punishment to which the person affected thereby is liable under this Act.”.

4. In section 7 of the principal Act, in clause (b) of sub-section (1),—

(a) in the opening paragraph, after the words “seem fit”, the words “including, in the case of an order relating to foodgrains, any packages, coverings or receptacles in which they are found and any animal, vehicle, vessel or other conveyance used in carrying foodgrains” shall be inserted;

(b) in the proviso, after the words “any part of the property”, the words “or any packages, coverings or receptacles or any animal, vehicle, vessel or other conveyance” shall be inserted.

5. (1) The Essential Commodities (Amendment) Ordinance, 1966, ⁹ of 1966, 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 as if this Act had come into force on the 12th day of July, 1966:

Provided that nothing contained in this sub-section shall affect the validity of anything done or any action taken under the principal Act as amended by the said Ordinance before the date of passing of this Act.

THE DELHI HIGH COURT ACT, 1966

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and commencement.
2. Definitions.
3. High Court.

3A. Salaries and allowances of Judges to be expenditure charged on Consolidated Fund of India.

High Court of Delhi.

5. Jurisdiction of High Court of Delhi.
6. Power to enrol legal practitioners, etc.
7. Practice and procedure in the High Court of Delhi.
8. Custody of the Seal of the High Court of Delhi.
9. Form of writs and other processes.
10. Powers of Judges.
11. Procedure as to appeals to Supreme Court.
12. Transfer of proceedings from the High Court of Punjab to the High Court of Delhi.
13. Right to appear or to act in proceedings transferred to the High Court of Delhi.
14. Interpretation.
15. Savings.
16. Pending proceedings before subordinate Courts in Delhi.
17. Extension of the jurisdiction of the High Court of Delhi.

18. Rule of construction.
19. Amendment of certain laws.
20. Power to remove difficulties.
21. Power to adapt laws.

THE SCHEDULE

THE DELHI HIGH COURT ACT, 1966

No. 26 OF 1966

[5th September, 1966]

An act to provide for the constitution of a High Court for the Union territory of Delhi, for the extension of the jurisdiction of that High Court to the Union territory of Himachal Pradesh and for matters connected therewith.

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

1. (1) This Act may be called the Delhi High Court Act, 1966.

Short title and commencement.

(2) Section 17 shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and the remaining provisions of this Act shall come into force at once.

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

Definitions.

(a) "appointed day" means the date appointed under section 3;

(b) "notified order" means order notified in the Official Gazette.

3. (1) As from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be a High Court for the Union territory of Delhi (hereinafter referred to as the High Court of Delhi).

31-10-1966: vide Notifn. No. S.O. 3273, dt. 27. 10. 66,
Gaz. of India, Pt. II, Sec. 3(ii), p. 2996.

(2) The principal seat of the High Court of Delhi shall be at Delhi or at such other place as the President may, by notified order, appoint.

(3) Notwithstanding anything contained in sub-section (2), the Judges and Division Courts of the High Court of Delhi may sit at such other place or places other than its principal seat as the Chief Justice may, with the approval of the President, appoint.

Exceptions and modifications subject to which the provisions of Chapter V of Part VI of the Constitution apply to the High Court of Delhi.

4. (1) The provisions of Chapter V of Part VI of the Constitution shall, in their application to the High Court of Delhi, have effect subject to the following exceptions and modifications, namely:—

(a) in article 217, the words "the Governor of the State" shall be omitted and in relation to appointments to be made under sub-section (2), that article shall be construed as if the words "and, in the case of appointment of a Judge other than the Chief Justice, the Chief Justice of the High Court," had also been omitted;

(b) in article 219, the reference to the Governor of the State, and in the proviso to clause (3) of article 227, the reference to the Governor, shall be construed as a reference to the administrator of the Union territory of Delhi;

(c) the provisions of article 225 shall not apply;

(d) in article 229,—

(i) the references to the Governor of the State shall be construed as references to the administrator of the Union territory of Delhi;

(ii) the references to the State Public Service Commission, the Legislature of the State and the Consolidated Fund of the State shall be construed, respectively, as references to the Union Public Service Commission, Parliament and the Consolidated Fund of India;

(e) the provisions of article 230 shall apply subject to the modifications that—

(i) in clause (1) thereof, for the words "High Court" in both the places where they occur, the words "High Court for

In this Act 37 of 1969, S. 2 (w.e.f. 1-10-1969).

a Union territory" and for the words "any Union territory", the words "any other Union territory" shall be substituted;

(ii) for clause (2) thereof, the following clause shall be substituted, namely:—

"(2) Where the High Court for a Union territory exercises jurisdiction in relation to another Union territory, the reference in article 227 to the administrator of the Union territory of Delhi shall, in relation to any rules, forms or tables for subordinate courts in that other Union territory, be construed as a reference to the administrator of that other Union territory."

(2) Between the coming into force of this section and the appointed day, the President may, after consultation with the Chief Justice of India, appoint the Chief Justice of the High Court of Delhi and as many other Judges of the said High Court as he thinks fit, and any appointments so made shall take effect as from the appointed day.

5. (1) The High Court of Delhi shall have, in respect of the territories for the time being included in the Union territory of Delhi, all such original, appellate and other jurisdiction as, under the law in force immediately before the appointed day, is exercisable in respect of the said territories by the High Court of Punjab.

(2) Notwithstanding anything contained in any law for the time being in force, the High Court of Delhi shall also have in respect of the said territories ordinary original civil jurisdiction in every suit the value of which exceeds twenty-five thousand rupees. [fifty thousand rupees]

6. (1) The High Court of Delhi shall have like powers to approve, admit, enrol, remove and suspend legal practitioners, and to make rules with respect to them, as are, under the law in force immediately before the appointed day, exercisable by the High Court of Punjab.

(2) The right of audience in the High Court of Delhi shall be regulated in accordance with the like principles, as, immediately before the appointed day, are in force with respect to the right of audience in the High Court of Punjab:

Provided that subject to any rule made or direction given by the High Court of Delhi in the exercise of the powers conferred by this section, any person who immediately before the appointed day is an advocate entitled to practise or an attorney entitled to act in the High Court of Punjab shall be recognised as an advocate or an attorney entitled to practise or act, as the case may be, in the High Court of Delhi.

4 Subs. by Act 37 of 1969, s. 3 (w.e.f. 1-10-1969).

Practice and procedure in the High Court of Delhi.

7. Subject to the provisions of this Act, the law in force immediately before the appointed day with respect to practice and procedure in the High Court of Punjab shall, with the necessary modifications, apply in relation to the High Court of Delhi and accordingly the High Court of Delhi shall have all such powers to make rules and orders with respect to practice and procedure as are immediately before the appointed day exercisable by the High Court of Punjab and shall also have powers to make rules and orders with respect to practice and procedure for the exercise of its ordinary original civil jurisdiction:

Provided that any rules or orders which are in force immediately before the appointed day with respect to practice and procedure in the High Court of Punjab shall, until varied or revoked by rules or orders made by the High Court of Delhi, apply with the necessary modifications in relation to practice and procedure in the High Court of Delhi as if made by that High Court.

Custody of the Seal of the High Court of Delhi.

8. The law in force immediately before the appointed day with respect to the custody of the Seal of the High Court of Punjab shall, with the necessary modifications, apply with respect to the custody of the Seal of the High Court of Delhi.

Form of writs and other processes.

9. The law in force immediately before the appointed day with respect to the form of writs and other processes used, issued or awarded by the High Court of Punjab shall, with the necessary modifications, apply with respect to the form of writs and other processes used, issued or awarded by the High Court of Delhi.

Powers of Judges.

10. (1) Where a single Judge of the High Court of Delhi exercises ordinary original civil jurisdiction conferred by sub-section (2) of section 5 on that Court, an appeal shall lie from the judgment of the single Judge to a Division Court of that High Court.

(2) Subject to the provisions of sub-section (1), the law in force immediately before the appointed day relating to the powers of the Chief Justice, single Judges and Division Courts of the High Court of Punjab and with respect to all matters ancillary to the exercise of those powers shall, with the necessary modifications, apply in relation to the High Court of Delhi.

Procedure as to appeals to Supreme Court.

11. The law in force immediately before the appointed day relating to appeals to the Supreme Court from the High Court of Punjab and the Judges and Division Courts thereof shall, with the necessary modifications, apply in relation to the High Court of Delhi.

12. (1) Except as hereinafter provided, the High Court of Punjab shall, as from the appointed day, have no jurisdiction in respect of the Union territory of Delhi.

(2) Such proceedings pending in the High Court of Punjab immediately before the appointed day as are certified, whether before or after that day, by the Chief Justice of that High Court having regard to the place of accrual of the cause of action and other circumstances to be proceedings which ought to be heard and decided by the High Court of Delhi, shall, as soon as may be after such certification, be transferred to the High Court of Delhi.

(3) Notwithstanding anything contained in sub-sections (1) and (2) of this section and in section 5, but save as hereinafter provided, the High Court of Punjab shall have, and the High Court of Delhi shall not have, jurisdiction to entertain, hear or dispose of, appeals, applications for leave to appeal including leave to appeal to the Supreme Court, applications for review and other proceedings where any such proceedings seek any relief in respect of any order passed by the High Court of Punjab before the appointed day:

Provided that if after any such proceedings have been entertained by the High Court of Punjab, it appears to the Chief Justice of that High Court that they ought to be transferred to the High Court of Delhi, he shall order that they shall be so transferred, and such proceedings shall thereupon be transferred accordingly.

(4) Any order made by the High Court of Punjab—

(a) before the appointed day, in any proceedings transferred to the High Court of Delhi by virtue of sub-section (2);

(b) in any proceedings with respect to which the High Court of Punjab retains jurisdiction by virtue of sub-section (3), shall for all purposes have effect, not only as an order of the High Court of Punjab, but also as an order made by the High Court of Delhi.

13. Any person who, immediately before the appointed day, is an advocate entitled to practise or an attorney entitled to act, in the High Court of Punjab, and was authorised to appear or to act in any proceedings transferred from that High Court to the High Court of Delhi under section 12, shall have the right to appear or to act, as the case may be, in the High Court of Delhi in relation to those proceedings.

14. For the purposes of sections 12 and 17,—

(a) proceedings shall be deemed to be pending in a court until that court has disposed of all issues between the parties, including any issues with respect to the taxation of the costs of

Transfer of proceedings from the High Court of Punjab to the High Court of Delhi.

Interpretation.

the proceedings and shall include appeals, applications for leave to appeal to the Supreme Court, applications for review, petitions for revision and petitions for writs;

(b) references to a High Court shall be construed as including references to a Judge or Division Court thereof, and references to an order made by a court or a Judge shall be construed as including references to a sentence, judgment or decree passed or made by that court or Judge.

Savings.

15. Save as provided in section 4, nothing in this Act shall affect the application to the High Court of Delhi of any provisions of the Constitution, and this Act shall have effect subject to any provision that may be made on or after the appointed day with respect to that High Court by any Legislature or other authority having power to make such provision.

Fending proceedings before subordinate Courts in Delhi.

16. All proceedings pending immediately before the appointed day in any subordinate court in the Union territory of Delhi in or in relation to any such civil suit as is referred to in sub-section (2) of section 5 shall on that day stand transferred to the High Court of Delhi which shall proceed to try, hear and determine the matter as if it had been pending therein.

Extension of the jurisdiction of the High Court of Delhi.

17. (1) As from such date as the Central Government may, by notification in the Official Gazette, appoint (hereinafter referred to as the prescribed date), the jurisdiction of the High Court of Delhi shall extend to the Union territory of Himachal Pradesh.

(2) As from the prescribed date the Court of the Judicial Commissioner for Himachal Pradesh shall cease to function and is hereby abolished:

Provided that nothing in this sub-section shall prejudice or affect the continued operation of any notice served, injunction issued, direction given, or proceedings taken before the prescribed date by the Court of the Judicial Commissioner for Himachal Pradesh abolished, by this sub-section.

(3) The High Court of Delhi shall have, in respect of the territories for the time being included in the Union territory of Himachal Pradesh,—

(a) all such original, appellate and other jurisdiction as under the law in force immediately before the prescribed date, is exercisable in respect of the said territories by the Court of the Judicial Commissioner for Himachal Pradesh; and also

(b) ordinary original civil jurisdiction in every suit the value of which exceeds twenty-five thousand rupees, notwithstanding an amount of Rs. 1.5.67, vide Notifi. No. GSR 508, dt 14.4.67, Gaz. of India, Pt. II, Sec. 3(1), p. 563.

2) Subs. by Act 21 of 1971, Tenth Schedule,

2) [fifty thousand rupees]

(4) All proceedings pending in the Court of the Judicial Commissioner for Himachal Pradesh before the prescribed date shall stand transferred to the High Court of Delhi.

(5) Any order made before the prescribed date by the Court referred to in sub-section (4) shall for all purposes have effect not only as an order of that Court but also as an order of the High Court of Delhi.

(6) For the removal of doubts, it is hereby declared that the provisions of sections 6 to 11 and 13 shall, with the necessary modifications, apply to the High Court of Delhi in the exercise of jurisdiction conferred upon it by this section.

(7) All proceedings pending immediately before the prescribed date in any subordinate court in the Union territory of Himachal Pradesh in or in relation to any such civil suit as is referred to in clause (b) of sub-section (3) shall on that date stand transferred to the High Court of Delhi which shall proceed to try, hear and determine the matter as if it had been pending therein.

18. (1) References in any law in force in the Union territory of Delhi to the High Court of Punjab shall, as from the appointed day, be construed in relation to that Union territory as references to the High Court of Delhi. Rule of construction.

(2) References in any law in force in the Union territory of Himachal Pradesh to the High Court of Punjab or to the Court of the Judicial Commissioner for that territory shall, as from the prescribed date, be construed in relation to that Union territory as references to the High Court of Delhi.

19. The laws specified in the Schedule shall be amended in the manner and with effect from the date specified therein. Amendment of certain laws.

20. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by notified order, make such provision as appears to it to be necessary or expedient for the removal of the difficulty. Power to remove difficulties.

(2) 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 successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the 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.

Power to
adapt
laws.

21. For the purpose of facilitating the application of any law in relation to the Union territory of Delhi or Himachal Pradesh, the Central Government may, before the expiration of two years from the appointed day in relation to the Union territory of Delhi and before the expiration of two years from the prescribed date in relation to the Union territory of Himachal Pradesh, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient to give effect to the provisions of this Act and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority.

THE SCHEDULE

(See section 19)

Punjab
Act VI
of 1918.

I. As from the appointed day, in the Punjab Courts Act, 1918, as in force in the Union territory of Delhi,—

(i) in section 25, for the words "in original civil suits without limit as regards the value", the words "in every original civil suit the value of which does not exceed twenty-five thousand rupees" shall be substituted;

(ii) in section 26, for the words "The jurisdiction", the words and figures "Subject to the limit specified in section 25, the jurisdiction" shall be substituted.

II. As from the prescribed date, in the Judicial Commissioners' Courts (Declaration as High Courts) Acts, 1950, in section 3, the expression "Himachal Pradesh," shall be omitted.

III. As from the prescribed date, in the Himachal Pradesh (Courts) Order, 1948,—

(i) throughout the Order, save as otherwise expressly provided, for the words "Chief Commissioner", the words "Lieutenant Governor" shall be substituted and for the words "Judicial Commissioner" or "Court of the Judicial Commissioner", the words "High Court" shall be substituted, and such consequential amendments as the rules of grammar may require shall be made;

- (ii) Chapter II shall be omitted;
 - (iii) in paragraph 15, the words "the Court of the Judicial Commissioner and" shall be omitted;
 - (iv) in paragraph 20, for the words "in civil suits without limit as regards the value", the words "in every civil suit the value of which does not exceed twenty-five thousand rupees" shall be substituted;
 - (v) in paragraph 21, for the words "The jurisdiction", the words and figures "Subject to the limit specified in paragraph 20, the jurisdiction" shall be substituted;
 - (vi) in paragraph 36, sub-paragraph (1) shall be omitted and in sub-paragraph (2), for the words, brackets and figure "under sub-paragraph (1)", the words and figures "for the exercise of the jurisdiction under paragraph 35" shall be substituted.
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CRAZY GO

THE APPROPRIATION (No. 3) ACT, 1966

No. 27 OF 1966

[7th September, 1966]

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 1966-67.

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

Short title.

Issue of
Rs. 2,18,94,
27,000 out
of the
Consoli-
dated
Fund of
India for
the year
1966-67.

1. This Act may be called the Appropriation (No. 3) Act, 1966.

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 hundred and eighteen crores, ninety-four lakhs and twenty-seven thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1966-67 in respect of the services specified in column 2 of the Schedule.

Approp-
riation.

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)

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
6	Defence Services, Effective—Navy	80,00,000	..	80,00,000
16	External Affairs	3,73,41,000	..	3,73,41,000
17	Other Revenue Expenditure of the Ministry of External Affairs	2,47,29,000	..	2,47,29,000
23	Audit	9,50,000	..	9,50,000
25	Mint	..	2,000	2,000
30	Other Revenue Expenditure of the Ministry of Finance	4,21,000	..	4,21,000
34	Ministry of Food, Agriculture, Community Development and Co-operation	3,85,000	..	3,85,000
35	Agriculture	41,65,000	..	41,65,000
66	Other Revenue Expenditure of the Ministry of Iron and Steel	2,00,00,000	..	2,00,00,000
96	Stationery and Printing	..	4,000	4,000
117	Capital Outlay on Currency and Coinage	2,03,60,79,000	..	2,03,60,79,000
223	Loans and Advances by the Central Government	..	5,73,50,000	5,73,50,000
337	Capital Outlay on Roads	..	1,000	1,000
	TOTAL	2,13,20,70,000	5,73,57,000	2,18,94,27,000

THE PUNJAB STATE LEGISLATURE (DELEGATION OF POWERS) ACT, 1966

No. 28 OF 1966

[7th September, 1966]

An Act to confer on the President the power of the Legislature of the State of Punjab to make laws.

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

Short title:

Definition:

Conferment of the President of the power of the

State Legislature to make laws.

1. This Act may be called the Punjab State Legislature (Delegation of Powers) Act, 1966.

2. In this Act, "Proclamation" means the Proclamation issued on the 5th day of July, 1966, under clause (1) of article 356 of the Constitution, by the President of India, and published with the notification of the Government of India, in the Ministry of Home Affairs, No. G.S.R. 1069 of the said date.

3. (1) The power of the Legislature of the State of Punjab to make laws, which has been declared by the Proclamation to be exercisable by or under the authority of Parliament, is hereby conferred on the President.

(2) In the exercise of the said power, the President may, from time to time, whether Parliament is or is not in session, enact as a President's Act a Bill containing such provisions as he considers necessary:

Provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a committee constituted for the purpose, consisting of—

(a) thirty members of the House of the People nominated by the Speaker among whom shall be included all members who

for the time being fill the seats allotted to the State of Punjab in that House; and

(b) fifteen members of the Council of States nominated by the Chairman among whom shall be included all members who for the time being fill the seats allotted to the State of Punjab in that House.

(3) Every Act enacted by the President under sub-section (2) shall, as soon as may be after enactment, be laid before each House of Parliament.

(4) Either House of Parliament may, by resolution passed within seven days from the date on which the Act has been laid before it under sub-section (3), direct any modifications to be made in the Act and if the modifications are agreed to by the other House of Parliament during the session in which the Act has been so laid before it or the session succeeding, such modifications shall be given effect to by the President by enacting an amending Act under sub-section (2):

Provided that nothing in this sub-section shall affect the validity of the Act or of any action taken thereunder before it is so amended.

THE RAILWAY PROPERTY (UNLAWFUL POSSESSION)
ACT, 1966

No. 29 OF 1966

[16th September, 1966]

An Act to consolidate and amend the law relating to unlawful possession of railway property.

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

Short title,
extent
and com-
mencement.

1. (1) This Act may be called the Railway Property (Unlawful Possession) Act, 1966.

(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.

Defini-
tions.

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

(a) "Force" means the Railway Protection Force constituted under section 3 of the Railway Protection Force Act, 1957; 23 of 1957.

(b) "member of the Force" means a person appointed to the Force, other than a superior officer;

(c) "officer of the Force" means an officer of and above the rank of Assistant Sub-Inspector appointed to the Force and includes a superior officer;

(d) "railway property" includes any goods, money or valuable security or animal, belonging to, or in the charge or possession of, a railway administration;

(e) "superior officer" means any of the officers appointed under section 4 of the Railway Protection Force Act, 1957, and 23 of 1957. includes any other officer appointed by the Central Government as a superior officer of the Force;

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Ex. 1-4-1968: Vide Notfn. No. S.O. 1225, dt. 1-4-68, Gaz.
of India, Extg., Pt. II, Sec. 3(ii), p. 413.

9 of 1890. (f) words and expressions used but not defined in this Act and defined in the Indian Railways Act, 1890, shall have the meanings respectively assigned to them under that Act.

3. Whoever is found, or is proved to have been, in possession of any railway property reasonably suspected of having been stolen or unlawfully obtained shall, unless he proves that the railway property came into his possession lawfully, be punishable—

Penalty
for unlaw-
ful
possession
of railway
property.

(a) for the first offence, with imprisonment for a term which may extend to five years, or with fine, or with both and in the absence of special and adequate reasons to be mentioned in the judgment of the court, such imprisonment shall not be less than one year and such fine shall not be less than one thousand rupees;

(b) for the second or a subsequent offence, with imprisonment for a term which may extend to five years and also with fine and in the absence of special and adequate reasons to be mentioned in the judgment of the court, such imprisonment shall not be less than two years and such fine shall not be less than two thousand rupees.

4. Any owner or occupier of land or building, or any agent of such owner or occupier incharge of the management of that land or building, who wilfully connives at an offence against the provisions of this Act, shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

Punish-
ment for
connivance
at offend-
ces.

5. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence under this Act shall not be cognizable.

Offences
under the
Act not to
be cogniz-
able.

6. Any superior officer or member of the Force may, without an order from a Magistrate and without a warrant, arrest any person who has been concerned in an offence punishable under this Act or against whom a reasonable suspicion exists of his having been so concerned.

Power to
arrest
without
warrant.

7. Every person arrested for an offence punishable under this Act shall, if the arrest was made by a person other than an officer of the Force, be forwarded without delay to the nearest officer of the Force.

Disposal
of persons
arrested.

8. (1) When any person is arrested by an officer of the Force for an offence punishable under this Act or is forwarded to him under section 7, he shall proceed to inquire into the charge against such person.

Inquiry
how to be
made
against
arrested
persons.

Railway Property (Unlawful Possession)

[ACT 29]

(2) For this purpose the officer of the Force may exercise the same powers and shall be subject to the same provisions as the officer in charge of a police-station may exercise and is subject to under the Code of Criminal Procedure, 1898, when investigating a ⁵ of 1898. cognizable case:

Provided that—

(a) if the officer of the Force is of opinion that there is sufficient evidence or reasonable ground of suspicion against the accused person, he shall either admit him to bail to appear before a Magistrate having jurisdiction in the case, or forward him in custody to such Magistrate;

(b) if it appears to the officer of the Force that there is not sufficient evidence or reasonable ground of suspicion against the accused person, he shall release the accused person on his executing a bond, with or without sureties as the officer of the Force may direct, to appear, if and when so required before the Magistrate having jurisdiction, and shall make a full report of all the particulars of the case to his official superior.

Power to summon persons to give evidence and produce documents.

9. (1) An officer of the Force shall have power to summon any person whose attendance he considers necessary either to give evidence or to produce a document, or any other thing in any inquiry which such officer is making for any of the purposes of this Act.

(2) A summons to produce documents or other things may be for the production of certain specified documents or things or for the production of all documents or things of a certain description in the possession or under the control of the person summoned.

(3) All persons, so summoned, shall be bound to attend either in person or by an authorised agent as such officer may direct; and all persons so summoned shall be bound to state the truth upon any subject respecting which they are examined or make statements and to produce such documents and other things as may be required:

Provided that the exemptions under sections 132 and 133 of the Code of Civil Procedure, 1908, shall be applicable to requisitions for ⁵ of 1908. attendance under this section.

(4) Every such inquiry as aforesaid, shall be deemed to be a "judicial proceeding" within the meaning of section 193 and section 228 of the Indian Penal Code.

Issue of search warrant.

10. (1) If an officer of the Force has reason to believe that any place is used for the deposit or sale of railway property which had been stolen or unlawfully obtained, he shall make an application to the Magistrate, having jurisdiction over the area in which that place is situate, for issue of a search warrant.

45 of 1860.

(2) The Magistrate to whom an application is made under subsection (1), may, after such inquiry as he thinks necessary, by his warrant authorise any officer of the Force—

(a) to enter, with such assistance as may be required, such place;

(b) to search the same in the manner specified in the warrant;

(c) to take possession of any railway property therein found which he reasonably suspects to be stolen or unlawfully obtained; and

(d) to convey such railway property before a Magistrate, or to guard the same on the spot until the offender is taken before a Magistrate, or otherwise to dispose thereof in some place of safety.

11. All searches and arrests made under this Act shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1898, relating respectively to searches and arrests made under that Code. Searches and arrests how to be made.

12. All officers of Government and all village officers are hereby empowered and required to assist the superior officers and members of the Force in the enforcement of this Act. Officers required to assist.

13. Any court trying an offence punishable under this Act may order the forfeiture to Government of any property in respect of which the Court is satisfied that an offence under this Act has been committed and may also order the forfeiture of any receptacles, packages or coverings in which such property is contained, and the animals, vehicles, or other conveyances used in carrying the property. Power of courts to order forfeiture of vehicles, etc.

14. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force. Act to override other laws.

15. Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State. Construction of references to laws not in force in Jammu and Kashmir.

22 *Railway Property (Unlawful Possession)* [ACT 29 OF 1966]

Repeal
and
savings.

16. (1) The Railway Stores (Unlawful Possession) Act, 1955, is hereby repealed.
- (2) Nothing contained in this Act shall apply to offences punishable under the Act hereby repealed and such offences may be investigated and tried as if this Act had not been passed.
- (3) The mention of particular matters in sub-section (2) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897, with regard to the effect of repeals.

THE ELECTRICITY (SUPPLY) AMENDMENT
ACT, 1966

No. 30 OF 1966

[16th September, 1966]

An Act further to amend the Electricity (Supply) Act, 1948.

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

1. (1) This Act may be called the Electricity (Supply) Amendment Act, 1966. Short title and commencement.
- (2) Sections 20, 21 and 22 shall be deemed to have come into force on the 1st day of April, 1966 and save as otherwise provided in this Act, the remaining provisions shall come into force at once.

54 of 1948. 2. In section 5 of the Electricity (Supply) Act, 1948 (hereinafter referred to as the principal Act), in sub-section (6), the words “, or within the twelve months last preceding was,” shall be omitted. Amendment of section 5.

3. In section 7 of the principal Act, for clause (b), the following clause shall be substituted, namely:— Amendment of section 7.

“(b) references in this Act to—

- (i) the State,
- (ii) the State Electricity Consultative Council, and
- (iii) the State Legislature,

shall, unless the context otherwise requires, be construed as references respectively to—

(A) both States,

(B) where more than one State Electricity Consultative Council has been constituted under section 16, to all such Councils, and

(C) the Legislatures of both States;".

Amend-
ment of
section 16.

4. In section 16 of the principal Act,—

(i) in sub-section (2), for the word "seven", the word "eight" shall be substituted;

(ii) for sub-section (6), the following sub-section shall be substituted, namely:—

"(6) The Board shall place before the State Electricity Consultative Council the annual financial statement and supplementary statement, if any, and shall take into consideration any comments made on such statement in the said Council before submitting the same to the State Government under section 61."

Amend-
ment of
section 19.

5. In section 19 of the principal Act, in sub-section (4), after the word "determined", the words "by arbitration" shall be inserted.

Substitu-
tion of
new section
for section
29.

6. For section 29 of the principal Act, the following section shall be substituted, namely:—

Publica-
tion and
sanc-
tioning
of sche-
mes.

"29. (1) A scheme prepared for any area under section 28 may, subject to the provisions of this section, be sanctioned by the Board either generally or in respect of any part of the area and where a scheme has been sanctioned in respect of part of the area, it may subsequently be sanctioned in respect of other parts of that area.

(2) Every scheme sanctioned under this section shall be published in the Official Gazette and in such local newspapers as the Board may consider necessary:

Provided that it shall not be necessary to so publish any scheme which is estimated to result in a capital expenditure not exceeding twenty-five lakhs of rupees.

(3) Before sanctioning any scheme which is estimated to result in a capital expenditure exceeding one crore of rupees, the following procedure shall be adopted, namely:—

(i) The Board shall send a copy of the scheme to the State Government and to the Authority and cause such scheme to be published in the Official Gazette and in such local newspapers as the Board may consider necessary; and the Board shall give public notice of the date, not being less than two months after the date of the notice, by which licensees and other persons interested may make representations thereon and when publishing such a scheme the Board shall show estimates of the capital expenditure involved and of the initial and ultimate revenues anticipated from the sale of energy, meter rentals and other services.

(ii) The Board, after considering any such representations and after making such inquiries, if any, as it thinks fit, may sanction the scheme either without modification or subject to such modifications as it thinks fit, and either generally or in respect of any part of the area specified in the published scheme:

Provided that no such scheme shall be sanctioned by the Board without prior consultation with the Authority and until any recommendations which the Authority may, in accordance with the provisions of this Act, make upon such consultation have received due consideration by the Board:

Provided further that where the recommendations of the Authority in regard to any scheme are not accepted by the Board, the Board shall not sanction the scheme without the previous consent of the State Government.

(4) In respect of any scheme to which the provisions of sub-section (3) apply, the Board shall, within one month after being requested by the Authority so to do, supply the Authority with all such information incidental or supplementary to the scheme as may be specified in the request.”

Amendment of section 30.

7. In section 30 of the principal Act, for the word, brackets and figure "sub-section (2)", the words, brackets and figures "clause (ii) of sub-section (3)" shall be substituted.

Amendment of section 31.

8. In section 31 of the principal Act,—

(i) for the word, brackets and figure "sub-section (2)", the words, brackets and figures "clause (ii) of sub-section (3)" shall be substituted;

(ii) in the proviso, for the word, brackets and figure "sub-section (3)", the word, brackets and figure "sub-section (4)" shall be substituted.

Amendment of section 32.

9. In section 32 of the principal Act, after the words "sanctioned and", the words "where so required" shall be inserted.

Amendment of section 40.

10. In section 40 of the principal Act, after the words "agreement be determined", the words "by arbitration" shall be inserted.

Substitution of new section for section 49.

11. For section 49 of the principal Act, the following section shall be, and shall be deemed always to have been, substituted, namely:—

Provisions as for the sale of electricity by the Board to persons other than licensees.

"49. (1) Subject to the provisions of this Act and of regulations, if any, made in this behalf, the Board may supply electricity to any person not being a licensee upon such terms and conditions as the Board thinks fit and may for the purposes of such supply frame uniform tariffs.

(2) In fixing the uniform tariffs, the Board shall have regard to all or any of the following factors, namely:—

(a) the nature of the supply and the purposes for which it is required;

(b) the co-ordinated development of the supply and distribution of electricity within the State in the most efficient and economical manner, with particular reference to such development in areas not for the time being served or adequately served by the licensee;

(c) the simplification and standardisation of methods and rates of charges for such supplies;

(d) the extension and cheapening of supplies of electricity to sparsely developed areas.

(3) Nothing in the foregoing provisions of this section shall derogate from the power of the Board, if it considers it necessary or expedient to fix different tariffs for the supply of electricity to any person not being a licensee, having regard to the geographical position of any area, the nature of the supply and purpose for which supply is required and any other relevant factors.

(4) In fixing the tariff and terms and conditions for the supply of electricity, the Board shall not show undue preference to any person.”.

12. After section 60 of the principal Act, the following section shall be inserted, namely:—

“60A. Where the right to recover any amount due to the State Government for or in connection with the consumption of electricity is vested in the Board and the period of limitation to enforce such right has expired before the constitution of the Board, or within three years of its constitution, then, notwithstanding anything contained in the Indian Limitation Act, 1908 or any other law for the time being in force relating to limitation of action, the Board may institute a suit for the recovery of such amount—

(i) where it has been constituted before the commencement of the Electricity (Supply) Amendment Act, 1966, within three years of such commencement; and

(ii) where it has been constituted after such commencement, within three years of its constitution.”.

13. In section 62 of the principal Act, in sub-section (1), for the words “twenty-five thousand” and “one lakh”, the words “seventy-five thousand” and “three lakhs” shall respectively be substituted.

14. In section 67 of the principal Act,—

(i) in clause (viii), for the word “eight”, the word “fifteen” shall be substituted;

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

“(x) the balance to be appropriated to a fund to be called the Development Fund to be utilised for—

(a) purposes beneficial, in the opinion of the Board, to electrical development in the State;

Insertion
of
new sec-
tion 60A.

Period of
limitation
extended
in certain
cases.

(b) repayment of loans advanced to the Board under section 64 and required to be repaid:

Provided that where no such loan is outstanding, one-half of the balance aforesaid shall be credited to the Consolidated Fund of the State.”

Substitution
of new
section
for sec-
tion 68.

Depre-
ciation
reserve.

15. For section 68 of the principal Act, the following section shall be substituted, namely:—

‘68. The Board shall create a depreciation reserve and, as far as compliance with the provisions of section 67 makes it practicable, shall, at the end of every year, credit to such reserve from its revenue an amount calculated in accordance with the straight line method of depreciation, that is to say, such an amount as is arrived at by dividing ninety per cent. of the original cost of the assets, after taking into account the sums already written off and set aside in the books of the Board, by the prescribed period in respect of such assets:

Provided that the contribution in respect of any asset to the depreciation reserve under this section shall cease at the end of the prescribed period or when the asset ceases to be used by the Board, whichever is earlier:

Provided further that if in any year it is not practicable fully to comply with the provisions of this section, the amount by which the sums actually credited falls short of the amount required under this section in respect of that year, shall be carried forward and together with simple interest thereon at the Reserve Bank rate ruling at the beginning of that year, shall be credited to the said reserve as soon as it is found possible in accordance with section 67, so to do:

Provided further that the accumulations in the depreciation reserve may be invested in the business of the Board, or utilised for repayment of the principal of any loan raised under section 65 or for repayment of sums paid by the State Government under guarantees under section 66.

Explanation.—In this section, “prescribed period”—

(i) in relation to an asset which became available to the Board for its use in its business before the commencement of the Electricity (Supply) Amendment Act, 1966, means the pres-

cribed period as defined in the Sixth Schedule reduced by the number of years during which such asset was used or capable of being used, such years being computed from the beginning of the year next following that in which that asset became so available to the Board and up to the end of the year ending on or after such commencement;

(ii) in relation to any other asset, means the prescribed period as so defined in the said Schedule.'

16. In section 75 of the principal Act,—

Amend-
ment of
section 75.

(i) sub-section (1) shall be omitted;

(ii) sub-section (1A) shall be re-numbered as sub-section (1) thereof and in sub-section (1) as so re-numbered,—

(a) the words, brackets and figure "Without prejudice to the provisions of sub-section (1)," shall be omitted,

(b) after the words "to the State Government", the words "before such date and" shall be inserted.

17. In section 76 of the principal Act, sub-section (1) shall be Amended-
omitted. ment of
section 76.

18. In section 82 of the principal Act, for the words "any person", Amended-
the words "any member, officer or servant of the Board" shall be ment of
section 82. substituted.

19. In the Fourth Schedule to the principal Act, in paragraph II, Amended-
in the second proviso, after the word "determined", the words "by ment of
Fourth
Schedule. arbitration" shall be inserted.

20. In the Fifth Schedule to the principal Act, for paragraph III, Amended-
the following paragraph shall be substituted, namely:— ment of
Fifth
Schedule.

'III. For the purposes of clause (e) of paragraph I—

(i) "depreciated cost of the lines" means original cost thereof as determined in accordance with the provisions of sub-paragraph (6) of paragraph XVII of the Sixth Schedule less the amount written off or set aside on account of depreciation on fixed assets and the amount written off in respect of intangible assets thereof in the books of the undertaking before or after the commencement of this Act;

(ii) the rate of interest shall be,—

(a) where the licensee owning the lines is a local authority, the average rate payable on the money raised by that authority for the purpose of constructing the lines;

(b) in any other case, the Reserve Bank rate ruling at the beginning of the year referred to in paragraph I plus two per centum'.

Amend-
ment of
Sixth
Schedule.

21. In the Sixth Schedule to the principal Act,—

(i) in paragraph I,—

(a) for the word "rates", wherever it occurs, the word "charges" shall be substituted;

(b) in the second proviso for the word "fifteen", the word "twenty" shall be substituted;

(c) the following proviso shall be added at the end, namely:—

"Provided also that nothing in this Schedule shall be deemed to prevent a licensee from levying, with the previous approval of the State Government, minimum charges for supply of electricity for any purpose.";

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

"IA. The notice referred to in the third proviso to paragraph I shall be accompanied by such financial and technical data in support of the proposed enhancement of charges as the State Government may, by general or special order, specify.";

(iii) in paragraph II, to sub-paragraph (3), the following proviso shall be added, namely:—

"Provided that where the undertaking is purchased by the Board or the State Government, the amount of the Reserve may be deducted from the price payable to the licensee.";

(iv) in paragraph IV, for sub-paragraph (2), the following sub-paragraph shall be substituted, namely:—

"(2) The sums appropriated to the Contingencies Reserve shall be invested in securities authorised under the Indian Trusts Act, 1882 and such investment shall be made

within a period of six months of the close of the year of account in which such appropriation is made.”;

(v) in paragraph V, for sub-paragraph (2), the following sub-paragraph shall be substituted, namely:—

“(2) On the purchase of the undertaking, the Contingencies Reserve, after deduction of the amounts drawn under sub-paragraph (1), shall be handed over to the purchaser and maintained as such Contingencies Reserve:

Provided that where the undertaking is purchased by the Board or the State Government, the amount of the Reserve computed as above shall, after further deduction of the amount of compensation, if any, payable to the employees of the outgoing licensee under any law for the time being in force, be handed over to the Board or the State Government, as the case may be.”;

(vi) in paragraph VA, to sub-paragraph (4), the following proviso shall be added, namely:—

“Provided that where the undertaking is purchased by the Board or the State Government, the amount of the Reserve may be deducted from the price payable to the licensee.”;

(vii) in paragraph VII, in sub-paragraph (2)—

(a) after the words “fixed asset”, the words “including expenses incurred on the dismantling thereof” shall be inserted;

(b) in the proviso, after the words “cost of the asset”, the words “and the dismantling expenses” shall be inserted;

(viii) in paragraph XV, in sub-paragraph (1), after the words “which exceeds”, the words “in any year of account,” shall be inserted;

(ix) in paragraph XVII—

(1) in sub-paragraph (1),—

(a) in clause (b), the words “including expenses on account of new capital issue” shall be inserted at the end;

(b) in clause (e),—

(i) in sub-clause (ii),—

(a) for the words “cash and bank balances”,

the words and brackets "cash and bank balances (whether credit or debit)" shall be substituted;

(b) for the words, brackets and figures "clauses (i), (iv) and (x)", the words, brackets, figures and letters "sub-clauses (i), (iv), (iv-a), (iv-b) and (x)" shall be substituted;

(ii) after sub-clause (ii) (which provides for deduction of certain amounts), the following sub-clauses shall be inserted, namely:—

"(ii-a) the amount of any loans borrowed from organisations or institutions approved by the State Government;

(ii-b) the amount of any debentures issued by the licensee;"

(iii) for sub-clause (iii) (which provides for deduction of certain amounts), the following sub-clause shall be substituted, namely:—

"(iii) the amounts deposited in cash with the licensee by consumers by way of security;"

(iv) in sub-clause (iv) (which provides for deduction of certain amounts), the words "at the beginning of the year of account" shall be inserted at the end;

(v) for sub-clause (v) (which provides for deduction of certain amounts), the following sub-clause shall be substituted, namely:—

"(v) the amount standing to the credit of the Development Reserve at the close of the year of account;"

(vi) in sub-clause (vi) (which provides for deduction of certain amounts), after the words "carried forward", the words "at the beginning of the year of account" shall be inserted;

(2) in sub-paragraph (2), in clause (b),—

(a) after sub-clause (iv), the following sub-clauses shall be inserted, namely:—

"(iv-a) interest on loans borrowed from organisations or institutions approved by the State Government;

(iv-b) interest on debentures issued by the licensee;"

(b) for sub-clause (xii), the following sub-clauses shall be substituted, namely:—

“(xii) contributions to provident fund, staff pension and gratuity computed under any law for the time being in force or any such scheme as is approved by the State Government;

(xii-a) expenses on apprentice and other training schemes;”;

(3) in sub-paragraph (9),—

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

“(c-1) an amount equal to one-half of one per centum on the amounts borrowed from organisations or institutions approved by the State Government;

(c-2) an amount equal to one-half of one per centum on the amounts realised by the issue of debentures;”;

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

“(e) such other amount as may be allowed by the Central Government, having regard to the prevailing tax structure in the country.”;

(4) for sub-paragraph (10), the following sub-paragraph shall be substituted, namely:—

“(10) “standard rate” in respect of any year of account means—

(a) in relation to that part of the capital base for that year of account which is equivalent to the capital base as on the 31st day of March, 1965, seven per centum per annum;

(b) in relation to the remaining part of the capital base for that year, the Reserve Bank rate ruling at the beginning of that year, plus two per centum:

Provided that the Central Government may, by notification in the Official Gazette, and with effect from such date as may be specified therein, increase or decrease the standard rate specified in clause (b), if, after consultation with the Authority, that Government considers it necessary so to do to ensure that any rise or fall in the Reserve Bank rate does not affect the reasonable return in any subsequent year of account in

Amend.
ment of
Eighth
Schedule.

relation to that part of the capital base which is equivalent to the capital base as computed on the last date of the previous year of account.'

22. In the Eighth Schedule to the principal Act, in paragraph II, for the words, brackets, letter and figure "For the purposes of clause (e) of paragraph I of the rate of interest shall be—", the following shall be substituted, namely:—

'For the purposes of clause (e) of paragraph I—

(i) "depreciated cost of the station" means original cost thereof as determined in accordance with the provisions of sub-paragraph (6) of paragraph XVII of the Sixth Schedule less the amount written off or set aside on account of depreciation on fixed assets and the amount written off in respect of intangible assets thereof in the books of the undertaking before or after the commencement of this Act;

(ii) the rate of interest shall be,—'

Amend.
ment of
Ninth
Schedule.

23. In the Ninth Schedule to the principal Act, in paragraph III, for the letter and words "L=the average load factor of the station;", the letter and words "L= the percentage average load factor of the station;" shall be substituted.

Validation
of imposi-
tion and col-
lection of
charges for
the supply
of electri-
city
under section 49 of
the Electri-
city
(Supply)
Act, 1948.

24. (1) Notwithstanding any judgment, decree or order of any court, all rates fixed under section 49 of the Electricity (Supply) Act, 1948, for the sale of electricity to any person other than a licensee before the commencement of this Act shall be deemed to have been validly fixed as if the provisions of the said section, as amended by this Act, had been in force at all material times when such rates were fixed and accordingly,^{54 of 1948}

(a) no suit or other proceeding shall be maintained or continued in any court for the refund of any amount collected from any person on the basis of such rates:

(b) no court shall enforce a decree or order directing the refund of any amount collected from such person on the basis of such rates;

(c) any amount due from any person on the basis of such rates before the commencement of this Act but not recovered before such commencement may be recovered in the manner provided under the Electricity (Supply) Act, 1948.

(2) For the removal of doubts, it is hereby declared that nothing contained in sub-section (1) shall be construed as preventing any person from claiming refund of any amount paid by him in excess of the amount due from him under the said Act as amended by this Act, and the rules or regulations made thereunder.

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THE PUNJAB REORGANISATION ACT, 1966

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THE PUNJAB REORGANISATION ACT, 1966

No. 31 OF 1966

[18th September, 1966]

An Act to provide for the reorganisation of the existing State of Punjab and for matters connected therewith.

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

PART I

PRELIMINARY

1. This Act may be called the Punjab Reorganisation Act, 1966. Short title.
2. In this Act, unless the context otherwise requires,— Definition.
 - (a) "Administrator" means the administrator of a Union territory appointed by the President under article 239 of the Constitution;
 - (b) "appointed day" means the 1st day of November, 1966;
 - (c) "article" means an article of the Constitution;
 - (d) "assembly constituency", "council constituency", and "parliamentary constituency" have the same meanings as in the Representation of the People Act, 1950 ;
 - (e) "Delimitation Commission" means the Delimitation Commission constituted under section 3 of the Delimitation Commission Act, 1962;
 - (f) "existing State of Punjab" means the State of Punjab as existing immediately before the appointed day;

(g) "law" includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having, immediately before the appointed day, the force of law in the whole or in any part of the existing State of Punjab;

(h) "notified order" means an order published in the Official Gazette;

(i) "population ratio", in relation to the States of Haryana and Punjab and the Union, means the ratio of 37·38 to 54·84 to 7·78;

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

(k) "sitting member", in relation to either House of Parliament or of the Legislature of the existing State of Punjab, means a person who immediately before the appointed day is a member of that House;

(l) "State of Punjab" means the State with the same name, comprising the territories referred to in sub-section (1) of section 6;

(m) "successor State", in relation to the existing State of Punjab, means the State of Punjab or Haryana, and includes also the Union in relation to the Union territory of Chandigarh and the transferred territory;

(n) "transferred territory" means the territory which on the appointed day is transferred from the existing State of Punjab to the Union territory of Himachal Pradesh;

(o) "treasury" includes a sub-treasury; and

(p) any reference to a district, tahsil or other territorial division of the existing State of Punjab shall be construed as a reference to the area comprised within that territorial division on the 1st day of July, 1966.

PART II

REORGANISATION OF THE STATE OF PUNJAB

Formation
of Haryana
State.

3. (1) On and from the appointed day, there shall be formed a new State to be known as the State of Haryana comprising the following territories of the existing State of Punjab, namely:—

(a) Hissar, Rohtak, Gurgaon, Karnal and Mahendragarh districts;

- (b) Narwana and Jind tahsils of Sangrur district;
- (c) Ambala, Jagadhri and Naraingarh tahsils of Ambala district;
- (d) Pinjore kanungo circle of Kharar tahsil of Ambala district; and
- (e) the territories in Manimajra kanungo circle of Kharar tahsil of Ambala district specified in the First Schedule,

and thereupon the said territories shall cease to form part of the existing State of Punjab.

(2) The territories referred to in clause (b) of sub-section (1) shall form a separate district known as the Jind district in the State of Haryana.

(3) The territories referred to in clauses (c), (d) and (e) of sub-section (1) shall form a separate district to be known as Ambala district in the State of Haryana and in that district,—

- (i) the territories referred to in clauses (d) and (e) of sub-section (1) shall be included in, and form part of, the Naraingarh tahsil; and
- (ii) the territories referred to in clause (e) of sub-section (1) shall be included in, and form part of, Pinjore kanungo circle in the Naraingarh tahsil.

4. On and from the appointed day, there shall be formed a new Union territory to be known as the Union territory of Chandigarh comprising such of the territories of Manimajra and Manauli kanungo circles of Kharar tahsil of Ambala district in the existing State of Punjab as are specified in the Second Schedule and thereupon the territories so specified shall cease to form part of the existing State of Punjab.

Formation
of Union
territory
of Chandi-
garh.

5. (1) On and from the appointed day, there shall be added to the Union territory of Himachal Pradesh the territories in the existing State of Punjab comprised in—

Transfer of
territory
from Punjab
to Himachal
Pradesh.

- (a) Simla, Kangra, Kulu and Lahaul and Spiti districts;
- (b) Nalagarh tahsil of Ambala district;
- (c) Lohara, Amb and Una kanungo circles of Una tahsil of Hoshiarpur district;

(d) the territories in Santokhgarh kanungo circle of Una tahsil of Hoshiarpur district specified in Part I of the Third Schedule;

(e) the territories in Una tahsil of Hoshiarpur district specified in Part II of the Third Schedule; and

(f) the territories of Dhar Kalan kanungo circle of Pathankot tahsil of Gurdaspur district specified in Part III of the Third Schedule,

and thereupon the said territories shall cease to form part of the existing State of Punjab.

(2) The territories referred to in clause (b) of sub-section (1) shall be included in, and form part of, Simla district.

(3) The territories referred to in clauses (c), (d) and (e) of sub-section (1) shall be included in, and form part of, Kangra district, and

(i) the territories referred to in clauses (c) and (d) shall form a separate tahsil known as Una tahsil in that district and in that tahsil the territories referred to in clause (d) shall form a separate kanungo circle known as the Santokhgarh kanungo circle; and

(ii) the territories referred to in clause (e) shall form part of the Hamirpur tahsil in the said district.

(4) The territories referred to in clause (f) of sub-section (1) shall be included in, and form part of, the Bhattiya tahsil of Chamba district in the Union territory of Himachal Pradesh and in that tahsil, the villages Dalhousie and Balun shall be included in, and form part of, Banikhet kanungo circle and the village Bakloh shall form part of Chowari kanungo circle.

6. (1) On and from the appointed day, the State of Punjab shall comprise the territories of the existing State of Punjab other than those specified in sub-section (1) of section 3, section 4 and sub-section (1) of section 5.

(2) The territories which immediately before the appointed day were part of Ambala district in the existing State of Punjab but are not transferred by virtue of sections 3, 4 and 5, shall, together with the territories which immediately before that day were part of the

Una tahsil of Hoshiarpur district in the existing State of Punjab but are not transferred by virtue of section 5, form a separate district known as the Rupar district in the State of Punjab and in that district—

(i) the territories which immediately before the appointed day were part of Manimajra kanungo circle of Kharar tahsil of Ambala district but are not transferred by virtue of sections 3 and 4, shall form in that tahsil a separate kanungo circle called the Mullanpur kanungo circle;

(ii) the territories which immediately before the appointed day were part of Una tahsil of Hoshiarpur district but are not transferred by virtue of section 5, shall form a separate tahsil known as Anandpur Sahib tahsil, and in that tahsil, the territories which immediately before the appointed day were part of Santokhgarh kanungo circle of Una tahsil of Hoshiarpur district but are not transferred by virtue of section 5, shall be included in, and form part of, Nurpur Bedi kanungo circle.

7. On and from the appointed day, in the First Schedule to the Constitution,—

Amendment
of the First
Schedule
to the
Constitution.

(a) under the heading "I. THE STATES",—

(i) in the paragraph relating to the territories of the State of Punjab, the following shall be added at the end, namely:—

"and the territories specified in sub-section (1) of section 3, section 4 and sub-section (1) of section 5 of the Punjab Reorganisation Act, 1966";

(ii) after entry 16, the following entry shall be inserted, namely:—

"17. Haryana...The territories specified in sub-section (1) of section 3 of the Punjab Reorganisation Act, 1966.";

(b) under the heading "II. THE UNION TERRITORIES"—

(i) in the paragraph relating to the extent of the Union territory of Himachal Pradesh, the following shall be added at the end, namely:—

"and the territories specified in sub-section (1) of section 5 of the Punjab Reorganisation Act, 1966";

(ii) after entry 9, the following entry shall be inserted, namely:—

"10. Chandigarh . . . The territories specified in section 4 of the Punjab Reorganisation Act, 1966."

Saving power of Government

8. Nothing in the foregoing provisions of this Part shall be deemed to affect the power of the Government of Punjab or Haryana or the Administrator of the Union territory of Himachal Pradesh to alter, after the appointed day, the name, area or boundaries of any district or other territorial division in the State or Union territory, as the case may be.

PART III

REPRESENTATION IN THE LEGISLATURES

The Council of States

Amendment of the fourth Schedule to the Constitution

9. On and from the appointed day, in the Fourth Schedule to the Constitution, in the Table,—

(a) entries 5 to 21 shall be re-numbered as entries 6 to 22 respectively;

(b) after entry 4, the following entry shall be inserted, namely:—

"5. Haryana.....5";

(c) in entry 12 as so re-numbered, for the figures "11", the figure "7" shall be substituted;

(d) in entry 19 as so re-numbered, for the figure "2", the figure "3" shall be substituted; and

(e) for the figures "226", the figures "228" shall be substituted.

10. (1) On and from the appointed day, the eleven sitting members Allocation of the Council of States representing the existing State of Punjab shall be deemed to have been elected to fill the seats allotted to the States of Haryana and Punjab and the Union territory of Himachal Pradesh, as specified in the Fourth Schedule.

(2) The term of office of such sitting members shall remain unaltered.

11. (1) As soon as may be after the appointed day, bye-elections shall be held to fill the vacancies existing on the appointed day in the seats allotted to the State of Haryana.

(2) The term of office of such one of the two members so elected, as the Chairman of the Council of States may determine by drawing lot, shall expire on the 2nd day of April, 1968, and the term of office of the other member shall expire on the 2nd day of April, 1972.

The House of the People

12. Nothing in Part II shall be deemed to affect the constitution or duration of the existing House of the People or the extent of the constituency of any sitting member of that House.

The Legislative Assemblies

13. (1) The number of seats as on the appointed day in the Legislative Assemblies of the States of Haryana and Punjab and the Union territory of Himachal Pradesh shall be fifty-four, eighty-seven and fifty-six respectively.

(2) In the Second Schedule to the Representation of the People Act, 1950—

(a) after entry 4, the following entry shall be inserted, namely:—

“4A. Haryana 54”;

(b) in entry 11, for the figures “154”, the figures “87” shall be substituted; and

(c) in entry 16, for the figures “40”, the figures “54” shall be substituted.

Amendment
of Delimita-
tion Orders

14. On and from the appointed day, Part B of Schedule XI to the Delimitation of Parliamentary and Assembly Constituencies Order, 1961, and the Schedule to the Delimitation of Territorial Council Constituencies (Himachal Pradesh) Order, 1962, shall stand amended as directed in the Fifth Schedule to this Act.

Allocation
of sitting
members.

15. (1) Every sitting member of the Legislative Assembly of Punjab elected to fill a seat in that Assembly from a constituency which on the appointed day by virtue of the provisions of section 14 stands allotted, with or without alteration of boundaries, to the State of Haryana or to the Union territory of Himachal Pradesh, shall, on and from that day, cease to be a member of the Legislative Assembly of Punjab and shall be deemed to have been elected to fill a seat in the Legislative Assembly of Haryana or in the Legislative Assembly of Himachal Pradesh, as the case may be, from that constituency as so allotted.

(2) All other sitting members of the Legislative Assembly of Punjab shall continue to be members of the Legislative Assembly of that State and any such sitting member representing a constituency the extent, or the name and extent, of which are altered by virtue of the provisions of section 14 shall be deemed to have been elected to the Legislative Assembly of Punjab by that constituency as so altered.

(3) Notwithstanding anything contained in any other law for the time being in force, the Legislative Assemblies of Haryana, Punjab and Himachal Pradesh shall be deemed to be duly constituted on the appointed day.

Duration of
Legislative
Assembly of
Haryana.

16. The period of five years referred to in clause (1) of article 172 shall, in the case of the Legislative Assembly of Haryana, be deemed to have commenced on the date on which it actually commenced in the case of the Legislative Assembly of Punjab.

Duration of
Legislative
Assemblies
of Punjab
and
Himachal
Pradesh.

17. The changes in the composition of the Legislative Assemblies of Punjab and Himachal Pradesh shall not affect the duration of either of those Assemblies.

Speakers
and Deputy
Speakers.

18. (1) The person who immediately before the appointed day is the Speaker of the Legislative Assembly of Punjab shall continue to be the Speaker of that Assembly on and from that day.

(2) As soon as may be after the appointed day, the Legislative Assembly of Haryana shall choose a member of that Assembly to be Speaker of that Assembly.

(3) The person who immediately before the appointed day is the Deputy Speaker of the Legislative Assembly of Punjab shall be the Deputy Speaker of the Legislative Assembly of Haryana.

(4) As soon as may be after the appointed day, the Legislative Assembly of Punjab shall choose a member of that Assembly to be Deputy Speaker of that Assembly.

19. The rules of procedure and conduct of business of the Legislative Assembly of Punjab as in force immediately before the appointed day shall, until rules are made under clause (1) of article 208, be the rules of procedure and conduct of business of the Legislative Assembly of Haryana, subject to such modifications and adaptations as may be made therein by the Speaker thereof. Rules of procedure.

The Legislative Council

20. On and from the appointed day, there shall be forty seats in the Legislative Council of Punjab, and in the Third Schedule to the Representation of the People Act, 1950, for the existing entry 7, the following entry shall be substituted, namely:— Legislative Council of Punjab.

“7. Punjab . 40 14 3 3 14 6”.

21. On and from the appointed day, the Delimitation of Council Constituencies (Punjab) Order, 1951, shall stand amended as directed in the Sixth Schedule. Council constituencies.

22. (1) On the appointed day, the sitting members of the Legislative Council of Punjab specified in the Seventh Schedule shall cease to be members of that Council. Provision as to certain sitting members.

(2) On and from the appointed day, all sitting members of the Legislative Council of Punjab, other than those referred to in sub-section (1), shall continue to be members of that Council.

(3) Any of the sitting members continuing as aforesaid, representing a council constituency the extent of which is altered by virtue of the provisions of section 21 shall be deemed to have been elected to the Legislative Council of Punjab by that constituency as so altered.

(4) Every sitting member of the said Council representing immediately before the appointed day any of the council constituencies specified in column (1) of the Table below shall be deemed to have been elected to the said Council by the council constituency specified against that constituency in column (2) of the said Table:—

TABLE

(1)	(2)
Punjab West Central Graduates	Punjab Central Graduates.
Punjab East Central Graduates	Punjab South Graduates.
Punjab West Central Teachers	Punjab Central Teachers.
Punjab East Central Teachers	Punjab South Teachers.
Patiala Local Authorities	Patiala-cum-Rupar Local Authorities.

(5) The term of office of the members referred to in sub-section (2) shall remain unaltered.

(6) As soon as may be after the appointed day, elections shall be held to fill the vacancies existing on the appointed day in the seats allotted to the several council constituencies by the Delimitation of Council Constituencies (Punjab) Order, 1951, as amended by this Act and to fill the vacancy existing on that day in the seats to be filled by persons elected by the members of the Legislative Assembly.

(7) The term of office of the three members so elected from Ferozepur Local Authorities' constituency, Jullundur Local Authorities' constituency and Ludhiana Local Authorities' constituency and of the member so elected by the members of the Legislative Assembly shall expire on the 26th day of April, 1968, and the term of office of the member so elected from Patiala-cum-Rupar Local Authorities' constituency shall expire on the 26th day of April, 1972.

(8) The person who immediately before the appointed day is the Chairman of the Legislative Council of Punjab shall continue to be the Chairman of that Council on and from that day.

(9) As soon as may be after the appointed day, the Legislative Council of Punjab shall choose one of its members to be the Deputy Chairman thereof.

Delimitation of constituencies

23. In the House of the People to be constituted after the commencement of this Act, there shall be allotted,—

Allocation
of seats in
the House
of the
People.

(a) nine seats to the State of Haryana of which two seats shall be reserved for the Scheduled Castes;

(b) thirteen seats to the State of Punjab of which three seats shall be reserved for the Scheduled Castes;

(c) six seats to the Union territory of Himachal Pradesh of which one seat shall be reserved for the Scheduled Castes; and

(d) one seat to the Union territory of Chandigarh which shall form one Parliamentary constituency.

24. (1) The total number of seats in the Legislative Assembly of Haryana to be constituted at any time after the appointed day, to be filled by persons chosen by direct election from territorial constituencies, shall be eighty-one of which fifteen seats shall be reserved for the Scheduled Castes.

Allocation
of seats in
the Legisla-
tive
Assembly.

(2) The total number of seats in the Legislative Assembly of Punjab to be constituted at any time after the appointed day, to be filled by persons chosen by direct election from territorial constituencies, shall be one hundred and four of which twenty-three seats shall be reserved for the Scheduled Castes.

(3) The total number of seats in the Legislative Assembly of Himachal Pradesh to be constituted at any time after the appointed day, to be filled by persons chosen by direct election from territorial constituencies, shall be sixty of which fourteen seats shall be reserved for the Scheduled Castes and three seats shall be reserved for the Scheduled Tribes.

25. (1) The Delimitation Commission shall, in the manner herein provided, distribute the seats in the House of the People allotted to

Delimita-
tion of con-
stituencies.

Haryana, Punjab and Himachal Pradesh under section 23 and the seats assigned to the Legislative Assembly of each of them under section 24 to single-member territorial constituencies and delimit them on the basis of the latest census figures, having regard to the provisions of the Constitution and to the following provisions, namely:—

- (a) all constituencies shall, as far as practicable be geographically compact areas, and in delimiting them regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience;
- (b) every assembly constituency shall be so delimited as to fall wholly within one parliamentary constituency;
- (c) constituencies in which seats are reserved for the Scheduled Castes shall be distributed in different parts of the State or Union territory, as the case may be, and located, as far as practicable, in those areas where the proportion of their population to the total population is comparatively large; and
- (d) constituencies in which seats are reserved for the Scheduled Tribes shall, as far as practicable, be located in areas where the proportion of their population to the total population is the largest.

(2) For the purpose of assisting it in the performance of its functions under sub-section (1), the Delimitation Commission shall associate with itself in respect of each State and Union territory such six persons as the Central Government may by order specify, being persons who are members either of the House of the People or of the Legislative Assembly of Haryana, Punjab or Himachal Pradesh:

Provided that such persons shall be chosen, as far as practicable from among those members who were associated before the commencement of this Act with the Delimitation Commission in delimiting constituencies of Punjab or Himachal Pradesh:

Provided further that none of the associate members shall have a right to vote or to sign any decision of the Delimitation Commission.

(3) The Delimitation Commission shall, by one or more orders, determine the delimitation of the parliamentary and assembly constituencies referred to in sub-section (1).

(4) The provisions of sections 7, 10 and 11 of the Delimitation Commission Act, 1962, shall apply in relation to the delimitation of parliamentary and assembly constituencies under this Part as they apply in relation to the delimitation of parliamentary and assembly constituencies under the said Act.

(5) Upon publication in the Gazette of India of the order or orders of the Delimitation Commission made under sub-section (3), the orders previously made by it delimiting the parliamentary and assembly constituencies of Punjab and Himachal Pradesh shall stand cancelled.

26. On and from the appointed day, in article 371 of the Constitution, in clause (1), the words "or Punjab" shall be omitted. Amendment of article 371 of the Constitution.

27. (1) On and from the appointed day, the Constitution (Scheduled Castes) Order, 1950, shall stand amended as directed in the Eighth Schedule. Amendment of Scheduled Castes Orders.

(2) On and from the appointed day, the Constitution (Scheduled Castes) (Union Territories) Order, 1951, shall stand amended as directed in the Ninth Schedule.

28. (1) On and from the appointed day, the Constitution (Scheduled Tribes) Order, 1950, shall stand amended as directed in the Tenth Schedule. Amendment of Scheduled Tribes Orders.

(2) On and from the appointed day, the Constitution (Scheduled Tribes) (Union Territories) Order, 1951, shall stand amended as directed in the Eleventh Schedule.

PART IV

HIGH COURT

29. (1) On and from the appointed day,—

Common High Court for Punjab, Haryana and Chandigarh.

(a) there shall be a common High Court for the States of Punjab and Haryana and for the Union territory of Chandigarh to be called the High Court of Punjab and Haryana (hereinafter referred to as the common High Court);

(b) the Judges of the High Court of Punjab holding office immediately before that day shall, unless they have elected otherwise, become on that day the Judges of the common High Court.

(2) The expenditure in respect of salaries and allowances of the Judges of the common High Court shall be allocated amongst the States of Punjab and Haryana and the Union in such proportion as the President may, by order, determine.

Jurisdiction
of the
common
High Court.

30. On and from the appointed day, the common High Court shall have, in respect of the territories comprised in the States of Punjab and Haryana and the Union territory of Chandigarh, all such jurisdiction, powers and authority as, under the law in force immediately before the appointed day, are exercisable in respect of those territories by the High Court of Punjab and shall, save as otherwise provided in this Part, have no jurisdiction in respect of the transferred territory.

Special
provision
relating to
Bar Council
and Advo-
cates.

31. (1) On and from the appointed day,—

(a) in the Advocates Act, 1961, in sub-section (1) of section 25 of 1961, 3, for clause (d), the following clause shall be substituted, namely:—

“(d) for the States of Punjab and Haryana and the Union territories of Chandigarh and Himachal Pradesh, to be known as the Bar Council of Punjab and Haryana;”;

(b) the Bar Council of Punjab shall be deemed to be the Bar Council of Punjab and Haryana with the Advocate-General of the State of Haryana also as an *ex officio* member.

(2) Any person who immediately before the appointed day is an advocate entitled to practise in the High Court of Punjab shall be entitled to practise as an advocate in the common High Court.

(3) All persons who immediately before the appointed day are advocates on the roll of the Bar Council of Punjab shall, as from that day, become advocates on the roll of the Bar Council of Punjab and Haryana.

(4) The right of audience in the common High Court shall be regulated in accordance with the like principles as immediately before the appointed day are in force with respect to the right of audience in the High Court of Punjab:

Provided that as between the Advocate-General of Punjab and the Advocate-General of Haryana, the right of audience shall be determined with reference to their dates of enrolment as advocates.

32. Subject to the provisions of this Part, the law in force immediately before the appointed day with respect to practice and procedure in the High Court of Punjab shall, with the necessary modifications, apply in relation to the common High Court.

33. The law in force immediately before the appointed day with respect to the custody of the seal of the High Court of Punjab shall, with the necessary modifications, apply with respect to the custody of the seal of the common High Court.

34. The law in force immediately before the appointed day with respect to the form of writs and other processes used, issued or awarded by the High Court of Punjab shall, with the necessary modifications, apply with respect to the form of writs and other processes used, issued or awarded by the common High Court.

35. The law in force immediately before the appointed day with respect to the powers of the Chief Justice, single Judges and division courts of the High Court of Punjab and with respect to all matters ancillary to the exercise of those powers shall, with the necessary modifications, apply in relation to the common High Court.

36. (1) The principal seat of the common High Court shall, unless otherwise determined by the President after consultation with the Chief Justice of that High Court and the Governors of Punjab and Haryana, be at the same place as the principal seat of the High Court of Punjab immediately before the appointed day.

(2) The President may, after consultation with the Chief Justice of the common High Court and the Governors of the States of Punjab and Haryana, by notified order, provide for the establishment of a permanent bench or benches of that High Court at one or more places within the territories to which the jurisdiction of the High Court extends, other than the principal seat of the High Court, and for any matters connected therewith.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the Judges and division courts of the common High Court may also sit at such other place or places in the States of Punjab and Haryana as the Chief Justice may, with the approval of the Governors of the States of Punjab and Haryana, appoint.

37. The law in force immediately before the appointed day relating to appeals to the Supreme Court from the High Court of Punjab and the Judges and division courts thereof, shall, with the necessary modifications, apply in relation to the common High Court.

Extension of jurisdiction of the Court of Judicial Commissioner for Himachal Pradesh.

Transfer of pending proceedings.

38. On and from the appointed day, the jurisdiction of the Court of the Judicial Commissioner for Himachal Pradesh shall extend to the transferred territory.

39. (1) All proceedings pending in the High Court of Punjab immediately before the appointed day shall, on that day, stand transferred to the common High Court.

(2) Such proceedings which stand transferred to the common High Court under sub-section (1) as are certified by the Chief Justice of the common High Court, having regard to the place of accrual of the cause of action and other circumstances, to be proceedings which ought to be heard and decided by the Court of the Judicial Commissioner for Himachal Pradesh shall, as soon as may be after such certification, be transferred to the Court of the Judicial Commissioner for Himachal Pradesh.

(3) Notwithstanding anything contained in the foregoing provisions of this Part, but save as hereinafter provided, the common High Court shall have, and the Court of the Judicial Commissioner for Himachal Pradesh shall not have, jurisdiction to entertain, hear or dispose of appeals, applications for leave to appeal to the Supreme Court, applications for review and other proceedings where any such proceedings seek any relief in respect of any order passed by the High Court of Punjab before the appointed day:

Provided that if, after any such proceedings have been entertained by the common High Court, it appears to the Chief Justice of that High Court that they ought to be transferred to the Court of the Judicial Commissioner for Himachal Pradesh, he shall order that they shall be so transferred, and such proceedings shall thereupon be transferred accordingly.

(4) Any order—

(a) made by the High Court of Punjab before the appointed day, in any proceeding transferred to the Court of the Judicial Commissioner for Himachal Pradesh by virtue of sub-section (2), or

(b) made by the common High Court in any proceeding with respect to which that High Court has jurisdiction by virtue of sub-section (3),

shall for all purposes have effect not only as an order of the High Court of Punjab or, as the case may be, of the common High Court,

but also as an order made by the Court of the Judicial Commissioner for Himachal Pradesh.

40. For the purposes of this Part,—

Inter-
pretation.

(a) proceedings shall be deemed to be pending in a court until that court has disposed of all issues between the parties including any issues with respect to the taxation of the costs of the proceedings and shall include appeals, applications for leave to appeal to the Supreme Court, applications for review, petitions for revision and petitions for writs; and

(b) references to a High Court shall be construed as including references to a Judge or division court thereof, and references to an order made by a court or a Judge shall be construed as including references to a sentence, judgment or decree passed or made by that court or Judge.

41. Nothing in this Part shall affect the application to the common High Court of any provisions of the Constitution, and this Part shall have effect subject to any provision that may be made on or after the appointed day with respect to that High Court by any Legislature or other authority having power to make such provision. Saving.

PART V

AUTHORISATION OF EXPENDITURE AND DISTRIBUTION OF REVENUES

42. The Governor of the existing State of Punjab may at any time, before the appointed day, authorise such expenditure from the Consolidated Fund of the State of Haryana as he deems necessary for any period not extending beyond the 31st day of March, 1967, pending the sanction of such expenditure by the Legislative Assembly of Haryana:

Authorisa-
tion of
expendi-
ture of
the State of
Haryana.

Provided that the Governor of Haryana may, after the appointed day, authorise such further expenditure from the Consolidated Fund of the State as he deems necessary for the said period pending such sanction.

43. (1) On and from the appointed day, any Act passed by the Legislative Assembly of the Union territory of Himachal Pradesh before that day for the appropriation of any money out of the Consolidated Fund of that Union territory to meet any expenditure in respect of any part of the financial year 1966-67 shall have effect also in relation to the transferred territory and it shall be lawful for the Government of Himachal Pradesh to spend any amount in the transferred territory out of the amount authorised by such Act to be expended for any service in that Union territory.

Appropria-
tion of
moneys for
expendi-
ture in
transferred
territory.

(2) The Administrator of Himachal Pradesh may, after the appointed day, authorise such expenditure from the Consolidated Fund of the Union territory as he deems necessary for any purpose or service in the transferred territory for any period not extending beyond the 31st day of March, 1967, pending the sanction of such expenditure by the Legislative Assembly of Himachal Pradesh.

Reports relating to the accounts of the existing State of Punjab.

44. (1) The reports of the Comptroller and Auditor-General of India referred to in clause (2) of article 151 relating to the accounts of the existing State of Punjab in respect of any period prior to the appointed day, shall be submitted to the Governor of each of the States of Punjab and Haryana and the Administrator of Himachal Pradesh who shall cause them to be laid before the Legislature of that State or Union territory, as the case may be.

(2) The President may by order—

(a) declare any expenditure incurred out of the Consolidated Fund of Punjab on any service in respect of any period prior to the appointed day during the financial year 1966-67 or in respect of any earlier financial year in excess of the amount granted for that service and for that year as disclosed in the reports referred to in sub-section (1) to have been duly authorised, and

(b) provide for any action to be taken on any matter arising out of the said reports.

Allowances and privileges of Governor of Haryana.

45. The allowances and privileges of the Governor of Haryana shall, until provision in that behalf is made by Parliament by law under clause (3) of article 158, be such as the President may, by order, determine.

Distribution of revenues.

46. The Constitution (Distribution of Revenues) Order, 1965, the Union Duties of Excise (Distribution) Act, 1962, the Additional Duties of Excise (Goods of Special Importance) Act, 1957, and the Estate Duty (Distribution) Act, 1962, shall on and from the appointed day, stand amended as directed in the Twelfth Schedule.

PART VI

APPORTIONMENT OF ASSETS AND LIABILITIES

47. The provisions of this Part shall apply in relation to the Application apportionment of the assets and liabilities of the existing State of ^{of Part.} Punjab immediately before the appointed day.

48. (1) Subject to the other provisions of this Part, all land and Land and all stores, articles and other goods belonging to the existing State ^{goods.} of Punjab shall,—

(a) if within that State, pass to the successor State in whose territories they are situated; or

(b) if outside that State, pass to the State of Punjab:

Provided that where the Central Government is of the opinion that any goods or class of goods should be distributed among the successor States otherwise than according to the situation of the goods, the Central Government may issue such directions as it thinks fit for a just and equitable distribution of the goods and the goods shall pass to the successor States accordingly.

(2) Stores held for specific purposes, such as use or utilisation in particular institutions, workshops or undertakings or on particular works under construction, shall pass to the successor State in whose territories such institutions, workshops, undertakings or works are located.

(3) Stores relating to the Secretariat and offices of Heads of Departments having jurisdiction over the whole of the existing State of Punjab shall be divided between the successor States in accordance with such directions as the Central Government may think fit to issue for a just and equitable distribution of such stores.

(4) Any other unissued stores of any class in the existing State of Punjab shall be divided between the successor States in proportion to the total stores of that class purchased in the period of three years ending with the 31st day of March, 1966, for the territories of the existing State of Punjab included respectively in each of the successor States;

Provided that where such proportion cannot be ascertained in respect of any class of stores or where the value of any class of such stores does not exceed rupees ten thousand, that class of stores shall be divided between the successor States according to the population ratio.

(5) Notwithstanding anything contained in this Act, the lands specified in the Thirteenth Schedule which were acquired by the Government of the existing State of Punjab—

(i) for the sewerage scheme of Chandigarh,

(ii) for soil conservation measures in the catchment area of Sukhna lake, and

(iii) for the setting up of brick kilns of the Chandigarh Capital Project,

together with all connected works in or over such land (including any plant, machinery or implements) shall vest in the Union.

(6) In this section, the expression "land" includes immovable property of every kind and any rights in or over such property, and the expression "goods" does not include coins, bank notes and currency notes.

Treasury and
bank
balances.

49. The total of the cash balances in all treasuries of the existing State of Punjab and the credit balances of that State with the Reserve Bank of India, the State Bank of India or any other bank immediately before the appointed day shall be divided between the successor States according to the population ratio:

Provided that for the purposes of such division, there shall be no transfer of cash balances from any treasury to any other treasury and the apportionment shall be effected by adjusting the credit balances of the successor States in the books of the Reserve Bank of India on the appointed day:

Provided further that if any successor State has no account with the Reserve Bank of India, the adjustment shall be made in such manner as the Central Government may by order, direct.

50. The right to recover arrears of any tax or duty on property, ^{Arrears of taxes.} including arrears of land revenue, shall belong to the successor State in whose territories the property is situated, and the right to recover arrears of any other tax or duty shall belong to the successor State in whose territories the place of assessment of that tax or duty is included.

51. (1) The right to recover any loans or advances made before the appointed day by the existing State of Punjab to any local body, society, agriculturist or other person in an area within that State shall belong to the successor State in whose territories that area is included:

Provided that the right to recover loans or advances of pay and travelling allowance to a Government servant made before the appointed day by the existing State of Punjab shall pass to the successor State to which such Government servant is allotted.

(2) The right to recover any loans or advances made before the appointed day by the existing State of Punjab to any person or institution outside that State shall belong to the State of Punjab:

Provided that any sum recovered in respect of any such loan or advance shall be divided between all the successor States according to the population ratio.

52. (1) The investments made from the Cash Balance Investment Account, the Famine Relief Fund and any other general fund of the existing State of Punjab, the sums at the credit of that State in the Central Road Fund and the sums held in the Defence and Security Relief Fund shall be divided between the successor States according to the population ratio; and the investments in any special fund the objects of which are confined to a local area in the existing State of Punjab shall pass to the successor State in whose territories that area is included.

(2) The investments of the existing State of Punjab immediately before the appointed day in any private commercial or industrial undertaking, in so far as such investments have not been made or are deemed not to have been made from the Cash Balance Investment Account, shall pass to the successor State in whose territories the principal seat of business of the undertaking is located and where on that day the principal seat of business of the undertaking is located outside the territories of the existing State of Punjab such investments shall be divided between all the successor States in the population ratio.

(3) Where any body corporate constituted under a Central Act, State Act or Provincial Act for the existing State of Punjab or any part thereof has, by virtue of the provisions of Part II, become an inter-State body corporate, the investments in, or loans or advances to, any such body corporate by the existing State of Punjab made before the appointed day shall, save as otherwise expressly provided by or under this Act, be divided between the successor States in the same proportion in which the assets of the body corporate are divided under the provisions of Part VII.

Assets and liabilities of State undertakings.

53. (1) The assets and liabilities relating to any commercial or industrial undertaking of the existing State of Punjab shall pass to the successor State in whose territories the undertaking is located.

(2) Where a depreciation reserve fund is maintained by the existing State of Punjab for any commercial or industrial undertaking, the securities held in respect of investments made from that fund shall pass to the successor State in whose territories the undertaking is located.

(3) Where any such undertaking is located in more than one successor State, the assets and liabilities and the securities referred to in sub-sections (1) and (2) respectively shall be divided in such manner as may be agreed upon between the successor States before the 1st day of November, 1967, or in default of such agreement, as the Central Government may by order direct.

Public debt.

54. (1) The public debt of the existing State of Punjab attributable to loans raised by the issue of Government securities and outstanding with the public immediately before the appointed day shall, on and from that day, be the debt of the State of Punjab, and—

(a) the other successor States shall be liable to pay to the State of Punjab their shares of the sums due from time to time for the servicing and repayment of the debt, and

(b) for the purpose of determining the said shares, the debt shall be deemed to be divided between the successor States as if it were a debt referred to in sub-section (4).

(2) The public debt of the existing State of Punjab attributable to loans taken from the Central Government, the National Co-operative Development Corporation or the Khadi and Village Industries Commission or from any other source for the purpose of re-lending the same to a specific institution or class of institutions and outstanding immediately before the appointed day shall—

(a) if re-lent to any local body, body corporate or other institution in any local area, be the debt of the successor State in whose territories the local area is included on the appointed day; or

(b) if re-lent to the Punjab State Electricity Board or any other institution which becomes an inter-State institution on the appointed day, be divided between the successor States in the same proportion in which the assets of such body corporate or institution are divided under the provisions of Part VII.

(3) The public debt of the existing State of Punjab attributable to loans taken from the Central Government for the Beas Project and the Bhakra-Nangal Project as defined in sub-section (4) of section 78 shall be divided between the successor States in such proportion as may be agreed upon between them, or if no agreement is entered into within two years from the appointed day, as may be fixed by order of the Central Government.

(4) The remaining public debt of the existing State of Punjab attributable to loans taken from the Central Government, the Reserve Bank of India or any other body or bank before the appointed day shall be divided between the successor States in proportion to the total expenditure on all capital works and other capital outlays incurred or deemed to have been incurred up to the appointed day in the territories of the existing State of Punjab included respectively in each of those successor States:

Provided that in computing such expenditure, the expenditure on the Beas Project and the Bhakra-Nangal Project as defined in sub-section (4) of section 78 shall be excluded and the expenditure on other assets for which capital accounts have been kept shall be taken into account.

Explanation.—Where any expenditure on capital works or other capital outlays cannot be allocated between the territories included in the successor States, such expenditure shall, for the purposes

of this sub-section, be deemed to have been incurred in those territories according to the population ratio.

(5) Where a sinking fund or depreciation fund is maintained by the existing State of Punjab for repayment of any loan referred to in sub-section (3), the securities held in respect of the investments made from that fund shall be divided between the successor States in the same proportion and in the same manner as the public debt referred to in sub-section (3).

(6) Where a sinking fund or depreciation fund is maintained by the existing State of Punjab for the repayment of any loan raised by it other than a loan referred to in sub-section (3), the securities held in respect of the investments made from that fund shall be divided between the successor States in the same proportion as the public debt referred to in sub-section (4).

(7) In this section, the expression "Government security" means a security created and issued by a State Government for the purpose of raising a public loan and having any of the forms specified in, or prescribed under clause (2) of section 2 of the Public Debt Act, 1944.

18 of 1944.

Refund of taxes collected in excess.

55. The liability of the existing State of Punjab to refund any tax or duty on property, including land revenue, collected in excess shall be the liability of the successor State in whose territories the property is situated, and the liability of the existing State of Punjab to refund any other tax or duty collected in excess shall be the liability of the successor State in whose territories the place of assessment of that tax or duty is included.

Deposits, etc.

56. (1) The liability of the existing State of Punjab in respect of any civil deposit or local fund deposit shall, on and from the appointed day, be the liability of the successor State in whose territories the deposit has been made:

Provided that if the deposit is made in any area outside the existing State, the liability shall be that of the State of Punjab in the first instance and shall be adjusted between the successor States according to the population ratio.

(2) The liability of the existing State of Punjab in respect of any charitable or other endowment shall, on and from the appointed day, be the liability of the successor State in whose territories the institution entitled to the benefit of the endowment is located or

of the successor State to which the objects of the endowment, under the terms thereof, are confined.

57. (1) The liability of the existing State of Punjab in respect of the provident fund account of a Government servant in service on the appointed day shall, on and from that day, be the liability of the successor State to which that Government servant is permanently allotted. Provident fund.

(2) The liability of the existing State of Punjab in respect of the provident fund account of a Government servant who has retired from service before the appointed day shall be the liability of the State of Punjab in the first instance and shall be adjusted between the successor States according to the population ratio.

58. The liability of the existing State of Punjab in respect of Pensions. pensions shall pass to, or be apportioned between, the successor States in accordance with the provisions contained in the Fourteenth Schedule.

59. (1) Where before the appointed day the existing State of Punjab has made any contract in the exercise of its executive power for any purposes of the State, that contract shall be deemed to have been made in the exercise of the executive power—
Contracts.

(a) if the purposes of the contract are, on and from the appointed day, exclusively purposes of any one of the successor States,—of that State; and

(b) if the purposes of the contract are, on and from that day, not exclusively purposes of any one of the successor States,—of the State of Punjab,

and all rights and liabilities which have accrued, or may accrue, under any such contract shall, to the extent to which they would have been rights or liabilities of the existing State of Punjab, be rights or liabilities of the successor State or, as the case may be, the State of Punjab specified above:

Provided that in any such case as is referred to in clause (b), the initial allocation of rights and liabilities made by this subsection shall be subject to such financial adjustment as may be agreed upon between all the successor States concerned, or in default of such agreement, as the Central Government may by order direct

(2) For the purposes of this section, there shall be deemed to be included in the liabilities which have accrued or may accrue under any contract—

(a) any liability to satisfy an order or award made by any court or other tribunal in proceedings relating to the contract; and

(b) any liability in respect of expenses incurred in or in connection with any such proceedings.

(3) This section shall have effect subject to the other provisions of this Part relating to the apportionment of liabilities in respect of loans, guarantees and other financial obligations; and bank balances and securities shall, notwithstanding that they partake of the nature of contractual rights, be dealt with under those provisions.

**Liability in
respect of
actionable
wrong**

60. Where, immediately before the appointed day, the existing State of Punjab is subject to any liability in respect of an actionable wrong other than breach of contract, that liability shall,—

(a) if the cause of action arose wholly within the territories which on and from that day are the territories of one of the successor States, be a liability of that successor State; and

(b) in any other case, be initially a liability of the State of Punjab, but subject to such financial adjustment as may be agreed upon between all the successor States concerned, or in default of such agreement, as the Central Government may by order direct.

**Liability
as guarantor**

61. Where, immediately before the appointed day, the existing State of Punjab is liable as guarantor in respect of any liability of a registered co-operative society or other person, that liability of the existing State of Punjab shall—

(a) if the area of the operations of such society or person is limited to the territories which on and from that day are the territories of one of the successor States, be a liability of that successor State; and

(b) in any other case, be a liability of the State of Punjab:

Provided that in any such case as is referred to in clause (b) the initial allocation of liabilities under this section shall be subject to such financial adjustment as may be agreed upon between all the successor States, or in default of such agreement, as the Central Government may by order direct.

62. If any item in suspense is ultimately found to affect an asset or liability of the nature referred to in any of the foregoing provisions of this Part, it shall be dealt with in accordance with that provision. Items in suspense.

63. The benefit or burden of any assets or liabilities of the existing State of Punjab not dealt with in the foregoing provisions of this Part shall pass to the State of Punjab in the first instance, subject to such financial adjustment as may be agreed upon between all the successor States before the 1st day of November, 1967, or in default of such agreement, as the Central Government may by order direct. Residuary provision.

64. Where the successor States agree that the benefit or burden of any particular asset or liability should be apportioned between them in a manner other than that provided for in the foregoing provisions of this Part, then, notwithstanding anything contained therein, the benefit or burden of that asset or liability shall be apportioned in the manner agreed upon. Apportionment of assets or liabilities by agreement.

65. Where, by virtue of any of the provisions of this Part, any of the successor States becomes entitled to any property or obtains any benefits or becomes subject to any liability, and the Central Government is of opinion, on a reference made within a period of three years from the appointed day by any State that it is just and equitable that that property or those benefits should be transferred to, or shared with, one or more of the other successor States, or that a contribution towards that liability should be made by one or more of the other successor States, the said property or benefits shall be allocated in such manner, or the other successor State or States shall make to the State primarily subject to the liability such contribution in respect thereof, as the Central Government may, after consultation with State Governments concerned by order determine. Power of Central Government to order allocation or adjustment in certain cases.

Certain expenditure to be charged on the Consolidated Fund.

66. All sums payable by the Union to any State or by any State to any other State or to the Union by virtue of the provisions of this Part, or sub-section (4) of section 72, or section 77, or Part VIII shall be charged on the Consolidated Fund of India, or as the case may be, the Consolidated Fund of the State by which such sums are payable:

Provided that where any sums are payable as aforesaid by the Union in relation to the transferred territory, the Central Government may by order direct that sums payable in respect of such liabilities as may be specified therein shall be charged on the Consolidated Fund of the Union territory of Himachal Pradesh.

PART VII

PROVISIONS AS TO CERTAIN CORPORATIONS

Provisions as to certain Corporation 67. (1) The following bodies corporate constituted for the existing State of Punjab, namely :—

- (a) the State Electricity Board constituted under the 54 of 1948. Electricity Supply Act, 1948; and
- (b) the State Warehousing Corporation established under 58 of 1962. the Warehousing Corporations Act, 1962.

shall, on and from the appointed day, continue to function in those areas in respect of which they were functioning immediately before that day subject to the provisions of this section and to such directions as may, from time to time, be issued by the Central Government.

(2) Any directions issued by the Central Government under sub-section (1) in respect of the Board or the Corporation may include a direction that the Act under which the Board or the Corporation was constituted shall, in its application to that Board or Corporation, have effect subject to such exceptions and modifications as the Central Government thinks fit.

(3) The Board or the Corporation referred to in sub-section (1) shall cease to function as from, and shall be deemed to be dissolved on, the 1st day of November, 1967, or such earlier date as the Central Government may, by order, appoint; and upon such dissolution, its assets, rights and liabilities shall be apportioned between the successor States in such manner as may be agreed upon among them within one year of the dissolution of the Board or the Corporation, as the case may be, or if no agreement is reached, in such manner as the Central Government may, by order, determine.

(4) Nothing in the preceding provisions of this section shall be construed as preventing the Government of any of the successor States from constituting at any time on or after the appointed day, a State Electricity Board or a State Warehousing Corporation for that State under the provisions of the Act relating to such Board or Corporation; and if such a Board or a Corporation is so constituted in any of the successor States before the dissolution of the Board or the Corporation referred to in sub-section (1),—

(a) provision may be made by order of the Central Government enabling the new Board or the new Corporation to take over from the existing Board or Corporation all or any of its undertakings, assets, rights and liabilities in that State, and

(b) upon the dissolution of the existing Board or Corporation, any assets, rights and liabilities which would otherwise have passed to that State by or under the provisions of sub-section (3) shall pass to the new Board or the new Corporation instead of to that State.

68. If it appears to the Central Government that the arrangement in regard to the generation or supply of electric power or the supply of water for any area or in regard to the execution of any project for such generation or supply has been or is likely to be modified to the disadvantage of that area by reason of the fact that it has been transferred by the provisions of Part II from the State in which the power stations and other installations for the generation and supply of such power, or the catchment area, reservoirs and other works for the supply of water, as the case may be, are located, the Central Government may give such directions as it deems fit, to the State Government or other authority concerned for the maintenance, so far as practicable, of the previous arrangement.

Continuance
of arrange-
ments in
regard to
generation
and supply
of electric
power and
water.

53 of 1951.

69. (1) The Punjab State Financial Corporation established under the State Financial Corporations Act, 1951, shall on and from the appointed day continue to function in those areas in respect of which it was functioning immediately before that day subject to the provisions of this section and to such directions, as may from time to time, be issued by the Central Government.

Provisions
as to Punjab
State Finan-
cial Corpo-
ration.

(2) Any directions issued by the Central Government under sub-section (1) in respect of the Corporation may include a direction that the said Act, in its application to the Corporation, shall have effect subject to such exceptions and modifications as may be specified in the direction.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the Board of Directors of the Corporation may, with the previous approval of the Central Government and shall, if so required by the Central Government, convene at any time after the appointed day a meeting for the consideration of a scheme for the reconstitution or reorganisation or dissolution, as the case may be, of the Corporation, including proposals regarding the formation of new corporations and the transfer thereto of the assets, rights and liabilities of the existing Corporation, and if such a scheme is approved at a general meeting by a resolution passed by a majority of the shareholders present and voting, the scheme shall be submitted to the Central Government for its sanction.

(4) If the scheme is sanctioned by the Central Government either without modifications or with modifications which are approved at a general meeting, the Central Government shall certify the scheme, and upon such certification the scheme shall, notwithstanding anything to the contrary contained in any law for the time being in force, be binding on the Corporations affected by the scheme as well as the shareholders and creditors thereof.

(5) If the scheme is not so approved or sanctioned, the Central Government may refer the scheme to such Judge of the High Court of Punjab and Haryana as may be nominated in this behalf by the Chief Justice thereof and the decision of the Judge in regard to the scheme shall be final and shall be binding on the Corporations affected by the scheme as well as the shareholders and creditors thereof.

(6) Nothing in the preceding provisions of this section shall be construed as preventing the Government of the State of Haryana or Punjab from constituting, at any time after the appointed day and with the approval of the Central Government, a State Financial Corporation for that State under the State Financial Corporations Act, 1951.

63 of 1951.

Amendment of Act 6 of 1942. 70. In the Multi-Unit Co-operative Societies Act, 1942, after section 5C, the following section shall be inserted, namely:—

Transitional provision relating to certain multi-unit co-operative societies.

“5D. (1) Where, in respect of any co-operative society specified in the Fifteenth Schedule to the Punjab Reorganisation Act, 1966, which under the provisions of sub-section (1) of section 5A would become a multi-unit co-operative society, the Board of Directors adopts, by a majority of not less than three-fourths of the directors, any scheme for the reconstitution, reorganisation or dissolution of the society, including proposals regarding—

(a) the formation of new co-operative societies and the transfer thereto, in whole or in part, of the assets and liabilities and employees of that society; or

(b) the transfer, in whole or in part, of the assets and liabilities and employees of that society to any other co-operative society in the existing State of Punjab or in the Union territory of Himachal Pradesh;

and the State Government of Punjab certifies the scheme at any time before the 1st day of November, 1966, then, notwithstanding anything contained in sub-section (2) or sub-section (3) or sub-section (4) of the said section or any other law, regulation or bye-law for the time being in force in relation to that society, the scheme so certified shall be binding on all societies affected by the scheme, as well as the shareholders, creditors and employees of all such societies, subject to such financial adjustments as may be directed in this behalf under sub-section (3), but no such scheme shall be given effect to before the said day:

Provided that where a scheme includes any proposal regarding the transfer of assets and liabilities and employees to any co-operative society referred to in clause (b), the scheme shall not be binding on that existing society or the shareholders and creditors thereof, unless the proposal relating to such transfer is accepted by the existing society by a resolution passed by a majority of the members present at a meeting of its general body.

(2) When a scheme in respect of a co-operative society is so certified, the Central Registrar shall place the scheme at a meeting, held in such manner as may be prescribed by rules made under this Act, of all the persons who, immediately before the date of certification of the scheme, were members of the society, and the scheme may be approved by a resolution passed by a majority of the members present and voting at the said meeting.

(3) If the scheme is not so approved or is approved with modifications, the Central Registrar may refer the scheme to such Judge of the High Court of Punjab and Haryana as may be nominated in this behalf by the Chief Justice thereof and the Judge may direct such financial adjustments to be made among the societies affected as he deems necessary, and the scheme shall be deemed to be approved subject to those financial adjustments.

(4) If, in consequence of the directions given under sub-section (3), a society becomes liable to pay any sum of money, the successor State within whose area the society is located shall be deemed to be guarantor in respect of the payment of such money and shall be liable as such.”.

**Provision as
to co-opera-
tive banks.**

71. Notwithstanding anything contained in section 22 of the Banking Regulation Act, 1949, where on account of the reorganisation of the existing State of Punjab, a co-operative bank is newly formed on the appointed day or within three months thereof in any of the successor States, it may commence and conduct banking business without obtaining a licence under that section from the Reserve Bank of India, until it is granted such a licence or until it is informed by the Reserve Bank of India that such a licence cannot be granted to it:

10 of 1949.

Provided that such bank applies to the Reserve Bank of India for such a licence within a period of three months from the date of formation of the bank.

**General
provisions
as to
statutory
corporations.**

72. (1) Save as otherwise expressly provided by the foregoing provisions of this Part, where any body corporate constituted under a Central Act, State Act or Provincial Act for the existing State of Punjab or any part thereof serves the needs of the successor States or has, by virtue of the provisions of Part II, become an inter-State body corporate, then, the body corporate shall, on and from the appointed day, continue to function and operate in those areas in respect of which it was functioning and operating immediately before that day, subject to such directions as may from time to time be issued by the Central Government, until other provision is made by law in respect of the said body corporate.

(2) Any direction issued by the Central Government under sub-section (1) in respect of any such body corporate may include a direction that any law by which the said body corporate is governed shall, in its application to that body corporate, have effect, subject to such exceptions and modifications as may be specified in the direction.

(3) For the removal of doubt it is hereby declared that the provisions of this section shall apply also to the Punjab University constituted under the Punjab University Act, 1947, the Punjab Agricultural University constituted under the Punjab Agricultural University Act, 1961, and the Board constituted under the provisions of Part III of the Sikh Gurdwaras Act, 1925.

East Punjab
Act 7 of
1947.
Punjab Act
32 of 1961.
Punjab Act
8 of 1925.

(4) For the purpose of giving effect to the provisions of this section in so far as it relates to the Punjab University and the Punjab Agricultural University referred to in sub-section (3) the successor States shall make such grants as the Central Government may, from time to time, by order, determine.

73. (1) Notwithstanding anything contained in the foregoing provisions of this Part, each of the following companies, namely:—
Provision as to certain companies.

- (i) the Punjab Export Corporation;
- (ii) the Punjab State Small Industries Corporation;
- (iii) the Punjab Dairy Development Corporation;
- (iv) the Punjab Poultry Corporation;
- (v) the Land Development and Seed Corporation;
- (vi) the Industrial Development Corporation; and
- (vii) the Agro-Industrial Corporation,

shall, on and from the appointed day and until otherwise provided for in any law, or in any agreement among the successor States, or in any direction issued by the Central Government, continue to function in the areas in which it was functioning immediately before that day; and the Central Government may from time to time issue such directions in relation to such functioning as it may deem fit, notwithstanding anything to the contrary contained in the Companies Act, 1956, or in any other law.

1 of 1956.

(2) Any directions issued under sub-section (1) in respect of a company referred to in that sub-section, may include directions—

- (a) regarding the division of the interests and shares of the existing State of Punjab in the company among the successor States;
- (b) requiring the reconstitution of the Board of Directors of the company so as to give adequate representation to all the successor States.

4 of 1939.

74. (1) Notwithstanding anything contained in section 63 of the Motor Vehicles Act, 1939, a permit granted by the State or a Regional Transport Authority in the existing State of Punjab shall, if such permit was, immediately before the appointed day, valid and effective in any area therein, be deemed to continue to be valid and effective in that area after that day subject to the provisions of that Act as for the time being in force in that area and it shall not be necessary for any such permit to be countersigned by any State or Regional Transport Authority for the purpose of validating it for use in such area:

Temporary provisions as to continuance of certain existing road transport permits

Provided that the Central Government may, after consultation with the State Government or Governments concerned, add to, amend or vary the conditions attached to the permit by the authority by which the permit was granted.

(2) No tolls, entrance fees or other charges of a like nature shall be levied after the appointed day in respect of any transport vehicle for its operations in any of the successor States under any such permit, if such vehicle was immediately before that day exempt from the payment of any such toll, entrance fees or other charges for its operations within the existing State of Punjab:

Provided that the Central Government may, after consultation with the State Government or Governments concerned, authorise the levy of any such toll, entrance fees or other charges, as the case may be.

Special provision relating to retrenchment compensation in certain cases.

75. Where, on account of the reorganisation of the existing State of Punjab under this Act, any body corporate constituted under a Central Act, State Act or Provincial Act, any co-operative society registered under any law relating to co-operative societies or any commercial or industrial undertaking of that State is reconstituted or reorganised in any manner whatsoever or is amalgamated with any other body corporate, co-operative society or undertaking, or is dissolved, and in consequence of such reconstitution, reorganisation, amalgamation or dissolution, any workman employed by such body corporate or any such co-operative society or undertaking, is transferred to, or re-employed by any other body corporate, or in any other co-operative society or undertaking then notwithstanding anything contained in section 25F, 25FF or 25FFF, of the Industrial Disputes Act, 1947, such transfer or re-employment shall not entitle him to any compensation under that section: 14 of 1947

Provided that—

(a) the terms and conditions of service applicable to the workman after such transfer or re-employment are not less favourable to the workman than those applicable to him immediately before the transfer or re-employment; and

(b) the employer in relation to the body corporate, the co-operative society or the undertaking where the workman transferred or re-employed is, by agreement or otherwise, legally liable to pay to the workman, in the event of his retrenchment, compensation under section 25F, 25FF or 25FFF of the Industrial Disputes Act, 1947, on the basis that his service 14 of 1947 has been continuous and has not been interrupted by the transfer or re-employment.

43 of 1961

76. Where the assets, rights and liabilities of any body corporate carrying on business are, under the provisions of this Part, transferred to any other bodies corporate which after the transfer carry on the same business, the losses of profits or gains sustained by the body corporate first mentioned which, but for such transfer, would have been allowed to be carried forward and set off in accordance with the provisions of Chapter VI of the Income-tax Act, 1961, shall be apportioned amongst the transferee bodies corporate in accordance with the rules to be made by the Central Government in this behalf and, upon such apportionment, the share of loss allotted to each transferee body corporate shall be dealt with in accordance with the provisions of Chapter VI of the said Act as if the transferee body corporate had itself sustained such loss in a business carried on by it in the years in which these losses were sustained.

Special provision as to income tax.

77. (1) The Government of the State of Haryana or Punjab, or, as the case may be, the Central Government in relation to the transferred territory or the Union territory of Chandigarh, shall in respect of the institutions specified in the Sixteenth Schedule located in the State or territory aforesaid continue to provide facilities to any other Government aforesaid and the people of the States and territories aforesaid which shall not, in any respect, be less favourable to such Government and people than what were being provided to them before the appointed day for such period and upon such terms and conditions (including those relating to any contributions to be made for the provision of such facilities) as may be agreed upon between the said Governments before the 1st day of April, 1967, or if no agreement is reached by the said date, as may be fixed by order of the Central Government.

Continuance of facilities in certain state institutions.

(2) The Central Government may, at any time before the 1st day of April, 1967, by notification in the Official Gazette, specify in the Sixteenth Schedule any other institution existing on the appointed day in the said States and territories and on the issue of such notification, the Schedule shall be deemed to be amended by the inclusion of the said institution therein.

PART VIII

BHAKRA-NANGAL AND BEAS PROJECTS

78. (1) Notwithstanding anything contained in this Act but subject to the provisions of sections 79 and 80, all rights and liabilities of the existing State of Punjab in relation to Bhakra-Nangal Project and Beas Project shall, on the appointed day, be the rights and liabilities of the successor States in such proportion as may be fixed,

Rights and liabilities in regard to Bhakra-Nangal and Beas Projects.

and subject to such adjustments as may be made, by agreement entered into by the said States after consultation with the Central Government or, if no such agreement is entered into within two years of the appointed day, as the Central Government may by order determine having regard to the purposes of the Projects:

Provided that the order so made by the Central Government may be varied by any subsequent agreement entered into by the successor States after consultation with the Central Government.

(2) An agreement or order referred to in sub-section (1) shall, if there has been an extension or further development of either of the projects referred to in that sub-section after the appointed day, provide also for the rights and liabilities of the successor States in relation to such extension or further development.

(3) The rights and liabilities referred to in sub-sections (1) and (2) shall include—

(a) the rights to receive and to utilise the water available for distribution as a result of the projects, and

(b) the rights to receive and to utilise the power generated as a result of the projects,

but shall not include the rights and liabilities under any contract entered into before the appointed day by the Government of the existing State of Punjab with any person or authority other than Government.

(4) In this section and in sections 79 and 80,—

(A) "Beas Project" means the works which are either under construction or are to be constructed as components of the Beas-Sutlej Link Project (Unit I) and Pong Dam Project on the Beas river (Unit II) including—

(i) Beas-Sutlej Link Project (Unit I) comprising—

- (a) Pandoh Dam and works appurtenant thereto,
- (b) Pandoh-Baggi Tunnel,
- (c) Sundernagar Hydel Channel,
- (d) Sundernagar-Sutlej Tunnel,
- (e) By-pass Tunnel,
- (f) four generating units each of 165 M.W. capacity at Dehar Power House on the right side of Sutlej river,

(g) fifth generating unit of 120 M.W. capacity at Bhakra Right Bank Power House,

(h) transmission lines,

(i) Balancing Reservoir;

(ii) Pong Dam Project (Unit II) comprising—

(a) Pong Dam and works appurtenant thereto,

(b) Outlet Works,

(c) Penstock Tunnels,

(d) Power plant with four generating units of 60 M.W. each

(iii) such other works as are ancillary to the works aforesaid and are of common interest to more than one State;

(B) "Bhakra-Nangal Project" means—

(i) Bhakra Dam, Reservoir and works appurtenant thereto;

(ii) Nangal Dam and Nangal-Hydel Channel;

(iii) Bhakra Main Line and canal system;

(iv) Bhakra Left Bank Power House, Ganguwal Power House and Kotla Power House, switchyards, sub-stations and transmission lines;

(v) Bhakra Right Bank Power House with four units of 120 M.W. each.

79. (1) The Central Government shall constitute a Board to be called the Bhakra Management Board for the administration, maintenance and operation of the following works, namely:—

Bhakra
Management
Board.

(a) Bhakra Dam and Reservoir and works appurtenant thereto;

(b) Nangal Dam and Nangal-Hydel Channel up to Kotla Power House;

(c) the irrigation headworks at Rupar, Harike and Feroze-pur;

(d) Bhakra Power Houses:

Provided that the administration, maintenance and operation by the said Board of the generating units of the Right Bank Power House as have not been commissioned shall commence as and when any such unit has been commissioned;

(e) Ganguwal and Kotla Power Houses;

(f) Sub-stations at Ganguwal, Ambala, Panipat, Delhi, Ludhiana, Sangrur and Hissar and the main 220 KV transmission lines connecting the said sub-stations with the power stations specified in clauses (d) and (e); and

(g) such other works as the Central Government may, by notification in the Official Gazette, specify.

(2) The Bhakra Management Board shall consist of—

(a) a whole-time Chairman and two whole-time members to be appointed by the Central Government;

(b) a representative each of the Governments of the States of Punjab, Haryana and Rajasthan and the Union territory of Himachal Pradesh to be nominated by the respective Governments or Administrator, as the case may be;

(c) two representatives of the Central Government to be nominated by that Government.

(3) The functions of the Bhakra Management Board shall include—

(a) the regulation of the supply of water from the Bhakra-Nangal Project to the States of Haryana, Punjab and Rajasthan having regard to—

(i) any agreement entered into or arrangement made between the Governments of the existing State of Punjab and the State of Rajasthan, and

(ii) the agreement or the order referred to in sub-section (1) of section 78;

(b) the regulation of the supply of power generated at the power houses referred to in sub-section (1) to any Electricity Board or other authority in charge of the distribution of power having regard to—

(i) any agreement entered into or arrangement made between the Governments of the existing State of Punjab and the State of Rajasthan,

(ii) the agreement or the order referred to in sub-section (1) of section 78, and

(iii) any agreement entered into or arrangement made by the existing State of Punjab or the Punjab Electricity Board or the State of Rajasthan or the Rajasthan Electricity Board with any other Electricity Board or authority in charge of distribution of power before the appointed day in relation to the supply of power generated at the power houses specified in sub-section (1);

(c) the construction of such of the remaining works connected with the Right Bank Power House as the Central Government may specify;

(d) such other functions as the Central Government may, after consultation with the Governments of the States of Haryana, Punjab and Rajasthan, entrust to it.

(4) The Bhakra Management Board may employ such staff as it may consider necessary for the efficient discharge of its functions under this Act:

Provided that every person who immediately before the constitution of the said Board was engaged in the construction, maintenance or operation of the works in sub-section (1) shall continue to be so employed under the Board in connection with the said works on the same terms and conditions of service as were applicable to him before such constitution until the Central Government by order directs otherwise:

Provided further that the said Board may at any time in consultation with State Government or the Electricity Board concerned and with the previous approval of the Central Government return any such person for service under that Government or Board.

(5) The Governments of the successor States and of Rajasthan shall at all times provide the necessary funds to the Bhakra Management Board to meet all expenses (including the salaries and allowances of the staff) required for the discharge of its functions and such amounts shall be apportioned among the successor States, the State of Rajasthan and Electricity Boards of the said States in such proportion as the Central Government may, having regard to the benefits to each of the said States or Boards, specify.

(6) The Bhakra Management Board shall be under the control of the Central Government and shall comply with such directions, as may from time to time, be given to it by that Government.

(7) The Bhakra Management Board may with the approval of the Central Government delegate such of its powers, functions and duties as it may deem fit to the Chairman of the said Board or to any officer subordinate to the Board.

(8) The Central Government may, for the purpose of enabling the Bhakra Management Board to function effectively, issue such directions to the State Governments of Haryana, Punjab and Rajasthan and the Administrator of the Union territory of Himachal Pradesh or any other authority, and the State Governments, Administrator or authority shall comply with such directions.

(9) The Bhakra Management Board may, with the previous approval of the Central Government and by notification in the Official Gazette, make regulations consistent with this Act and the rules made thereunder, to provide for—

(a) regulating the time and place of meetings of the Board and the procedure to be followed for the transaction of business at such meetings;

(b) delegation of powers and duties to the Chairman or any officer of the Board;

(c) the appointment, and the regulation of the conditions of service, of the officers and other staff of the Board;

(d) any other matter for which regulations are considered necessary by the Board.

Construction
of Beas
Project.

80. (1) Notwithstanding anything contained in this Act or in any other law, the construction (including the completion of any work already commenced) of the Beas Project shall, on and from the appointed day, be undertaken by the Central Government on behalf of the successor States and the State of Rajasthan:

Provided that the Governments of the successor States and the State of Rajasthan shall at all times provide the necessary funds to the Central Government for the expenditure on the project [including the expenses of the Board referred to in sub-section (2)] and such amounts shall be apportioned among the successor States and the State of Rajasthan in such proportion as may be fixed by the Central Government after consultation with the Governments of the said States.

(2) For the discharge of its functions under sub-section (1), the Central Government may—

(a) by notification in the Official Gazette and in consultation with the Governments of the successor States and the State of Rajasthan, constitute a Board to be called the Beas Construction Board with such members as it may deem fit and assign to the Board such functions as it may consider necessary; and

(b) issue such directions to the State Governments of Haryana, Punjab and Rajasthan and the Administrator of the Union territory of Himachal Pradesh or any other authority, and the State Governments, Administrator or other authority shall comply with such directions.

(3) The notification constituting a Board under clause (a) of sub-section (2) may empower the Board to appoint such staff as may be necessary for the efficient discharge of its functions:

Provided that every person who immediately before the constitution of the Board was engaged in the construction or any work relating to the Beas Project shall continue to be so employed by the Board in connection with the said works on the same terms and conditions of service as were applicable to him before such constitution until the Central Government by order directs otherwise:

Provided further that the Board may at any time in consultation with the State Government or the Electricity Board concerned and with the previous approval of the Central Government return any such person for service under that Government or Board.

(4) Nothing contained in this section shall be construed as enabling the Central Government to reduce or enlarge the scope of the Beas Project as agreed to between the Governments of the State of Rajasthan and the existing State of Punjab except after consultation with the Governments of the States of Haryana, Punjab and Rajasthan.

(5) Any component of the Beas Project in relation to which the construction has been completed after the appointed day may be transferred by the Central Government to the Board constituted under section 79 whereupon the provisions of that section shall apply as if it were a work included in sub-section (1) of that section.

(6) The Bhakra Management Board constituted under section 79 shall be re-named as the Bhakra Beas Management Board when any of the components of the Beas Project has been transferred under sub-section (5), and the Beas Construction Board shall cease to exist when all the components of the Beas Project have been so transferred.

PART IX

PROVISIONS AS TO SERVICES

Provisions relating to All-India Services.

81. (1) In this section, the expression "State cadre"—

(a) in relation to the Indian Administrative Service, has the meaning assigned to it in the Indian Administrative Service (Cadre) Rules, 1954, and

(b) in relation to the Indian Police Service, has the meaning assigned to it in the Indian Police Service (Cadre) Rules, 1954.

(2) In place of the cadres of the Indian Administrative Service and the Indian Police Service for the existing State of Punjab, there shall, on and from the appointed day, be two separate cadres, one for the State of Punjab and the other for the State of Haryana, in respect of each of these Services.

(3) The initial strength and composition of each of the State cadres for the States of Punjab and Haryana and the strength and composition of the Delhi-Himachal Pradesh State cadres shall be such as the Central Government may, by order, determine before the appointed day.

(4) The members of each of the said Services borne on the State cadres for the existing State of Punjab immediately before the appointed day shall be allocated to the State cadres of the same Service for each of the States of Punjab and Haryana and to the Delhi-Himachal Pradesh State cadres in such manner and with effect from such date or dates as the Central Government may, by order, specify.

(5) Nothing in this section shall be deemed to affect the operation, on or after the appointed day, of the All-India Services Act, 1951, or the rules made thereunder in relation to the State cadres **61 of 1951.** of the said Services referred to in sub-section (3) and in relation to the members of those Services borne on the said cadres.

Provisions relating to other services.

82. (1) Every person who immediately before the appointed day is serving in connection with the affairs of the existing State of Punjab shall, on and from that day, provisionally continue to serve in connection with the affairs of the State of Punjab unless he is required, by general or special order of the Central Government, to serve provisionally in connection with the affairs of any other successor State.

(2) As soon as may be after the appointed day, the Central Government shall, by general or special order, determine the successor State to which every person referred to in sub-section (1) shall be

finally allotted for service and the date with effect from which such allotment shall take effect or be deemed to have taken effect.

(3) Every person who is finally allotted under the provisions of sub-section (2) to a successor State shall, if he is not already serving therein, be made available for serving in the successor State from such date as may be agreed upon between the Governments concerned or in default of such agreement, as may be determined by the Central Government.

(4) The Central Government may, by order, establish one or more advisory committees for the purpose of assisting it in regard to—

(a) the division and integration of the services among the successor States; and

(b) the ensuring of fair and equitable treatment to all persons affected by the provisions of this section and the proper consideration of any representations made by such persons.

(5) The foregoing provisions of this section shall not apply in relation to any person to whom the provisions of section 81 apply.

(6) Nothing in this section shall be deemed to affect on or after the appointed day the operation of the provisions of Chapter I of Part XIV of the Constitution in relation to the determination of the conditions of service of persons serving in connection with the affairs of the Union or any State:

Provided that the conditions of service applicable immediately before the appointed day to the case of any person referred to in sub-section (1) or sub-section (2) shall not be varied to his disadvantage except with the previous approval of the Central Government.

83. Every person who immediately before the appointed day is holding or discharging the duties of any post or office in connection with the affairs of the existing State of Punjab in any area which on that day falls within any of the successor States shall continue to hold the same post or office in that successor State and shall be deemed, on and from that day, to have been duly appointed to the post or office by the Government of, or other appropriate authority in, that successor State:

Provided that nothing in this section shall be deemed to prevent a competent authority on or after the appointed day from passing in relation to such person any order affecting his continuance in such post or office.

Provisions
as to conti-
nuance of
officers in
the same
posts.

Power of
Central
Government
to give
directions.

84. The Central Government may give such directions to the State Governments of Punjab and Haryana and to the Administrators of the Union territories of Himachal Pradesh and Chandigarh as may appear to it to be necessary for the purpose of giving effect to the foregoing provisions of this Part and the State Governments and the Administrators shall comply with such directions.

Provisions
as to
State
Public Ser-
vice Com-
missions.

85. (1) The Public Service Commission for the existing State of Punjab shall, on and from the appointed day, cease to exist.

(2) The person holding office immediately before the appointed day as Chairman of the Public Service Commission for the existing State of Punjab shall become the Chairman of the Public Service Commission for the State of Haryana or Punjab as the President shall, by order, specify and every other person holding office immediately before that day as member of that Commission shall become a member, or if so specified by the President, the Chairman, of such one of the said Commissions as the President shall, by order, specify.

(3) Every person who becomes the Chairman or other member of a Public Service Commission on the appointed day under subsection (2) shall—

(a) be entitled to receive from the Government of the State conditions of service not less favourable than those to which he was entitled under the provisions applicable to him immediately before the appointed day;

(b) subject to the proviso to clause (2) of article 316, hold office or continue to hold office until the expiration of his term of office as determined under the provisions applicable to him immediately before the appointed day.

(4) The report of the Punjab Public Service Commission as to the work done by the Commission in respect of any period prior to the appointed day shall be presented under clause (2) of article 323 to the Governors of Punjab and Haryana, and the Governor of Punjab shall, on receipt of such report, cause a copy thereof together with a memorandum explaining as far as possible, as respects the cases, if any, where the advice of the Commission was not accepted, the reasons for such non-acceptance to be laid before the Legislature of the State of Punjab and it shall not be necessary to cause such report or any such memorandum to be laid before the Legislative Assembly of Haryana.

PART X

LEGAL AND MISCELLANEOUS PROVISIONS

86. In clause (a) of section 15 of the States Reorganisation Act, Amendment of Act 37. of 1956,—
of 1956.

(i) for the word "Punjab", the words "Haryana, Punjab" shall be substituted;

(ii) for the words "and Himachal Pradesh", the words "Himachal Pradesh and Chandigarh" shall be substituted.

87. The Central Government may, by notification in the Official Gazette, extend with such restrictions or modifications as it thinks fit, to the Union territory of Chandigarh any enactment which is in force in a State at the date of the notification. Power to extend enactments to Chandigarh.

88. The provisions of Part II shall not be deemed to have effected any change in the territories to which any law in force immediately before the appointed day extends or applies, and territorial references in any such law to the State of Punjab shall, until otherwise provided by a competent Legislature or other competent authority, be construed as meaning the territories within that State immediately before the appointed day. Territorial extent of laws.

89. For the purpose of facilitating the application in relation to the State of Punjab or Haryana or to the Union territory of Himachal Pradesh or Chandigarh of any law made before the appointed day, the appropriate Government may, before the expiration of two years from that day, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority. Power to adapt laws

Explanation.—In this section, the expression "appropriate Government" means—

(a) as respects any law relating to a matter enumerated in the Union List, the Central Government; and

(b) as respects any other law,—

(i) in its application to a State, the State Government, and

(ii) in its application to a Union territory, the Central Government.

Power to construe laws.

90. (1) Notwithstanding that no provision or insufficient provision has been made under section 89 for the adaptation of a law made before the appointed day, any court, tribunal or authority, required or empowered to enforce such law may, for the purpose of facilitating its application in relation to the State of Punjab or Haryana, or to the Union territory of Himachal Pradesh or Chandigarh construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority.

(2) Any reference to the High Court of Punjab in any law shall, unless the context otherwise requires, be construed, on and from the appointed day, as a reference to the High Court of Punjab and Haryana.

Power to name authorities, etc., for exercising statutory functions.

91. The Central Government, as respects the Union territory of Chandigarh or the transferred territory, and the Government of the State of Haryana as respects the territories thereof may, by notification in the Official Gazette, specify the authority, officer or person who, on and from the appointed day, shall be competent to exercise such functions exercisable under any law in force on that day as may be mentioned in that notification and such law shall have effect accordingly.

Legal proceedings.

92. Where, immediately before the appointed day, the existing State of Punjab is a party to any legal proceedings with respect to any property, rights or liabilities subject to apportionment under this Act, the successor State which succeeds to, or acquires a share in, that property or those rights or liabilities by virtue of any provision of this Act shall be deemed to be substituted for the existing State of Punjab or added as a party to those proceedings, and the proceedings may continue accordingly.

Transfer of pending proceedings.

93. (1) Every proceeding pending immediately before the appointed day before a court (other than a High Court), tribunal, authority or officer in any area which on that day falls within a State or Union territory shall, if it is a proceeding relating exclusively to the territories which as from that day are the territories of another State or Union territory, stand transferred to the corresponding court, tribunal, authority or officer in that other State or Union territory, as the case may be.

(2) If any question arises as to whether any proceeding should stand transferred under sub-section (1), it shall be referred to the High Court having jurisdiction in respect of the area in which the court, tribunal, authority or officer before which or whom such proceeding is pending on the appointed day, is functioning, and the decision of that High Court shall be final.

(3) In this section—

(a) "proceeding" includes any suit, case or appeal; and

(b) "corresponding court, tribunal, authority or officer" in a State or a Union territory means—

(i) the court, tribunal, authority or officer in that State or Union territory in which or before whom, the proceeding would have lain if it had been instituted after the appointed day; or

(ii) in case of doubt, such court, tribunal, authority or officer in that State or Union territory, as may be determined after the appointed day by the Government of that State or the Central Government, as the case may be, or before the appointed day by the Government of the existing State of Punjab, to be the corresponding court, tribunal, authority or officer.

94. Any person who, immediately before the appointed day, is enrolled as a pleader entitled to practise in any subordinate courts in the existing State of Punjab shall, for a period of one year from that day, continue to be entitled to practise in those courts, notwithstanding that the whole or any part of the territories within the jurisdiction of those courts has been transferred to the State of Haryana or to a Union territory.

Right of
pleaders
to practise
in certain
cases.

95. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

Effect of
provisions
of the Act
inconsistent
with other
laws.

96. If any difficulty arises in giving effect to the provisions of this Act, the President may, by order, do anything not inconsistent with such provisions which appears to him to be necessary or expedient for the purpose of removing the difficulty.

Power to
remove
difficulties.

Power to make rules.

97. (1) The Central Government may, by notification in the Official Gazette, make rules to give effect to 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 procedure to be followed by the Bhakra Management Board and the Beas Construction Board for the conduct of business and for the proper functioning of the Boards and the manner of filling casual vacancies among the members of the said Boards;
- (b) the salaries and allowances to be paid to the whole-time Chairman and whole-time members of the Bhakra Management Board;
- (c) the salaries and allowances and other conditions of service of the members of the staff of the Bhakra Management Board or the Beas Construction Board;
- (d) the maintenance of records of all business transacted at the meetings of the Bhakra Management Board or the Beas Construction Board and the submission of copies of such records to the Central Government;
- (e) the conditions subject to which, and the mode in which, contracts may be made on behalf of the successor States and the State of Rajasthan in relation to the functions of the Bhakra Management Board or the Beas Construction Board;
- (f) the preparation of the budget estimates of the receipts and expenditure of the said Boards and the authority by which such estimates shall be approved;
- (g) the conditions subject to which the said Boards may incur expenditure or re-appropriate funds from any budget head to another such head;
- (h) the preparation and submission of annual reports;
- (i) the maintenance of accounts of the expenditure incurred by the said Boards;
- (j) any other matter which is to be, or may, be prescribed.

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

THE FIRST SCHEDULE

[See section 3(1) (e)]

TERRITORIES TRANSFERRED FROM MANIMAJRA KANUNGO CIRCLE OF KHARAR TAHSIL OF AMBALA DISTRICT IN THE EXISTING STATE OF PUNJAB TO THE NEW STATE OF HARYANA

1. The following patwar circles:—

Bhareli

Batawar

Barwala

Majri

Kalka.

2. So much of the territories of the following patwar circles as have not been transferred to form the Union territory of Chandigarh under section 4:—

Manimajra

Mauli

Chandimander.

THE SECOND SCHEDULE

[See section 4]

TERRITORIES TRANSFERRED FROM THE EXISTING STATE OF PUNJAB
TO FORM THE UNION TERRITORY OF CHANDIGARH

1. The following patwar circles of Manimajra Kanungo circle of Kharar tahsil of Ambala district:—

Dhanas

Kalibar

Kailer

Dadu Majra

Kanthala

Hallo Majra.

2. The following villages of Manimajra Kanungo circle of Kharar tahsil of Ambala district:—

Name of village	Hadbast No.	Name of patwar circle in which village is included
I	2	3
Lahora	348	Lahora
Sarangpur	347	Sarangpur
Khuda Alisher	353	Kansal
Daria	374	Manimajra
Manimajra	375 }	
Mauli Jagran	373	Mauli
Bara Raipur	371	
Chota Raipur	232	

3. The following portions, the extent whereof is specified in column 3 of the Table below, of the village specified in corresponding entry in column 1 below, of Manimajra kanungo circle of Kharar tahsil of Ambala district, acquired by the Government of the existing State of Punjab by their notifications referred to in the corresponding entry in column 4 of the said Table:—

TABLE

Name of Village	Hadbast No.	Area acquired (in acres)	Punjab Government notification under which acquired
I	2	3	4
Suketri . . .	376	77.74	C-11544-55/VI-1003, dated the 12th November, 1955. C-11544/55/VI/1008, dated the 12th November, 1955.
Karoran . . .	352	214.59	C-2707-51/1232, dated the 22nd/23rd May, 1951. C-1058-53/1111, dated the 26th February, 1953. C-539-52/351, dated the 29th January, 1952. C-3144/53/2106, dated the 15th April, 1953.
Kansil . . .	354	199.78	C-542-52/399, dated the 1st February 1952. C-1152-52/734, date the 15th February, 1952.

4. The following villages of Manauli Kanungo circle of Kharar tahsil of Ambala district:—

Name of village	Hadbast No.	Name of patwar circle in which village is included
1	2	3
Behlana	231	
Chuharpur	233 } 233	Bhabat
Bair Majra	224	Dharamgarh
Nizampur Kumbra	197	Kumbra
Budheri	12	
Kujheri	198 }	
Attawa	199 }	Kujheri
Palsora	11	Mataur
Maloya	13	
Salahpur	201 }	Maloya
Burail	222	
Nizampur Burail	259 }	
Jhumro	260 }	Burail

THE THIRD SCHEDULE

[See section 5(1)]

TERRITORIES REFERRED TO IN CLAUSES (d), (e) AND (f) OF SUB-SECTION (1) OF SECTION 5 TRANSFERRED FROM THE EXISTING STATE OF PUNJAB TO THE UNION TERRITORY OF HIMACHAL PRADESH

PART I

1. The following patwar circles of Santokhgarh Kanungo circle of Una tahsil of Hoshiarpur district:—

Name of patwar circle	Patwar circle No.
Palkwah	60
Pubowal	62
Polian	63
Dulehar	64
Bietan	65
Kungrat	66
Nangal Kalan	67
Nangran	68
Bathu	74

2. The following villages of Santokhgarh kanungo circle of Una tahsil of Hoshiarpur district:—

Name of village	Hadbast No.	No. and name of patwar circle in which village is included
I	2	3
Fattewal	460	
Bangarh	461 } 461 }	61 Jakhera
Charatgarh	225	
Khanpur	226 } 226 }	72 Charatgarh
Chhatharpur	227	
Jatpur	245	
Takhatpur	247	
Santokhgarh	246 } 246 }	73 Santokhgarh
Bathri	476	75 Bathri

3. The following villages of Santokhgarh kanungo circle of Una tahsil of Hoshiarpur district except portions of those villages as have been included in the local area comprising Naya Nangal which has been declared to be a notified area for the purposes of the Punjab Municipal Act, 1911, by the notification of the Government of Punjab No. 2225-C1 (3C1)-61-9484, dated the 21st March, 1961:—

Name of village	Hadbast No.	No. and name of patwar circle in which village is included
I	2	3
Jakhera	229	61 Jakhera
Malikpur	242	
Binewal	243 } 243 }	
Majara	248 } 248 }	69 Kanchehra
Mehatpur	230 }	
Bhatoli	231 }	70 Bhabhaur
Basdehra	228 }	
Ajauli	237 }	
Puna	244 }	71 Basdehra
Raipur	218	72 Charatgarh
Sanoli	249	77 Sanoli

PART II

4. Village Kosar forming part of Una tahsil of Hoshiarpur district.

PART III

5. The following villages of Dhar Kalan kanungo circle of Pathankot tahsil of Gurdaspur district:—

Name of village	Hadbast No.
Bakloh	421
Balun	422
Dalhousie	423

THE FOURTH SCHEDULE

[See section 10]

1. Of the three sitting members whose term of office will expire on the 2nd April, 1968, Shri Surjit Singh and such one of the two members, namely, Shri Abdul Ghani and Shri Chaman Lal, as the Chairman of the Council of States may determine by drawing lot, shall be deemed to have been elected to fill two of the seats allotted to the State of Punjab and the remaining member shall be deemed to have been allotted to fill one of the seats allotted to the State of Haryana.

2. Of the four sitting members whose term of office will expire on the 2nd April, 1970, namely, Shri Anup Singh, Shri Jagat Narain, Shrimati Mohinder Kaur and Shri Uttam Singh Duggal, such one as the Chairman of the Council of States may determine by drawing lot, shall be deemed to have been elected to fill one of the seats allotted to the State of Haryana, and the other three sitting members shall be deemed to have been elected to fill three of the seats allotted to the State of Punjab.

3. Of the four sitting members whose term of office will expire on the 2nd April, 1972, Shri Neki Ram shall be deemed to have been elected to fill one of the seats allotted to the State of Haryana; Shri Narinder Singh and Shri Raghbir Singh shall be deemed to have been elected to fill two of the seats allotted to the State of Punjab and Shri Salig Ram shall be deemed to have been elected to fill one of the seats allotted to the Union territory of Himachal Pradesh.

THE FIFTH SCHEDULE

[See section 14]

I. AMENDMENT OF PART B OF SCHEQUE XI TO THE DELIMITATION OF PARLIAMENTARY AND ASSEMBLY CONSTITUENCIES ORDER, 1961

1. Below the heading "B-Assembly Constituencies", insert the sub-heading "I-HARYANA".
2. Delete the heading "Lahaul and Spiti, Kulu and Kangra Districts Area" and entries 1 to 13.
3. For entry 14, substitute the following, namely: —

"14. Naraingarh

Naraingarh tahsil (excluding Sadaura, Haveli and Gadauli zails and Sadaura M.C. in Sadaura thana)."

4. Delete the heading "SIMLA DISTRICT" and entry 20.
5. Before entry 21, for the heading "KARNAL DISTRICT AREA", substitute the heading "KARNAL AND JIND DISTRICTS".
6. In entry 26, for the word "Sangrur", substitute the word "Jind".
7. After entry 68, insert the sub-heading "II-PUNJAB".
8. In entry 129, for the words "and Dalhousie thana", substitute the words and brackets "and zail Tarhari (Part) in Dalhousie thana".

9. After entry 130, for the heading "HOSHIARPUR DISTRICT AREA", substitute "HOSHIARPUR AND RUPAR DISTRICTS".

10. Delete entries 136 and 137 and re-number entries 138 and 139 as 136 and 137, respectively.

11. For entry 140, substitute the following:—

"138. Anandpur

Anandpur Sahib tahsil in Rupar District; and Rattewal zail in Balachaur thana in Garhshankar tahsil in Hoshiarpur District.

139. Rupar

Rupar thana in Rupar tahsil; and Khizrabad, Sialba and Tira zails in Kharar thana in Kharar tahsil.

140. Morinda (SC)

Morinda and Chamkaur thanas in Rupar tahsil; and Kurali town and Kurali zail in Kharar thana in Kharar tahsil.

140A. Kharar

Kharar tahsil (excluding Khizrabad, Sialba, Tira and Kurali zails and Kurali town in Kharar thana)."

12. In the Appendix, omit the entries relating to Ambala district.

13. Insert the following Note at the end of this Part, namely:—

"NOTE.—Any reference in entries 14, 26, 138 and 140A of this Part to a district, tahsil, kanungo circle, patwar circle or other territorial division shall be taken to mean the area comprised within that district, tahsil, kanungo circle, patwar circle or other territorial division on the 1st day of November, 1966, including all municipal towns and forest villages lying within the periphery."

II. AMENDMENT OF THE SCHEDULE TO THE DELIMITATION OF TERRITORIAL COUNCIL CONSTITUENCIES (HIMACHAL PRADESH) ORDER, 1962

1. In paragraph 5, for the words "shall be taken", substitute "shall, save as otherwise expressly provided, be taken":

2. After entry 41, add the following, namely:—

"LAHAUL AND SPITI, KULU AND KANGRA DISTRICTS

42. Kulu	Lahaul and Spiti district and Kulu thana (excluding Kanawar, Harkandhi, Chung, Kot Kandhi, Bhallan and Sainsar zails) in Kulu tahsil of Kulu district; and Bir Bhangal zail in Palampur thana in Palampur tahsil of Kangra district.
43. Seraj (SC)	Seraj thana and Kanawar, Harkandhi, Chung, Kot Kandhi, Bhallan and Sainsar zails in Kulu thana in Kulu tahsil of Kulu district.
44. Palampur	Palampur thana (excluding Naura and Bir Bhangal zails) in Palampur tahsil.
45. Kangra	Kangra tahsil (excluding Dharamsala thana, Shahpur part-thana and Narwana, Chetru, Tayara and Ramgarh part-zails in Kangra thana), Chengar zail in Dera Gopipur tahsil; Sujanpur part-thana and Naura zail in Palampur thana in Palampur tahsil.

46. Dharamsala	• • •	Dharamsala thana, part-thana and Chetru, Tayara and Ramgarh part-zails in Kangra thana in Kangra tahsil.	Shahpur, Narwana, Ramgarh
47. Nurpur	• • •	Nurpur tahsil ; and Dhameta and Nagrota zails in Dera Gopipur tahsil.	Dhameta and Nagrota
48. Dera Gopipur	• • •	Dera Gopipur tahsil (excluding Dhameta, Nagrota and Changar zails).	
49. Hamirpur (SC)	• • •	Sujanpur, Rajgir, Ujalta, Mewa and Mehlta zails in Hamirpur tahsil.	Sujanpur, Rajgir, Ujalta, Mewa and Mehlta
50. Barsar	• • •	Hamirpur tahsil (excluding Sujanpur, Rajgir, Ujalta, Mewa and Mehlta zails).	
51. Amb	• • •	Amb thana and Pandoga and Basal zails and Khad part-zail in Una thana in Una tahsil.	Amb, Pandoga and Basal
52. Una	• • •	Una tahsil (excluding Amb thana and Pandoga and Basal zails and Khad part-zail in Una thana) in Kangra district.	Khad, Una

SIMLA DISTRICT

53. Simla	• • •	Simla district (excluding Nalagarh tahsil).
54. Nalagarh	• • •	Nalagarh tahsil in Simla district".

3. Insert the following Note at the end of the Schedule, namely:—

"NOTE.—Any reference in entries 3, 4, 42, 43, 50, 53 and 54 of this Schedule to a district, tahsil, kanungo circle, patwar circle or other territorial division shall be taken to mean the area comprised within that district, tahsil, kanungo circle, patwar circle or other territorial division on the 1st day of November, 1966, including all municipal areas, notified areas, small town areas and forest villages lying within the periphery."

THE SIXTH SCHEDULE

[See section 21]

MODIFICATIONS IN THE DELIMITATION OF COUNCIL CONSTITUENCIES
(PUNJAB) ORDER, 1951

In the Table appended to the said Order—

(1) in the entries under the sub-heading “*Graduates’ Constituencies*”—

(i) in column 2 against the entry “Punjab North Graduates”, for the existing entry, substitute the following, namely:—

“Amritsar, Gurdaspur and Hoshiarpur Districts”;

(ii) for the existing entries 2 and 3, substitute the following, namely:—

“2. Punjab Central Graduates	Ferozepur, Kapurthala and Jullundur Districts
3. Punjab South Graduates.	Ludhiana, Rupar, Patiala, Sangrur and Bhatinda Districts I”; and

(iii) omit entry 4;

(2) in the entries under the sub-heading “*Teachers’ Constituencies*”—

(i) in column 2, against the entry “Punjab North Teachers”, for the existing entry, substitute the following, namely:—

“Amritsar, Gurdaspur and Hoshiarpur Districts”;

(ii) for the existing entries 2 to 4, substitute the following, namely:—

“2. Punjab Central Teachers	Ferozepur, Kapurthala and Jullundur Districts
-----------------------------	---

3. Punjab South Teachers	Ludhiana, Rupar, Patiala, Sangrur and Bhatinda Districts I”;
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(3) under the sub-heading “*Local Authorities’ Constituencies*”—

(i) omit entries 3 and 11 to 15;

(ii) for entry 10, substitute the following, namely:—

"10. Patiala-cum-Rupar Local Authorities Patiala and Rupar Districts 2"; and

(iii) in column 3, against entries 5, 6 and 9, relating to Jullundur Local Authorities, Ferozepur Local Authorities and Ludhiana Local Authorities, for the existing figure "1", substitute the figure "2";

(4) in paragraph 3 of the Order, for the word and figures "April, 1965", substitute the word and figures "November, 1966".

THE SEVENTH SCHEDULE

[See section 22]

LIST OF MEMBERS OF THE LEGISLATIVE COUNCIL OF PUNJAB WHO SHALL
CEASE TO BE SUCH MEMBERS ON THE 1ST DAY OF NOVEMBER, 1966

1. Shri Chander Bhan
 2. Shri Amir Singh
 3. Shri S. L. Chopra
 4. Shri Shri Chand Goyal
 5. Shrimati Lekhwati Jain
 6. Shri Om Prakash
 7. Shri Premsukh Das
 8. Shri Birender Singh
 9. Shri Sher Singh
 10. Shri Dharam Singh
 11. Shri Nasib Singh
 12. Shri Sultan Singh
 13. Shrimati Lajja
 14. Shri Beli Ram
 15. Shri Siri Chand
 16. Shrimati Savita Behan

THE EIGHTH SCHEDULE

[See section 27(1)]

AMENDMENT OF THE CONSTITUTION (SCHEDULED CASTES) ORDER, 1950

(1) For paragraph 4, substitute—

"4. Any reference in this Order, except in Parts IV, IVA, VIIA and X of the Schedule, to a State or to a district or other territorial division thereof, shall be construed as a reference to the State, district or other territorial division, constituted as from the first day of November, 1956; any reference in Parts IV and VIIA of the Schedule to a State or to a district or other territorial division thereof shall be construed as a reference to the State, district or other territorial division constituted as from the first day of May, 1960; and any reference in Parts IVA and X of the Schedule to a State or to a district or other territorial division thereof shall be construed as a reference to the State, district or other territorial division constituted as from the first day of November, 1966."

(2) After Part IV, the following Part shall be inserted, namely:—

“PART IVA.—Haryana

1. Throughout the State:—

1. Ad Dharmi
2. Bangali
3. Barar, Burar or Berar
4. Batwal
5. Bauria or Bawaria
6. Bazigar
7. Balmiki, Chura or Bhangi
8. Bhanjra
9. Chamar, jatia Chamar, Rehgar, Raigar, Ramdas or Ravidasi.
10. Chanal
11. Dagi
12. Dhanak
13. Dumna, Mahasha or Doom
14. Gagra
15. Gandhila or Gandil Gondola
16. Kabirpanthi or Julaha
17. Khatik

18. Kori or Koli
19. Marija or Marecha
20. Mazhabi
21. Megh
22. Nat
23. Od
24. Pasi
25. Perna
26. Pherera
27. Sanhai
28. Sanhal
29. Sansi, Bhedkut or Manesh
30. Sapela
31. Sarera
32. Sikligar
33. Sirkiband.

2. Throughout the State except in the Mahendragarh and Jind districts:—

1. Darain
2. Dhogri, Dhangri or Siggi
3. Sansoi.

3. In the Mahendragarh and Jind districts:—
Deha, Dhaya or Dhea."

(3) In Part X omit the word "Mohendengarh" occurring in paragraphs 2 and 3 thereof.

THE NINTH SCHEDULE

[See section 27(2)]

AMENDMENT OF THE CONSTITUTION (SCHEDULED CASTES) (UNION TERRITORIES) ORDER, 1951

(1) For paragraph 4, substitute:—

"4. Any reference in this Order, except in Parts II and V of the Schedule, to a Union territory shall be construed as a reference to the territory constituted as a Union territory as from the 1st day of November, 1956; and any reference to a Union territory in Parts II and V of the Schedule shall be construed as a reference to that territory as existing on the 1st day of November, 1966.".

(2) In Part II of the Schedule—

(a) for the words “Throughout the Union territory”, the figures, words and brackets “1. Throughout the Union territory except the territories specified in sub-section (1) of section 5 of the Punjab Reorganisation Act, 1966” shall be substituted;

(b) the following shall be added at the end:—

“2. In the territories specified in sub-section (1) of section 5 of the Punjab Reorganisation Act, 1966:—

1. Ad Dharmi
2. Bangali
3. Barar, Burar or Berar
4. Batwal
5. Bauria or Bawaria
6. Bazigar
7. Balmiki, Chura or Bhangi
8. Bhanjra
9. Chamar, Jatia Chamar, Rehgar, Raigar, Ramdasji or Ravidasi
10. Chanal
11. Dagi
12. Darain
13. Dhanak
14. Dhogri, Dhangri or Siggis
15. Dumna, Mahasha or Doom
16. Gagra
17. Gandhila or Gandil Gondola
18. Kabirpanthi or Julaha
19. Khatik
20. Kori or Koli
21. Marija or Marecha
22. Mazhabi
23. Megh
24. Nat
25. Od
26. Pasi

27. Perna
28. Pherera
29. Sanhai
30. Sanhal
31. Sansoi
32. Sansi, Bhedkut or Manesh
33. Sapela
34. Sarera
35. Sikligar
36. Sirkiband".

(3) After Part IV, the following Part shall be inserted:-

"PART V.—Chandigarh

1. Ad Dharmi
2. Bangali
3. Barar, Burar or Berar
4. Batwal
5. Bauria or Bawaria
6. Bazigar
7. Balmiki, Chura or Bhangi
8. Bhanjra
9. Chamari, Jatia, Chamar, Rehgar, Raigar, Ramdas or Ravidasi
10. Chanal
11. Dagi
12. Darain
13. Dhanak
14. Dhogri, Dhangri or Siggi
15. Dumna, Mahasha or Doom
16. Gagra
17. Gandhila or Gandil Gondola
18. Kabirpanthi or Julaha
19. Khatik
20. Kori or Koli
21. Marija or Marecha
22. Mazhabi

- 23. Megh
- 24. Nat
- 25. Od
- 26. Pasi
- 27. Perna
- 28. Pherera
- 29. Sanhai
- 30. Sanhal
- 31. Sansoi
- 32. Sansi, Bhedkut or Manesh
- 33. Sapela
- 34. Sarera
- 35. Sikligar
- 36. Sirkiband."

THE TENTH SCHEDULE

[See section 28(1)]

AMENDMENT OF THE CONSTITUTION (SCHEDULED TRIBES) ORDER, 1950

Part X shall be omitted.

THE ELEVENTH SCHEDULE

[See section 28(2)]

AMENDMENT OF THE CONSTITUTION (SCHEDULED TRIBES) (UNION TERRITORIES) ORDER, 1951

(1) For paragraph 3, substitute—

“3. Any reference in this Order, except in Part I of the Schedule, to a Union territory shall be construed as a reference to the territory constituted as a Union territory as from the 1st day of November, 1956; and any reference to a Union territory in Part I of the Schedule shall be construed as a reference to that territory constituted as a Union territory as existing on the 1st day of November, 1966.”

(2) In Part I of the Schedule—

(a) for the words "Throughout the Union territory", the figures, words and brackets "1. Throughout the Union territory except the territories specified in sub-section (1) of section 5 of the Punjab Reorganisation Act, 1966" shall be substituted; and

(b) the following shall be added at the end:—

"2. In Lahaul and Spiti district:—

1. Gaddi
2. Swangla
3. Bhot or Bodh."

THE TWELFTH SCHEDULE

(See section 46)

I. AMENDMENTS TO THE CONSTITUTION (DISTRIBUTION OF REVENUES) ORDER, 1965

The following provisos shall be inserted immediately below the Table in sub-paragraph (2) of paragraph 3 of the Order, namely:—

"Provided that the share of taxes on income payable to the State of Punjab as it existed immediately before the 1st day of November, 1966, shall be construed, as from that date, as payable to the State of Haryana and the State of Punjab and the Union in the proportion of 37·38:54·84:7·78:

Provided further that the share allocable to the Union shall be retained by it and shall be deemed to form part of the Consolidated Fund of India."

II. AMENDMENTS TO THE UNION DUTIES OF EXCISE (DISTRIBUTION) ACT, 1962

The following provisos shall be inserted immediately after the Table in section 3 of the Act, namely:—

"Provided that the share of the distributable Union duties of excise payable to the State of Punjab as it existed immediately before the 1st day of November, 1966, shall be construed, as from

that date, as payable to the State of Haryana and the State of Punjab and the Union in the proportion of 37·38:54·84:7·78:

Provided further that the share allocable to the Union shall be retained by it and shall not be withdrawn from the Consolidated Fund of India.”.

III. AMENDMENTS TO THE ADDITIONAL DUTIES OF EXCISE (GOODS OF SPECIAL IMPORTANCE) ACT, 1957

The following provisos shall be inserted at the end of the Table in paragraph 2 of the Second Schedule to the Act, namely:—

“Provided that the share of the additional duties of excise payable to the State of Punjab as it existed immediately before the 1st day of November, 1966, shall be construed, as from that date, as payable to the State of Haryana and the State of Punjab and the Union in the proportion of 37·38:54·84:7·78:

Provided further that the share allocable to the Union shall be retained by it and shall not be withdrawn from the Consolidated Fund of India.”.

IV. AMENDMENTS TO THE ESTATE DUTY (DISTRIBUTION) ACT, 1962

The following provisos shall be inserted at the end of clause (b) of sub-section (2) of section 3 of the Act, namely:—

“Provided that the share payable under clause (b) to the State of Punjab, as it existed immediately before the 1st day of November, 1966, shall be construed, as from that date, as payable to the State of Haryana and the State of Punjab and the Union in the proportion of 37·38:54·84:7·78:

Provided further that the share allocable to the Union shall be retained by it and shall be deemed to form part of the Consolidated Fund of India.”.

THE THIRTEENTH SCHEDULE

(See section 48)

(1) Lands acquired for the sewerage scheme of Chandigarh:—

S. No.	Name of village	Habdist No.	Area in acres	Punjab Government notifica- tion under which acquired
1	2	3	4	5
1	Jagatpura . . .	261	4.58	C-3097-W-60/X/4564, dated 11th May, 1960.
2	Kambali . . .	225	4.18	C-47-(1)-W-I/7649, dated 14th March, 1966.
3	Taraf Kumbra . . .	5	6.07	
4	Kumbra . . .	6	5.38	
5	Kumbala . . .	226	20.28	C-2985-W-62/I/13254, dated 10th May, 1962.
6	Chilla . . .	3	5.62	C-6718-W-63/I/6071, dated 11th March, 1964.
7	Papri . . .	269	5.21	
8	Manauli . . .	270	4.28	
9	Chacho Majra . . .	268	8.52	10420-W-4-62/34079, dated 6/8th November, 1962.
10	Matran . . .	267	2.78	
11	Bakarpur . . .	264	3.68	
TOTAL . . .			70.58	

(2) Lands acquired for soil conservation measures in the catchment area of Sukhna Lake:—

S. No.	Name of village	Habdist No.	Area in acres	Punjab Government notifica- tion under which acquired
1	2	3	4	5
1	Suketri . . .	376	2452.07	517-Ft.-IV/63/474, dated 13th February, 1963.
2	Manakpur (Khol Gama)	104	346.45	1789-Ft.-IV/63/898, dated 15th March, 1963.
3	Kuranwala . . .	105	461.00	
4	Dhamala . . .	122	198.94	
5	Dara Khurani . . .	390	557.82	
6	Kansil . . .	354	2155.81	
TOTAL . . .			6172.09	

(3) Lands acquired for the setting up of brick kilns of the Chandigarh Capital Project:—

S. No.	Name of village	Habbast No.	Area in acres	Punjab Government notifica- tion under which acquired
1	2	3	4	5
I	Judian . . .	379	68.93	C-73-52/58, dated 8th January, 1952. C-504-56/VI/526, dated 21st January, 1956. C-1650-W-60/X/37469, dated 5th September, 1960.

THE FOURTEENTH SCHEDULE

(See section 58)

APPORTIONMENT OF LIABILITY IN RESPECT OF PENSIONS

1. Subject to the adjustments mentioned in paragraph 3, each of the successor States shall, in respect of pensions granted before the appointed day by the existing State of Punjab, pay the pensions drawn in its treasuries.
2. Subject to the said adjustments, the liability in respect of pensions of officers serving in connection with the affairs of the existing State of Punjab who retire or proceed on leave preparatory to retirement before the appointed day, but whose claims for pensions are outstanding immediately before that day, shall be the liability of the State of Punjab.
3. There shall be computed, in respect of the period commencing on the appointed day and ending on the 31st day of March, 1967, and in respect of each subsequent financial year, the total payments made in all the successor States in respect of the pensions referred to in paragraphs 1 and 2. That total representing the liability of the existing State of Punjab in respect of pensions shall be apportioned between the successor States in the population ratio and any successor State paying more than its due share shall be reimbursed the excess amount by the successor State or States paying less.
4. The liability of the existing State of Punjab in respect of pensions granted before the appointed day and drawn in any area outside the territories of the existing State shall be the liability of the State of Punjab subject to adjustments to be made in accordance with paragraph 3 as if such pensions had been drawn in any treasury in the State of Punjab under paragraph 1.

5. (1) The liability in respect of the pension of any officer serving immediately before the appointed day in connection with the affairs of the existing State of Punjab and retiring on or after that day, shall be that of the successor State granting the pension; but the portion of the pension attributable to the service of any such officer before the appointed day in connection with the affairs of the existing State of Punjab shall be allocated between the successor States in the population ratio, and the Government granting the pension shall be entitled to receive from each of the other successor States its share of this liability.

(2) If any such officer was serving after the appointed day in connection with the affairs of more than one successor State, the successor State or States other than the one granting the pension shall reimburse to the Government by which the pension is granted an amount which bears to the portion of the pension attributable to his service after the appointed day the same ratio as the period of his qualifying service after the appointed day under the reimbursing State bears to the total qualifying service of such officer after the appointed day reckoned for the purposes of pension.

6. Any reference in this Schedule to a pension shall be construed as including a reference to the commuted value of the pension.

THE FIFTEENTH SCHEDULE

(See section 70)

1. The Punjab State Co-operative Bank Ltd., Chandigarh.
2. The Punjab State Co-operative Land Mortgage Bank Ltd., Chandigarh.
3. The Punjab State Co-operative Supply and Marketing Federation Ltd., Chandigarh.
4. The Punjab Co-operative Union Ltd., Chandigarh.
5. The Punjab State Co-operative Labour and Construction Federation Ltd., Chandigarh.
6. The Punjab State Handloom Weavers Apex Co-operative Society Ltd., Chandigarh.

7. The Punjab State Co-operative Sugar Mills Federation Ltd., Chandigarh.
8. The Punjab State Federation of Consumers Co-operative Wholesale Stores Ltd., Chandigarh.
9. The Punjab State Co-operative Industrial Federation Ltd., Chandigarh.
10. The Rupar Central Co-operative Bank Ltd., Rupar.
11. The Ambala Central Co-operative Bank Ltd., Ambala City.
12. The Hoshiarpur Central Co-operative Bank Ltd., Hoshiarpur.
13. The Sangrur Central Co-operative Bank Ltd., Sangrur.
14. The Gurdaspur Central Co-operative Bank Ltd., Gurdaspur.
15. The Jogindra Central Co-operative Bank Ltd., Nalagarh.
16. The Hoshiarpur Primary Land Mortgage Bank Ltd., Hoshiarpur.
17. The Gurdaspur Primary Land Mortgage Bank Ltd., Gurdaspur.
18. The Sunam Primary Land Mortgage Bank Ltd., Sunam (Sangrur).
19. The Primary Co-operative Land Mortgage Bank Ltd., Chandigarh.
20. The Rupar Sub-Division Wholesale Co-operative Supply and Marketing Society Ltd., Rupar (Ambala).
21. The Hoshiarpur District Wholesale Co-operative Supply and Marketing Society Ltd., Hoshiarpur.
22. The Gurdaspur District Wholesale Co-operative Supply and Marketing Society Ltd., Gurdaspur.
23. The Sangrur District Wholesale Co-operative Supply and Marketing Society Ltd., Sangrur.
24. The Ambala Co-operative Labour and Construction Union Ltd., Ambala City.
25. The Gurdaspur Co-operative Labour and Construction Union Ltd., Gurdaspur.

Not Corrected; See India Code

[ACT No. 106] Punjab Reorganisation
THE SIXTEENTH SCHEDULE

(See section 77)

operative Who LIST OF INSTITUTIONS WHERE EXISTING FACILITIES SHOULD BE CONTINUED

1. Land Reclamation, Irrigation and Power Research Institute, Amritsar.
2. Hydraulic Research Institute, Malakpur.
3. Police Training School, Phillaur.
4. Finger Print Bureau, Phillaur.
5. Recruits Training Centre, Jahan Khelan.
6. Constables Advance Training Centre, Ambala.
7. Wireless Training Centre, Chandigarh.
8. Forensic Science Laboratory, Chandigarh.
9. Gram Sewak Training Centre, Nabha.
10. Gram Sewak Training Centre, Batala.
11. Panchayats Secretaries Training Centre, Rai, District Rohtak.
12. Dental College, Amritsar.
13. Ayurvedic College, Patiala.
14. Punjab Health School, Amritsar.
15. T.B. Centre, Patiala for T.B. Health Visitors course.
16. Punjab Mental Hospital, Amritsar.
17. T.B. Sanatorium, Amritsar.
18. T.B. Sanatorium, Tanda, District Kangra.
19. Hardinge Sanatorium, Dharampura, District Simla.
20. T.B. Hospital, Hermitage, Sangrur.
21. B.T. and B.Ed. Training Colleges at Simla, Dharamsala, Jullundur, Faridkot and Patiala.
22. College of Physical Education, Patiala.
23. Sports College for Boys, Jullundur.
24. Sports College for Women, Kurukshetra.
25. Bikram College of Commerce, Patiala.
26. Jail Training Centre, Hissar.
27. Government Institute for the Blind, Panipat.
28. Training Centre for the Adult Blind, Sonepat.
29. Training-cum-Production Centre and J.B.T. Training Centre, Gandhi Vanita Ashram, Jullundur.

Not Corrected: See India Code

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Punjab Reorganisation

[ACT 31 OF 1966]

30. After Care Home, Amritsar.
31. After Care Home, Madhuban (Karnal).
32. Protective Home, Sangrur.
33. Laboratory of Chemical Examiner, Patiala.
34. Hygiene and Vaccine Institute, Punjab, Amritsar.
35. Government Press, Chandigarh.
36. Post Graduate Institute of Medical Education and Research Chandigarh.
37. Punjab Engineering College, Chandigarh.
38. College of Architecture, Chandigarh.
39. General Hospital, Chandigarh.
40. Government College for Women, Chandigarh.
41. Government College for Men, Chandigarh.
42. Home Science College, Chandigarh.

**THE BEEDI AND CIGAR WORKERS (CONDITIONS OF
EMPLOYMENT) ACT, 1966**

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title, extent and commencement.
2. Definitions.
3. Industrial premises to be licensed.
4. Licences.
5. Appeals.
6. Inspectors.
7. Powers of Inspectors.
8. Cleanliness.
9. Ventilation.
10. Overcrowding.
11. Drinking water.
12. Latrines and urinals.
13. Washing facilities.
14. Creches.
15. First aid.
16. Canteens.
17. Working hours.
18. Wages for overtime work.
19. Interval for rest.
20. Spread over.
21. Weekly holidays.
22. Notice of periods of work.
23. Hours of work to correspond with notice under section 22.

SECTIONS

24. Prohibition of employment of children.
25. Prohibition of employment of women or young persons during certain hours.
26. Annual leave with wages.
27. Wages during leave period.
28. Application of the Payment of Wages Act, 1936 to industrial premises.
29. Special provisions.
30. Onus as to age.
31. Notice of dismissal.
32. Penalty for obstructing Inspector.
33. General penalty for offence.
34. Offences by companies.
35. Indemnity.
36. Cognizance of offences.
37. Application of the Industrial Employment (Standing Orders) Act, 1946 and the Maternity Benefit Act, 1961.
38. Certain provisions not to apply to industrial premises.
39. Application of the Industrial Disputes Act, 1947.
40. Effect of laws and agreements inconsistent with this Act.
41. Power to exempt.
42. Powers of Central Government to give directions.
43. Act not to apply to self-employed persons in private dwelling houses.
44. Power to make rules.

THE BEEDI AND CIGAR WORKERS (CONDITIONS
OF EMPLOYMENT) ACT, 1966

No. 32 OF 1966

[30th November, 1966]

An Act to provide for the welfare of the workers in beedi and cigar establishments and to regulate the conditions of their work and for matters connected therewith.

Be it enacted by Parliament in the Seventeenth year of the Republic of India as follows:—

1. (1) This Act may be called the Beedi and Cigar Workers (Conditions of Employment) Act, 1966. Short title,
extent and
commen-
cement.

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

(3) It 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 by the State Government for different areas and for different provisions of this Act.

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

(a) "adult" means a person who has completed eighteen years of age;

(b) "child" means a person who has not completed fourteen years of age;

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(c) "competent authority" means any authority authorised by the State Government by notification in the Official Gazette to perform all or any of the functions of the competent authority under this Act and for such areas as may be specified therein;

(d) "contractor" means a person who, in relation to a manufacturing process, undertakes to produce a given result by executing the work through contract labour or who engages labour for any manufacturing process in a private dwelling house and includes a sub-contractor, agent, *munshi*, *thekedar* or *sattedar*;

(e) "contract labour" means any person engaged or employed in any premises by or through a contractor, with or without the knowledge of the employer, in any manufacturing process;

(f) "employee" means a person employed directly or through any agency, whether for wages or not, in any establishment to do any work, skilled, unskilled, manual or clerical, and includes—

(i) any labour who is given raw materials by an employer or a contractor for being made into beedi or cigar or both at home (hereinafter referred to in this Act as "home worker"), and

(ii) any person not employed by an employer or a contractor but working with the permission of, or under agreement with, the employer or contractor;

(g) "employer" means,—

(a) in relation to contract labour, the principal employer, and

(b) in relation to other labour, the person who has the ultimate control over the affairs of any establishment or who has, by reason of his advancing money, supplying goods or otherwise, a substantial interest in the control of the affairs of any establishment, and includes any other person to whom the affairs of the establishment are entrusted, whether such other person is called the managing agent, manager, superintendent or by any other name;

(h) "establishment" means any place or premises including the precincts thereof in which or in any part of which any manufacturing process connected with the making of beedi or cigar or both is being, or is ordinarily, carried on and includes an industrial premises;

(i) "industrial premises" means any place or premises (not being a private dwelling house), including the precincts thereof, in which or in any part of which any industry or manufacturing process connected with the making of beedi or cigar or both is being, or is ordinarily, carried on with or without the aid of power;

(j) "Inspector" means an Inspector appointed under sub-section (1) of section 6;

(k) "manufacturing process" means any process for, or incidental to, making, finishing or packing or otherwise treating any article or substance with a view to its use, sale, transport, delivery or disposal as beedi or cigar or both;

(l) "prescribed" means prescribed by rules made by the State Government under this Act;

(m) "principal employer" means a person for whom or on whose behalf any contract labour is engaged or employed in an establishment;

(n) "private dwelling house" means a house in which persons engaged in the manufacture of beedi or cigar or both reside;

(o) "State Government", in relation to a Union territory, means the Administrator thereof;

(p) "week" means a period of seven days beginning at midnight on Saturday;

(q) "young person" means a person who has completed fourteen years of age but has not completed eighteen years of age.

8. Save as otherwise provided in this Act, no employer shall use or allow to be used any place or premises as an industrial premises unless he holds a valid licence issued under this Act and no such premises shall be used except in accordance with the terms and conditions of such licence.

Industrial
premises
to be
licensed.

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Licences.

4. (1) Any person who intends to use or allows to be used any place or premises as industrial premises shall make an application in writing to the competent authority, in such form and on payment of such fees as may be prescribed, for a licence to use, or allow to be used, such premises as an industrial premises.

(2) The application shall specify the maximum number of employees proposed to be employed at any time of the day in the place or premises and shall be accompanied by a plan of the place or premises prepared in such manner as may be prescribed.

(3) The competent authority shall, in deciding whether to grant or refuse a licence, have regard to the following matters:—

(a) the suitability of the place or premises which is proposed to be used for the manufacture of beedi or cigar or both;

(b) the previous experience of the applicant;

(c) the financial resources of the applicant including his financial capacity to meet the demands arising out of the provisions of the laws for the time being in force relating to welfare of labour;

(d) whether the application is made *bona fide* on behalf of the applicant himself or in benami of any other person;

(e) welfare of the labour in the locality, the interest of the public generally and such other matters as may be prescribed.

(4) (a) A licence granted under this section shall not be valid beyond the financial year in which it is granted but may be renewed from financial year to financial year.

(b) An application for the renewal of a licence granted under this Act shall be made at least thirty days before the expiry of the period thereof, on payment of such fees as may be prescribed, and where such an application has been made, the licence shall be deemed to continue, notwithstanding the expiry of the period thereof, until the renewal of the licence, or, as the case may be, the rejection of the application for the renewal thereof.

(c) The competent authority shall, in deciding whether to renew a licence or to refuse a renewal thereof, have regard to the matters specified in sub-section (3).

(5) The competent authority shall not grant or renew a licence unless it is satisfied that the provisions of this Act and the rules made thereunder have been substantially complied with.

(6) The competent authority may, after giving the holder of a licence an opportunity of being heard, cancel or suspend any licence

granted or renewed under this Act if it appears to it that such licence has been obtained by misrepresentation or fraud or that the licensee has contravened or failed to comply with any of the provisions of this Act or the rules made thereunder or any of the terms or conditions of the licence.

(7) The State Government may issue in writing to a competent authority such directions of a general character as that Government may consider necessary in respect of any matter relating to the grant or renewal of licences under this section.

(8) Subject to the foregoing provisions of this section, the competent authority may grant or renew licences under this Act on such terms and conditions as it may determine and where the competent authority refuses to grant or renew any licence, it shall do so by an order communicated to the applicant, giving the reasons in writing for such refusal.

5. Any person aggrieved by the decision of the competent Appeals authority refusing to grant or renew a licence or cancelling or suspending a licence may, within such time and on payment of such fees, not exceeding twenty rupees, as may be prescribed, appeal to such authority as the State Government may, by notification in the Official Gazette, specify in this behalf, and such authority may by order confirm, modify or reverse any order refusing to grant or renew a licence or cancelling or suspending a licence.

6. (1) The State Government may, by notification in the Official Gazette, appoint such of its officers or such officers of any local authority as it thinks fit to be Inspectors for the purposes of this Act and may assign to them such local limits as it may think fit.

(2) The State Government may, by notification in the Official Gazette, appoint any person to be a Chief Inspector who shall exercise the powers of an Inspector throughout the State.

(3) Every Chief Inspector and Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

7. (1) Subject to any rules made by the State Government in this behalf, an Inspector may, within the local limits for which he is appointed,—

(a) make such examination and hold such inquiry as may be necessary for ascertaining whether the provisions of this Act have been or are being complied with in any place or premises:

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Provided that no person shall be compelled under this section to answer any question or to give any evidence which may tend to incriminate himself;

(b) require the production of any prescribed register and any other document relating to the manufacture of beedi or cigar or both;

(c) enter, with such assistants as he thinks fit, at all times any place or premises including the residences of employees if he has reasonable grounds for suspecting that any manufacturing process is being carried on or is ordinarily carried on in any such place or premises;

(d) exercise such other powers as may be prescribed.

(2) If an Inspector has reasonable grounds for suspecting that any manufacturing process is being carried on in any establishment in contravention of the provisions of this Act, he may, after giving due notice to the employer or, in the absence of the employer, to the occupier, enter such establishment with such assistants, if any, as he may think fit.

(3) Every employer or occupier shall accord to the Chief Inspector or the Inspector, as the case may be, all reasonable facilities in the discharge of his duties under this Act.

Cleanli-
ness. 8. Every industrial premises shall be kept clean and free from effluvia arising from any drain, privy or other nuisance and shall also maintain such standard of cleanliness including white washing, colour washing, varnishing or painting, as may be prescribed.

Ventila-
tion. 9. (1) For the purpose of preventing injury to the health of the persons working therein, every industrial premises shall maintain such standards of lighting, ventilation and temperature, as may be prescribed.

(2) Wherever dust or fume or other impurity of such a nature and to such an extent as is likely to be injurious or offensive to the persons employed in any industrial premises is given off by reason of the manufacturing process carried on in such premises, the competent authority may require the employer to take such effective measures as may prevent the inhalation of such dust, fume or other impurity and accumulation thereof in any work room.

10. (1) No room in any industrial premises shall be overcrowded Overcrowding to an extent injurious to the health of the persons employed therein.

(2) Without prejudice to the generality of sub-section (1), there shall be in any work room of such premises at least four and a quarter cubic metres of space for every person employed therein, and for the purposes of this sub-section, no account shall be taken of any space which is more than three metres above the level of the floor of the work room.

11. (1) The employer shall make in every industrial premises Drinking effective arrangements to provide and maintain at suitable points water conveniently situated for all persons employed therein, a sufficient supply of wholesome drinking water.

(2) All such points shall be legibly marked "drinking water" in a language understood by the majority of the persons employed in the industrial premises and no such point shall be situated within six metres of any washing place, urinal or latrine except with the prior approval in writing of the competent authority.

12. (1) In every industrial premises, sufficient latrine and urinal Latrines accommodation of such types as may be prescribed shall be provided and shall be so conveniently situated as may be accessible to the employees at all times while they are in the industrial premises:

Provided that it shall not be necessary to provide separate urinals in industrial premises where less than fifty persons are employed or where the latrines are connected to a water-borne sewage system.

(2) The State Government may specify the number of latrines and urinals which shall be provided in any industrial premises in proportion to any number of male and female employees ordinarily employed therein, and may provide for such further matters in respect of sanitation in the industrial premises including obligation of the employees in this regard as it may consider necessary in the interest of the health of the persons employed therein.

13. In every industrial premises, where blending or sieving or Washing both of tobacco or warming of beedi in hot ovens is carried on, the facilities employer shall provide such washing facilities for the use of the employees, as may be prescribed.

14. (1) In every industrial premises wherein more than fifty Creches, female employees are ordinarily employed, there shall be provided

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and maintained a suitable room or rooms for the use of children under the age of six years of such female employees.

(2) Such rooms shall—

- (a) provide adequate accommodation;
- (b) be adequately lighted and ventilated;
- (c) be maintained in a clean and sanitary condition;
- (d) be under the charge of women trained in the care of children and infants.

(3) The State Government may make rules,—

- (a) prescribing the location and the standards in respect of construction, accommodation, furniture and other equipment of rooms to be provided under this section;
- (b) requiring the provision in any industrial premises to which this section applies, of additional facilities for the care of children belonging to female employees, including suitable provision of facilities for washing and changing their clothing;
- (c) requiring the provision in any industrial premises of free milk or refreshment or both for such children;
- (d) requiring that facilities shall be given in any industrial premises for the mothers of such children to feed them at necessary intervals.

First aid

15. Every industrial premises shall provide such first aid facilities as may be prescribed.

Canteens.

16. The State Government may, by rules, require the employer to provide and maintain in every industrial premises wherein not less than two hundred and fifty employees are ordinarily employed, a canteen for the use of the employees.

Working hours.

17. No employee shall be required or allowed to work in any industrial premises for more than nine hours in any day or for more than forty-eight hours in any week:

Provided that any adult employee may be allowed to work in such industrial premises for any period in excess of the limit fixed under this section subject to the payment of overtime wages if the period of work, including overtime work, does not exceed ten hours in any day and in the aggregate fifty-four hours in any week.

18. (1) Where any employee employed in any industrial premises is required to work overtime, he shall be entitled in respect of such overtime work, to wages at the rate of twice his ordinary rate of wages.

(2) Where the employees in an industrial premises are paid on a piece-rate basis, the overtime rate shall be calculated, for the purposes of this section, at the time rates which shall be as nearly as possible equivalent to the daily average of their full time earnings for the days on which they had actually worked during the week immediately preceding the week in which the overtime work has been done.

(3) For the purposes of this section, "ordinary rates of wages" means the basic wages plus such allowance, including the cash equivalent of the advantage accruing through the concessional sale to the employees of foodgrains and other articles as the employee is for the time being entitled to but does not include bonus.

(4) The cash equivalent of the advantage accruing through the concessional sale to an employee of foodgrains and other articles shall be computed as often as may be prescribed on the basis of the maximum quantity of foodgrains and other articles admissible to a standard family.

Explanation I.—"Standard family" means a family consisting of the employee, his or her spouse and two children requiring in all three adult consumption units.

Explanation II.—"Adult consumption units" means the consumption unit of a male above the age of fourteen years; and the consumption unit of a female above the age of fourteen years and that of a child shall be calculated at the rate of eight-tenths and six-tenths, respectively, of one adult consumption unit.

19. The periods of work for employees in an industrial premises each day shall be so fixed that no period shall exceed five hours and ~~for rest~~ that no employee shall work for more than five hours before he has had an interval for rest of at least half an hour.

20. The periods of work of an employee in an industrial premises shall be so arranged that inclusive of his intervals for rest under section 19, they shall not spread over more than ten and a half hours in any day:

Provided that the Chief Inspector may, for reasons to be specified in writing, increase the spread over to twelve hours.

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Weekly
holidays.

21. (1) Every industrial premises shall remain entirely closed, except for wetting of beedi or tobacco leaves, on one day in the week which day shall be specified by the employer in a notice exhibited in a conspicuous place in the industrial premises and the day so specified shall not be altered by the employer more often than once in three months and except with the previous written permission of the Chief Inspector.

(2) Notwithstanding anything contained in sub-section (1), an employee employed in the said premises for wetting of beedi or tobacco leaves on the day on which it remains closed in pursuance of sub-section (1), shall be allowed a substituted holiday on one of the three days immediately before or after the said day.

(3) For a holiday under this section, an employee shall be paid, notwithstanding any contract to the contrary, at the rate equal to the daily average of his total full time earnings for the days on which he had worked during the week immediately preceding the holiday exclusive of any overtime earnings and bonus but inclusive of dearness and other allowances.

Explanation.—The expression "total full time earnings" shall have the meaning assigned to it in section 27.

Notice of
periods
of work.

22. (1) There shall be displayed and correctly maintained in every industrial premises a notice of periods of work in such form and in such manner as may be prescribed, showing clearly for every day the periods during which the employees may be required to work.

(2) (a) A copy of the notice referred to in sub-section (1) shall be sent in triplicate to the Inspector having jurisdiction over the industrial premises within two weeks from the date of the grant of a licence for the first time under this Act, in the case of any industrial premises carrying on work at the commencement of this Act, and in the case of any industrial premises beginning work after such commencement, before the day on which the work is begun in the industrial premises.

(b) Any proposed change in the system of work which will necessitate a change in the notice referred to in sub-section (1) shall be notified to the Inspector in triplicate before the change is made and except with the previous sanction of the Inspector, no such change shall be made until one week has elapsed since the last change.

23. No employee shall be employed in any industrial premises otherwise than in accordance with the notice of work displayed in the premises under section 22.

Hours of
work to
correspond
with
notice
under
section
22.

24. No child shall be required or allowed to work in any industrial premises.

Prohibi-
tion of
employ-
ment of
children.

25. No woman or young person shall be required or allowed to work in any industrial premises except between 6 A.M. and 7 P.M.

Prohibi-
tion of
employ-
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women
or young
persons
during
certain
hours.

26. (1) Every employee in an establishment shall be allowed in a calendar year leave with wages—

Annual
leave
with
wages.

(i) in the case of an adult, at the rate of one day for every twenty days of work performed by him during the previous calendar year;

(ii) in the case of a young person at the rate of one day for every fifteen days of work performed by him during the previous calendar year.

Explanation.—The leave admissible under this sub-section shall be exclusive of all holidays whether occurring during, or at the beginning or at the end of, the period of leave.

(2) If an employee is discharged or dismissed from service or quits employment during the course of the year, he shall be entitled to leave with wages at the rate laid down in sub-section (1).

(3) In calculating leave under this section, any fraction of leave of half a day or more shall be treated as one full day's leave and any fraction of less than half a day shall be omitted.

(4) If any employee does not, in any calendar year, take the whole of the leave allowed to him under sub-section (1), the leave not taken by him shall be added to the leave to be allowed to him in the succeeding calendar year:

Provided that the total number of days of leave that may be carried forward to a succeeding year shall not exceed thirty in the case of an adult or forty in the case of a young person.

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(5) An application of an employee for the whole or any portion of the leave allowed under sub-section (1) shall be in writing and ordinarily shall have to be made sufficiently in advance of the day on which he wishes the leave to begin.

(6) If the employment of an employee who is entitled to leave under sub-section (1) is terminated by the employer before he has taken the entire leave to which he is entitled, or if having applied for leave, he has not been granted such leave, or if the employee quits his employment before he has taken the leave, the employer shall pay him the amount payable under section 27 in respect of leave not taken and such payment shall be made, where the employment of the employee is terminated by the employer, before the expiry of the second working day after such termination and where the employee quits his employment, on or before the next pay day.

(7) The leave not availed of by an employee shall not be taken into consideration in computing the period of any notice required to be given before discharge or dismissal.

**Wages
during
leave
period**

27. (1) For the leave allowed to him under section 26, an employee shall be paid at the rate equal to the daily average of his total full time earnings for the days on which he had worked during the month immediately preceding his leave exclusive of any overtime earnings and bonus but inclusive of dearness and other allowances.

Explanation I.—In this sub-section, the expression "total full time earnings" includes the cash equivalent of the advantage accruing through the concessional sale to employees of foodgrains and other articles, as the employee is for the time being entitled to, but does not include bonus.

Explanation II.—For the purpose of determining the wages payable to a home worker during leave period or for the purpose of payment of maternity benefit to a woman home worker, "day" shall mean any period during which such home worker was employed, during a period of twenty-four hours commencing at midnight, for making beedi or cigar or both.

(2) An employee who has been allowed leave for not less than four days in the case of an adult and five days in the case of a young person, shall, before his leave begins, be paid wages due for the period of the leave allowed.

**Applica-
tion of
the Pay-
ment of
Wages
Act, 1936
to indus-
trial pre-
mises.**

28. (1) Notwithstanding anything contained in the Payment of Wages Act, 1936 (hereinafter referred to in this section as the said Act), the State Government may, by notification in the Official Gazette, direct that all or any of the provisions of the said Act or the rules made thereunder shall apply to all or any class of employees in establishment or class of establishments to which this Act applies and on such application of the provisions of the said Act, an Inspector

mployment) [ACT 32]

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appointed under this Act shall be deemed to be the Inspector for the purposes of the enforcement of such provisions of the said Act within the local limits of his jurisdiction.

(2) The State Government may, by a like notification, cancel or vary any notification issued under sub-section (1).

29. (1) The State Government may permit the wetting or cutting of beedi or tobacco leaves by employees outside the industrial premises on an application made to it by the employer on behalf of such employees. Special provisions.

(2) The employer shall maintain in the prescribed form a record of the work permitted under sub-section (1) to be carried on outside the industrial premises.

(3) Save as otherwise provided in this section, no employer shall require or allow any manufacturing process connected with the making of beedi or cigar or both to be carried on outside the industrial premises:

Provided that nothing in this sub-section shall apply to any labour who is given raw material by an employer or a contractor for being made into beedi or cigar or both at home.

30. (1) When any act or omission would, if a person were under a certain age, be an offence punishable under this Act and such person is, in the opinion of the court, *prima facie* under such age, the burden shall be on the accused to prove that such person is not under such age. Onus as to age.

(2) A declaration in writing by a medical officer not below the rank of a Civil Assistant Surgeon relating to an employee that he has personally examined him and believes him to be under the age stated in such declaration, shall, for the purposes of this Act and the rules made thereunder, be admissible as evidence of the age of that employee.

31. (1) No employer shall dispense with the services of an employee who has been employed for a period of six months or more, except for a reasonable cause, and without giving such employee at least one month's notice or wages in lieu of such notice. Notice of dismissal.

Provided that such notice shall not be necessary if the services of such employee are dispensed with on a charge of misconduct supported by satisfactory evidence recorded at an inquiry held by the employer for the purpose.

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(2) (a) The employee discharged, dismissed or retrenched may appeal to such authority and within such time as may be prescribed either on the ground that there was no reasonable cause for dispensing with his services or on the ground that he had not been guilty of misconduct as held by the employer or on the ground that such punishment of discharge or dismissal was severe.

(b) The appellate authority may, after giving notice in the prescribed manner to the employer and the employee, dismiss the appeal or direct the reinstatement of the employee with or without wages for the period during which he was kept out of employment or direct payment of compensation without reinstatement or grant such other relief as it deems fit in the circumstances of the case.

(3) The decision of the appellate authority shall be final and binding on both the parties and be given effect to within such time as may be specified in the order of the appellate authority.

**Penalty
for ob-
structing
Inspector**

32. Whoever obstructs the Chief Inspector or an Inspector in the exercise of any powers conferred on him by or under this Act, or fails to produce on demand by the Chief Inspector or an Inspector any register or other document kept in his custody in pursuance of this Act or of any rules made thereunder, or conceals or prevents any employee in an industrial premises from appearing before or being examined by the Chief Inspector or an Inspector, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

**General
penalty
for
offence.**

33. (1) Save as otherwise expressly provided in this Act, any person who contravenes any of the provisions of this Act or of any rule made thereunder, or fails to pay wages or compensation in accordance with any order of the appellate authority passed under clause (b) of sub-section (2) of section 31, shall, be punishable, for the first offence, with fine which may extend to two hundred and fifty rupees and for a second or any subsequent offence with imprisonment for a term which shall not be less than one month or more than six months or with fine which shall not be less than one hundred rupees or more than five hundred rupees or with both.

(2) (a) Any employer who fails to reinstate any employee in accordance with the order of the appellate authority passed under clause (b) of sub-section (2) of section 31, shall be punishable with fine which may extend to two hundred and fifty rupees.

(b) Any employer, who, after having been convicted under clause (a), continues, after the date of such conviction to fail to reinstate

an employee in accordance with the order mentioned in that clause, shall be punishable, for each day of such default, with fine which may extend to twenty rupees.

(c) Any Court trying an offence punishable under this sub-section may direct that the whole or any part of the fine, if realised, shall be paid, by way of compensation, to the person, who, in its opinion, has been injured by such failure.

(3) Notwithstanding anything contained in the Payment of Wages Act, 1936 with regard to the definition of wages, any compensation required to be paid by an employer under clause (b) of sub-section (2) of section 31 but not paid by him shall be recoverable as delayed wages under the provisions of that Act.

(4) It shall be no defence in a prosecution of any person for the contravention of the provisions of section 3 that any manufacturing process connected with the making of beedi or cigar or both was carried on by such person himself or by any member of his family or by any other person living with or dependent on such person.

34. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was incharge 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 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, and other association of individuals; and

Offences by
Companies.

this Act, any
Act or of any
compensation in
passed under
punishable, for
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under clause
l to reinstate

(b) "director", in relation to a firm, means a partner in the firm.

Indemnity.

35. (1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder.

(2) No suit or other legal proceedings shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

Cognizance of offences

36. (1) No Court shall take cognizance of any offence punishable under this Act except upon a complaint made by, or with the previous sanction in writing of the Chief Inspector or an Inspector within three months of the date on which the alleged commission of the offence came to the knowledge of the Inspector:

Provided that where the offence consists of disobeying a written order made by the competent authority, the Chief Inspector or an Inspector, complaint thereof may be made within six months of the date on which the offence is alleged to have been committed.

(2) No Court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under this Act.

Application of the industrial Employment (Standing Orders) Act, 1946 and the Maternity Benefit Act, 1961.

37. (1) The provisions of the Industrial Employment (Standing Orders) Act, 1946 shall apply to every industrial premises wherein fifty or more persons are employed or were employed on any one day of the preceding twelve months as if such industrial premises were an industrial establishment to which that Act has been applied by a notification under sub-section (3) of section 1 thereof, and as if the employee in the said premises were a workman within the meaning of that Act.

(2) Notwithstanding anything contained in sub-section (1), the State Government may, after giving not less than two months' notice of its intention so to do, by notification in the Official Gazette, apply all or any of the provisions of the Industrial Employment (Standing Orders) Act, 1946, to any industrial premises wherein less than fifty employees are employed or were employed on any one day of the preceding twelve months as if such industrial premises were an industrial establishment to which that Act has been applied by a notification under sub-section (3) of section 1 thereof, and as if the employee in the said premises were a workman within the meaning of that Act.

53 of 1961.

(3) Notwithstanding anything contained in the Maternity Benefit Act, 1961, the provisions of that Act shall apply to every establishment as if such establishment were an establishment to which that Act has been applied by a notification under sub-section (1) of section 2 thereof:

Provided that the said Act shall, in its application to a home worker, apply subject to the following modifications, namely:—

(a) in section 5, in the *Explanation* to sub-section (1), the words "or one rupee a day, whichever is higher" shall be omitted; and

(b) sections 8 and 10 shall be omitted.

62 of 1948.

38. (1) Chapter IV and section 85 of the Factories Act, 1948 shall apply to an industrial premises and the rest of the provisions in that Act shall not apply to any industrial premises. Certain provisions not to apply to industrial premises.

(2) Nothing contained in any law relating to the regulation of the conditions of work of workers in shops or commercial establishments shall apply to any establishment to which this Act applies.

14 of 1947.

39. (1) The provisions of the Industrial Disputes Act, 1947 shall apply to matters arising in respect of every industrial premises. Application of the Industrial Disputes Act, 1947.

(2) Notwithstanding anything contained in sub-section (1), a dispute between an employer and employee relating to—

(a) the issue by the employer of raw materials to the employees,

(b) the rejection by the employer of beedi or cigar or both made by an employee,

(c) the payment of wages for the beedi or cigar or both rejected by the employer,

shall be settled by such authority and in such summary manner as the State Government may by rules specify in this behalf.

(3) Any person aggrieved by a settlement made by the authority specified under sub-section (2) may prefer an appeal to such authority and within such time as the State Government may, by notification in the Official Gazette, specify in this behalf.

(4) The decision of the authority specified under sub-section (3) shall be final.

40. (1) 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 the terms of any award, agreement, or contract of service whether made before or after the commencement of this Act: Effect of laws and agreements inconsistent with this Act.

332 Beedi and Cigar Workers (Conditions of Employment) ACT 32

Provided that where under any such award, agreement, contract of service or otherwise an employee is entitled to benefits in respect of any matters which are more favourable to him than those to which he will be entitled to under this Act, the employee shall continue to be entitled to the more favourable benefits in respect of that matter notwithstanding that he receives benefits in respect of other matters under this Act.

(2) Nothing contained in this Act shall be construed as precluding any employee from entering into an agreement with an employer for granting him rights or privileges in respect of any matter which are more favourable to him than those to which he would be entitled under this Act.

Power to exempt. 41. The State Government may, by notification in the Official Gazette, exempt, subject to such conditions and restrictions as it may impose, any class of industrial premises or class of employers or employees from all or any of the provisions of this Act or of any rules made thereunder:

Provided that nothing in this section shall be construed as empowering the State Government to grant any exemption in respect of any woman employee from any of the provisions of this Act or any rules made thereunder relating to annual leave with wages, maternity benefits, creches, wages, rejection of beedi or cigar and night work.

Powers of Central Government to give directions. 42. The Central Government may give directions to a State Government as to the carrying into execution of the provisions of this Act.

Act not to apply to self-employed persons in private dwelling houses. 43. Nothing contained in this Act shall apply to the owner or occupier of a private dwelling house who carries on any manufacturing process in such private dwelling house with the assistance of the members of his family living with him in such dwelling house and dependent on him:

Provided that the owner or occupier thereof is not an employee of an employer to whom this Act applies.

*Explanation.—*For the purposes of this section, "family" means the spouse and children of the owner or occupier.

44. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes 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 terms and conditions subject to which a licence may be granted or renewed under this Act and the fees to be paid in respect of such licence;
- (b) the form of application for a licence under this Act and the documents and plans to be submitted together with such application;
- (c) other matters which are to be taken into consideration by the competent authority for granting or refusing a licence;
- (d) the time within which, the fees on payment of which and the authority to which, appeals may be preferred against any order granting or refusing to grant a licence;
- (e) the submission of a monthly return by an employer to the competent authority specifying the quantity of tobacco released by the Central Excise Department and the number of beedi or cigar or both manufactured by him;
- (f) the powers which may be conferred on the Inspectors under this Act;
- (g) the standards of cleanliness required to be maintained under his Act;
- (h) the standards of lighting, ventilation and temperature required to be maintained under this Act;
- (i) the types of urinals and latrines required to be provided under this Act;
- (j) the washing facilities which are to be provided under this Act;
- (k) canteens;
- (l) the form and manner of notice regarding the periods of work;
- (m) the form in which records of work done outside an establishment shall be maintained;
- (n) the authority to which and the time within which an appeal may be filed by a dismissed, discharged or retrenched employee;

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(o) the manner in which the cash equivalent of the advantage accruing through the concessional sale to an employee of foodgrains and other articles shall be computed;

(p) the records and registers that shall be maintained in an establishment for the purpose of securing compliance with the provisions of this Act and the rules made thereunder;

(q) the maintenance of first aid boxes or cupboards and the contents thereof and the persons in whose charge such boxes shall be placed;

(r) the manner in which sorting or rejection of beedi or cigar or both and disposal of rejected beedi or cigar or both shall be carried out;

(s) the fixation of maximum limit of the percentage of rejection of beedi or cigar or both manufactured by an employee;

(t) specifying the place at which wages shall be paid to persons who receive directly or through an agent raw materials for the manufacture of beedi or cigar or both at home;

(u) supervision by the Inspectors over distribution of raw materials including beedi and tobacco leaves to the employees;

(v) precautions to be taken against fire for the safety of workers;

(w) authority by which and the manner in which a dispute as to the issue of raw materials shall be settled and the authority to which an appeal shall lie from the settlement made by the first-mentioned authority;

(x) any matter which is required to be, or may be, prescribed.

(3) All rules made under this Act shall be published in the Official Gazette and shall be subject to the condition of previous publication; and the dates to be specified under clause (3) of section 23 of the General Clauses Act, 1897, shall not be less than three months from 10 of 1897, the date on which draft of the proposed rules was published.

(4) Every rule made 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, while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which

it is so laid or the session immediately following the Legislatures agree in making any modification in the rule or the Legislatures 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 POLICE-FORCES (RESTRICTION OF RIGHTS)
ACT, 1966

No. 33 OF 1966

[2nd December, 1966]

An Act to provide for the restriction of certain rights conferred by Part III of the Constitution in their application to the members of the Forces charged with the maintenance of public order so as to ensure the proper discharge of their duties and the maintenance of discipline among them.

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

Short title,
extent
and com-
mencement.

1. (1) This Act may be called the Police-Forces (Restriction of Rights) Act, 1966.

(2) It extends to the whole of India.

(3) It shall come into force on such date¹ as may be appointed in this behalf by notification in the Official Gazette,—

(a) in a Union territory¹, by the Central Government; and

(b) in a State, by the Government of that State:

Provided that different dates may be appointed by the Central Government for different Union territories.

Defini-
tions.

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

(a) "member of a police-force" means any person appointed or enrolled under any enactment specified in the Schedule;

(b) "police-force" includes any force charged with the maintenance of public order;

(c) "prescribed" means prescribed by rules made under this Act.

[in the Union territory of Delhi] 1st December, 1966: vide Notification No. G.S.R. 1848, dated 3-12-1966, Gazette of India, Extraordinary, Pt. II, Sec. 3(l), p. 899.

3. (1) No member of a police-force shall, without the express sanction of the Central Government or of the prescribed authority,—

(a) be a member of, or be associated in any way with, any right to trade union, labour union, political association or with any class form association, freedom of speech, etc.

(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 of which he is a member 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 a police-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.

4. Any person who contravenes the provisions of section 3 shall, without prejudice to any other action that may be taken against him, be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both.

5. (1) The Central Government may, by notification in the Official Gazette, amend the Schedule by including therein any other enactment relating to a force charged with the maintenance of public order or by omitting therefrom any enactment already specified therein and on the publication of the notification such enactment shall be deemed to be specified in, or as the case may be, omitted from, the Schedule.

(2) A copy of every notification issued under sub-section (1) shall be laid before each House of Parliament, as soon as may be, after it is issued.

**Power to
make
rules.**

6. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

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

THE SCHEDULE

(See sections 2 and 5)

1. The Madras District Police Act, 1859 (24 of 1859).
2. The Andhra Pradesh (Andhra Area) District Police Act, 1859 (24 of 1859).
3. The Police Act, 1861 (5 of 1861).
4. The Calcutta Suburban Police Act, 1866 (Bengal Act 2 of 1866).
5. The Calcutta Police Act, 1866 (Bengal Act 4 of 1866).
6. The Bengal Police Act, 1869 (Bengal Act 7 of 1869).
7. The Police Act, 1888 (3 of 1888).
8. The Madras City Police Act, 1888 (Madras Act 3 of 1888).
9. The Bengal Military Police Act, 1892 (5 of 1892).
10. The Andhra Pradesh (Telangana Area) District Police Act, 1329 Fasli (10 of 1329 F).
11. The Eastern Frontier Rifles (West Bengal Battalion) Act, 1920 (Bengal Act 2 of 1920).
12. The Police Act, 1983 (1927 A.D.) (J & K Act 2 of 1983).
13. The Hyderabad City Police Act, 1348 Fasli (9 of 1348 F).
14. The Assam Rifles Act, 1941 (5 of 1941).
15. The Orissa Military Police Act, 1946 (Orissa Act 7 of 1946).
16. The Delhi Special Police Establishment Act, 1946 (25 of 1946).

17. The U.P. Pradeshik Armed Constabulary Act, 1948 (U.P. Act 40 of 1948).
18. The Central Reserve Police Act, 1949 (66 of 1949).
19. The Rajasthan Armed Constabulary Act, 1950 (Rajasthan Act 12 of 1950).
20. The Bombay Police Act, 1951 (Bombay Act 22 of 1951).
21. The Bombay State Reserve Police Force Act, 1951 (Bombay Act 38 of 1951).
22. The Kerala Police Act, 1960 (Kerala Act 5 of 1961).
23. The Mysore Police Act, 1963 (Mysore Act 4 of 1964).

41 [24. *The Nagaland Armed Police Act, 1966 (Nagaland Act No. 6 of 1966)*

42. Iss. by Notification No. G.S.R. 1720
dt. 6. 11. 67, Gaz. of India, Pt. II Sec. 3 (1), p 1870.

THE COMPANIES (AMENDMENT) ACT, 1966

No. 34 OF 1966

[3rd December, 1966]

An Act further to amend the Companies Act, 1956.

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

Short title
and com-
mence-
ment.

1. (1) This Act may be called the Companies (Amendment) Act, 1966.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

Amend-
ment of
section
240.

2. In section 240 of the Companies Act, 1956 (hereinafter referred to as the principal Act), in sub-section (1A), after the words "authorised by him in this behalf", the words "with the previous approval of that Government" shall be inserted.

Amend-
ment of
section
370.

3. In section 370 of the principal Act,—

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

"*Explanation 2.*—If a special resolution has been passed by the lending company authorising the Board of Directors to give any guarantee or provide any security up to a limit specified in the resolution, then, no further special resolution

¹1st April, 1967 : vide Notification No. G. S. R. 2025, dated 24-12-1966, Gazette of India, Pt-II, Sec. 3(i), p. 2351.

or resolutions shall be deemed to be necessary for giving any guarantee or providing any security within such limit.”;

(2) in sub-section (2),—

(a) in clause (a), in sub-clause (iii) and sub-clause (iv), the word “or” shall be inserted at the end;

(b) in clause (b), for sub-clause (iii), the following sub-clauses shall be substituted, namely:—

“(iii) by a banking company, or an insurance company, in the ordinary course of its business; or

(iv) by a private company, unless it is a subsidiary of a public company; or

(v) by a company established with the object of financing industrial enterprises.”.

THE DELHI MUNICIPAL CORPORATION (VALIDATION
OF ELECTRICITY TAX) ACT, 1966

No. 35 OF 1966

[3rd December, 1966]

An Act to validate the imposition and collection of certain taxes on the consumption or sale of electricity by the Delhi Municipal Corporation.

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

Short title. 1. This Act may be called the Delhi Municipal Corporation (Validation of Electricity Tax) Act, 1966.

Validation of levy, collection, etc., of tax on consumption or sale of electricity. 2. (1) Notwithstanding anything contained in section 150 read with sub-section (2) of section 109 of the Delhi Municipal Corporation Act, 1957, the resolution of the Delhi Municipal Corporation dated the 24th June, 1959, passed under sub-section (3) of section 150 aforesaid, in so far as the said resolution relates to the determination of the rates at which tax shall be leviable on the consumption or sale of electricity shall be deemed to have been passed in accordance with law and the rates specified in the said resolution in respect of tax on the consumption or sale of electricity shall be deemed to be, and to have been, the actual rates of the tax under the said Act with effect on and from the 1st day of July, 1959 and up to and inclusive of the 31st day of March, 1966.

(2) Notwithstanding anything contained in any judgment, decree or order of any court to the contrary, all taxes on the consumption or sale of electricity levied or collected or purporting to have been levied or collected in pursuance of the resolution referred to in sub-section (1) shall for all purposes, be deemed to be, and to have always been, validly levied or collected, and accordingly—

(a) all acts, proceedings or things done or taken by the Delhi Municipal Corporation or by any other authority in connection with the levy or collection of such taxes shall, for all purposes be deemed to be, and to have always been, done or taken in accordance with law;

(b) no suit or other proceedings shall be maintained or continued in any court against the Government, the Delhi Municipal Corporation or any person or authority whatsoever for the refund of any taxes so paid; and

(c) no court shall enforce any decree or order directing the refund of any taxes so paid.

Not Corrected: See India Code, Vol. I A, Pt. II, p. 65.

THE METAL CORPORATION OF INDIA (ACQUISITION OF UNDERTAKING) ACT, 1966

No. 36 OF 1966

[3rd December, 1966]

An Act to provide for the acquisition of the undertaking of the Metal Corporation of India Limited for the purpose of enabling the Central Government in the public interest to exploit, to the fullest extent possible, zinc and lead deposits in and around the Zawar area in the State of Rajasthan and to utilise those minerals in such manner as to subserve the common good.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Metal Corporation of India (Acquisition of Undertaking) Act, 1966.

Short title and comment-
ment.

(2) It shall be deemed to have come into force on the 22nd day of October, 1965, except section 17 which shall be deemed to have come into force on the 13th day of September, 1966.

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

Definitions.

(a) "administrator" means an administrator appointed under section 13;

(b) "commencement of this Act" means the 22nd day of October, 1965;

(c) "company" or "the Metal Corporation of India" means the Metal Corporation of India Limited, being a company as defined in the Companies Act, 1956, having its registered office at Calcutta; ^{I of 1956.}

(d) "Tribunal" means the Tribunal constituted under section 11;

(e) words and expressions used but not defined in this Act and defined in the Companies Act, 1956, shall have the meanings ^{I of 1956.} respectively assigned to them in that Act.

CHAPTER II

ACQUISITION OF THE UNDERTAKING OF THE METAL CORPORATION OF INDIA

**Undertaking of
company
to vest in
Central
Govern-
ment.**

**General
effect of
vesting
under
section 3.**

3. On the 22nd day of October, 1965, the undertaking of the company shall, by virtue of this Act, be deemed to have been transferred to, and vested in, the Central Government.

4. (1) The undertaking of the company shall be deemed to include all assets, rights, leaseholds (including mining leases, if any), powers, authorities and privileges and all property, movable and immovable, including lands, buildings, works, mines, workshops, projects, smelters, refineries, stores, instruments, machinery, locomotives, automobiles and other vehicles, mined or extracted zinc or lead ores, concentrates and metals, in process or in stock or in transit, cash balances, cash on hand, reserve fund, investments and book debts and all other rights and interests arising out of such property as were immediately before the commencement of this Act in the ownership, possession, power or control of the company in relation to the undertaking, whether within or without India, and all books of account, registers, maps, plans, sections, drawings, records of survey and all other documents of whatever nature relating thereto, and shall also be deemed to include all borrowings, liabilities and obligations of whatever kind then subsisting of the company in relation to the undertaking.

~~Not Corrected: See India Code~~

of 1966] Metal Corporation of India (Acquisition of Undertaking) 345

(2) All property included as aforesaid in the undertaking which has vested in the Central Government under section 3 shall, by force of such vesting, be freed and discharged from any trusts, obligations, mortgages, charges, liens and other encumbrances affecting it, and any attachment, injunction or any decree or order of a court restricting the use of such property in any manner shall be deemed to have been withdrawn.

(3) Subject to the other provisions contained in this Act, all contracts and working arrangements which are subsisting immediately before the commencement of this Act and affecting the company shall, in so far as they relate to the undertaking of the company, cease to have effect or be enforceable against the company or any person who was surety or had guaranteed the performance thereof and shall be of as full force and effect against or in favour of the Central Government and enforceable as fully and effectually as if instead of the company the Central Government had been named therein or had been a party thereto.

(4) Subject to the other provisions contained in this Act, any proceeding or cause of action pending or existing immediately before the commencement of this Act by or against the company in relation to its undertaking may, as from such commencement, be continued and enforced by or against the Central Government as it might have been enforced by or against the company if this Act had not been passed, and shall cease to be enforceable by or against the company, its surety or guarantor.

5. (1) Every officer or other employee of the company (except a director or any managerial personnel specified in section 197A of the Companies Act, 1956, or any other person entitled to manage the whole or a substantial part of the business of the company under a special agreement) in the employment of the company immediately before the commencement of this Act shall, in so far as such employee is employed in connection with the affairs of the undertaking of the company, become as from such commencement, an officer or other employee, as the case may be, of the Central Government and shall hold his office by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension and gratuity and other matters as he would have held under the company if this Act had not been passed and

shall continue to do so unless and until his employment in the Central Government is terminated or until his remuneration, terms and conditions are duly altered by the Central Government:

Provided that if the alteration so made is not acceptable to any such officer or employee, his employment may be terminated by the Central Government on payment to him by the Central Government of compensation equivalent to three months' remuneration in the case of permanent employees and one month's remuneration in the case of other employees:

Provided further that nothing contained in this section shall apply to any officer or other employee who has, by notice in writing given to the Central Government within thirty days next following the commencement of this Act, intimated his intention of not becoming an officer or other employee of the Central Government.

(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 employee of the company shall not entitle any such officer or employee to any compensation under that Act or other law, and no such claim shall be entertained by any court, tribunal or other authority.

Directors
and man-
aging
agents not
entitled
to com-
pensation.

6. Notwithstanding anything contained in any law for the time being in force, no director or managerial personnel specified in section 197A of the Companies Act, 1956, or other person entitled to manage the whole or a substantial part of the business and affairs of the company under a special agreement shall be entitled to any compensation against the company or the Central Government for the loss of office or for the premature termination of any contract of management entered into by him with the company.

Duty to
deliver
possession
of prop-
erty ac-
quired
and docu-
ments
relating
thereto.

7. (1) Where any property has vested in the Central Government under section 3, every person in whose possession or custody or under whose control the property may be, shall deliver the property to the Central Government forthwith.

(2) Any person who, on the commencement of this Act, has in his possession or under his control any books, documents or other papers relating to the company which have vested in the Central Government under this Act and which belong to the company or would have so belonged if the undertaking of the company had not vested in the Central Government shall be liable to account for the said books, documents and papers to the Central Government and shall deliver them up to the Central Government or to such person as the Central Government may specify in this behalf.

Not Corrected by J.S.B.

(3) The Central Government may take all necessary steps for securing possession of all properties which have vested in that Government under section 3.

8. The company shall, within such period as the Central Government may allow in this behalf, furnish to that Government a complete inventory of all the properties and assets (including particulars of book debts and investments and belongings) of the company at the commencement of this Act, all liabilities and obligations of the company subsisting at such commencement and also of all agreements entered into by the company and in force on such commencement including agreements, whether express or implied, relating to leave, pension, gratuity and other terms of service of any officer or other employee of the company under which, by virtue of this Act, the Central Government has, or will have, or may have, liabilities except such agreements as that Government may exclude from the operation of this section, and for this purpose, the Central Government shall afford the company all reasonable facilities.

Duty to
furnish
particu-
lars.

9. (1) Where it appears to the Central Government that the making of any agreement under which the company has or will have or may have liabilities was not reasonably necessary for the purposes of the activities of the company or has not been entered into in good faith, the Central Government may, within two years from the commencement of this Act, apply to the Tribunal for relief from the agreement and the Tribunal, if satisfied after making such inquiry in the matter as it thinks fit that the agreement was not reasonably necessary for the purposes of the activities of the company or has not been entered into in good faith, may make an order cancelling or varying the agreement on such terms as it may think fit to impose and the agreement shall thereupon have effect accordingly.

Right of
Govern-
ment
to dis-
claim
certain
agree-
ments.

(2) All the parties to the agreement which is sought to be cancelled or varied under this section shall be made parties to the proceeding.

10. (1) The Central Government shall pay compensation to the company for the acquisition of the undertaking of the company and such compensation shall be determined in accordance with the principles specified in the Schedule and in the manner hereinafter set out, that is to say,—

Compen-
sation
for
acquisi-
tion
of under-
taking.

(a) where the amount of compensation can be fixed by agreement, it shall be determined in accordance with such agreement;

- (b) where no such agreement can be reached, the Central Government shall refer the matter to the Tribunal within a period of three months from the date on which the Central Government and the company fail to reach an agreement regarding the amount of compensation.
- (2) Notwithstanding that separate valuations are calculated under the principles specified in the Schedule in respect of the several matters referred to therein, the amount of compensation to be given shall be deemed to be a single compensation to be given for the undertaking as a whole.
- (3) The amount of compensation determined in accordance with the foregoing provisions shall be paid to the company in cash within a period of six months from the date of such determination:

Provided that if compensation is not paid within the period aforesaid, the Central Government shall pay interest on the amount of compensation at the rate of four per cent. per annum from the date of expiry of the said period.

CHAPTER III

TRIBUNAL

Constitution of Tribunal.

11. (1) The Central Government may for the purposes of this Act constitute a Tribunal which shall consist of a single person who is, or has been, or is qualified to be, a Judge of a High Court or of the Supreme Court.
- (2) The Tribunal may choose one or more persons, possessing special knowledge of any matter relating to any case under inquiry to assist the Tribunal in determining any question which has to be decided by it under this Act.
- (3) The Tribunal shall have the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of 5 of 1908. the following matters, namely:—
- (a) summoning and enforcing the attendance of any person and examining him on oath;
 - (b) requiring the discovery and production of documents or other material objects producible as evidence;
 - (c) receiving evidence on affidavits;
 - (d) issuing commissions for the examination of witnesses or documents.

(4) The Tribunal shall have power to regulate its own procedure and decide all matters within its competence, and may review any of its decisions in the event of there being a mistake on the face of the record or correct any arithmetical or clerical error therein but subject thereto, the decision of the Tribunal on any matter within its jurisdiction shall be final and conclusive.

CHAPTER IV

MANAGEMENT AND ADMINISTRATION OF THE UNDERTAKING

12. For the efficient management and administration of the undertaking of the company vested in the Central Government by virtue of this Act, that Government may form a Government company in accordance with the provisions of the Companies Act, 1956 and on the formation of such company, the undertaking, together with all its properties, assets, liabilities and obligations specified in subsection (1) of section 4 and such other properties, assets, liabilities and obligations as may, after the commencement of this Act, be acquired or incurred for the purposes of the undertaking, shall, by virtue of this Act, stand transferred to, and vest in, that Government company.

13. (1) Pending the formation of the Government company referred to in section 12, the Central Government may appoint one, or more than one, administrator for the efficient management and administration of the undertaking.

(2) Such administrator or administrators shall, in the management and administration of the undertaking, act in accordance with such directions, if any, as may be issued by the Central Government in this behalf.

CHAPTER V

MISCELLANEOUS

14. (1) Any person who—

Penalties.

(a) having in his possession, custody or control any property forming part of the undertaking of the company, wrongfully withholds such property from the Central Government; or

(b) wrongfully obtains possession of any property forming part of the undertaking of the company which has vested in the Central Government under this Act; or

(c) wilfully withholds or fails to furnish to the Central Government or any person specified by that Government as required by sub-section (2) of section 7 any document which may be in his possession, custody or control; or

(d) wilfully fails to furnish an inventory as required under section 8; or

(e) when required to furnish such inventory, furnishes any particulars therein which are false and which he either knows or believes to be false or does not believe to be true,

shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both:

Provided that the court trying any offence under clause (a) or clause (b) or clause (c) of this sub-section may, at the time of convicting the accused person, order him to deliver up or refund within a time to be fixed by the court any property wrongfully withheld or wrongfully obtained or any document wilfully withheld or not furnished:

Provided further that nothing contained in this section or any other provision of this Act shall render any person liable to be convicted of an offence in respect of anything done or omitted to be done by him before the 13th day of September, 1966.

(2) No court shall take cognizance of an offence punishable under this section except with the previous sanction of the Central Government or of an officer authorised by that Government in this behalf.

Protection of action taken under this Act. 15. No suit, prosecution or other legal proceeding shall lie against the Central Government or an administrator or an officer or other employee serving in connection with the affairs of the undertaking of the company for anything which is in good faith done or intended to be done under this Act.

Power to make rules. 16. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes 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 successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in

Not Corrected: See India Code

OF 1966]

Metal Corporation of India (Acquisition
of Undertaking)

351

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.

17. Notwithstanding any judgment, decree or order of any court,— Certain actions,
etc.,
deemed
to be
taken
under
this
Act.

1 of 1956.
44 of 1965.

(a) the Government company called the Hindustan Zinc Limited, having its registered office at Udaipur, formed under the Companies Act, 1956, in pursuance of section 12 of the Metal Corporation of India (Acquisition of Undertaking) Act, 1965, which has been declared to be unconstitutional and void (hereinafter referred to as the said Act), shall be deemed to be and to have been formed under the Companies Act, 1956, in pursuance of section 12 of this Act; and the undertaking of the Metal Corporation of India together with all properties, assets, liabilities and obligations referred to in section 12 of this Act shall be deemed to have been transferred to, and vested in, the said Government company on the date of its formation;

(b) any rule, order or appointment purporting to have been made, any decision or direction purporting to have been given, any action or proceeding purporting to have been taken, or anything purporting to have been done under any provision of the said Act shall be deemed to be and to have been a rule, order or appointment made, decision or direction given, action or proceeding taken, or thing done under the corresponding provision of this Act.

18. (1) The Metal Corporation of India (Acquisition of Under-
10 of 1966. taking) Ordinance, 1966, is hereby repealed.

Repeal
and
saving.

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

THE SCHEDULE

(See section 10)

PRINCIPLES FOR DETERMINING COMPENSATION FOR ACQUISITION OF THE UNDERTAKING

Paragraph I.—The compensation to be paid by the Central Government to the company in respect of the acquisition of the undertaking thereof shall be an amount equal to the sum total of the value

of the properties and assets of the company as on the commencement of this Act calculated in accordance with the provisions of paragraph II less the sum total of the liabilities and obligations of the company as on such commencement calculated in accordance with the provisions of paragraph III, together with interest on such amount calculated in accordance with the provisions of paragraph IV.

Paragraph II.—(a) The market value at the commencement of this Act—

(i) of any land or buildings;

(ii) of any plant, machinery or other equipment;

(iii) of any shares, securities or other investments held by the company;

(b) the total amount of the premiums paid up to the commencement of this Act by the company in respect of all leasehold properties reduced in the case of each such premium by an amount which bears to such premium the same proportion as the expired term of the lease in respect of which such premium shall have been paid bears to the total term of the lease;

(c) the amount of debts due at the commencement of this Act to the company, whether secured or unsecured, to the extent to which they are reasonably considered to be recoverable;

(d) the amount of cash held at the commencement of this Act by the company, whether in deposit with a bank or otherwise;

(e) the market value at the commencement of this Act of all tangible assets and properties other than those falling within any of the preceding clauses.

Paragraph III.—The total amount of liabilities and obligations incurred by the company in connection with the formation, management and administration of the undertaking and subsisting immediately before the commencement of this Act.

Paragraph IV.—The interest referred to in paragraph I shall be on the amount mentioned in the said paragraph for the period commencing on the 22nd day of October, 1965, and ending with the 13th day of September, 1966, calculated at the average bank rate during the said period.

THE COMPANIES (SECOND AMENDMENT) ACT, 1966

No. 37 OF 1966

[4th December, 1966]

An Act further to amend the Companies Act, 1956.

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

1. This Act may be called the Companies (Second Amendment) Short title. Act, 1966.

1 of 1956. 2. In section 108 of the Companies Act, 1956,—

(I) for sub-sections (1A), (1B) and (1C), the following sub-sections shall be, and shall be deemed to have been, substituted on the 1st day of April, 1966, namely:—

“(1A) Every instrument of transfer of shares shall be in such form as may be prescribed, and—

(a) every such form shall, before it is signed by or on behalf of the transferor and before any entry is made therein, be presented to the prescribed authority, being a person already in the service of the Government, who shall stamp or otherwise endorse thereon the date on which it is so presented, and

(b) every instrument of transfer in the prescribed form with the date of such presentation stamped or otherwise endorsed thereon shall, after it is executed by or on behalf of the transferor and the transferee and completed in all other respects, be delivered to the company,—

(i) in the case of shares dealt in or quoted on a recognised stock exchange, at any time before the date on which the register of members is closed, in accordance with law, for the first time after the date of the presentation of the prescribed form to the prescribed authority under clause (a) or within two months from the date of such presentation, whichever is later;

Amend-
ment
of section
108 of the
Companies
Act, 1956.

(ii) in any other case, within two months from the date of such presentation.

(1B) Notwithstanding anything contained in sub-section (1A), an instrument of transfer of shares, executed before the commencement of section 13 of the Companies (Amendment) Act, 1965, or executed after such commencement in a form other than the prescribed form, shall be accepted by a company,—

31 of 1965.

(a) in the case of shares dealt in or quoted on a recognised stock exchange, at any time not later than the expiry of six months from such commencement or the date on which the register of members is closed, in accordance with law, for the first time after such commencement, whichever is later;

(b) in any other case, at any time not later than the expiry of six months from such commencement.

(1C) Nothing contained in sub-sections (1A) and (1B) shall apply to—

(A) any share—

(i) which is held by a company in any other body corporate in the name of a director or nominee in pursuance of sub-section (2), or as the case may be, sub-section (3), of section 49, or

(ii) which is held by a corporation, owned or controlled by the Central Government or a State Government, in any other body corporate in the name of a director or nominee, or

(iii) in respect of which a declaration has been made to the Public Trustee under section 153B,

If—

(1) the company or corporation, as the case may be, stamps or otherwise endorses, on the form of transfer in respect of such share, the date on which it decides that such share shall not be held in the name of the said director or nominee or, as the case may be, in the case of any share in respect of which any such declaration has been made to the Public Trustee, the Public Trustee stamps or otherwise endorses, on the form of transfer in respect of such share under his seal, the date on which the form is presented to him, and

OF 1966]

Companies (Second Amendment)

(2) the instrument of transfer in such form, duly completed in all respects, is delivered to the—

(a) body corporate in whose share such company or corporation has made investment in the name of its director or nominee, or

(b) company in which such share is held in trust,

within two months of the date so stamped or otherwise endorsed;

or

(B) any share deposited by any person with—

(i) the State Bank of India, or

(ii) any scheduled bank, or

(iii) any banking company (other than a scheduled bank) or financial institution approved by the Central Government by notification in the Official Gazette (and any such approval may be accorded so as to be retrospective to any date not earlier than the 1st day of April, 1966), or

(iv) the Central Government or a State Government or any corporation owned or controlled by the Central Government or State Government,

by way of security for the repayment of any loan or advance to, or for the performance of any obligation undertaken by, such person, if—

(1) the bank, institution, Government or corporation, as the case may be, stamps or otherwise endorses on the form of transfer of such share—

(a) the date on which such share is returned by it to the depositor, or

(b) in the case of failure on the part of the depositor to repay the loan or advance or to perform the obligation, the date on which such share is released for sale by such bank, institution, Government or corporation, as the case may be, or

(c) where the bank, institution, Government or corporation, as the case may be, intends to get such share registered in its own name, the date on which the instrument of transfer relating to such share is executed by it; and

(2) the instrument of transfer in such form, duly completed in all respects, is delivered to the company within two months from the date so stamped or endorsed.

Explanation.—Where any investment by a company or a corporation in the name of its director or nominee referred to in clause (A) (i) or clause (A) (ii), or any declaration referred to in clause (A) (iii), or any deposit referred to in clause (B), of this sub-section is made after the expiry of the period or date mentioned in clause (a) of sub-section (1B) or after the expiry of the period mentioned in clause (b) of that sub-section, as the case may be, the form of transfer, in respect of the share which is the subject of such investment, declaration or deposit, means the prescribed form;

or

(C) any share which is held in any company by the Central Government or a State Government in the name of its nominee, except that every instrument of transfer which is executed on or after the 1st day of October, 1966, in respect of any such share shall be in the prescribed form.”;

(II) in sub-section (1D),—

(i) after the words, brackets, figure and letter “or sub-section (1B)”, the words, brackets, figure and letter “or sub-section (1C)” ; and

(ii) after the words “as it may deem fit”, the words “whether such application is made before or after the expiry of the periods aforesaid”

shall be, and shall be deemed to have been, inserted on the 1st day of April, 1966.

**Valida-
tion.**

3. Notwithstanding any judgment, decree or order of any court or tribunal to the contrary, or anything contained in any law for the time being in force, no order, rule, regulation or appointment made, direction given or thing done, by the Chairman or any other member of the Company Law Board, acting individually, before the commencement of the Companies (Amendment) Act, 1965, shall be deemed to be invalid, or ever to have become invalid, by reason only of the fact that such Chairman or other member, acting individually, had no power to make such order, rule, regulation or appointment or give such direction or do such thing and every such

order, rule, regulation or appointment made and every such direction given and thing done shall be deemed to have been made, given or done, as the case may be, by the Company Law Board.

11 of 1966. 4. (1) The Companies (Amendment) Ordinance, 1966 is hereby ~~Repeal and saving.~~

(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 provision of this Act, as if this Act had commenced on the 21st day of September, 1966.

**THE GOA, DAMAN AND DIU (OPINION POLL)
ACT, 1966**

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and commencement.
2. Definitions.
3. Opinion poll to ascertain the future status of Goa, Daman and Diu.
4. Persons entitled to vote at opinion poll.
5. Fees not to be paid on applications for inclusion of names in electoral roll, etc.
6. Conduct of opinion poll under the superintendence, direction and control of Chief Election Commissioner.
7. Opinion poll commissioner.
8. Assistant opinion poll commissioners.
9. Opinion poll commissioner to include assistant opinion poll commissioners performing the functions of opinion poll commissioner.
10. General duty of opinion poll commissioner.
11. Provision of polling stations.
12. Appointment of presiding officers for polling stations.
13. General duty of presiding officer.
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SECTIONS

21. Special procedure for voting by certain classes of persons.
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30. Other electoral offences.
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32. Delegation of functions of Chief Election Commissioner
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34. Jurisdiction of civil courts barred.
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THE GOA, DAMAN AND DIU (OPINION POLL)
ACT, 1966

No. 38 OF 1966

[11th December, 1966]

An Act to provide for the taking of an opinion poll to ascertain the wishes of the electors of Goa, Daman and Diu with regard to the future status thereof and for matters connected therewith.

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

Short title
and com-
mence-
ment.

1. (1) This Act may be called the Goa, Daman and Diu (Opinion Poll) Act, 1966.

(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 different provisions of this Act.

Defini-
tions.

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

(a) "Administrator" means the Administrator of the Union territory of Goa, Daman and Diu, appointed by the President under article 239 of the Constitution;

(b) "Chief Election Commissioner" means the Chief Election Commissioner appointed by the President under article 324 of the Constitution;

¹12th December, 1966; vide Notification No. GSR 1893, dated 12-12-1966, Gazette of India, Ex., Pt. II, Sec. 3(i), p. 915.

(c) "Daman" means the area comprised in the Daman assembly constituency;

(d) "Diu" means the area comprised in the Diu assembly constituency;

(e) "elector" means—

(i) in relation to Goa, a person whose name is entered in the electoral roll of an assembly constituency for the time being in force in Goa; and

(ii) in relation to Daman and Diu, a person whose name is entered in the electoral roll of an assembly constituency for the time being in force either in Daman or in Diu;

(f) "Goa" means the area comprised in the assembly constituencies of the Union territory other than the areas comprised in the Daman assembly constituency and the Diu assembly constituency;

(g) "opinion poll" means a poll taken to ascertain the wishes of the electors in pursuance of the provisions of this Act;

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

(i) "Union territory" means the Union territory of Goa, Daman and Diu;

(j) all other words and expressions used but not defined in this Act and defined in the Representation of the People Act, 1950, or, as the case may be, in the Representation of the People Act, 1951, shall have the meanings respectively assigned to them in those Acts.

3. An opinion poll shall be taken for the purpose of ascertaining— Opinion poll to ascertain the future status of Goa, Daman and Diu.

(a) the wishes of the electors of Goa as to whether Goa should merge in the State of Maharashtra or should continue to be Union territory;

(b) the wishes of the electors of Daman and Diu as to whether Daman and Diu should merge in the State of Gujarat or should continue to be Union territory.

4. Subject to the provisions of section 23— Persons entitled to vote at opinion poll.

(a) every elector of an assembly constituency in Goa, and no other person, shall be entitled to vote at the opinion poll taken in relation to Goa;

(b) every elector of the Daman assembly constituency and the Diu assembly constituency, and no other person, shall be entitled to vote at the opinion poll taken in relation to Daman and Diu.

Fees
not to be paid on applications for inclusion of names in electoral roll, etc.

5. Notwithstanding anything contained in the Representation of the People Act, 1950, or in any rule made thereunder, no fee ~~as of 1950~~ shall be payable in respect of—

(a) any application for inclusion of any name in the electoral roll of any assembly constituency in Goa, Daman and Diu under section 23 of that Act; or

(b) any appeal preferred against any order made on such application,

if such application or appeal is made or preferred within a period of thirty days immediately following the commencement of this Act.

Conduct of opinion poll under the superintendence, direction and control of Chief Election Commissioner.

6. The opinion poll shall be conducted under the superintendence, direction and control of the Chief Election Commissioner.

Opinion poll commissioner.

7. The Chief Election Commissioner shall designate or nominate one opinion poll commissioner in relation to the opinion poll in Goa and one opinion poll commissioner in relation to the opinion poll in Daman and Diu and each such opinion poll commissioner shall be an officer of Government.

Assistant opinion poll commissioners.

8. (1) The Chief Election Commissioner may appoint one or more persons to assist the opinion poll commissioner in the performance of his functions, and every such person shall be an officer of Government and shall be called an assistant poll commissioner.

(2) Every assistant opinion poll commissioner shall, subject to the control of the opinion poll commissioner, be competent to perform all or any of the functions of the opinion poll commissioner.

9. References in this Act to the opinion poll commissioner shall, unless the context otherwise requires, be deemed to include an assistant opinion poll commissioner performing any function which he is competent to perform under sub-section (2) of section 8.

Opinion
poll com-
missioner
to include
assistant
opinion
poll com-
missioners
perfor-
ing the
functions
of
opinion
poll com-
missioner.

10. It shall be the general duty of the opinion poll commissioner to do all such acts and things as may be necessary for effectually conducting the opinion poll in the manner provided in this Act and the rules or orders made thereunder.

General
duty of
opinion
poll com-
missioner.

11. The opinion poll commissioner of Goa and the opinion poll commissioner of Daman and Diu shall, with the previous approval of the Chief Election Commissioner, provide a sufficient number of polling stations respectively for Goa and for Daman and Diu, and shall publish, in such manner as the Chief Election Commissioner may direct, a list showing the polling stations so provided and the polling areas or groups of voters for which they have respectively been provided.

Provision
of polling
stations.

12. (1) The opinion poll commissioner of Goa and the opinion poll commissioner of Daman and Diu shall appoint a presiding officer for each polling station respectively in Goa and in Daman and Diu and such polling officer or officers as the opinion poll commissioner concerned thinks necessary, but he shall not appoint any person who has been employed by, or on behalf of, or has been otherwise working for, any political party:

Appoint-
ment of
presiding
officers
for polling
stations.

Provided that if a polling officer is absent from the polling station, the presiding officer may appoint any person who is present at the polling station other than a person who has been employed by, or on behalf of, or has been otherwise working for, any political party, to be a polling officer during the absence of the former officer, and inform the opinion poll commissioner concerned accordingly:

Provided further that nothing in this sub-section shall prevent the opinion poll commissioner from appointing the same person to be the presiding officer for more than one polling station in the same premises.

(2) A polling officer shall, if so directed by the presiding officer, perform all or any of the functions of the presiding officer under this Act and any rules or orders made thereunder.

(3) If the presiding officer, owing to illness or other unavoidable cause, is obliged to absent himself from the polling station, his functions shall be performed by such polling officer as has been previously authorised by the opinion poll commissioner to perform such functions during any such absence.

(4) References in this Act to the presiding officer shall, unless the context otherwise requires, be deemed to include any person performing any functions which he is directed or authorised to perform under sub-section (2) or sub-section (3), as the case may be.

General duty of presiding officer.

13. It shall be the general duty of the presiding officer at a polling station to keep order thereat and to see that the opinion poll is fairly taken.

Duty of a polling officer.

14. It shall be the duty of the polling officers at a polling station to assist the presiding officer for such station in the performance of his functions.

Staff of every local authority to be made available for work in connection with opinion poll.

15. Every local authority in the Union territory shall, when so requested by the Chief Election Commissioner or the opinion poll commissioner concerned, make available to such opinion poll commissioner such staff as may be necessary in the performance of any duties in connection with the opinion poll.

Notification for opinion poll.

16. The President shall, in consultation with the Chief Election Commissioner, by notification published in the Gazette of India, fix the date or dates on which an opinion poll shall be taken in accordance with the provisions of this Act and the rules or orders made thereunder in relation to Goa or, as the case may be, Daman and Diu.

Fixing time for opinion poll.

17. The Chief Election Commissioner shall fix the hours during which the opinion poll will be taken; and the hours so fixed shall be published in such manner as may be prescribed:

Provided that the total period allotted on any one day for polling at an opinion poll shall not be less than eight hours.

18. (1) If, at an opinion poll, the proceedings at any polling station provided under section 11 are interrupted or obstructed by any riot or open violence, or if it is not possible to conduct the poll at any polling station on account of any natural calamity or any other sufficient cause, the presiding officer for such polling station shall announce an adjournment of the opinion poll to a date to be notified later; and where the opinion poll is so adjourned by a presiding officer, he shall forthwith inform the opinion poll commissioner concerned.

(2) Whenever an opinion poll is adjourned under sub-section (1), the opinion poll commissioner shall immediately report the circumstances to the Chief Election Commissioner and shall, as soon as may be, with the previous approval of the Chief Election Commissioner, appoint the day on which the opinion poll shall recommence and fix the polling station at which, and the hours during which, the opinion poll will be taken, and shall not count the votes cast at such opinion poll until such adjourned opinion poll shall have been completed.

(3) In every such case as aforesaid, the opinion poll commissioner shall notify, in such manner as the Chief Election Commissioner may direct, the date, place and hours of polling fixed under sub-section (2).

19. (1) If at any opinion poll,—

(a) any ballot box used at a polling station is unlawfully taken out of the custody of the presiding officer or is accidentally or intentionally destroyed or lost, or is damaged or tampered with, to such an extent, that the result of the opinion poll at that polling station cannot be ascertained, or

(b) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station,

the opinion poll commissioner shall forthwith report the matter to the Chief Election Commissioner.

(2) Thereupon, the Chief Election Commissioner shall, after taking all material circumstances into account, either—

(a) declare the opinion poll at that polling station to be void, appoint a day, and fix the hours, for taking a fresh opinion poll at that polling station and notify the day so appointed and the hours so fixed in such manner as he may deem fit, or

Fresh opinion poll
in case of
destruction, etc.,
of ballot boxes.

(b) if satisfied that the result of a fresh opinion poll at that polling station will not, in any way, affect the result of the opinion poll or that the error or irregularity in procedure is not material, issue such directions to the opinion poll commissioner as he may deem proper for the further conduct and completion of the opinion poll.

(3) The provisions of this Act and the rules or orders made thereunder shall apply to every such fresh opinion poll as they apply to the original opinion poll.

Manner of voting at opinion poll.

20. At the opinion poll, votes shall be given by ballot in such manner as may be prescribed, and no votes shall be received by proxy.

Special procedure for voting by certain classes of persons.

21. Without prejudice to the generality of the provisions contained in section 20, provision may be made by rules made under this Act for enabling—

(a) any of the following persons to give his vote by postal ballot, and not in any other manner, at an opinion poll, namely:—

(i) a member of the Armed Forces of the Union or, as the case may be, of an armed police force of the Union territory, to whom the provisions of sub-section (3) of section 20 of the Representation of the People Act, 1950 apply;

43 of 1950.

(ii) a person who is employed under the Government of India in a post outside India;

(iii) the wife of any such person as is referred to in sub-clauses (i) and (ii) to whom the provisions of sub-section (6) of the said section 20 apply;

(b) any person subjected to preventive detention under any law for the time being in force to give his vote by postal ballot, and not in any other manner at an opinion poll, subject to the fulfilment of such requirements as may be specified in those rules.

Special procedure for preventing personalation of electors.

22. With a view to preventing personalation of electors, provision may be made by rules made under this Act,—

(a) for the marking with indelible ink on the thumb or any other finger, of every elector who applies for a ballot paper for the purpose of voting at a polling station before delivery of such paper to him;

(b) for prohibiting the delivery of any ballot paper to any person for voting at a polling station if at the time such person applies for such ballot paper he has already such a mark on his thumb or any other finger.

23. (1) No person shall vote at an opinion poll in the Union territory, if he is subject to any of the disqualifications referred to in section 16 of the Representation of the People Act, 1950.

Voting
at an
opinion
poll.

(2) No person shall, at an opinion poll, vote more than once, notwithstanding that his name may have been registered in the electoral roll more than once, and if he does so vote, all his votes shall be void.

(3) No person shall vote at an opinion poll if he is confined to any prison, whether under a sentence of imprisonment or transportation or otherwise, or is in the lawful custody of the police:

Provided that nothing in this sub-section shall apply to a person subjected to preventive detention under any law for the time being in force.

24. At the opinion poll, votes shall be counted by, or under the supervision and direction of, the opinion poll commissioner and a representative of each of the political parties for which a symbol has been exclusively reserved in Goa or, as the case may be, in Daman and Diu by the Election Commission shall have a right to be present at the time of counting.

Counting
of votes.

25. (1) If, at any time before the counting of votes is completed, any ballot papers used at a polling station are unlawfully taken out of the custody of the opinion poll commissioner or are accidentally destroyed or intentionally destroyed or lost or are damaged or tampered with, to such an extent that the result of the opinion poll at that polling station cannot be ascertained, the opinion poll commissioner shall forthwith report the matter to the Chief Election Commissioner.

Destruction,
loss,
etc., of
ballot
papers
at the
time of
counting.

(2) Thereupon, the Chief Election Commissioner shall, after taking all material circumstances into account, either—

(a) direct that the counting of votes be stopped, declare the opinion poll at that polling station to be void, appoint a day, and fix the hours, for taking a fresh opinion poll at that polling station and notify the day so appointed and hours so fixed in such manner as he may deem fit, or

(b) if satisfied that the result of a fresh opinion poll at that polling station will not, in any way, affect the result of the opinion poll, issue such directions to the opinion poll commissioner as he may deem proper for the resumption and completion of the counting and for the further conduct and completion of the opinion poll in relation to which the votes have been counted.

(3) The provisions of this Act and any rules or orders made thereunder shall apply to every such fresh opinion poll as they apply to the original opinion poll.

Declaration of results.

26. When the counting of votes has been completed, the opinion poll commissioner shall, unless otherwise directed by the Chief Election Commissioner, forthwith declare the result of the opinion poll in the manner provided by this Act or the rules made thereunder.

Report of the result.

27. As soon as may be after the result of the opinion poll has been declared, the opinion poll commissioner shall report the result to the Administrator and to the Chief Election Commissioner and the Administrator shall cause the same to be published in the Official Gazette.

Offences at opinion poll.

28. Section 171B (dealing with the offence of bribery), section 171C (dealing with the offence of undue influence at elections), section 171D (dealing with the offence of personation at elections), section 171E (dealing with punishment for bribery) and section 171F (dealing with punishment for undue influence or personation at an election) of the Indian Penal Code shall apply in relation to an opinion poll taken under this Act subject to the following modifications, namely:—

45 of 1860.

(a) any reference to a candidate shall be omitted;

(b) any reference to election shall be construed as a reference to opinion poll;

(c) any reference to electoral right shall be construed as a reference to the right of a person to vote or refrain from voting at an opinion poll.

Fresh opinion poll in

29. (1) If the Chief Election Commissioner, on receipt of a report from the opinion poll commissioner or otherwise, is satisfied that the opinion poll taken at any polling station or stations has not been a

free one by reason that any of the offences referred to in section 28 has been extensively committed in connection with such poll, he may make a report to the President recommending that a fresh opinion poll be taken at such polling station or stations.

case of extensive prevalence of offences referred to in section 28.

(2) The President may, after considering the report of the Chief Election Commissioner, direct that a fresh opinion poll shall be taken at such polling station or stations in accordance with the provisions of this Act and the rules or orders made thereunder and give such further directions for the completion of the opinion poll as he considers necessary.

30. The provisions of sections 125 to 132 and 134 to 136 of the Representation of the People Act, 1951, shall, so far as may be, apply to an opinion poll as they apply to an election under that Act, and any reference in those provisions to—

Other electoral offences.

(a) the chief electoral officer shall be omitted;

(b) a returning officer and an assistant returning officer shall be construed as a reference to an opinion poll commissioner and an assistant opinion poll commissioner respectively.

31. The provisions of sections 160 to 167 of the Representation of the People Act, 1951, shall apply, so far as may be, to and in relation to an opinion poll as they apply to and in relation to an election and any reference to the State Government in those sections shall be construed as a reference to the Administrator.

Application of certain provisions of Act 43 of 1951.

32. The functions of the Chief Election Commissioner under this Act or under the rules made thereunder may, subject to such general or special directions, if any, as may be given by the Chief Election Commissioner in this behalf, be performed also by a Deputy Election Commissioner or by the Secretary to the Election Commission.

Delegation of functions of Chief Election Commissioner.

33. (1) The Central Government may, after consultation with the Chief Election Commissioner, by notification in the Official Gazette, make rules for carrying out the purposes 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 duties of the opinion poll commissioner;

(b) the duties of presiding officers and polling officers at polling stations;

- (c) the manner in which votes are to be given both generally and in the case of illiterate voters or voters under physical or other disability and of the persons specified under section 21;
- (d) the manner of publication of the hours during which the opinion poll will be taken;
- (e) the procedure as to voting to be followed at an opinion poll to prevent personation of electors;
- (f) the manner of declaration of the result of the opinion poll;
- (g) any other matter required to be prescribed by, or provided for by rules under, this Act.

Jurisdiction of civil courts barred.

34. No civil court shall have jurisdiction to question the legality of any action taken or of any decision given by the Chief Election Commissioner or by the opinion poll commissioner or by any other person appointed under this Act in connection with an opinion poll.

Removal of difficulties.

35. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, do anything not inconsistent with such provisions which appears to it to be necessary or expedient for the purpose of removing the difficulty.

THE KERALA APPROPRIATION (No. 3) ACT, 1966

No. 39 OF 1966

[11th December, 1966]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Kerala for the services of the financial year 1966-67.

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

1. This Act may be called the Kerala Appropriation (No. 3) Act, Short title. 1966.

2. From and out of the Consolidated Fund of the State of Kerala 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 crore, sixty-eight lakhs, eighty-nine thousand and one hundred rupees towards defraying the several charges which will come in course of payment during the financial year 1966-67, 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 the State of Kerala 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	Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
XVI	University Education . . .	300	2,500	2,800
XVII	General Education . . .	30,000	17,600	47,600
XIX	Medical . . .	1,00,000	1,00,000	2,00,000
XXIII	Fisheries . . .		7,200	7,200
XXV	Animal Husbandry . . .	100	..	100
XXVI	Co-operation . . .	80,000	..	80,000
XXVII	Industries . . .	10,000	1,61,100	1,71,100
XXVIII	Community Development Projects, National Extension Service and Local Development Works.	..	12,100	12,100
XXX	Harijan Welfare . . .	9,00,000	20,000	9,20,000
XXXII	Irrigation . . .	100	..	100
XL	Miscellaneous . . .	6,82,400	..	6,82,400
XLIII	Capital Outlay on Public Health . . .	100	800	900
XLIV	Capital Outlay on Agricultural Improvement	1,58,100	1,58,100
XLV	Capital Outlay on Industrial and Economic Development . . .	63,97,100	23,800	64,20,900
XLVI	Capital Outlay on Irrigation . . .	30,00,000	..	30,00,000
XLVII	Capital Outlay on Public Works . . .	300	..	300
L	Capital Outlay on Transport Schemes . . .	1,08,500	..	1,08,500
LV	Loans and Advances by the Government . . .	50,77,000	..	50,77,000
TOTAL . . .		1,63,85,900	5,03,200	1,68,89,100

THE KERALA APPROPRIATION (No. 4) ACT, 1966

No. 40 OF 1966

[11th December, 1966]

An Act to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of the State of Kerala to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1963 in excess of the amounts granted for those services and for that year.

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

1. This Act may be called the Kerala Appropriation (No. 4) Act, 1966. Short title.

2. From and out of the Consolidated Fund of the State of Kerala, the sums specified in column 3 of the Schedule amounting in the aggregate to the sum of one crore, thirty-three lakhs, ten thousand, four hundred and sixty-five 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, 1963, in excess of the amounts granted for those services and for that year. Issue of Rs. 1,33,10,465 out of the Consolidated Fund of the State of Kerala to meet certain excess expenditure for the year ended on the 31st March, 1963.

3. The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of the State of Kerala 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, 1963.

THE SCHEDULE

(See sections 2 and 3)

No. of Vote	Services and purposes	Excess		
		Voted portion	Charged portion	Total
		Rs.	Rs.	Rs.
I	Agricultural Income-tax and Sales Tax . . .	68,421	..	68,421
III	Excise	143	143
	<i>Debt Charges</i>	5,27,825	5,27,825
XII	Jails . . .	1,39,707	..	1,39,707
XXI	Public Health Engineering . . .	35,05,960	..	35,05,960
XXXII	Irrigation . . .	5,64,780	..	5,64,780
XXXIII	Public Works . . .	8,53,463	..	8,53,463
XXXV	Transport Schemes . . .	1,27,768	..	1,27,768
XXXVII	Pensions . . .	5,98,191	43,041	6,41,232
XLV	Capital Outlay on Irrigation . . .	67,73,571	..	67,73,571
XLIX	Capital Outlay on Transport Schemes	31,412	31,412
LI	Commututed Value of Pensions . . .	76,183	..	76,183
	TOTAL . . .	1,27,08,944	6,02,421	1,33,10,465

THE KERALA APPROPRIATION (No. 5) ACT, 1966

No. 41 OF 1966

[11th December, 1966]

An Act to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of the State of Kerala to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1964, in excess of the amounts granted for those services and for that year.

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

1. This Act may be called the Kerala Appropriation (No. 5) Act, Short title.
1966.
2. From and out of the Consolidated Fund of the State of Kerala, Issue of Rs. 2,10,91,263 out of the Consolidated Fund of the State of Kerala to meet certain excess expenditure for the year ended on the 31st March, 1964.
the sums specified in column 3 of the Schedule amounting in the aggregate to the sum of two crores, ten lakhs, ninety-one thousand, two hundred and sixty-three rupees shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services specified in column 2 of the Schedule during the financial year ended on the 31st day of March, 1964, in excess of the amounts granted for those services and for that year.

Appropriation. 3. The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of the State of Kerala 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, 1964.

THE SCHEDULE

(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Excess		
		Voted portion	Charged portion	Total
		Rs.	Rs.	Rs.
I	Agricultural Income-tax and Sales Tax	1,03,865	1,702	1,05,567
III	Excise	125	125
	<i>Debt Charges</i>	10,27,582	10,27,582
X	District Administration and Miscellaneous	39,835	..	39,835
XI	Administration of Justice	11,714	11,714
XII	Jails	1,36,409	..	1,36,409
XVII	General Education	16,884	16,884
XXI	Public Health Engineering	28,75,164	..	28,75,164
XXII	Agriculture	2,01,844	6,72,781	8,74,625
XXV	Animal Husbandry	1,00,502	1,257	1,01,759
XXXVII	Pensions	31,23,600	..	31,23,600
XL	Miscellaneous	50,049	50,049
XLIII	Capital Outlay on Public Health	19,60,020	..	19,60,020
XLV	Capital Outlay on Industrial Development	8,253	8,253
XLVI	Capital Outlay on Irrigation	1,07,59,677	..	1,07,59,677
	TOTAL	1,93,00,916	17,90,347	2,10,91,263

THE APPROPRIATION (RAILWAYS) No. 3 ACT, 1966

No. 42 OF 1966

[11th December, 1966]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1966-67 for the purposes of Railways.

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

1. This Act may be called the Appropriation (Railways) No. 3 Short title. Act, 1966.

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 twenty-one thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1966-67, in respect of the services relating to railways specified in column 2 of the Schedule.

Issue of
Rs. 21,000
out of the
Consolidat-
ed Fund of
India for
the finan-
cial year
1966-67.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
13	Open Line Works (Revenue)	..	20,000	20,000
14	Construction of New Lines	1,000	..	1,000
	TOTAL	1,000	20,000	21,000

THE APPROPRIATION (RAILWAYS) No. 4 ACT, 1966

No. 43 OF 1966

[11th December, 1966]

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, 1964, in excess of the amounts granted for those services and for that year.

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

1. This Act may be called the Appropriation (Railways) No. 4 Short title. Act, 1966.
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 twenty-one crores, eighty-six lakhs, twenty-two thousand, six hundred and eighty rupees shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services relating to Railways specified in column 2 of the Schedule during the financial year ended on the 31st day of March, 1964, in excess of the amounts granted for those services and for that year.
Issue of Rs. 21,86,22,680 out of the Consolidated Fund of India to meet certain expenditure for the year ended on the 31st March 1964.
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, 1964.

THE SCHEDULE
(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sums aggregating to		
		Voted by Parliament	Charged on the Con- solidated Fund	Total
		Rs.	Rs.	Rs.
3	Payments to Worked Lines and Others	1,033	..	1,033
5	Working Expenses—Repairs and Maintenance	30,00,285	..	30,00,285
7	Working Expenses—Operation (Fuel)	30,84,805	..	30,84,805
8	Working Expenses—Operation Other than Staff and Fuel	60,17,172	..	60,17,172
12	Payments to General Revenues	91,90,396	..	91,90,396
14	Construction of New Lines	78,86,806	..	78,86,806
15	Open Line Works—Additions and Replacements	7,26,36,951	..	7,26,36,951
16	Open Line Works—Development Fund	19,50,965	..	19,50,965
18	Appropriation to Development Fund	11,48,54,317	..	11,48,54,317
	TOTAL	21,86,22,680	..	21,86,22,680

THE EMPLOYEES' STATE INSURANCE (AMENDMENT) ACT, 1966

No. 44 OF 1966

[11th December, 1966]

An Act further to amend the Employees' State Insurance Act, 1948.

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

1. (1) This Act may be called the Employees' State Insurance Short title, com-
(Amendment) Act, 1966.
mence-
ment and
applica-
tion.
- (2) It shall come into force on such date¹ as the Central Govern-
ment may, by notification in the Official Gazette, appoint, and
different dates may be appointed for different provisions of this
Act and for different States or for different parts thereof.

34 of 1948. (3) When the provisions of this Act amending the provisions of
the Employees' State Insurance Act, 1948 (hereinafter referred to
as the principal Act) relating to sickness and maternity benefits
come into force in any State or any part of a State, then, those
provisions of the principal Act as amended by this Act shall apply
to any employee in that State or part only on (and not before) the
expiry of the contribution period of such employee in force on the
date of the coming into force of the said provisions of this Act.

2. In section 2 of the principal Act,—

Amend-
ment of
section 2.

- (1) after clause (6), the following clause shall be inserted,
namely:—

'(6A) "dependant" means any of the following rela-
tives of a deceased insured person, namely:—

- (i) a widow, a minor legitimate or adopted son,
an unmarried legitimate or adopted daughter or a
widowed mother; and

¹The provisions of sub-section (4) of section 2, sections 4 to 13 (both inclusive),
sections 17, 28, 29, 31, 35, 36, 37 and 41, shall come into force on 17-6-1967 in the
whole of India, except the State of Jammu and Kashmir: *vide* Notifi. No. S.O.
2001, dated 3-6-67, Gazette of India, Pt. II, Sec. 3(ii), p. 2001.

(ii) if wholly dependent on the earnings of the insured person at the time of his death, a legitimate or adopted son or daughter who has attained the age of eighteen years and is infirm;

(iii) if wholly or in part dependent on the earnings of the insured person at the time of his death,—

(a) a parent other than a widowed mother,

(b) a minor illegitimate son, an unmarried illegitimate daughter or a daughter legitimate or adopted or illegitimate if married and a minor or if widowed and a minor,

(c) a minor brother or an unmarried sister or a widowed sister if a minor,

(d) a widowed daughter-in-law,

(e) a minor child of a pre-deceased son,

(f) a minor child of a pre-deceased daughter where no parent of the child is alive, or

(g) a paternal grand-parent if no parent of the insured person is alive;—

(2) for clause (8), the following clause shall be substituted, namely:—

(8) "employment injury" means a personal injury to an employee caused by accident or an occupational disease arising out of and in the course of his employment, being an insurable employment, whether the accident occurs or the occupational disease is contracted within or outside the territorial limits of India;—

(3) in clause (9),—

(a) for the words "but does not include", the following words shall be substituted, namely:—

"and includes any person employed for wages on any work connected with the administration of the factory or establishment or any part, department or branch thereof or with the purchase of raw materials for, or the distribution or sale of the products of, the factory or establishment; but does not include";

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

"(b) any person so employed whose wages (excluding remuneration for overtime work) exceed five hundred rupees a month:

Provided that an employee whose wages (excluding remuneration for overtime work) exceed five hundred rupees a month at any time after (and not before) the beginning of the contribution period, shall continue to be an employee until the end of that period;”;

(4) in clause (11), the words “where the insured person is a male,” shall be omitted;

(5) in clause (12),—

(a) in the first paragraph,—

(i) for the words “are working or were working”, the words “are employed or were employed for wages” shall be substituted;

(ii) for the words and figures “Indian Mines Act, 1923”, the words and figures “Mines Act, 1952” shall be substituted;

(b) in the second paragraph, the following shall be added at the end, namely:—

“and includes a factory which is engaged for a period not exceeding seven months in a year—

(a) in any process of blending, packing or re-packing of tea or coffee; or

(b) in such other manufacturing process as the Central Government may, by notification in the Official Gazette, specify”;

(6) after clause (13), the following clause shall be inserted, namely:—

“(13A) “insurable employment” means an employment in a factory or establishment to which this Act applies;”

(7) after clause (14), the following clauses shall be inserted namely:—

“(14A) “managing agent” means any person appointed or acting as the representative of another person for the purpose of carrying on such other person’s trade or business, but does not include an individual manager subordinate to an employer;

(14B) "mis-carriage" means expulsion of the contents of a pregnant uterus at any period prior to or during the twenty-sixth week of pregnancy but does not include any mis-carriage, the causing of which is punishable under the ^{45 of 1860.} Indian Penal Code;';

(8) after clause (15), the following clauses shall be inserted, namely:—

(15A) "permanent partial disablement" means such disablement of a permanent nature, as reduces the earning capacity of an employee in every employment which he was capable of undertaking at the time of the accident resulting in the disablement:

Provided that every injury specified in Part II of the Second Schedule shall be deemed to result in permanent partial disablement;

(15B) "permanent total disablement" means such disablement of a permanent nature as incapacitates an employee for all work which he was capable of performing at the time of the accident resulting in such disablement:

Provided that permanent total disablement shall be deemed to result from every injury specified in Part I of the Second Schedule or from any combination of injuries specified in Part II thereof where the aggregate percentage of the loss of earning capacity, as specified in the said Part II against those injuries, amounts to one hundred per cent. or more;';

(9) in clause (21), for the word "work" occurring at the end, the words "doing the work which he was doing prior to or at the time of the injury" shall be substituted;

(10) in clause (22), after the words "and includes", the words "any payment to an employee in respect of any period of authorised leave, lock-out, strike which is not illegal or lay-off and" shall be inserted;

(11) for clause (24), the following clause shall be substituted, namely:—

"(24) all other words and expressions used but not defined in this Act and defined in the Industrial Disputes

4 of 1947.

Act, 1947, shall have the meanings respectively assigned to them in that Act.”.

3. In Chapter I of the principal Act, after section 2, the following section shall be inserted, namely:—

“2A. Every factory or establishment to which this Act applies shall be registered within such time and in such manner as may be specified in the regulations made in this behalf.”.

Inser-
tion of
new sec-
tion 2A.
Registra-
tion of
factories
and estab-
lishments.

4. In section 4 of the principal Act,—

(a) for clauses (a) and (b), the following clauses shall be substituted, namely:—

“(a) a Chairman to be nominated by the Central Government;

(b) a Vice-Chairman to be nominated by the Central Government;”;

(b) in clause (c), the words “of whom at least three shall be officials of the Central Government” shall be omitted;

(c) in clause (h), the word “and” occurring at the end shall be omitted;

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

“(i) three members of Parliament of whom two shall be members of the House of the People (Lok Sabha) and one shall be a member of the Council of States (Rajya Sabha) elected respectively by the members of the House of the People and the members of the Council of States; and

(j) the Director General of the Corporation, *ex officio*. ”.

5. In section 5 of the principal Act,—

Amend-
ment of
section 5.

(a) in sub-section (1), for the words, brackets, letters and figure “the *ex officio* members and members referred to in clauses (c), (d) and (e) of section 4,” the words, brackets, letters and figure “the members referred to in clauses (a), (b), (c), (d) and (e) of section 4 and the *ex officio* member,” shall be substituted;

(b) in sub-section (2), for the brackets, letters and word “(c), (d) and (e)”, the brackets, letters and word “(a), (b), (c), (d) and (e)” shall be substituted.

386 Employees' State Insurance (Amendment)

[ACT 44]

Substitution of
new
section for
section 7.

Authenti-
cation of
orders,
decisions,
etc.

Amend-
ment of
section 8.

6. For section 7 of the principal Act, the following section shall be substituted, namely:—

"7. All orders and decisions of the Corporation shall be authenticated by the signature of the Director General of the Corporation and all other instruments issued by the Corporation shall be authenticated by the signature of the Director General or such other officer of the Corporation as may be authorised by him.”.

7. In section 8 of the principal Act,—

(a) in clause (b), for the words “being officials of the Central Government, nominated by that Government”, the words “nominated by the Central Government” shall be substituted;

(b) in clause (c),—

(i) for the word “six”, the word “eight” shall be substituted;

(ii) in sub-clauses (ii) and (iii), for the word “two” the word “three” shall be substituted;

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

“(d) the Director General of the Corporation, *ex officio*.”.

8. In section 10 of the principal Act, to sub-section (2), the following proviso shall be added, namely:—

“Provided that a member of the Medical Benefit Council shall, notwithstanding the expiry of the said period of four years continue to hold office until the nomination of his successor is notified.”.

9. In section 12 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) A person referred to in clause (i) of section 4 shall cease to be a member of the Corporation when he ceases to be a member of Parliament.”.

10. In section 16 of the principal Act, in sub-section (3), after the words “the Central Government”, the words “and of the Corporation” shall be inserted.

11. In section 17 of the principal Act,—

(a) in sub-section (3), for the words "posts carrying a maximum monthly pay of five hundred rupees and above", the words and figures "posts corresponding to Class I or Class II posts under the Central Government" shall be substituted;

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) If any question arises whether a post corresponds to a Class I or Class II post under the Central Government, the question shall be referred to that Government whose decision thereon shall be final."

12. Sections 27 and 31 of the principal Act shall be omitted.

Omission
of sections
27 and 31

13. In section 36 of the principal Act, after the words "the audited accounts of the Corporation", the words and figures "together with the auditor's report thereon under section 34" shall be inserted.

Amend-
ment of
section 34

14. In section 41 of the principal Act, the *Explanation* occurring at the end shall be omitted.

Amend-
ment of
section 41

15. In section 42 of the principal Act,—

Amend-
ment of
section 42

(a) in sub-section (1), for the words "one rupee", the words "one rupee and fifty paise" shall be substituted;

(b) in sub-section (2), for the words "during the whole or part of which an employee is employed" occurring at the end, the words "in respect of the whole or part of which wages are payable to the employee and not otherwise", shall be substituted;

(c) sub-sections (4) and (5) shall be omitted.

16. In section 43 of the principal Act, after clause (b), the following clause shall be inserted, namely:—

Amend-
ment of
section 43

"(bb) the date by which evidence of contributions having been paid is to be received by the Corporation;".

17. In Chapter IV of the principal Act, after section 45, the following sections shall be inserted, namely:—

Insertion
of new
sections
45A and
45B.

"45A. (1) Where in respect of a factory or establishment no returns, particulars, registers or records are submitted, furnished or maintained in accordance with the provisions of section 44 or any Inspector or other official of the Corporation referred to in sub-section (2) of section 45 is obstructed

Determina-
tion of
contribu-
tions in
certain
cases.

by the principal or immediate employer or any other person, in exercising his functions or discharging his duties under section 45, the Corporation may, on the basis of information available to it, by order, determine the amount of contributions payable in respect of the employees of that factory or establishment.

(2) An order made by the Corporation under sub-section (1) shall be sufficient proof of the claim of the Corporation under section 75 or for recovery of the amount determined by such order as an arrear of land revenue under section 45B.

**Recovery
of contri-
butions.**

**Amend-
ment of
section 46.**

45B. Any contribution payable under this Act may be recovered as an arrear of land revenue.”

18. In section 46 of the principal Act, in sub-section (1),—

(a) for the words “or, as the case may be, their dependants”, the words “their dependants or the persons hereinafter mentioned, as the case may be,” shall be substituted;

(b) in clause (a), after the words “medical practitioner” the following words shall be inserted, namely:—

“or by any other person possessing such qualifications and experience as the Corporation may, by regulations, specify in this behalf”;

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

“(b) periodical payments to an insured woman in case of confinement or mis-carriage or sickness arising out of pregnancy, confinement, premature birth of child or mis-carriage, such woman being certified to be eligible for such payments by an authority specified in this behalf by the regulations (hereinafter referred to as maternity benefit);”;

(d) in clause (d), the word “and” occurring at the end shall be omitted;

(e) in clause (e), the word “and” shall be inserted at the end and after that clause, the following clause shall be inserted, namely:—

“(f) payment to the eldest surviving member of the family of an insured person who has died, towards the expenditure on the funeral of the deceased insured person, or, where the insured person did not have a family or was not living with his family at the time of his death, to the

person who actually incurs the expenditure on the funeral of the deceased insured person (to be known as funeral benefit):

Provided that the amount of such payment shall not exceed one hundred rupees and the claim for such payment shall be made within three months of the death of the insured person or within such extended period as the Corporation or any officer or authority authorised by it in this behalf may allow.”.

19. For section 47 of the principal Act, the following section shall be substituted, namely:—

Substitution of new sec. tion for section 47.

“47. A person shall be qualified to claim sickness benefit for sickness occurring during any benefit period, if during the corresponding contribution period, weekly contributions in respect of him were payable for not less than thirteen weeks:

When person eligible for sick- ness bene- fit.

Provided that a person shall be qualified to claim sickness benefit for sickness occurring during the first benefit period, if during the corresponding contribution period weekly contributions in respect of him were payable for not less than half the number of weeks of that contribution period, ending in that period.”.

20. Section 48 of the principal Act shall be omitted.

Omission of section 48.

21. In section 49 of the principal Act,—

Amend- ment of section 49.

(a) for the words “Second Schedule”, the words “First Schedule” shall be substituted;

(b) in the first proviso, for the words “for an initial waiting period of two days”, the words “for the first two days of sickness” shall be substituted;

(c) for the second proviso, the following proviso shall be substituted, namely:—

“Provided further that sickness benefit shall not be paid to any person for more than fifty-six days in any two consecutive benefit periods.”.

Amend-
ment of
section 50.

22. In section 50 of the principal Act,—

(a) in sub-section (1),—

(i) for the words and figures "two-thirds of the number of weeks during which she shall be deemed to have been available for employment within the meaning of section 48, subject to a minimum of twelve contribution", the words "thirteen weeks" shall be substituted;

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

"Provided that an insured woman shall be qualified to claim maternity benefit for a confinement occurring or expected to occur during the first benefit period, if during the corresponding contribution period weekly contributions in respect of her were payable for not less than half the number of weeks of that contribution period ending in that period.";

(b) in sub-section (2),—

(i) for the word, brackets and figure "sub-section (3)", the words "the First Schedule" shall be substituted;

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

"Provided that where the insured woman dies during her confinement or during the period of six weeks immediately following her confinement for which she is entitled to maternity benefit, leaving behind in either case the child, maternity benefit shall be paid for the whole of that period but if the child also dies during the said period, then, for the days up to and including the day of the death of the child, to the person nominated by the insured woman in such manner as may be specified in the regulations and if there is no such nominee to her legal representative.";

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

"(3) An insured woman who is qualified to claim maternity benefit in accordance with sub-section (1) shall in case of mis-carriage, be entitled, on production of such proof as may be required under the regulations, to maternity benefit at the rates specified in the First Schedule for all days on which she does not work for remuneration dur-

ing a period of six weeks immediately following the date of her mis-carriage.

(4) An insured woman who is qualified to claim maternity benefit in accordance with sub-section (1), in case of sickness arising out of pregnancy, confinement, premature birth of child or mis-carriage shall, on production of such proof as may be required under the regulations, be entitled, in addition to the maternity benefit payable to her under any other provisions of this Act for all days on which she does not work for remuneration, to maternity benefit at the rates specified in the First Schedule for all days on which she does not work for remuneration during an additional period not exceeding one month.”.

23. For section 51 of the principal Act, the following sections shall be substituted, namely:—

‘51. Subject to the provisions of this Act and the regulations, if any,—

Substitution of new sections for section 51.
Disablement benefit.

(a) a person who sustains temporary disablement for not less than three days (excluding the day of accident) shall be entitled to periodical payment for the period of such disablement in accordance with the provisions of the First Schedule;

(b) a person who sustains permanent disablement, whether total or partial, shall be entitled to periodical payment for such disablement in accordance with the provisions of the First Schedule:

Provided that where permanent disablement, whether total or partial, has been assessed provisionally for a limited period or finally, the benefit provided under this clause shall be payable for that limited period, or as the case may be, for life.

51A. For the purposes of this Act, an accident arising in the course of an insured person's employment shall be presumed, in the absence of evidence to the contrary, also to have arisen out of that employment.

Presumption as to accident arising in course of employment.

Accidents happening while acting in breach of regulations, etc.

51B. An accident shall be deemed to arise out of and in the course of an insured person's employment notwithstanding that he is at the time of the accident acting in contravention of the provisions of any law applicable to him, or of any orders given by or on behalf of his employer or that he is acting without instructions from his employer, if—

(a) the accident would have been deemed so to have arisen had the act not been done in contravention as aforesaid or without instructions from his employer, as the case may be; and

(b) the act is done for the purpose of and in connection with the employer's trade or business.

Accidents happening while travelling in employer's transport.

51C. (1) An accident happening while an insured person is, with the express or implied permission of his employer, travelling as a passenger by any vehicle to or from his place of work shall, notwithstanding that he is under no obligation to his employer to travel by that vehicle, be deemed to arise out of and in the course of his employment, if—

(a) the accident would have been deemed so to have arisen had he been under such obligation; and

(b) at the time of the accident, the vehicle—

(i) is being operated by or on behalf of his employer or some other person by whom it is provided in pursuance of arrangements made with his employer, and

(ii) is not being operated in the ordinary course of public transport service.

(2) In this section "vehicle" includes a vessel and an aircraft.

Accidents happening while meeting emergency.

51D. An accident happening to an insured person in or about any premises at which he is for the time being employed for the purpose of his employer's trade or business shall be deemed to arise out of and in the course of his employment, if it happens while he is taking steps, on an actual or supposed

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emergency at those premises, to rescue, succour or protect persons who are, or are thought to be or possibly to be, injured or imperilled, or to avert or minimise serious damage to property.'

24. For section 52 of the principal Act, the following sections shall be substituted, namely:—

Substitution
of new sec-
tions for
section 52.

'52. (1) If an insured person dies as a result of an employment injury sustained as an employee under this Act (whether or not he was in receipt of any periodical payment for temporary disablement in respect of the injury) dependants' benefit shall be payable in accordance with the provisions of the First Schedule to his dependants specified in sub-clause (i) and sub-clause (ii) of clause (6A) of section 2.

Depen-
dant's
benefit.

(2) In case the insured person dies without leaving behind him the dependants as aforesaid, the dependants' benefit shall be paid to the other dependants of the deceased in accordance with the provisions of the First Schedule.

52A. (1) If an employee employed in any employment specified in Part A of the Third Schedule contracts any disease specified therein as an occupational disease peculiar to that employment, or if an employee employed in the employment specified in Part B of that Schedule for a continuous period of not less than six months contracts any disease specified therein as an occupational disease peculiar to that employment or if an employee employed in any employment specified in Part C of that Schedule for such continuous period as the Corporation may specify in respect of each such employment, contracts any disease specified therein as an occupational disease peculiar to that employment, the contracting of the disease shall, unless the contrary is proved, be deemed to be an "employment injury" arising out of and in the course of employment.

Occup-
ational
disease.

(2) (i) Where the Central Government or a State Government, as the case may be, adds any description of employment to the employments specified in Schedule III to the Workmen's Compensation Act, 1923, by virtue of the powers vested in it under sub-section (3) of section 3 of the said Act, the said description of employment and the occupational diseases specified under that sub-section as peculiar to that description of employment shall be deemed to form part of the Third Schedule,

8 of 1923.

(ii) Without prejudice to the provisions of clause (i), the Corporation after giving, by notification in the Official Gazette, not less than three months' notice of its intention so to do, may, by a like notification, add any description of employment to the employments specified in the Third Schedule and shall specify in the case of employments so added the diseases which shall be deemed for the purposes of this section to be occupational diseases peculiar to those employments respectively and thereupon the provisions of this Act shall apply, as if such diseases had been declared by this Act to be occupational diseases peculiar to those employments.

(3) Save as provided by sub-sections (1) and (2), no benefit shall be payable to an employee in respect of any disease unless the disease is directly attributable to a specific injury by accident arising out of and in the course of his employment.

(4) The provisions of section 51A shall not apply to the cases to which this section applies.'

Substitution of new section for section 53

25. For section 53 of the principal Act, the following section shall be substituted, namely:—

Bar against receiving or recovery of compensation or damages under any other law.

"53. An insured person or his dependants shall not be entitled to receive or recover, whether from the employer of the insured person or from any other person, any compensation or damages under the Workmen's Compensation Act, 1923, or any other law for the time being in force or otherwise, in respect of an employment injury sustained by the insured person as an employee under this Act."

Substitution of new sections for section 54.

26. For section 54 of the principal Act, the following sections shall be substituted, namely:—

Determination of question of disablement.

'54. Any question—

(a) whether the relevant accident has resulted in permanent disablement; or

(b) whether the extent of loss of earning capacity can be assessed provisionally or finally; or

(c) whether the assessment of the proportion of the loss of earning capacity is provisional or final; or

(d) in the case of provisional assessment, as to the period for which such assessment shall hold good,

shall be determined by a medical board constituted in accordance with the provisions of the regulations and any such question shall hereafter be referred to as the "disablement question".

54A. (1) The case of any insured person for permanent disablement benefit shall be referred by the Corporation to a medical board for determination of the disablement question and if, on that or any subsequent reference, the extent of loss of earning capacity of the insured person is provisionally assessed, it shall again be so referred to the medical board not later than the end of the period taken into account by the provisional assessment.

(2) If the insured person or the Corporation is not satisfied with the decision of the medical board, the insured person or the Corporation may appeal in the prescribed manner and within the prescribed time to—

(i) the medical appeal tribunal constituted in accordance with the provisions of the regulations with a further right of appeal in the prescribed manner and within the prescribed time to the Employees' Insurance Court, or

(ii) the Employees' Insurance Court directly.

27. For section 55 of the principal Act, the following sections shall be substituted, namely:—

"55. (1) Any decision under this Act of a medical board or a medical appeal tribunal may be reviewed at any time by the

References
to medical
boards and
appeals to
medical
appeal
tribunals
and Em-
ployees'
Insurance
Courts.

Substitu-
tion of
new sec-
tions for
section 55.

Review of
decisions

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by medical board or medical appeal tribunal.

medical board or the medical appeal tribunal, as the case may be, if it is satisfied by fresh evidence that the decision was given in consequence of the non-disclosure or misrepresentation by the employee or any other person of a material fact (whether the non-disclosure or misrepresentation was or was not fraudulent).

(2) Any assessment of the extent of the disablement resulting from the relevant employment injury may also be reviewed by a medical board, if it is satisfied that since the making of the assessment there has been a substantial and unforeseen aggravation of the results of the relevant injury:

Provided that an assessment shall not be reviewed under this sub-section unless the medical board is of opinion that having regard to the period taken into account by the assessment and the probable duration of the aggravation aforesaid, substantial injustice will be done by not reviewing it.

(3) Except with the leave of a medical appeal tribunal, an assessment shall not be reviewed under sub-section (2) on any application made less than five years, or in the case of a provisional assessment, six months, from the date thereof and on such a review the period to be taken into account by any revised assessment shall not include any period before the date of the application.

(4) Subject to the foregoing provisions of this section, a medical board may deal with a case of review in any manner in which it could deal with it on an original reference to it, and in particular may make a provisional assessment notwithstanding that the assessment under review was final; and the provisions of section 54A shall apply to an application for review under this section and to a decision of a medical board in connection with such application as they apply to a case for disablement benefit under that section and to a decision of the medical board in connection with such case.

Review of dependants' benefit.

55A. (1) Any decision awarding dependants' benefit under this Act may be reviewed at any time by the Corporation if it is satisfied by fresh evidence that the decision was given in consequence of non-disclosure or misrepresentation by the claimant or any other person of a material fact (whether the non-disclosure or misrepresentation was or was not fraudulent) or that the decision is no longer in accordance with this Act due to any birth or death or due to the marriage, re-marriage or cesser of infirmity of, or attainment of the age of eighteen years by, a claimant.

(2) Subject to the provisions of this Act, the Corporation may, on such review as aforesaid, direct that the dependants' benefit be continued, increased, reduced or discontinued.”.

28. After section 59 of the principal Act, the following section shall be inserted, namely:—

Insertion
of new
section
59A.

“59A. (1) Notwithstanding anything contained in any other provision of this Act, the Corporation may, in consultation with the State Government, undertake the responsibility for providing medical benefit to insured persons and where such medical benefit is extended to their families, to the families of such insured persons in the State subject to the condition that the State Government shall share the cost of such medical benefit in such proportion as may be agreed upon between the State Government and the Corporation.

Provision
of medical
benefit by
the Cor-
poration
in lieu of
State
Govern-
ment.

(2) In the event of the Corporation exercising its power under sub-section (1), the provisions relating to medical benefit under this Act shall apply, so far as may be, as if a reference therein to the State Government were a reference to the Corporation.”.

29. Sections 66 and 67 of the principal Act shall be omitted.

Omission
of sec-
tions 66
and 67.

30. In section 71 of the principal Act, for the words “If a person dies”, the words, brackets and figures “Except as provided in the proviso to sub-section (2) of section 50, if a person dies” shall be substituted.

Amend-
ment of
section 71.

31. Section 73H of the principal Act shall be omitted.

Omission
of section
73H.

32. In section 75 of the principal Act,—

(a) in sub-section (1),—

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

“(ee) any direction issued by the Corporation under section 55A on a review of any payment of dependants' benefits, or”;

(ii) clause (f) shall be omitted;

Amend-
ment of
section 75.

(iii) in clause (g), the following words shall be inserted at the end, namely:—

“or any other matter required to be or which may be decided by the Employees' Insurance Court under this Act”;

(iv) after the words “such question or dispute”, the words, brackets, figure and letter “subject to the provisions of sub-section (2A)” shall be inserted:

(b) in sub-section (2),—

(i) for the words “The following claims”, the words, brackets, figure and letter “Subject to the provisions of sub-section (2A), the following claims” shall be substituted;

(ii) clause (c) shall be omitted;

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) If in any proceedings before the Employees' Insurance Court a disablement question arises and the decision of a medical board or a medical appeal tribunal has not been obtained on the same and the decision of such question is necessary for the determination of the claim or question before the Employees' Insurance Court, that Court shall direct the Corporation to have the question decided by this Act and shall thereafter proceed with the determination of the claim or question before it in accordance with the decision of the medical board or the medical appeal tribunal, as the case may be, except where an appeal has been filed before the Employees' Insurance Court under sub-section (2) of section 54A in which case the Employees' Insurance Court may itself determine all the issues arising before it.”;

(d) in sub-section (3), for the words “the Employees' Insurance Court”, the words “a medical board, or by a medical appeal tribunal or by the Employees' Insurance Court” shall be substituted.

Amend-
ment of
section 77.

33. In section 77 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Every such application shall be made within a period of three years from the date on which the cause of action arose.

Explanation.—For the purpose of this sub-section,—

(a) the cause of action in respect of a claim for benefit shall not be deemed to arise unless the insured person or in the case of defendants' benefit, the defendants of the insured person claims or claim that benefit in accordance with the regulations made in that behalf within a period of twelve months after the claim became due or within such further period as the Employees' Insurance Court may allow on grounds which appear to it to be reasonable;

(b) the cause of action in respect of a claim by the Corporation for recovering contributions from the principal employer or a claim by the principal employer for recovering contributions from an immediate employer shall not be deemed to arise till the date by which the evidence of contributions having been paid is due to be received by the Corporation under the regulations.”

34. Section 80 of the principal Act shall be omitted.

Omission
of sec-
tion 80.

35. In section 86 of the principal Act, in sub-section (1), for the words “Central Government”, the words “Director General of the Corporation” shall be substituted.

Amend-
ment of
section 86

36. In section 90 of the principal Act,—

Amend-
ment of
section 90.

(a) after the words “The appropriate Government may”, the words “after consultation with the Corporation,” shall be inserted;

(b) after the words “local authority”, the words “from the operation of this Act” shall be inserted.

37. After section 91 of the principal Act, the following section shall be inserted, namely:—

Insertion
of new
section
91A.

“91A. Any notification granting exemption under section 87, section 88, section 90 or section 91 may be issued so as to take effect either prospectively or retrospectively on such date as may be specified therein.”

Exem-
ptions to be
either
prospec-
tive or
retrospec-
tive.

38. In section 95 of the principal Act,—

Amend-
ment of
section 95.

(a) in sub-section (1), after the words “the Central Government may”, the words “after consultation with the Corporation and” shall be inserted;

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

“(ee) the manner in which and the time within which appeals may be filed to medical appeal tribunals or Employees' Insurance Courts;”;

(c) after sub-section (3), the following sub-section shall be inserted, namely:—

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

Amend-
ment of
section 96.

39. In section 96 of the principal Act, in sub-section (1), after the words “The State Government may,” the words “after consultation with the Corporation and” shall be inserted.

Amend-
ment of
section 97.

40. In section 97 of the principal Act, in sub-section (2),—

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

“(ia) the time within which and the manner in which a factory or establishment shall be registered;”;

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

“(iiia) the levy of interest at a rate not exceeding six per cent. per annum on contributions due but not paid;”;

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

“(vi) the method of determining whether an insured person is suffering from one or more of the diseases specified in the Third Schedule;”;

(d) in clause (viii), for the words "and the form in which", the words "and the form and manner in which" shall be substituted;

(e) after clause (xii), the following clauses shall be inserted, namely:—

"(xiia) specifying the authority competent to give certificate of eligibility for maternity benefit;

(xiib) the manner of nomination by an insured woman for payment of maternity benefit in case of her or her child's death;

(xiic) the production of proof in support of claim for maternity benefit or additional maternity benefit;";

(f) after clause (xvi), the following clauses shall be inserted, namely:—

"(xvia) the qualifications and experience which a person should possess for giving certificate of sickness;

(xvib) the constitution of medical boards and medical appeal tribunals;".

41. After section 99 of the principal Act, the following section shall be inserted, namely:—

Insertion
new sec-
tion
99A.

Power to
remove
difficulties.

"99A. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions or give such directions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty.

(2) Any order made under this section shall have effect notwithstanding anything inconsistent therewith in any rules or regulations made under this Act."

42. For Schedules I and II of the principal Act, the following Schedules shall be substituted, namely:—

Substitu-
tion of
new
Schedules
for
Schedules
I and II.

THE FIRST SCHEDULE

(See sections 39, 49, 50, 51 and 52)

1. The amount of weekly contribution payable in a contribution period in respect of an employee shall be calculated with

reference to the average daily wages during the first wage period in respect of that employee ending in such contribution period:

Provided that where an employee changes his employment during the currency of the contribution period, contributions in respect of him shall continue to be calculated during the said contribution period at the rate at which they were being paid in the first employment except when the employee does not disclose the earlier employment to the second or subsequent employer in which case they may be calculated with reference to the average daily wages during the first wage period in the latter employment.

2. The average daily wages shall be—

(a) in respect of an employee who is employed on time-rate basis, the amount of wages which would have been payable to him for the complete wage period had he worked on all the working days in that wage period, divided by 26 if he is monthly rated, 13 if he is fortnightly rated, 6 if he is weekly rated and 1 if he is daily rated;

(b) in respect of an employee employed on any other basis, the amount of wages earned during the first complete wage period in the contribution period divided by the number of days in full or part for which he worked for wages in that wage period:

Provided that where an employee receives wages without working on any day during such wage period, he shall be deemed to have worked for 26, 13, 6 or 1 days or day if the wage period be a month, a fortnight, a week or a day respectively.

Explanation I.—Where any night shift continues beyond midnight, the period of the night shift after midnight shall be counted for reckoning the days worked as part of the day preceding.

Explanation II.—“Wage period” means the period in respect of which wages are ordinarily payable whether in terms of the contract of employment, express or implied or otherwise.

3. (a) For the purpose of fixing the amount of weekly contribution payable, employees shall be divided into nine groups on the basis of their average daily wages ascertained in the manner specified in paragraph 2.

(b) The employee's contribution and employer's contribution payable in respect of the group of employees specified in the first column of the Table below shall be at the rates respectively specified in the corresponding entries in the second and third columns thereof.

(c) The daily rate of benefit (hereinafter referred to as the "standard benefit rate") in respect of the group of employees specified in the first column of the Table below shall be the amount respectively specified in the corresponding entry in the fifth column thereof:

Provided that where a person has been in more than one of the groups as specified in the first column of the said Table during a contribution period, the standard benefit rate in respect of him shall be the amount specified in the fifth column corresponding to the lowest of such groups.

TABLE

Group of employees whose average daily wages are	Employee's weekly contribution (recoverable from employees)	Employer's weekly contribution	Total weekly contribution (employee's and employer's contribution)	Corresponding daily* standard benefit rate
1	P.	P.	P.	P.
1. Below Re. 1	Nil.	45	45	45
2. Re. 1 and above but below Rs. 1.50	Nil.	45	45	65
3. Rs. 1.50 and above but below Rs. 2	75	50	75	90
4. Rs. 2 and above but below Rs. 3	40	80	120	130
5. Rs. 3 and above but below Rs. 4	50	100	150	175
6. Rs. 4 and above but below Rs. 6	70	140	210	250
7. Rs. 6 and above but below Rs. 8	95	190	285	350
8. Rs. 8 and above but below Rs. 15	125	250	375	500
9. Rs. 15 and above	175	350	525	850

4. The daily rate of sickness benefit in respect of a person during any benefit period shall be the standard benefit rate

corresponding to the average daily wages of that person during the corresponding contribution period.

5. The daily rate of maternity benefit payable in respect of confinement occurring or expected to occur during any benefit period, shall be equal to twice the standard benefit rate corresponding to the average daily wages in respect of the insured woman during the corresponding contribution period.

6. (a) The daily rate of disablement and dependants' benefit shall be the rate, twenty-five per cent. more than the standard benefit rate rounded to the next higher multiple of five paise corresponding to the average daily wages in the contribution period corresponding to the benefit period in which the employment injury occurs.

(b) Where an employment injury occurs before the commencement of the first benefit period in respect of a person, the daily rate of disablement and dependants' benefit shall be—

(i) where a person sustains employment injury after the expiry of the first wage period in the contribution period in which the injury occurs, the rate, twenty-five per cent. more than the standard benefit rate rounded to the next higher multiple of five paise corresponding to the wage group in which his average daily wages during that wage period fall;

(ii) where the person sustains employment injury before the expiry of the first wage period in the contribution period in which the injury occurs, the rate, twenty-five per cent. more than the standard benefit rate, rounded to the next higher multiple of five paise corresponding to the group in which wages actually earned or which would have been earned had he worked for a full day on the date of accident, fall.

The disablement or dependants' benefit rate calculated as aforesaid shall be called the "full rate".

7. The disablement benefit shall be payable to the insured person as follows:—

(a) for temporary disablement, at the full rate;

(b) for permanent total disablement, at the full rate;

(c) for permanent partial disablement resulting from an injury specified in Part II of the Second Schedule, at

such percentage of the full rate which would have been payable in the case of permanent total disablement as is specified in the said Schedule as being the percentage of the loss of earning capacity caused by that injury;

(d) for permanent partial disablement resulting from an injury not specified in Part II of the Second Schedule, at such percentage of the full rate payable in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury.

Explanation.—Where more injuries than one are caused by the same accident, the rate of benefit payable under clauses (c) and (d) shall be aggregated but not so in any case as to exceed the full rate;

(e) in cases of disablement not covered by clauses (a), (b), (c) and (d) at such rate not exceeding the full rate, as may be provided in the regulations.

8. In the case of death of the insured person, the dependants' benefit shall be payable to his widow and children as follows:—

(a) to the widow during life or until remarriage, an amount equivalent to three-fifths of the full rate and, if there are two or more widows, the amount payable to the widow as aforesaid shall be divided equally between the widows;

(b) to each legitimate or adopted son, an amount equivalent to two-fifths of the full rate until he attains eighteen years of age:

Provided that in the case of a legitimate son who is infirm and who is wholly dependent on the earnings of the insured person at the time of his death, dependants' benefit shall continue to be paid while the infirmity lasts;

(c) to each legitimate or adopted unmarried daughter, an amount equivalent to two-fifths of the full rate until she attains eighteen years of age or until marriage, whichever is earlier:

Provided that in the case of a legitimate or adopted unmarried daughter who is infirm and is wholly dependent on the earnings of the insured person at the time of his death, dependants' benefit shall continue to be paid while the infirmity lasts and she continues to be unmarried:

Provided further that if the total of the dependants' benefits distributed among the widow or widows and legitimate or adopted children of the deceased person as aforesaid exceeds at any time the full rate, the share of each of the dependants shall be proportionately reduced, so that the total amount payable to them does not exceed the amount of disablement benefit at the full rate.

9. In case the deceased person does not leave a widow or legitimate or adopted child, dependants' benefit shall be payable to the other dependants as follows:—

(a) to a parent or grand-parent, for life, at an amount equivalent to three-tenths of the full rate and if there are two or more parents or grand-parents, the amount payable to the parents or grand-parents as aforesaid shall be equally divided between them;

(b) to any other—

(i) male dependant, until he attains eighteen years of age,

(ii) female dependant, until she attains eighteen years of age or until marriage, whichever is earlier or if widowed until she attains eighteen years of age,

at an amount equivalent to two-tenths of the full rate provided that if there be more than one dependant under clause (b) the amount payable under this clause shall be equally divided between them.

THE SECOND SCHEDULE

[See section 2(15A) and (15B)]

Serial No.	Description of injury	Percentage of loss of earning capacity
PART I		
LIST OF INJURIES DEEMED TO RESULT IN PERMANENT TOTAL DISABILITY		
1	Loss of both hands or amputation at higher sites	100
2	Loss of a hand and a foot	100
3	Double amputation through leg or thigh, or amputation through leg or thigh on one side and loss of other foot	100
4	Loss of sight to such an extent as to render the claimant unable to perform any work for which eye sight is essential	100
5	Very severe facial disfigurement	100
6	Absolute deafness	100

Serial No.	Description of injury	Percentage of loss of earning capacity
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PART II

LIST OF INJURIES DEEMED TO RESULT IN PERMANENT PARTIAL DISABLINGE

Amputation—upper limbs (either arm)

7	Amputation through shoulder joint	90
8	Amputation below shoulder with stump less than 20.32 c.m. from tip of acromion	80
9	Amputation from 20.32 c.m. from tip of acromion to less than 11.43 c.m. below tip of olecranon	70
10	Loss of a hand or of the thumb and four fingers of one hand or amputation from 11.43 c.m. below tip of olecranon	60
11	Loss of thumb	30
12	Loss of thumb and its metacarpal bone	40
13	Loss of four fingers of one hand	50
14	Loss of three fingers of one hand	30
15	Loss of two fingers of one hand	20
16	Loss of terminal phalanx of thumb	20

Amputation—lower limbs

17	Amputation of both feet resulting in end-bearing stumps	90
18	Amputation through both feet proximal to the metatarso-phalangeal joint	80
19	Loss of all toes of both feet through the metatarso-phalangeal joint	40
20	Loss of all toes of both feet proximal to the proximal inter-phalangeal joint	30
21	Loss of all toes of both feet distal to the proximal inter-phalangeal joint	20
22	Amputation at hip	90
23	Amputation below hip with stump not exceeding 12.70 c.m. in length measured from tip of great trochanter	80
24	Amputation below hip with stump exceeding 12.70 c.m. in length measured from tip of great trochanter but not beyond middle thigh	70
25	Amputation below middle thigh to 8.89 c.m. below knee	60
26	Amputation below knee with stump exceeding 8.89 c.m. but not exceeding 12.70 c.m.	50
27	Amputation below knee with stump exceeding 12.70 c.m.	40
28	Amputation of one foot resulting in end-bearing	30
29	Amputation through one foot proximal to the metatarso-phalangeal joint	30
30	Loss of all toes of one foot through the metatarso-phalangeal joint	20

Serial No.	Description of injury	Percentage of loss of earning capacity
<i>Other injuries</i>		
31	Loss of one eye, without complications, the other being normal	40
32	Loss of vision of one eye without complications or disfigurement of eye-ball, the other being normal	30
<i>Loss of—</i>		
<i>A.—Fingers of right or left hand</i>		
<i>Index finger</i>		
33	Whole	14
34	Two phalanges	11
35	One phalanx	9
36	Guillotine amputation of tip without loss of bone.	5
<i>Middle finger</i>		
37	Whole	12
38	Two phalanges	9
39	One phalanx	7
40	Guillotine amputation of tip without loss of bone	4
<i>Ring or little finger</i>		
41	Whole	7
42	Two phalanges	6
43	One phalanx	5
44	Guillotine amputation of tip without loss of bone	2
<i>B.—Toes of right or left foot</i>		
<i>Great toe</i>		
45	Through metatarso-phalangeal joint	14
46	Part, with some loss of bone	3
<i>Any other toe</i>		
47	Through metatarso-phalangeal joint	3
48	Part, with some loss of bone	1
<i>Two toes of one foot, excluding great toe</i>		
49	Through metatarso-phalangeal joint	5
50	Part with some loss of bone	2
<i>Three toes of one foot, excluding great toe</i>		
51	Through metatarso-phalangeal joint	6
52	Part, with some loss of bone	3
<i>Four toes of one foot, excluding great toe</i>		
53	Through metatarso-phalangeal joint	9
54	Part, with some loss of bone	3

NOTE.—Complete and permanent loss of the use of any limb or member referred to in this Schedule shall be deemed to be the equivalent of the loss of that limb or member.

THE THIRD SCHEDULE

(See section 52A)

LIST OF OCCUPATIONAL DISEASES

Occupational disease

Employment

PART A

Anthrax

Any employment—

- (a) involving the handling of wool, hair, bristles or animal carcasses or parts of such carcasses, including hides, hoofs and horns; or
- (b) in connection with animals infected with anthrax; or
- (c) involving the loading, unloading or transport of any merchandise.

Compressed air illness or its sequelae

Any process carried on in compressed air.

Poisoning by lead-tetra-ethyl

Any process involving the use of lead tetra-ethyl.

Poisoning by nitrous fumes

Any process involving exposure to nitrous fumes.

Poisoning by organic phosphorus insecticides.

Any process involving the use or handling or exposure to the fumes, dust or vapour containing any of the organic phosphorus insecticides.

PART B

Poisoning by lead, its alloys or compounds or its sequelae excluding poisoning by lead tetra-ethyl.

Any process involving the handling or use of lead ore or lead or any of its preparations or compounds except lead tetra-ethyl.

Poisoning by phosphorus or its compounds, or its sequelae.

Any process involving the liberation of phosphorus or use or handling of phosphorus or its preparations or compounds.

Poisoning by mercury, its amalgams and compounds, or its sequelae.

Any process involving the use of mercury or its preparations or compounds.

Poisoning by benzene, or its homologues, their amido and nitroderivatives or its sequelae.

Any process involving the manufacture, liberation, or use of benzene, benzene homologues and their amido and nitroderivatives.

Chrome ulceration or its sequelae

Any process involving the use of chromic acid or bichromate of ammonium Potassium or sodium or their preparations or the manufacture of bichromate.

Poisoning by arsenic or its compounds, or its sequelae.

Any process involving the production, liberation or utilisation of arsenic or its compounds.

Occupational disease

Employment

Pathological manifestations due to—

(a) radium and other radio-active substances ; Any process involving exposure to the action of radium, radio-active substances or X-rays.

(b) X-rays.

Primary epitheliomatous cancer of the skin.

Any process involving the handling or use of tar, pitch, bitumen, mineral oil, paraffin, or the compounds, products or residues of these substances.

Poisoning by halogenated hydrocarbons of the aliphatic series and their halogen derivatives.

Any process involving the manufacture, liberation and use of hydrocarbons of the aliphatic series and their halogen derivatives.

Poisoning by carbon disulphide or its sequelae.

Any employment in—

(a) the manufacture of carbon disulphide; or

(b) the manufacture of artificial silk by viscose process ; or

(c) rubber industry ; or

(d) any other industry involving the production or use of products containing carbon disulphide or exposure to emanations from carbon disulphide.

Occupational cataract due to infra-red radiations.

Any manufacturing process involving exposure to glare from molten material or to any other sources of infra-red radiations.

Telegraphist's Cramp

Any employment involving the use of telegraphic instruments.

Poisoning by manganese or a compound of manganese, or its sequelae.

Any process involving the use of, or handling of, or exposure to the fumes, dust or vapour of, manganese or a compound of manganese, or a substance containing manganese.

PART C

Silicosis

Any employment involving exposure to the inhalation of dust containing silica.

Coal Miners' Pneumoconiosis

Any employment in coal mining.

Asbestosis

Any employment in—

(1) the production of—

(i) fibro cement materials ; or

(ii) asbestos mill board ; or

(2) the processing of ores containing asbestos.

Bagassosis

Any employment in the production of bagasse mill board or other articles from bagasse".

43. No provision of this Act shall apply to and in relation to any Act not payment which has been, or is being, or is required to be, made to certain under the principal Act in respect of any employment injury sustained by an employee in any State or part thereof at any time before the date of the coming into operation of that provision and any such payment and any application, appeal or other proceeding for or relating to such payment pending before any authority immediately before such date shall continue to be governed by the provisions of the principal Act as they stood immediately before that date.

THE APPROPRIATION (No. 4) ACT, 1966

No. 45 OF 1966

[11th December, 1966]

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 1966-67.

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

Short title.

1. This Act may be called the Appropriation (No. 4) Act, 1966.

Issue of Rs. 5,61,39,71,000 out of the Consolidated Fund of India for the year 1966-67.

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 hundred and sixty-one crores, thirty-nine lakhs and seventy-one thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1966-67, in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE
(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding			3	
		Voted by Parliament	Charged on the Consoli- dated Fund	Total		
2	Foreign Trade . . .	24,00,00,000	..	24,00,00,000		
16	External Affairs . . .	67,00,000	..	67,00,000		
30	Other Revenue Expenditure of the Ministry of Finance	2,59,000	2,59,000		
41	Ministry of Health and Family Planning . . .	5,60,000	..	5,60,000		
52	Delhi . . .	5,00,000	..	5,00,000		
52-A	Chandigarh . . .	1,67,25,000	93,000	1,68,18,000		
53	Andaman and Nicobar Islands	24,25,000	..	24,25,000		
72	Labour and Employment . .	1,000	..	1,000		
84	Supplies and Disposals . .	43,19,000	..	43,19,000		
99	Atomic Energy Research . .	43,00,000	..	43,00,000		
110	Other Revenue Expenditure of Lok Sabha . . .	25,000	..	25,000		
117	Capital Outlay on Currency and Coinage . . .	2,54,65,000	..	2,54,65,000		
119	Capital Outlay on Kolar Gold Mines . . .	28,47,000	..	28,47,000		
123	Loans and Advances by the Central Government . . .	1,07,00,00,000	1,03,00,00,000	2,10,00,00,000		
125	Purchase of Foodgrains . .	2,09,56,00,000	50,000	2,09,56,50,000		
126	Other Capital Outlay of the Ministry of Food, Agriculture, Community Development and Co-operation . .	1,00,69,88,000	..	1,00,69,88,000		
128	Capital Outlay of the Ministry of Home Affairs . . .	1,26,88,000	84,000	1,27,72,000		
129	Capital Outlay of the Ministry of Industry . . .	1,000	..	1,000		
133	Other Capital Outlay of the Ministry of Irrigation and Power . . .	4,43,41,000	..	4,43,41,000		
144	Capital Outlay of the Department of Atomic Energy . .	5,00,00,000	..	5,00,00,000		
TOTAL . . .		4,58,34,85,000	1,03,04,86,000	5,61,39,71,000		

THE APPROPRIATION (No. 5) ACT, 1966

No. 46 OF 1966

[11th December, 1966]

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, 1964 in excess of the amounts granted for those services and for that year.

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

Short title.

1. This Act may be called the Appropriation (No. 5) Act, 1966.

Issue of Rs.
7,97,95,410
out of the
Consolidated
Fund of
India to
meet certain
excess expen-
diture for the
year ended
on the 31st
March,
1964.

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 seven crores, ninety-seven lakhs, five thousand, four hundred and ten 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, 1964, in excess of the amounts granted for those services and for that year.

Appro-
priation.

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, 1964.

THE SCHEDULE

(See sections 2 and 3)

No. of Vote	Services and purposes	Excess		
		Voted portion	Charged portion	Total
		Rs.	Rs.	Rs.
4	Commercial Intelligence and Statistics	1,66,390	..	1,66,390
6	Ministry of Community Development and Co-operation	45,814	..	45,814
7	Community Development Projects, National Extension Service and Co-operation	1,22,890	..	1,22,890
9	Defence Services—Effective	4,44,24,363	..	4,44,24,363
21	Dadra and Nagar Haveli Area	4,253	..	4,253
6	Union Excise Duties	13,00,578	..	13,00,578
26	Stamps	5,48,807	..	5,48,807
37	Planning Commission	28,124	..	28,124
42	Agriculture	10,93,725	..	10,93,725
72	Chief Inspector of Mines	1,985	..	1,985
80	Other Revenue Expenditure of the Ministry of Mines and Fuel	1,02,26,244	..	1,02,26,244
82	Archaeology	58,271	..	58,271
92	Central Road Fund	2,69,449	..	2,69,449
93	Communications (including National Highways)	15,82,479	..	15,82,479
96	Aviation	48,32,006	..	48,32,006
97	Overseas Communications Service	31,457	..	31,457
102	Public Works	66,66,188	..	66,66,188
121	Capital Outlay on Mints	1,157	1,157
124	Other Capital Outlay of the Ministry of Finance	9,344	..	9,344
139	Capital Outlay on Roads	70,17,185	..	70,17,185
145	Delhi Capital Outlay	12,74,701	..	12,74,701
	TOTAL	7,97,04,253	1,157	7,97,05,410

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ACT, 1966

No. 47 of 1966

[13th December, 1966]

An Act further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951.

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

CHAPTER I

PRELIMINARY

Short title and commencement.
1. (1) This Act may be called the Representation of the People (Amendment) Act, 1966.

(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 different provisions of this Act.

CHAPTER II

AMENDMENT OF THE REPRESENTATION OF THE PEOPLE ACT, 1950

Substitution of new sections for sections 3 and 4.
2. For sections 3 and 4 of the Representation of the People Act, 1950 (hereafter in this Chapter referred to as the 1950-Act), the 43 of 1950, following sections shall be substituted, namely:—

Allocation of seats in the House of the People.
3. The allocation of seats to the States in the House of the People and the number of seats, if any, to be reserved for the Scheduled Castes and for the Scheduled Tribes of each State shall be as shown in the First Schedule.

Filling of seats in the House of the People and parliamentary constituencies.
4. (1) The seat allotted in the House of the People under section 3 to the Part B tribal areas shall be the seat to be filled by a person nominated by the President.

(2) Save as aforesaid, all the other seats in the House of the People allotted to the States under that section shall be seats to be filled by persons chosen by direct election from parliamentary constituencies in the States.

(3) Every parliamentary constituency referred to in sub-section (2) shall be a single-member constituency.

¹ 14-12-1966 : Vide Notification No. S.O. 3873, dated 14-12-66, Gazette of India, Extraordinary, Pt. II, Sec. 3 (ii), p. 1691.

(4) Every State to which only one seat is allotted under section 3 shall form one parliamentary constituency.

(5) Save as provided in sub-section (4), the extent of all parliamentary constituencies in each of the States of Haryana, Punjab and Himachal Pradesh shall be as determined by the order of the Delimitation Commission made under the provisions of the Punjab Reorganisation Act, 1966, and the extent of all other parliamentary constituencies shall be as determined by the orders of the Delimitation Commission made under the provisions of the Delimitation Commission Act, 1962, or, as the case may be, under the provisions of the Government of Union Territories Act, 1963.".

20 of 1963.

3. Notwithstanding anything contained in section 2 the members representing immediately before the commencement of this Act each of the States of Jammu and Kashmir and Nagaland and each of the Union territories of the Andaman and Nicobar Islands, the Laccadive, Minicoy and Amindivi Islands and Dadra and Nagar Haveli in the present House of the People shall continue to represent each such State or each such Union territory until the dissolution of the present House of the People and so often as before such dissolution any seat allotted to each such State or to each such Union territory in the present House of the People becomes vacant, it shall be filled by a person nominated by the President and that person shall represent that State or that territory in the present House of the People until its dissolution.

4. For section 7 of the 1950-Act, the following shall be substituted, namely:—

"7. (1) The total number of seats in the Legislative Assembly of each State specified in the Second Schedule, to be filled by persons chosen by direct election from assembly constituencies, and the number of seats, if any, to be reserved for the Scheduled Castes and for the Scheduled Tribes of the State, shall be as shown in the Schedule:

Provided that for the period referred to in clause (2) of article 371A, the total number of seats allotted to the Legislative Assembly of the State of Nagaland shall be forty-six, of which—

(a) six seats shall be allocated to the Tuensang district and shall be filled by persons chosen by the members of the regional council, referred to in that article, from amongst

Total number of seats in legislative Assemblies and assembly constituencies.

themselves in such manner as the Governor, after consulting that council may, by notification in the Official Gazette, specify, and

(b) the remaining forty seats shall be filled by persons chosen by direct election from assembly constituencies in the rest of the State.

(2) Every assembly constituency referred to in sub-section (1) shall be a single-member constituency.

(3) The extent of each assembly constituency in the State of Nagaland shall be as determined by the order of the Election Commission made under the provisions of the State of Nagaland Act, 1962; and the extent of each assembly constituency in each of the States of Haryana, Punjab and Himachal Pradesh shall be as determined by the order of the Delimitation Commission made under the provisions of the Punjab Reorganisation Act, 1966, and the extent of each assembly constituency in any other State shall be as determined by the order of the Delimitation Commission made under the provisions of the Delimitation Commission Act, 1962, or, as the case may be, under the provisions of the Government of Union Territories Act, 1963.

31 of 1966.

61 of 1962.

20 of 1963.

THE DELIMITATION OF PARLIAMENTARY AND ASSEMBLY CONSTITUENCIES ORDER

Consolidation of delimitation orders.

8. (1) As soon as may be, after all the orders referred to in sub-section (5) of section 4 or in sub-section (3) of section 7 relating to the delimitation of parliamentary and assembly constituencies have been made by the Delimitation Commission or, as the case may be, the Election Commission and published in the Official Gazette, the Election Commission shall, after making such amendments as appear to it to be necessary for bringing up-to-date the description of the extent of the parliamentary and assembly constituencies as given in such orders, consolidate all such orders into one single order to be known as the Delimitation of Parliamentary and Assembly Constituencies Order, 1966 and shall send authentic copies of that Order to the Central Government and to the Government of each State having a Legislative Assembly; and thereupon that Order shall supersede all the orders referred to in sub-section (5) of section 4 or in sub-section (3) of section 7 and shall have the force of law and shall not be called in question in any court.

(2) As soon as may be, after the said Order is received by the Central Government or by the Government of a State, that Government shall cause it to be laid before the House of the People or, as the case may be, the Legislative Assembly of the State.

9. (1) The Election Commission may, from time to time, by notification published in the Gazette of India and in the Official Gazette of the State concerned,—

(a) correct any printing mistake in the Delimitation of Parliamentary and Assembly Constituencies Order, 1966, or any error arising therein from inadvertent slip or omission;

(b) where the boundaries or name of any district or any territorial division mentioned in the Order are altered, make such amendments as appear to it to be necessary or expedient for bringing the Order up-to-date.

(2) Every notification under this section shall be laid, as soon as may be after it is issued, before the House of the People and the Legislative Assembly of the State concerned.”.

5. After section 13A of the 1950-Act, the following section shall be inserted, namely:

“13AA. (1) For each district in a State, other than a Union territory, the Election Commission shall, in consultation with the Government of the State, designate or nominate a district election officer who shall be an officer of Government:

Provided that the Election Commission may designate or nominate more than one such officer for a district if the Election Commission is satisfied that the functions of the office cannot be performed satisfactorily by one officer.

(2) Where more than one district election officer are designated or nominated for a district under the proviso to sub-section (1), the Election Commission shall in the order designating or nominating the district election officers also specify the area in respect of which each such officer shall exercise jurisdiction.

(3) Subject to the superintendence, direction and control of the chief electoral officer, the district election officer shall co-ordinate and supervise all work in the district or in the area within his jurisdiction in connection with the preparation and revision of the electoral rolls for all parliamentary assembly and council constituencies within the district.

(4) The district election officer shall also perform such other functions as may be entrusted to him by the Election Commission and the chief electoral officer.”.

Amend-
ment of
section
13B.

6. In section 13B of the 1950-Act, in sub-section (1), for the words “for a parliamentary constituency in each of the Union territories of Delhi, the Andaman and Nicobar Islands, the Laccadive, Minicoy and Amindivi Islands and Dadra and Nagar Haveli”, the words “for each parliamentary constituency in the State of Jammu and Kashmir or in a Union territory not having a Legislative Assembly” shall be substituted.

Substitu-
tion of
new sec-
tion for
section
13D.

7. For section 13D of the 1950-Act, the following section shall be substituted, namely:—

Electoral
rolls for
parlia-
mentary
constitu-
encies.

“13D. (1) The electoral roll for every parliamentary constituency, other than a parliamentary constituency in the State of Jammu and Kashmir or in a Union territory not having a Legislative Assembly, shall consist of the electoral rolls for all the assembly constituencies comprised within that parliamentary constituency; and it shall not be necessary to prepare or revise separately the electoral roll for any such parliamentary constituency:

Provided that for the period referred to in clause (2) of article 371A, it shall be necessary to prepare and revise separately the electoral roll for that part of the parliamentary constituency of Nagaland which comprises the Tuensang district and the provisions of Part III shall apply in relation to the preparation and revision of the electoral roll of the said part as they apply in relation to an assembly constituency.

(2) The provisions of Part III shall apply in relation to every parliamentary constituency in the State of Jammu and Kashmir or in a Union territory not having a Legislative Assembly as they apply in relation to an assembly constituency.”.

Amend-
ment of
section 20.

8. In section 20 of the 1950-Act,—

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

“(3) Any person having a service qualification shall be deemed to be ordinarily resident on any date in the constituency in which, but for his having such service qualification, he would have been ordinarily resident on that date.”;

(b) in sub-section (4), the words "or any person who is employed under the Government of India in a post outside India," and the words "or employment" shall be omitted;

(c) in sub-section (5),—

(i) for the words "but for his service in the armed forces or, as the case may be, the armed police force", the words "but for his having the service qualification" shall be substituted;

(ii) the words "or being employed in any such post" shall be omitted; and

(iii) for the words "conclusive evidence of that fact", the words "accepted as correct" shall be substituted;

(d) after sub-section (6), the following sub-sections shall be inserted, namely:—

'(7) If in any case a question arises as to where a person is ordinarily resident at any relevant time, the question shall be determined with reference to all the facts of the case and to such rules as may be made in this behalf by the Central Government in consultation with the Election Commission.

(8) In sub-sections (3) and (5) "service qualification" means—

(a) being a member of the armed forces of the Union; or

(b) being a member of a force to which the provisions of the Army Act, 1950, have been made applicable whether with or without modifications; or

(c) being a member of an armed police force of a State, who is serving outside that State; or

(d) being a person who is employed under the Government of India, in a post outside India.'

46 of 1950.

9. In section 21 of the 1950-Act, for sub-section (2), the following Amendment of section 21.
sub-section shall be substituted, namely:—

"(2) The said electoral roll—

(a) shall, unless otherwise directed by the Election Commission for reasons to be recorded in writing, be revised

in the prescribed manner by reference to the qualifying date—

(i) before each general election to the House of the People or to the Legislative Assembly of a State; and

(ii) before each bye-election to fill a casual vacancy in a seat allotted to the constituency; and

(b) shall be revised in any year in the prescribed manner by reference to the qualifying date if such revision has been directed by the Election Commission:

Provided that if the electoral roll is not revised as aforesaid, the validity or continued operation of the said electoral roll shall not thereby be affected.”.

Substitution of new section for section 23.

10. For section 23 of the 1950-Act, the following section shall be substituted, namely:—

Inclusion of names in electoral rolls.

“23. (1) Any person whose name is not included in the electoral roll of a constituency may apply to the electoral registration officer for the inclusion of his name in that roll.

(2) The electoral registration officer shall, if satisfied that the applicant is entitled to be registered in the electoral roll, direct his name to be included therein:

Provided that if the applicant is registered in the electoral roll of any other constituency, the electoral registration officer shall inform the electoral registration officer of that other constituency and that officer shall, on receipt of the information, strike off the applicant's name from that roll.

(3) No amendment, transposition or deletion of any entry shall be made under section 22 and no direction for the inclusion of a name in the electoral roll of a constituency shall be given under this section, after the last date for making nominations for an election in that constituency or in the parliamentary constituency within which that constituency is comprised and before the completion of that election.”.

11. In section 24 of the 1950-Act, the word "and" occurring at the end of clause (a) shall be omitted and clause (b) shall be omitted.

Amend.
ment of
section 24

12. In section 28 of the 1950-Act, in sub-section (2), for clause (a), the following clauses shall be substituted, namely:—

Amend.
ment of
section 28

"(a) the determination of ordinary residence under sub-section (7) of section 20;

(aa) the particulars to be entered in the electoral rolls;".

13. For the First Schedule to the 1950-Act, the following Schedule shall be substituted, namely:—

Substitu-
tion of
new
Schedule
for First
Schedule.

"THE FIRST SCHEDULE

(See section 3)

Allocation of seats in the House of the People

Name of State, Union territory or area	Number of seats in the House as constituted on the 1st November, 1966			Number of seats in the House as subsequently constituted		
	Total for the Scheduled Castes	Reserved for the Scheduled Tribes	Reserved for the	Total for the Scheduled Castes	Reserved for the Scheduled Tribes	Reserved for the
			Scheduled Castes			Scheduled Tribes
I	2	3	4	5	6	7
I. STATES:						
1. Andhra Pradesh	43	6	2	41	6	2
2. Assam . . .	12	1	2	14	1	2
3. Bihar . . .	53	7	5	53	7	5
4. Gujarat . . .	22	1	3	24	2	3
5. Haryana . . .	8	2	..	9	2	..
6. Jammu and Kashmir . . .	6	6
7. Kerala . . .	18	2	..	19	2	..
8. Madhya Pradesh	36	5	7	37	5	8
9. Madras . . .	41	7	..	39	7	..
10. Maharashtra . . .	44	6	2	45	3	3
11. Mysore . . .	26	3	..	27	4	..
12. Nagaland . . .	1	1
13. Orissa . . .	20	4	4	20	3	5
14. Punjab . . .	13	3	..	13	3	..
15. Rajasthan . . .	22	3	2	23	4	3
16. Uttar Pradesh . . .	86	18	..	85	18	..
17. West Bengal	36	6	2	40	8	2

	1	2	3	4	5	6	7
II. UNION TERRITORIES:							
1. Andaman and Nicobar Islands	.	1	1
2. Chandigarh	1
3. Dadra and Nagar Haveli	.	1	1	..	1
4. Delhi	.	5	1	..	7	1	..
5. Goa, Daman and Diu	.	2	2
6. Himachal Pradesh	5	1	6	1	..
7. Laccadive, Minicoy and Amindivi Islands	.	1	1	..	1
8. Manipur	.	2	..	1	2	..	1
9. Pondicherry	.	1	1
10. Tripura	.	2	..	1	2	..	1
III.—AREA :							
North East Frontier Tract	.	1	1
TOTAL	.	508	76	31	521	77	37."

Substitution
of
new

Schedule
for Second
Schedule.

14. For the Second Schedule to the 1950-Act, the following Schedule shall be substituted, namely:—

“THE SECOND SCHEDULE

(See section 7)

Total number of seats in the Legislative Assemblies

Name of the State/ Union territory	Number of seats in the Legislative Assembly as constituted on the 1st November, 1966				Number of seats in the Legislative Assembly as subsequently constituted			
	Total	Reserved for the Schedu- led Castes	Reserved for the Schedu- led Tribes	Total	Reserved for the Schedu- led Castes	Reserved for the Schedu- led Tribes		
		2	3		4	5	6	7
I. STATES :								
1. Andhra Pradesh	300	43	11	287	40	11		
2. Assam	105	5	23	126	8	10		

I	2	3	4	5	6	7
3. Bihar . . .	318	40	32	318	45	29
4. Gujarat . . .	154	11	21	168	11	22
5. Haryana . . .	54	10	..	81	15	..
6. Kerala . . .	133	11	2	133	11	2
7. Madhya Pradesh . . .	288	43	54	296	39	61
8. Madras . . .	206	37	1	234	42	2
9. Maharashtra . . .	264	33	14	270	15	16
10. Mysore . . .	208	28	1	216	29	2
11. Nagaland . . .	46	46
12. Orissa . . .	140	25	29	140	22	34
13. Punjab . . .	87	20	..	104	23	..
14. Rajasthan . . .	176	28	20	184	31	21
15. Uttar Pradesh . . .	430	89	..	425	89	..
16. West Bengal . . .	252	45	15	280	56	17
II. UNION TERRITORIES :						
1. Goa, Daman and Diu . . .	30	30
2. Himachal Pradesh . . .	54	14	2	60	14	3
3. Manipur . . .	30	30	..	9
4. Pondicherry . . .	30	5	..	30	5	..
5. Tripura . . .	30	30	3	9.”.

CHAPTER III

AMENDMENT OF THE REPRESENTATION OF THE PEOPLE ACT, 1951

43 of 1951. 15. In section 2 of the Representation of the People Act, 1951 thereafter in this Chapter referred to as the 1951-Act,—

Amendment of section 2.

(a) in sub-section (1),—

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

‘(cc) “district election officer” means the officer designated or nominated under section 13AA of the Representation of the People Act, 1950;’;

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

‘(h) “public holiday” means any day which is a public holiday for the purposes of section 25 of the Negotiable Instruments Act, 1881;’;

(iii) clause (k) shall be omitted;

43 of 1950.

26 of 1881.

(b) for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.”.

**Substitu-
tion of
new
heading
for head-
ing of
Part II.**

**Amend-
ment of
section 3.**

**Amend-
ment of
section 4.**

**Amend-
ment of
section 5.**

**Substitu-
tion of
new
Chapter
for
Chapter
III of
Part II.**

**Defini-
tions.**

16. In Part II of the 1951-Act, for the heading “QUALIFICATIONS AND DISQUALIFICATIONS FOR MEMBERSHIP”, the heading “QUALIFICATIONS AND DISQUALIFICATIONS” shall be substituted.

17. In section 3 of the 1951-Act, the brackets and words “(other than the State of Jammu and Kashmir)” shall be omitted.

18. In section 4 of the 1951-Act,—

(a) the words “to the State of Jammu and Kashmir, or” shall be omitted;

(b) in clause (c), the word “and” occurring at the end shall be omitted;

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

“(cc) in the case of the seat reserved for the Scheduled Tribes in the Union territory of the Laccadive, Minicoy and Aminidivi Islands, he is a member of any of those Scheduled Tribes and is an elector for the parliamentary constituency of that Union territory; and”.

19. In section 5 of the 1951-Act, in clause (b), for the words “Scheduled Tribe of that district”, the words “Scheduled Tribe of any autonomous district” shall be substituted.

20. In Part II of the 1951-Act, for Chapter III, the following Chapters shall be substituted, namely:—

‘CHAPTER III

DISQUALIFICATIONS FOR MEMBERSHIP OF PARLIAMENT AND STATE LEGISLATURES

7. In this Chapter,—

(a) “appropriate Government” means in relation to any disqualification for being chosen as or for being a member of either House of Parliament, the Central Government, and in relation to any disqualification for being chosen as or for being a member of the Legislative Assembly or Legislative Council of a State, the State Government;

45 of 1860.

(b) "disqualified" means disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State.

8. (1) A person convicted of an offence punishable under section 171E or section 171F of the Indian Penal Code, or under section 125 or section 135 or clause (a) of sub-section (2) of section 136 of this Act shall be disqualified for a period of six years from the date of such conviction.

(2) A person convicted by a court in India for any offence and sentenced to imprisonment for not less than two years shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of five years since his release:

Provided that a person convicted by a court in India for the contravention of any law providing for the prevention of hoarding or profiteering or of adulteration of food or drugs and sentenced to imprisonment for not less than six months shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of five years since his release.

(3) Notwithstanding anything in sub-section (1) and sub-section (2), a disqualification under either sub-section shall not, in the case of a person who on the date of the conviction is a member of Parliament or the Legislature of a State, take effect until three months have elapsed from that date or, if within that period an appeal or application for revision is brought in respect of the conviction or the sentence, until that appeal or application is disposed of by the court.

*Explanation.—*In this section,—

(a) "Law providing for the prevention of hoarding or profiteering" means any law, or any order, rule or notification having the force of law, providing for—

(i) the regulation of production or manufacture of any essential commodity;

(ii) the control of price at which any essential commodity may be bought or sold;

(iii) the regulation of acquisition, possession, storage, transport, distribution, disposal, use or consumption of any essential commodity;

(iv) the prohibition of the withholding from sale of any essential commodity ordinarily kept for sale.

(b) "drug" has the meaning assigned to it in the Drugs and Cosmetics Act, 1940;

23 of 1940.

(c) "essential commodity" has the meaning assigned to it in the Essential Commodities Act, 1955;

10 of 1955.

(d) "food" has the meaning assigned to it in the Prevention of Food Adulteration Act, 1954.

Disqualification for corrupt practice.

8A. A person found guilty of a corrupt practice, by an order under section 99, shall be disqualified for a period of six years from the date on which that order takes effect.

Disqualification for dismissal for corruption or disloyalty.

9. (1) A person who having held an office under the Government of India or under the Government of any State has been dismissed for corruption or for disloyalty to the State shall be disqualified for a period of five years from the date of such dismissal.

(2) For the purposes of sub-section (1), a certificate issued by the Election Commission to the effect that a person having held office under the Government of India or under the Government of a State, has or has not been dismissed for corruption or for disloyalty to the State shall be conclusive proof of that fact:

Provided that no certificate to the effect that a person has been dismissed for corruption or for disloyalty to the State shall be issued unless an opportunity of being heard has been given to the said person.

Disqualification for Government contracts, etc.

9A. A person shall be disqualified if, and for so long as, there subsists a contract entered into by him in the course of his trade or business with the appropriate Government for the supply of goods to, for the executions of any works, undertaken by the Govt.

Explanation.—For the purposes of this section, where a contract has been fully performed by the person by whom it has been entered into with the appropriate Government, the contract shall be deemed not to subsist by reason only of the fact that the Government has not performed its part of the contract either wholly or in part.

10. A person shall be disqualified if, and for so long as, he is managing agent, manager or secretary of any company or corporation (other than a co-operative society) in the capital of which the appropriate Government has not less than twenty-five per cent. share.

10A. If the Election Commission is satisfied that a person—

(a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act, and

(b) has no good reason or justification for the failure, the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

11. The Election Commission may, for reasons to be recorded, remove any disqualification under this Chapter or reduce the period of any such disqualification.

CHAPTER IV

DISQUALIFICATIONS FOR VOTING

11A. If any person, after the commencement of this Act,—

(a) is convicted of an offence punishable under section 171E or section 171F of the Indian Penal Code, or under section 125 or section 135 or clause (a) of sub-section (2) of section 136 of this Act, or

(b) is found guilty of a corrupt practice by an order under section 99,

he shall, for a period of six years from the date of the conviction or from the date on which the order takes effect, be disqualified for voting at any election.

‘11B. The Election Commission may, for reasons to be recorded, remove any disqualification under this Chapter.’

21. After section 19 of the 1951-Act, the following section shall be inserted, namely:—

Disqualification arising out of conviction and corrupt practices.

Removal of disqualifications.

Insertion of new section 19A.

Delega-
tion of
functions
of Election
Commis-
sion.

Insertion
of new
section
20A.

General
duties
of district
election
officer.

Amend-
ment of
section
21.

Amend-
ment of
section
22.

Substitu-
tion of
new sec-
tion for
section
25.

Provision
of polling
stations
for constitu-
encies.

Amend-
ment of
section 26.

"19A. The functions of the Election Commission under the Constitution, the Representation of the People Act, 1950 and this **43 of 1950.** Act or under the rules made thereunder may, subject to such general or special directions, if any, as may be given by the Election Commission in this behalf, be performed also by a Deputy Election Commissioner or by the Secretary to the Election Commission.”.

22. After section 20 of the 1951-Act, the following section shall be inserted, namely:—

"20A. (1) Subject to the superintendence, direction and control of the chief electoral officer, the district election officer shall co-ordinate and supervise all work in the district or in the area within his jurisdiction in connection with the conduct of all elections to Parliament and the Legislature of the State.

(2) The district election officer shall also perform such other functions as may be entrusted to him by the Election Commission and the chief electoral officer.”.

23. In section 21 of the 1951-Act, for the words “an officer of Government”, the words “an officer of Government or of a local authority” shall be substituted.

24. In section 22 of the 1951-Act, in the proviso to sub-section (1), for the words “an officer of Government”, the words “an officer of Government or of a local authority” shall be substituted.

25. For section 25 of the 1951-Act, the following section shall be substituted, namely:—

"25. The district election officer shall, with the previous approval of the Election Commission, provide a sufficient number of polling stations for every constituency, the whole or greater part of which lies within his jurisdiction, and shall publish, in such manner as the Election Commission may direct, a list showing the polling stations so provided and the polling areas or groups of voters for which they have respectively been provided.”.

26. In section 26 of the 1951-Act,—

(a) for the words “returning officer”, wherever they occur, the words “district election officer” shall be substituted;

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

“(5) Any reference to a district election officer in section 25 and in this section shall, in relation to a constituency in a Union territory, be construed as a reference to the returning officer for that constituency.”.

27. In section 30 of the 1951-Act,—

Amend-
ment of
section
30.

(a) in clause (b), for the words “the second day after”, the words “the day immediately following” shall be substituted;

(b) in clause (c), for the words “the third day”, the words “the second day” shall be substituted;

(c) the *Explanation* shall be omitted.

28. In section 31 of the 1951-Act, the words “for the constituency” shall be omitted.

Amend-
ment of
section
31.

29. In section 33 of the 1951-Act,—

Amend-
ment of
section
33.

(a) to sub-section (1), the following proviso shall be added, namely:—

“Provided that no nomination paper shall be delivered to the returning officer on a day which is a public holiday.”;

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

“Provided that no misnomer or inaccurate description or clerical, technical or printing error in regard to the name of the candidate or his proposer or any other person, or in regard to any place, mentioned in the electoral roll or the nomination paper and no clerical, technical or printing error in regard to the electoral roll numbers of any such person in the electoral roll or the nomination paper, shall affect the full operation of the electoral roll or the nomination paper with respect to such person or place in any case where the description in regard to the name of the person or place is such as to be commonly understood; and the returning officer

shall permit any such misnomer or inaccurate description or clerical, technical or printing error to be corrected and where necessary, direct that any such misnomer, inaccurate description, clerical, technical or printing error in the electoral roll or in the nomination paper shall be overlooked.”.

Amend-
ment
of section
39.

30. In section 39 of the 1951-Act,—

(a) in sub-section (1),—

(i) in clause (b), for the words “the second day after”, the words “the day immediately following” shall be substituted;

(ii) in clause (c), for the words “the third day”, the words “the second day” shall be substituted;

(iii) the *Explanation* shall be omitted;

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

“(aa) in the case of an election to the Legislative Council of a State by the members of the Legislative Assembly of that State, clause (a) of sub-section (2) of section 36 shall be construed as including a reference to sub-clause (d) of clause (3) of article 171;”.

Substi-
tution of
new sec-
tion for
section 41.

31. For section 41 of the 1951-Act, the following section shall be substituted, namely:—

Disquali-
fication
for being
an elec-
tion
agent.

“41. Any person who is for the time being disqualified under the Constitution or under this Act for being a member of either House of Parliament or the House or either House of the Legislature of a State or for voting at elections, shall, so long as the disqualification subsists, also be disqualified for being an election agent at any election.”.

Amend-
ment of
section
52.

32. In section 52 of the 1951-Act, for the words “If a contesting candidate dies”, the words and figures “If a candidate whose nomination has been found valid on scrutiny under section 36 and who has not withdrawn his candidature under section 37 dies and a report of his death is received before the publication of the list of contesting candidates under section 38, or if a contesting candidate dies” shall be substituted.

33. In section 60 of the 1951-Act, in clause (a), for sub-clauses Amend-
(i), (iii) and (iv), the following sub-clauses shall be substituted, ment of
namely:— section 60.

- “(i) any person to whom the provisions of sub-section (3)
of section 20 of the Representation of the People Act, 1950 apply;
- 43 of 1950.** (ii) the wife of any such person as is referred to in sub-
clause (i) to whom the provisions of sub-section (6) of the said
section 20 apply.”.

34. After section 64 of the 1951-Act, the following section shall be Insertion
inserted, namely:— of new
section 64A.

“64A. (1) If at any time before the counting of votes is com-
pleted any ballot papers used at a polling station or at a place
fixed for the poll are unlawfully taken out of the custody of the
returning officer or are accidentally or intentionally destroyed or
lost or are damaged or tampered with, to such an extent that the
result of the poll at that polling station or place cannot be ascer-
tained, the returning officer shall forthwith report the matter to time of
the Election Commission. counting.

(2) Thereupon, the Election Commission shall, after taking
all material circumstances into account, either—

(a) direct that the counting of votes shall be stopped,
declare the poll at that polling station or place to be void,
appoint a day, and fix the hours, for taking a fresh poll at
that polling station or place and notify the date so appointed
and hours so fixed in such manner as it may deem fit, or

(b) if satisfied that the result of a fresh poll at that
polling station or place will not, in any way, affect the result
of the election, issue such directions to the returning officer
as it may deem proper for the resumption and completion
of the counting and for the further conduct and completion
of the election in relation to which the votes have been
counted.

(3) The provisions of this Act and of any rules or orders
made thereunder shall apply to every such fresh poll as they
apply to the original poll.”.

35. In section 66 of the 1951-Act, for the words “shall forthwith Amend-
declare”, the words “shall, in the absence of any direction by the ment of
Election Commission to the contrary, forthwith declare” shall be section 66.
substituted.

**Amend-
ment of
section 78.** 36. Section 78 of the 1951-Act shall be re-numbered as sub-section (1) thereof and—

(a) in sub-section (1) as so re-numbered, for the words “returning officer” the words “district election officer” shall be substituted;

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

(2) The reference to the district election officer in sub-section (1) shall, in relation to a constituency in a Union territory, be construed as a reference to the returning officer for that constituency.”.

**Amend-
ment of
section
79.** 37. In section 79 of the 1951-Act,—

(a) for the words and figures “Parts VII and VIII”, the word and figures “Part VII” shall be substituted;

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

“(a) any reference to a High Court or to the Chief Justice or Judge of a High Court shall, in relation to a Union territory having a Court of the Judicial Commissioner, be construed as a reference to the said Court of the Judicial Commissioner or to the Judicial Commissioner or any Additional Judicial Commissioner, as the case may be;”;

(c) in clause (d), for the words “to withdraw”, the words “to withdraw or not to withdraw” shall be substituted;

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

“(e) “High Court” means the High Court within the local limits of whose jurisdiction the election to which the election petition relates has been held;”.

38. After section 80 of the 1951-Act, the following section shall be inserted, namely:—

**Insertion
of new
section
80A.**

**High
Court
to try
election
petitions.**

“80A. (1) The Court having jurisdiction to try an election petition shall be the High Court.

(2) Such jurisdiction shall be exercised ordinarily by a single Judge of the High Court and the Chief Justice shall, from time to time, assign one or more Judges for that purpose:

Provided that where the High Court consists only of one Judge, he shall try all election petitions presented to that Court.

(3) The High Court in its discretion may, in the interests of justice or convenience, try an election petition, wholly or partly, at a place other than the place of seat of the High Court.”.

39. In section 81 of the 1951-Act,—

- (a) in sub-section (1), for the words "Election Commission",
the words "High Court" shall be substituted;
(b) sub-section (2) shall be omitted;
(c) in sub-section (3), the words "and one more copy for
the use of the Election Commission" shall be omitted.

Amend-
ment of
section
81.

40. Section 85 of the 1951-Act shall be omitted.

Omission
of section
85.41. For sections 86 to 92 of the 1951-Act, the following sections
shall be substituted, namely:—Substitu-
tion of
new sec-
tions for
sections
86 to 92.

"86. (1) The High Court shall dismiss an election petition
which does not comply with the provisions of section 81 or section
82 or section 117.

Trial of
election
petitions.

Explanation.—An order of the High Court dismissing an
election petition under this sub-section shall be deemed to be an
order made under clause (a) of section 98.

(2) As soon as may be after an election petition has been
presented to the High Court, it shall be referred to the Judge
or one of the Judges who has or have been assigned by the
Chief Justice for the trial of election petitions under sub-section
(2) of section 80A.

(3) Where more election petitions than one are presented
to the High Court in respect of the same election, all of them
shall be referred for trial to the same Judge who may, in his
discretion, try them separately or in one or more groups.

(4) Any candidate not already a respondent shall, upon
application made by him to the High Court within fourteen
days from the date of commencement of the trial and subject
to any order as to security for costs which may be made by the
High Court, be entitled to be joined as a respondent.

Explanation.—For the purposes of this sub-section and of
section 97, the trial of a petition shall be deemed to commence
on the date fixed for the respondents to appear before the High
Court and answer the claim or claims made in the petition.

(5) The High Court may, upon such terms as to costs and
otherwise as it may deem fit, allow the particulars of any
corrupt practice alleged in the petition to be amended or ampli-
fied in such manner as may in its opinion be necessary for
ensuring a fair and effective trial of the petition, but shall not

allow any amendment of the petition which will have the effect of introducing particulars of a corrupt practice not previously alleged in the petition.

(6) The trial of an election petition shall, so far as is practicable consistently with the interests of justice in respect of the trial, be continued from day to day until its conclusion, unless the High Court finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded.

(7) Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the election petition is presented to the High Court for trial.

**Procedure
before
the High
Court.**

87. (1) Subject to the provisions of this Act and of any rules made thereunder, every election petition shall be tried by the High Court, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908 to the trial of suits:

Provided that the High Court shall have the discretion to refuse, for reasons to be recorded in writing, to examine any witness or witnesses if it is of the opinion that the evidence of such witness or witnesses is not material for the decision of the petition or that the party tendering such witness or witnesses is doing so on frivolous grounds or with a view to delay the proceedings.

(2) The provisions of the Indian Evidence Act, 1872, shall, subject to the provisions of this Act, be deemed to apply in all respects to the trial of an election petition.".

42. In sections 95, 96, 97, 98, 99, 100, 101 and 102 of the 1951-Act, for the words "the Tribunal", wherever they occur, the words "the High Court" shall be substituted.

**Amend-
ment of
sections
95, 96, 97,
98, 99, 100,
101 and
102.**

43. For section 103 of the 1951-Act, the following section shall be substituted, namely:—

**Substitu-
tion of
new sec-
tion for
section 103.**

**Com-
mu-
ni-
ca-
tion of
orders of
the High
Court,**

"103. The High Court shall, as soon as may be after the conclusion of the trial of an election petition, intimate the substance of the decision to the Election Commission and the Speaker or Chairman, as the case may be, of the House of Parliament or of the State Legislature concerned and, as soon as may be thereafter, shall send to the Election Commission an authenticated copy of the decision."

44. (a) In section 106 of the 1951-Act, for the words "the Tribunal", the words "the High Court" shall be substituted;

(b) in section 107 of the 1951-Act, for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Subject to the provisions contained in Chapter IVA relating to the stay of operation of an order of the High Court under section 98 or section 99, every such order shall take effect as soon as it is pronounced by the High Court.".

45. Section 108 of the 1951-Act shall be omitted.

Omission
of section
108.

46. For sections 109 and 110 of the 1951-Act, the following sections shall be substituted, namely:—

Substitution
of new sec-
tions for
sections
109 and
110.

"109. (1) An election petition may be withdrawn only by leave of the High Court.

(2) Where an application for withdrawal is made under sub-section (1), notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the Official Gazette.

110. (1) If there are more petitioners than one, no application to withdraw an election petition shall be made except with the consent of all the petitioners.

(2) No application for withdrawal shall be granted if, in the opinion of the High Court, such application has been induced by any bargain or consideration which ought not to be allowed.

(3) If the application is granted—

(a) the petitioner shall be ordered to pay the costs of the respondents therefore incurred or such portion thereof as the High Court may think fit;

(b) the High Court shall direct that the notice of withdrawal shall be published in the Official Gazette and in such other manner as it may specify and thereupon the notice shall be published accordingly;

(c) a person who might himself have been a petitioner may, within fourteen days of such publication, apply to be substituted as petitioner in place of the party withdrawing,

and upon compliance with the conditions, if any, as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the High Court may deem fit.”.

Amend-
ment of
section
111.

47. In section 111 of the 1951-Act, for the words “the Tribunal”, wherever they occur, the words “the High Court” shall be substituted.

Substitu-
tion of
new sec-
tion for
sections
112 to
115.

48. For sections 112, 113, 114 and 115 of the 1951-Act, the following section shall be substituted, namely:—

Abate-
ment of
election
petitions.

“112. (1) An election petition shall abate only on the death or a sole petitioner or of the survivor of several petitions.

(2) Where an election petition abates under sub-section (1), the High Court shall cause the fact to be published in such manner as it may deem fit.

(3) Any person who might himself have been a petitioner may, within fourteen days of such publication, apply to be substituted as petitioner and upon compliance with the conditions, if any, as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the High Court may deem fit.”.

Amend-
ment of
section
116.

49. In section 116 of the 1951-Act, for the words “the Tribunal”, in both the places where they occur, the words “the High Court” shall be substituted.

Substitu-
tion of
new sec-
tions for
sections
116A and
116B.

50. For sections 116A and 116B, the following sections shall be substituted, namely:—

Appeals
to Sup-
reme
Court.

“116A. (1) Notwithstanding anything contained in any other law for the time being in force, an appeal shall lie to the Supreme Court on any question (whether of law or fact) from every order made by a High Court under section 98 or section 99.

(2) Every appeal under this Chapter shall be preferred within a period of thirty days from the date of the order of the High Court under section 98 or section 99;

Provided that the Supreme Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within such period.

116B. (1) An application may be made to the High Court Stay of operation of order of High Court. for stay of operation of an order made by the High Court under section 98 or section 99 before the expiration of the time allowed for appealing therefrom and the High Court may, on sufficient cause being shown and on such terms and conditions as it may think fit, stay the operation of the order; but no application for stay shall be made to the High Court after an appeal has been preferred to the Supreme Court.

(2) Where an appeal has been preferred against an order made under section 98 or section 99, the Supreme Court may, on sufficient cause being shown and on such terms and condition as it may think fit, stay the operation of the order appealed from.

(3) When the operation of an order is stayed by the High Court or, as the case may be, the Supreme Court, the order shall be deemed never to have taken effect under sub-section (1) of section 107; and a copy of the stay order shall immediately be sent by the High Court or, as the case may be, the Supreme Court, to the Election Commission and the Speaker or Chairman, as the case may be, of the House of Parliament or of the State Legislature concerned.

116C. (1) Subject to the provisions of this Act and of the Procedure rules, if any, made thereunder, every appeal shall be heard and determined by the Supreme Court as nearly as may be in accordance with the procedure applicable to the hearing and determination of an appeal from any final order passed by a High Court in the exercise of its original civil jurisdiction; and all the provisions of the Code of Civil Procedure, 1908 and the Rules of the Court (including provisions as to the furnishing of security and the execution of any order of the Court) shall so far as may be, apply in relation to such appeal.

(2) As soon as an appeal is decided, the Supreme Court shall intimate the substance of the decision to the Election Commission and the Speaker or Chairman, as the case may be, of the House of Parliament or of the State Legislature concerned and as soon as may be thereafter shall send to the Election Commission an authenticated copy of the decision; and upon its receipt, the Election Commission shall—

(a) forward copies thereof to the authorities to which copies of the order of the High Court were forwarded under section 106; and

(b) cause the decision to be published in the Gazette or Gazettes in which that order was published under the said section.”.

51. For sections 117, 118, 119, 119A and 120 of the 1951-Act, the following sections shall be substituted, namely:—

Substitution of new sections for sections 117, 118, 119, 119A and 120.

Security for costs.

“117. (1) At the time of presenting an election petition, the petitioner shall deposit in the High Court in accordance with the rules of the High Court a sum of two thousand rupees as security for the costs of the petition.

(2) During the course of the trial of an election petition, the High Court may, at any time, call upon the petitioner to give such further security for costs as it may direct.

Security for costs from a respondent.

Costs.

118. No person shall be entitled to be joined as a respondent under sub-section (4) of section 86 unless he has given such security for costs as the High Court may direct.

119. Costs shall be in the discretion of the High Court:

Provided that where a petition is dismissed under clause (a) of section 98, the returned candidate shall be entitled to the costs incurred by him in contesting the petition and accordingly the High Court shall make an order for costs in favour of the returned candidate.”.

Amend-
ment of
section
121.

52. In section 121 of the 1951-Act, for the words “the Election Commission”, wherever they occur, the words “the High Court” shall be substituted.

Amend-
ment of
section
123.

53. In section 123 of the 1951-Act,—

(a) in clause (I) (A),—

(i) in sub-clause (a), for the words “to withdraw”, the words “to withdraw or not to withdraw” shall be substituted;

(ii) in sub-clause (i), for the words "having withdrawn", the words "having withdrawn or not having withdrawn" shall be substituted;

(b) in clause (1) (B),—

(i) in sub-clause (a), for the word "withdrawing", the words "withdrawing or not withdrawing" shall be substituted;

(ii) in sub-clause (b), for the words "to withdraw", the words "to withdraw or not to withdraw" shall be substituted;

(c) in clause (5), for the words "for the conveyance", the words "or the use of such vehicle or vessel for the free conveyance" shall be substituted;

(d) in clause (2) of the *Explanation* at the end of the section, the words ", or a polling agent or a counting agent" shall be omitted.

54. In section 126 of the 1951-Act, for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) No person shall convene, hold or attend any public meeting in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area."

Amend-
ment of
section
126.

55. In section 129 of the 1951-Act,—

Amend-
ment of
section
129.

(a) in sub-section (1), for the words "a returning officer", the words "a district election officer or a returning officer" shall be substituted;

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) An offence punishable under sub-section (3) shall be cognizable."

56. In section 130 of the 1951-Act, in sub-section (1), for the words "one hundred yards", the words "one hundred metres" shall be substituted.

Amend-
ment of
section
130.

57. In section 133 of the 1951-Act, for the words "two hundred and fifty rupees", the words "one thousand rupees" shall be substituted.

Amend-
ment of
section
133.

Amend-
ment of
section
134.

Insertion
of new
section
134A.

Penalty
for Gov-
ernment
servants
for acting
as election
agent,
polling
agent or
counting
agent.

Amend-
ment of
section
136.

Omission
of section
137 and
saving.

Omission
of Chap-
ters I, II
and III of
Part VIII.

58. In section 134 of the 1951-Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

“(IA) An offence punishable under sub-section (1) shall be cognizable.”;

(b) in sub-section (3), for the words “returning officers”, the words “district election officers, returning officers” shall be substituted.

59. After section 134 of the 1951-Act, the following section shall be inserted, namely:—

“134A. If any person in the service of the Government acts as an election agent or a polling agent or a counting agent of a candidate at an election, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.”.

60. In section 136 of the 1951-Act, for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) An offence punishable under sub-section (2) shall be cognizable.”.

61. Section 137 of the 1951-Act shall be omitted:

Provided that such omission shall not affect any inquiry or other proceeding under the said section pending immediately before such omission and any such inquiry or other proceeding may be continued and any prosecution may be instituted as a result of such inquiry or other proceeding and any penalty or punishment may be imposed under and in accordance with the said section as if that section had not been omitted.

62. In Part VIII of the 1951-Act, Chapters I, II and III shall be omitted.

63. Save as otherwise provided in this Act, nothing herein shall apply to any election which has been called before the commencement of this Act or to any election petition arising out of such election, whether such petition is pending at such commencement or is presented afterwards, and all such elections shall be held and petitions tried, and all matters in connection with such elections or petitions (including the constitution of Election Tribunals) shall be regulated, in accordance with the provisions of the law in force immediately before such commencement.

Act not
to apply
to pending
elections,
etc.

THE PREVENTIVE DETENTION (CONTINUANCE)
ACT, 1966

No. 48 OF 1969

[15th December, 1966]

An Act to continue the Preventive Detention Act, 1950, for a further period.

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

Short title.

1. This Act may be called the Preventive Detention (Continuance) Act, 1966.

**Amend-
ment
of sec-
tion 1.**

2. In sub-section (3) of section 1 of the Preventive Detention Act, 1950, for the figures, letters and words "31st day of December, 1966," of 1950, the figures, letters and words "31st day of December, 1969," shall be substituted.

THE PRODUCE CESS (AMENDMENT) ACT, 1966

No. 49 OF 1966

[15th December, 1966]

An Act to amend the Produce Cess Act, 1966.

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

1. This Act may be called the Produce Cess (Amendment) Act, Short title. 1966.

15 of 1966. 2. In section 2 of the Produce Cess Act, 1966 (hereinafter referred to as the principal Act), for clause (c), the following clause shall be, and shall be deemed always to have been, substituted, namely:—

52 of 1962. (c) “customs airport”, “customs port” and “customs station” have the meanings respectively assigned to them in the Customs Act, 1962;’.

3. In section 3 of the principal Act, in sub-section (1), for the words “customs port to any port”, the words “customs station to any place” shall be, and shall be deemed always to have been, substituted.

4. In section 11 of the principal Act,—

(a) in sub-section (1),—

(i) after the words “by sea”, the words “or air”, and

(ii) after the words “customs port”, the words “or customs airport”,

shall be, and shall be deemed always to have been, inserted;

Amend-
ment of
section 11.

(b) in sub-sections (2) and (3), for the words "by land", wherever they occur, the words "by land or inland water" shall be, and shall be deemed always to have been, substituted.

Amendment of section 20.

5. In section 20 of the principal Act, in sub-section (2), in clause (e), for the words "by land", the words "by land or inland water" shall be, and shall be deemed always to have been, substituted.

Amendment of First Schedule.

6. (1) In the First Schedule to the principal Act, after serial number 2 and the entries relating thereto in columns 2, 3 and 4, the following serial number and entries relating thereto shall be inserted under the respective columns, namely:—

"3	Cashew kernel.	1½ per cent. of the tariff value.	1 per cent. of the tariff value."
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(2) To the First Schedule to the principal Act, the following Explanation shall be added, namely:—

'Explanation.—In this Schedule, the expression "tariff value" has the meaning assigned to it in the Customs Act, 1962.'

52 of 1962.

THE INDIAN TARIFF (SECOND AMENDMENT)
ACT, 1966

No. 50 OF 1966

[15th December, 1966]

An Act further to amend the Indian Tariff Act, 1934.

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

1. (1) This Act may be called the Indian Tariff (Second Amendment) Act, 1966.

Short title
and com-
menc-
ment.

(2) It shall come into force on the 1st day of January, 1967.

32 of 1934.

2. In the First Schedule to the Indian Tariff Act, 1934,—

Amend-
ment of
First
Schedule.

(a) in Items Nos. 46, 46(1), 47(a), 47(b), 47(c), 47(1), 48(a), 48(b) and 48(c), in the last column headed "Duration of protective rates of duty", for the figures "1966", the figures "1969" shall be substituted;

(b) in Items Nos. 70(2) and 70(3),—

(i) in the third column headed "Nature of duty", for the word "Protective", the word "Revenue" shall be substituted;

(ii) in the last column headed "Duration of protective rates of duty", the entry "December 31st, 1966" shall be omitted;

(c) in Items Nos. 72(12), 72(34), 72(40) (a), 72(40) (b) and 75(12A),—

(i) in the third column headed "Nature of duty", for the word "Protective", the word "Revenue" shall be substituted;

(ii) in the last column headed "Duration of protective rates of duty", the entry "December 31st, 1966" shall be omitted.

THE POST-GRADUATE INSTITUTE OF MEDICAL
EDUCATION AND RESEARCH, CHANIGARH.

ACT, 1966

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and commencement.
2. Declaration of Post-Graduate Institute of Medical Education and Research, Chandigarh, as an institution of national importance.
3. Definitions.
4. Incorporation of Institute.
5. Composition of Institute.
6. Term of office of, and vacancies among, members.
7. President of Institute.
8. Allowances of President and members.
9. Meetings of Institute.
10. Governing Body and other committees of Institute.
11. Staff of Institute.
12. Objects of Institute.
13. Functions of Institute.
14. Vesting of property.
15. Payment to Institute.
16. Fund of Institute.
17. Budget of Institute.
18. Accounts and audit.
19. Annual report.
20. Pension and provident funds.
21. Authentication of orders and instruments of Institute.
22. Acts and proceedings not to be invalidated by vacancies, etc.
23. Grant of medical degrees, diplomas, etc., by Institute.
24. Recognition of medical qualifications granted by Institute.
25. Control by Central Government.
26. Disputes between Institute and Central Government.
27. Returns and information.

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SECTIONS

28. Transfer of service of existing employees.
29. Continuance of facilities at Institute.
30. Power to remove difficulties.
31. Power to make rules.
32. Power to make regulations.

THE POST-GRADUATE INSTITUTE OF MEDICAL
EDUCATION AND RESEARCH, CHANDIGARH,
ACT, 1966

No. 51 OF 1966

[17th December, 1966]

An Act to declare the institution known as the Post-Graduate Institute of Medical Education and Research, Chandigarh, to be an institution of national importance and to provide for its incorporation and matters connected therewith.

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

1. (1) This Act may be called the Post-Graduate Institute of Medical Education and Research, Chandigarh, Act, 1966.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

2. Whereas the objects of the institution known as the Post-Graduate Institute of Medical Education and Research, Chandigarh in the Union territory of Chandigarh are such as to make the institution one of national importance, it is hereby declared that the institution known as the Post-Graduate Institute of Medical Education and Research, Chandigarh is an institution of national importance.

Short title and commencement,

Declaration of Post-Graduate Institute of Medical Education and Research, Chandigarh, as an institution of national importance.

Definitions.

3. In this Act, unless the context otherwise requires,—

(a) "Fund" means the Fund of the Institute referred to in section 16;

¹ 1-4-67 : Vide Notification No. S.O. 1115 dated 29-3-1967, Gazette of India, Extraordinary Part II, Sec. 3(ii), P. 797.

(b) "Governing Body" means the Governing Body of the Institute;

(c) "Institute" means the institution known as the Post-Graduate Institute of Medical Education and Research, Chandigarh, incorporated under this Act;

(d) "member" means a member of the Institute;

(e) "regulation" means a regulation made by the Institute;

(f) "rule" means a rule made by the Central Government.

Incorporation of Institute.

4. The Post-Graduate Institute of Medical Education and Research, Chandigarh, is hereby constituted a body corporate by the name aforesaid and as such body corporate, it shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and shall, by that name, sue and be sued.

Composition of Institute.

5. The Institute shall consist of the following members, namely:—

(a) the Vice-Chancellor of the Punjab University, *ex officio*;

(b) the Director-General of Health Services, Government of India, *ex officio*;

(c) the Director of the Institute, *ex officio*;

(d) three representatives of the Central Government to be nominated by that Government, one each from the Ministry of Finance, Ministry of Education and Ministry of Health and Family Planning;

(e) seven persons of whom one shall be a non-medical scientist representing the Indian Science Congress Association, to be nominated by the Central Government;

(f) four representatives of the medical faculties of Indian Universities to be nominated by the Central Government in the manner prescribed by rules; and

(g) three members of Parliament of whom two shall be elected from among themselves by the members of the House of the People (Lok Sabha) and one from among themselves by the members of the Council of States (Rajya Sabha).

6. (1) Save as otherwise provided in this section, the term of office of a member shall be five years from the date of his nomination or election.

(2) The term of office of a member elected under clause (g) of section 5 shall come to an end as soon as he ceases to be a member of the House from which he was elected.

(3) The term of office of an *ex officio* member shall continue so long as he holds the office by virtue of which he is such a member.

(4) The term of office of a member nominated or elected to fill a casual vacancy shall continue for the remainder of the term of the member in whose place he is nominated or elected.

(5) An out-going member other than a member elected under clause (g) of section 5 shall, unless the Central Government otherwise directs, continue in office until another person is nominated as a member in his place.

(6) An out-going member shall be eligible for re-nomination or re-election.

(7) A member may resign his office by writing under his hand addressed to the Central Government but he shall continue in office until his resignation is accepted by that Government.

(8) The manner of filling vacancies among members shall be such as may be prescribed by rules.

7. (1) There shall be a President of the Institute who shall be nominated by the Central Government from among the members other than the Director of the Institute.

President
of
Institute.

(2) The President shall exercise such powers and discharge such functions as are laid down in this Act or as may be prescribed by rules or regulations.

Allow-
ances of
President
and
members.

8. The President and other members shall receive such allowances, if any, from the Institute as may be prescribed by rules.

Meetings
of
Institute.

9. The Institute shall hold its first meeting at such time and place as may be appointed by the Central Government and shall observe such rules of procedure in regard to the transaction of business at the first meeting as may be laid down by that Government; and thereafter the Institute shall meet at such times and places and observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed by regulations.

Governing
Body and
other
committees
of Insti-
tute.

10. (1) There shall be a Governing Body of the Institute which shall be constituted by the Institute in such manner as may be prescribed by regulations:

Provided that the number of persons who are not members of the Institute shall not exceed one-third of the total membership of the Governing Body.

(2) The Governing Body shall be the executive committee of the Institute and shall exercise such powers and discharge such functions as the Institute may, by regulations made in this behalf, confer or impose upon it.

(3) The President of the Institute shall be the Chairman of the Governing Body and as Chairman thereof shall exercise such powers and discharge such functions as may be prescribed by regulations.

(4) The procedure to be followed in the exercise of its powers and discharge of its functions by the Governing Body, and the term of office of, and the manner of filling vacancies among, the members of the Governing Body shall be such as may be prescribed by regulations.

(5) Subject to such control and restrictions as may be prescribed by rules, the Institute may constitute as many standing committees and as many *ad hoc* committees as it thinks fit for exercising any power or discharging any function of the Institute or for inquiring into, or reporting or advising upon, any matter which the Institute may refer to them.

(6) The Chairman and members of the Governing Body and the Chairman and members of a standing committee or an *ad hoc* committee shall receive such allowances, if any, as may be prescribed by regulations.

11. (1) There shall be a chief executive officer of the Institute Staff of who shall be designated as the Director of the Institute and shall, subject to such rules as may be made by the Central Government in this behalf, be appointed by the Institute:

Provided that the first Director of the Institute shall be appointed by the Central Government.

(2) The Director shall act as the Secretary to the Institute as well as the Governing Body.

(3) The Director shall exercise such powers and discharge such functions as may be prescribed by regulations or as may be delegated to him by the Institute or the President of the Institute or by the Governing Body or the Chairman of the Governing Body.

(4) Subject to such rules as may be made by the Central Government in this behalf, the Institute may appoint such number of other officers and employees as may be necessary for the exercise of its powers and discharge of its functions and may determine the designations and grades of such other officers and employees.

(5) Subject to such rules as may be made by the Central Government in this behalf, the Director and other officers and employees of the Institute shall be entitled to such salary and allowances and shall be governed by such conditions of service in respect of leave, pension, provident fund and other matters as may be prescribed by regulations made in this behalf.

12. The objects of the Institute shall be—

Objects of
Institute.

(a) to develop patterns of teaching in undergraduate and post-graduate medical education in all its branches so as to demonstrate a high standard of medical education;

(b) to bring together, as far as may be, in one place educational facilities of the highest order for the training of personnel in all important branches of health activity; and

(c) to attain self-sufficiency in post-graduate medical education to meet the country's needs for specialists and medical teachers.

**Functions
of
Institute.**

13. With a view to the promotion of the objects specified in section 12, the Institute may—

- (a) provide for undergraduate and post-graduate teaching in the science of modern medicine and other allied sciences, including physical and biological sciences;
- (b) provide facilities for research in the various branches of such sciences;
- (c) provide for the teaching of humanities;
- (d) conduct experiments in new methods of medical education, both undergraduate and post-graduate, in order to arrive at satisfactory standards of such education;
- (e) prescribe courses and curricula for both undergraduate and post-graduate studies;
- (f) notwithstanding anything contained in any other law for the time being in force, establish and maintain—
 - (i) one or more medical colleges with different departments, including a department of preventive and social medicine, sufficiently staffed and equipped to undertake not only undergraduate medical education but also post-graduate medical education in different subjects,
 - (ii) one or more well-equipped hospitals,
 - (iii) a dental college with such institutional facilities for the practice of dentistry and for the practical training of students as may be necessary,
 - (iv) a nursing college sufficiently staffed and equipped for the training of nurses,
 - (v) rural and urban health organisations which will form centres for the field training of the medical, dental and nursing students of the Institute as well as for research into community health problems, and
 - (vi) other institutions for the training of different types of health workers, such as physiotherapists, occupational therapists, pharmacists, drug analysts and medical technicians of various kinds;
- (g) train teachers for the different medical colleges in India;
- (h) hold examinations and grant such degrees, diplomas and other academic distinctions and titles in undergraduate and

post-graduate medical education as may be laid down in the regulations;

(i) institute, and appoint persons to, professorships, readerships, lecturerships and posts of any description in accordance with regulations;

(j) receive grants from the Government and gifts, donations, benefactions, bequests and transfers of properties, both movable and immovable, from donors, benefactors, testators or transferors, as the case may be;

(k) deal with any property belonging to, or vested in, the Institute in any manner which is considered necessary for promoting the objects specified in section 12;

(l) demand and receive such fees and other charges as may be prescribed by regulations;

(m) do all such other acts and things as may be necessary to further the objects specified in section 12.

31 of 1966. 14. The properties of the Institute which had, by virtue of the Vesting of Punjab Reorganisation Act, 1966, vested in the Central Government, property shall, on the commencement of this Act, vest in the Institute.

15. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Institute in each financial year such sums of money and in such manner as may be considered necessary by that Government for the exercise of its powers and discharge of its functions under this Act.

Payment
to
Institute.

16. (1) The Institute shall maintain a Fund to which shall be credited—

(a) all moneys provided by the Central Government;

(b) all fees and other charges received by the Institute; Fund of
Institute.

(c) all moneys received by the Institute by way of grants, gifts, donations, benefactions, bequests or transfers; and

(d) all moneys received by the Institute in any other manner or from any other source.

(2) All moneys credited to the Fund shall be deposited in such banks or invested in such manner as the Institute may, with the approval of the Central Government, decide.

(3) The Fund shall be applied towards meeting the expenses of the Institute including expenses incurred in the exercise of its powers and discharge of its functions under section 13.

**Budget of
Institute.**

17. The Institute shall prepare in such form and at such time every year as may be prescribed by rules a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure of the Institute and shall forward to the Central Government such number of copies thereof as may be prescribed by rules.

**Accounts
and audit.**

18. (1) The Institute shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance-sheet in such form as the Central Government may by rules prescribe, and in accordance with such general directions as may be issued by that Government, in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Institute shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Institute to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Institute shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India 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 the offices of the Institute as well as of the institutions established and maintained by it.

(4) The accounts of the Institute 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 both Houses of Parliament.

**Annual
report.**

19. The Institute shall prepare for every year a report of its activities during that year and submit the report to the Central Government in such form and on or before such date as may be prescribed by rules and a copy of this report shall be laid before both Houses of Parliament within one month of its receipt.

20. (1) The Institute shall constitute for the benefit of its officers, teachers and other employees in such manner and subject to such conditions as may be prescribed by regulations, such pension and provident funds as it may deem fit.
- (2) Where any such pension or provident fund has been constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925, shall apply to such fund as if it were a Government Provident Fund.
21. All orders and decisions of the Institute shall be authenticated by the signature of the President or any other member authorised by the Institute in this behalf and all other instruments shall be authenticated by the signature of the Director or any other officer of the Institute authorised in like manner in this behalf.
22. No act done or proceeding taken by the Institute, Governing Body or any standing or *ad hoc* committee under this Act shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Institute, Governing Body or such standing or *ad hoc* committee.
23. Notwithstanding anything contained in any other law for the time being in force, the Institute shall have power to grant medical degrees, diplomas and other academic distinctions and titles under this Act.
24. Notwithstanding anything contained in the Indian Medical Council Act, 1956, the medical degrees and diplomas granted by the Institute under this Act shall be recognised medical qualifications for the purposes of that Act and shall be deemed to be included in the First Schedule to that Act.
25. The Institute 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.
26. If in, or in connection with, the exercise of its powers and discharge of its functions by the Institute under this Act, any dispute arises between the Institute and the Central Government, the decision of the Central Government on such dispute shall be final.

Authentication of
orders
and
instruments
of
Institute.

Acts and
proceedings
not to be in-
validated
by vacan-
cies, etc.

Grant of
medical
degrees,
diplomas,
etc., by
Institute.

Recogni-
tion of
medical
qualifica-
tions
granted
by Insti-
tute.

Control by
Central
Govern-
ment.

Disputes
between
Institute
and
Central
Govern-
ment.

Returns
and infor-
mation.

27. The Institute shall furnish to the Central Government such reports, returns and other information as that Government may require from time to time.

Transfer
of service
of existing
employ-
ees.

28. Subject to the provisions of this Act, every person who is employed in the Post-Graduate Institute of Medical Education and Research, Chandigarh, immediately before the commencement of this Act shall, on and from such commencement, become an employee of the Institute and shall hold his office or service therein by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same on the date of commencement of this Act if this Act had not been passed, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by regulations:

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.

Continu-
ance of
facilities
at Insti-
tute.

29. The Institute shall continue to provide facilities to the Governments of the States of Haryana and Punjab and the Central Government in relation to the Union territories of Chandigarh and Himachal Pradesh and the people of the States and territories aforesaid and such facilities shall not, in any respect, be less favourable to such Governments and people than what were being provided to them before the 1st day of November, 1966 and shall be made available for such period and upon such terms and conditions (including those relating to any contributions to be made for the provision of such facilities) as may be agreed upon between the Institute, Governments of the States of Haryana and Punjab and the Central Government before the 1st day of April, 1967, or if no agreement is reached by the said date, as may be fixed by order of the Central Government.

Power to
remove
difficul-
ties.

30. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, within a period of three years from the commencement of this Act, by order published in the Official Gazette, make such provision or give such directions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty.

31. (1) The Central Government, after consultation with the Institute, may, by notification in the Official Gazette, make rules to carry out the purposes of this Act:

Power to
make
rules.

Provided that consultation with the Institute shall not be necessary on the first occasion of the making of rules under this section, but the Central Government shall take into consideration any suggestions which the Institute may make in relation to the amendment of such rules after they are made.

(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 manner of nomination of members under clause (f) of section 5;

(b) the control and restrictions in relation to the constitution of standing and *ad hoc* committees under sub-section (5) of section 10;

(c) the conditions of service of, the procedure to be followed by, and the manner of filling vacancies among, members of the Institute;

(d) the powers and functions to be exercised and discharged by the President of the Institute;

(e) the allowances, if any, to be paid to the President and other members of the Institute;

(f) the number of officers and employees that may be appointed by the Institute and the manner of such appointment;

(g) the form in which, and the time at which, the budgets and reports shall be prepared by the Institute and the number of copies thereof to be forwarded to the Central Government;

(h) the form and manner in which returns and information are to be furnished by the Institute to the Central Government;

(i) any other matter which has to be or may be prescribed by rules.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or

both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power
to make
regula-
tions

32. (1) The Institute may, with the previous approval of the Central Government, make regulations consistent with this Act and the rules made thereunder to carry out the purposes of this Act, and without prejudice to the generality of this power, such regulations may provide for—

- (a) the summoning and holding of meetings, other than the first meeting, of the Institute, the time and place where such meetings are to be held, the conduct of business at such meetings and the number of members necessary to form a quorum;
- (b) the manner of constituting the Governing Body and standing and *ad hoc* committees, the term of office of, and the manner of filling vacancies among, the members of, the Governing Body and standing and *ad hoc* committees;
- (c) the powers and functions to be exercised and discharged by the President of the Institute and the Chairman of the Governing Body;
- (d) the allowances, if any, to be paid to the Chairman and the members of the Governing Body and of standing and *ad hoc* committees;
- (e) the procedure to be followed by the Governing Body and standing and *ad hoc* committees in the conduct of their business, exercise of their powers and discharge of their functions;
- (f) the tenure of office, salaries and allowances and other conditions of service of the Director and other officers and employees of the Institute including teachers appointed by the Institute;
- (g) the powers and duties of the Chairman of the Governing Body;
- (h) the powers and duties of the Director and other officers and employees of the Institute;
- (i) the management of the properties of the Institute;
- (j) the degrees, diplomas and other academic distinctions and titles which may be granted by the Institute;

- (k) the professorships, readerships, lecturerships and other posts which may be instituted and persons who may be appointed to such professorships, readerships, lecturerships and other posts;
 - (l) the fees and other charges which may be demanded and received by the Institute;
 - (m) the manner in which, and the conditions subject to which, pension and provident funds may be constituted for the benefit of officers, teachers and other employees of the Institute;
 - (n) any other matter for which under this Act provisions may be made by regulations.
- (2) Notwithstanding anything contained in sub-section (1), the first regulations under this Act shall be made by the Central Government; and any regulations so made may be altered or rescinded by the Institute in exercise of its powers under sub-section (1).

THE BANARAS HINDU UNIVERSITY (AMENDMENT)
ACT, 1966

No. 52 OF 1966

[22nd December, 1966]

An Act further to amend the Banaras Hindu University Act, 1915.

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

Short title
and com-
mencement.

1. (1) This Act may be called the Banaras Hindu University (Amendment) Act, 1966.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

Substitution
of new
section for
section 2.

2. For section 2 of the Banaras Hindu University Act, 1915 (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

Defini-
tions.

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

(a) "Academic Council" means the Academic Council of the University;

(b) "college" means a college or teaching institution (other than a secondary, primary or infant school or pathasala) maintained by, or admitted to the privileges of, the University;

(c) "Court" means the University Court;

(d) "Executive Council" means the University Executive Council;

(e) "Faculty" means a Faculty of the University;

(f) "Ordinances" means the Ordinances of the University for the time being in force;

(g) "Regulations" means the Regulations of the University for the time being in force;

(h) "Statutes" means the Statutes of the University for the time being in force:

¹ 31-12-1966; Vide Notification No. GSR 16, dated 31-12-1966, Gazette of India, Part II, Sec. 3(i), P. 21.

(i) "teacher" means a salaried professor, reader, lecturer or tutor who imparts instruction in a Faculty of, or in a college maintained by, the University and includes any other person who is declared to be a teacher by the Academic Council;

(j) "University" means the Banaras Hindu University.'

3. In section 3 of the principal Act,—

Amend-
ment of
section 3.

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The Chancellor and the Vice-Chancellor and the members of the Court, the Executive Council and the Academic Council, for the time being, shall be a body corporate by the name of the Banaras Hindu University.";

(b) sub-section (3) shall be omitted.

4. In section 4 of the principal Act, in the proviso, for the words "to those who have consented to receive it", the words "to those who, or, in the case of minors, whose parents or guardians, have given their consent thereto in writing" shall be substituted.

Amend-
ment of
section 4.

5. In section 4A of the principal Act,—

Amend-
ment of
section 4A.

(a) for clauses (2) and (3), the following clauses shall be substituted, namely:—

"(2) to promote the study of religion, literature, history, science and art of Vedic, Hindu, Buddhist, Jain, Islamic, Sikh, Christian, Zoroastrian and other civilisations and cultures;

(3) to hold examinations and to grant diplomas and certificates, and confer degrees and other academic distinctions to and on persons—

(a) who shall have pursued a course of study in the University or in a college and passed the examination or who shall have carried on research work in the manner prescribed by the Ordinances, or

(b) who are teachers of the University or any college under conditions laid down in the Statutes or the Ordinances and shall have passed the examinations of the University under like conditions, or

(c) who, being women, shall have pursued a course of private study in subjects provided for by the Ordinances and shall have passed the examinations of the

University in their subjects under conditions laid down in the Ordinances;";

(b) in clause (5), after the word "diplomas", the words "or certificates" shall be inserted;

(c) after clause (5), the following clause shall be inserted, namely:—

"(5A) to withdraw degrees, diplomas, certificates and other academic distinctions;"

(d) after clause (9), the following clause shall be inserted, namely:—

"(9A) to institute, establish, maintain, reconstitute, amalgamate, divide or abolish departments, faculties or colleges and carry out inspection thereof and inquiry in relation thereto;"

(e) in clause (11), after the word "health", the words "and welfare" shall be inserted;

(f) after clause (12), the following clause shall be inserted, namely:—

"(12A) to regulate and enforce discipline among salaried officers, teachers and other employees of the University in accordance with the Statutes and Ordinances;"

(g) in clause (13), the word "and" at the end shall be omitted;

(h) after clause (13), the following clauses shall be inserted, namely:—

"(13A) to acquire, hold, manage and dispose of property, movable or immovable, including trust or endowed property, for the purposes of the University;

(13B) with the approval of the Central Government, to borrow on the security of the property of the University, money for the purpose of the University;"

6. In section 5 of the principal Act, in sub-section (2), after the word "equipment", the words "of any college" shall be inserted.

7. For sections 6 and 7 of the principal Act, the following sections shall be substituted, namely:—

Amend-
ment of
section 5.

Substitu-
tion of
new sec-
tions for
sections
6 and 7.

"6. The following shall be the officers of the University, Officers of the University,
namely:—

- (a) the Chancellor,
- (b) the Vice-Chancellor,
- (c) the Rector,
- (d) the Registrar,
- (e) the Finance Officer,
- (f) the Deans of Faculties,
- (g) the Dean of Students,
- (h) the Librarian,
- (i) the Chief Proctor,
- (j) such other persons in the service of the University
as may be declared by the Statutes to be the officers of the
University.

7. (1) The Chancellor shall be elected by the Court and Chancel-
lor.
shall hold office for a term of three years:

Provided that the Chancellor shall, notwithstanding the expiration of his term, continue to hold his office until the election of his successor.

(2) If the office of the Chancellor becomes vacant, the functions of his office shall, until some person is elected under sub-section (1) to the vacant office, be performed by the Vice-Chancellor.

7A. (1) The Chancellor shall, by virtue of his office, be the Head of the University.

Powers of
Chancel-
lor.

(2) The Chancellor shall, if present, preside at convocation of the University for conferring degrees and at all meetings of the Court.

7B. (1) The Vice-Chancellor shall be appointed by the Visitor from a panel of not less than three persons who shall be recommended by a committee consisting of three members.

Vice-Chan-
cellor.

Provided that, if the Visitor does not approve of any of the persons so recommended, he may call for fresh recommendations.

(2) Two members of the committee shall be persons not connected with the University or a college nominated by the Court and one member shall be a person nominated by the Visitor who shall also be the Chairman of the Committee.

(3) The Vice-Chancellor shall be a whole-time salaried officer of the University.

(4) The Vice-Chancellor shall hold office for a term of five years from the date on which he enters upon his office and shall,

on the expiration of his term of office, be ineligible for reappointment to that office:

Provided that the Vice-Chancellor shall, notwithstanding the expiration of his term, continue to hold his office until his successor is appointed and enters upon his office.

(5) The emoluments and other terms and conditions of service of the Vice-Chancellor shall be prescribed by the Statutes.

(6) If the office of the Vice-Chancellor becomes vacant, the functions of his office shall, until some person is appointed under sub-section (1) to the vacant office, be performed by the Rector:

Provided that if there is no Rector, the Registrar shall carry on the current duties of the Vice-Chancellor and call a meeting of the Executive Council forthwith and take its directions for the carrying on of the work of the University.

**Powers
and duties
of Vice-
Chancellor.**

7C. (1) The Vice-Chancellor who shall be the principal executive and academic officer of the University, shall take rank next to the Chancellor and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of its authorities.

(2) The Vice-Chancellor shall be the *ex-officio* Chairman of the Executive Council, the Academic Council, the Standing Committee of the Academic Council and the Finance Committee and shall, in the absence of the Chancellor, preside at any convocation of the University for conferring degrees and also at any meeting of the Court; he shall be entitled to be present at and to address any meeting of any authority or board or committee of the University but shall not be entitled to vote thereat unless he is a member of such authority or board or committee.

(3) It shall be the duty of the Vice-Chancellor to see that the provisions of this Act, the Statutes, the Ordinances and the Regulations are duly observed.

(4) The Vice-Chancellor shall have power to convene meetings of the Court, the Executive Council, the Academic Council and the Standing Committee of the Academic Council and shall perform all such acts as may be necessary to carry out the provisions of this Act, the Statutes and the Ordinances.

(5) If, in the opinion of the Vice-Chancellor, any emergency has arisen which requires immediate action to be taken, the Vice-Chancellor shall take such action as he deems necessary and shall report the same for approval at the next meeting to the authority which, in the ordinary course, would have dealt with the matter.

Provided that, if the action taken by the Vice-Chancellor is not approved by the authority concerned, he may refer the matter to the Visitor, whose decision thereon shall be final;

Provided further that, where any such action taken by the Vice-Chancellor affects any person in the service of the University, such person shall be entitled to prefer, within thirty days from the date on which he receives notice of such action, an appeal to the Executive Council.

(6) The Vice-Chancellor shall exercise such other powers as may be prescribed by the Statutes, the Ordinances or the Regulations.”

8. In section 8 of the principal Act, for the words “the officers of the University”, the words “the other officers of the University” shall be substituted. Amendment of section 8.

9. After section 8 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 8A.

“8A. The following shall be the authorities of the University, namely:— Authorities of the University.

- (a) the Court,
- (b) the Executive Council,
- (c) the Academic Council,
- (d) the Standing Committee of the Academic Council;
- (e) the Finance Committee,
- (f) the Faculties;
- (g) such other authorities as may be declared by the Statutes to be the authorities of the University.”.

10. For sections 9 and 10 of the principal Act, the following sections shall be substituted, namely:— Substitution of new sections for sections 9 and 10.

“9. (1) The Court shall be the supreme authority of the University and shall have power to review the acts of the Executive Council and the Academic Council (save where those authorities have acted in accordance with the powers conferred upon them by this Act, the Statutes or the Ordinances): The Court.

Provided that the power of review under this sub-section shall not be exercised except by a majority of the total membership of the Court and by a majority of not less than two-thirds of the members of the Court present and voting.

(2) The Court shall also have power to review, from time to time, the broad policies and programmes of the University and to suggest measures for the improvement of the University and shall exercise all the powers of the University not otherwise provided for by this Act or the Statutes.

(3) Without prejudice to the provisions of sub-sections (1) and (2), the Court shall consider the annual report, the annual accounts and the auditor's reports, if any, thereon and the budget of the University for the next financial year and communicate its views to the Executive Council.

**Meetings of
Court.**

9A. (1) An annual meeting of the Court shall be held on a date fixed by the Executive Council and at such annual meeting, a report of the proceedings of the Executive Council, a report of the working of the University during the previous year together with a statement of the receipts and expenditure, the balance-sheet as audited and the budget for the next financial year shall be presented by the Executive Council and considered by the Court and any vacancies among the officers of the University or among the members of the Court or the Executive Council which ought to be filled up by the Court shall also be filled up.

(2) A copy each of the reports together with a copy of the statement of receipts and expenditure and of the balance-sheet and the budget referred to in sub-section (1) shall be sent to every member of the Court at least fifteen days before the date of the annual meeting.

(3) Special meetings of the Court may be convened by the Executive Council or the Vice-Chancellor or if there is no Vice-Chancellor, by the Rector or if there is no Rector, by the Registrar:

Provided that a special meeting of the Court shall also be convened if not less than thirty-three members make a requisition in writing in this behalf.

**Executive
Council.**

10. (1) The Executive Council shall, subject to the control of the Court, be the executive body of the University and shall have charge of the management and administration of the revenue and property of the University and the conduct of all administrative affairs of the University not otherwise provided for.

(2) Subject to the provisions of this Act, the Executive Council shall exercise such other powers and perform such other duties as may be conferred or imposed on it by the Statutes or the Ordinances."

11. In section 11 of the principal Act,—

(a) for the word "instruction", the words "study and research" shall be substituted;

(b) the words "and discipline" shall be omitted; and

(c) after the words "honorary degrees", the words "and shall exercise such other powers and perform such other duties as may be conferred or imposed on it by the Statutes and Ordinances, and shall have the right to advise the Executive Council on all academic matters" shall be inserted.

12. For section 12A of the principal Act, the following sections shall be substituted, namely:—

Substitution of new sections for section 12A.

"12A. Subject to the provisions of this Act, the functions, powers and duties of the other authorities of the University shall be provided for by the Statutes.

Other authorities.

12B. (1) A person shall be disqualified for being chosen as, and for being, a member of any of the authorities of the University—

Disqualifications.

(a) if he is of unsound mind or is a deaf-mute or suffers from contagious leprosy;

(b) if he is an undischarged insolvent;

(c) if he has been convicted by a court of law of an offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months.

(2) If any question arises as to whether a person is or had been subjected to any of the disqualifications mentioned in sub-section (1), the question shall be referred for the decision of the Visitor and his decision shall be final, and no suit or other proceeding shall lie in any court of law against such decision."

13. In section 13 of the principal Act, in sub-section (2), for the words "submitted to the Visitor", the words "submitted to the Court and to the Visitor" shall be substituted.

Amendment of section 13.

14. In section 14 of the principal Act,—

Amendment of section 14.

(a) in the main paragraph, for the words "fifty lakhs of rupees", the words "forty-five lakhs of rupees" shall be substituted;

(b) in the proviso,—

(i) in clause (1), for the figures "1886", the figures "1920" shall be substituted;

(ii) in clause (2),—

(A) for the words “the aforesaid sum of fifty lakhs shall be reduced by such sum as, at the commencement of this Act”, the words, brackets and figures “the aforesaid sum of forty-five lakhs of rupees shall be reduced by such sum as, at the commencement of the Banaras Hindu University (Amendment) Act, 1966” shall be substituted;

(B) for the words “by any Indian Prince or Chief”, the words “by any Ruler of any Indian State” shall be substituted.

**Amend-
ment of
section 15.**

15. In section 15 of the principal Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) The University may also found and maintain (within or beyond the aforementioned limits) special centres and laboratories for research in Humanities, Science and Technology, Education, Medicine and other professional subjects and in other spheres of learning and knowledge.”;

(b) after sub-section (2), the following proviso shall be inserted, namely:—

“Provided that no new college or institution started after the commencement of the Banaras Hindu University (Amendment) Act, 1966, shall be admitted to any such privilege of the University.”.

**Amend-
ment of
section
16A.**

16. In section 16A of the principal Act, for the word “servants”, the word “employees” shall be substituted.

**Insertion
of new
sections
16B to
16D.**

**Conditions
of service
of officers
and
teachers.**

17. After section 16A of the principal Act, the following sections shall be inserted, namely:—

“16B. (1) Every salaried officer and teacher of the University shall be appointed under a written contract, which shall be lodged with the University and a copy of which shall be furnished to the officer or teacher concerned.

(2) Any dispute arising out of a contract between the University and any of its officers or teachers shall, at the request of the officer or teacher concerned or at the instance of the University, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the officer or the teacher concerned and an umpire appointed by the Visitor.

(3) The decision of the Tribunal of Arbitration shall be final and shall not be questioned in any court of law.

(4) No suit or proceeding shall lie in any court of law in respect of any matter which is required by sub-section (2) to be referred to the Tribunal of Arbitration.

(5) The Tribunal of Arbitration shall have power to regulate its own procedure.

(6) Nothing contained in any law for the time being in force relating to arbitration shall apply to arbitrations under this section.

16C. No act or proceedings of any authority or board or committee of the University shall be invalid merely by reason of—

(a) any vacancy in, or defect in the constitution thereof, or

(b) any defect in the election, nomination or appointment of a person acting as a member thereof, or

(c) any irregularity in its procedure not affecting the merits of the case.

16D. No suit, prosecution or other legal proceeding shall lie against any officer, teacher or other employee of the University for anything which is in good faith done or intended to be done by him under this Act or the Statutes or the Ordinances or the Regulations.”.

Proceedings not to be invalidated by vacancies, etc.

Protection of action taken in good faith.

18. For section 17 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 17, Statutes.

“17. (1) Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely :—

(a) the constitution of the Court and the constitution, powers and duties of the other authorities of the University other than the powers and duties provided for in this Act;

(b) the election and appointment of members of the authorities of the University, their continuance in office, the filling of vacancies of members thereof and all other matters relating to the authorities ;

(c) the appointment, powers and duties of the officers of the University ;

(d) the institution of degrees, diplomas, certificates and other academic distinctions;

(e) the conferment of honorary degrees ;

(f) the holding of convocations to confer degrees ;

(g) the establishment, reconstitution, amalgamation, division or abolition of faculties, departments, hostels, colleges and institutions;

(h) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

(i) conditions under which colleges and institutions including High Schools may be admitted to the privileges of the University and the withdrawal of such privileges;

(j) the institution of fellowships, scholarships, studentships, medals and prizes;

(k) the registration of graduates and the maintenance of a register of registered graduates;

(l) the classification and the manner of appointment of teachers in the University and the colleges;

(m) the constitution of a pension or provident fund and the establishment of an insurance scheme for the benefit of the officers, teachers and other employees of the University;

(n) the meetings of the Court, the Executive Council, the Academic Council, the Standing Committee of the Academic Council, the Finance Committee or the Faculties, the quorum at such meetings and the procedure to be followed in the conduct of their business;

(o) the discipline of students;

(p) all other matters which are to be or may be provided for by the Statutes.

(2) The Statutes in force at the commencement of the Banaras Hindu University (Amendment) Act, 1966 shall be those set out in the Schedule to this Act.

(3) The Court may, from time to time, make new or additional Statutes or may amend or repeal the Statutes in the manner hereinafter provided.

(4) The Executive Council may propose to the Court the draft of any Statute and such draft shall be considered by the Court at its next meeting:

Provided that the Executive Council shall not propose the draft of any Statute or of any amendment of a Statute affecting the status, powers or constitution of any existing authority of the University until such authority has been given an opportunity of expressing its opinion upon the proposal; and any opinion so expressed shall be in writing and shall be considered by the Court.

(5) The Court may approve any such draft as is referred to in sub-section (4) and pass the Statute or reject it or return it to the Executive Council for re-consideration, either in whole or in part, together with any amendments which the Court may suggest.

(6) Any member of the Court may propose to the Court the draft of any Statute, and the Court may either reject the proposal or refer such draft for consideration to the Executive Council which may either reject the proposal or submit the draft to the Court in such form as the Executive Council may approve.

(7) Every new Statute or addition to a Statute or any amendment or repeal of a Statute shall require the previous approval of the Visitor who may sanction or disallow it or remit it for further consideration.”.

19. In section 18 of the principal Act,—

Amend-
ment of
section 18.

(a) in sub-section (1),—

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

“(c) the qualifications for admission to courses of study for degrees, diplomas, certificates and other academic distinctions and to examinations of the University and the award of degrees, diplomas, certificates and other academic distinctions ;”;

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

“(ff) the remuneration and allowances to examiners, moderators and other persons engaged in the business of the University ;”;

, (iii) in clause (k), for the word “teachers”, the word “employees” shall be substituted;

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

“(ll) the meetings of any board or committee that may be set up under this Act or the Statutes, the

quorum at such meetings and the procedure to be followed in the conduct of their business ;";

(v) in clause (m), the word "and" at the end shall be omitted ;

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

"(mm) the powers and duties of teachers and salaried officers and the powers which may be delegated to them ;

"(mmm) the conditions and qualifications for the registration of graduates ;";

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

"Provided that no Ordinance shall be made—

(a) regarding the recognition of examinations of other Universities and institutions as equivalent to the University examinations, or

(b) affecting the conditions, mode of appointment or duties of examiners or the conduct or standard of examinations or of any course of study,

unless a draft of such Ordinance has been proposed by the Academic Council.";

(c) for sub-sections (5) and (6), the following sub-sections shall be substituted, namely :—

"(5) Where the Executive Council has rejected the draft of an Ordinance proposed by the Academic Council, the Academic Council may, within two months of the date of such rejection, appeal to the Visitor and he may, by order, direct that the proposed Ordinance shall be laid before the next meeting of the Court for its approval and that pending such approval, it shall have effect from such date as may be specified in the order :

Provided that if the Ordinance is not approved by the Court at such meeting, it shall cease to have effect.

(6) All Ordinances made by the Executive Council shall be submitted, as soon as may be, to the Visitor and the

Court, and shall be considered by the Court at its next meeting ; and the Court shall have power, by a resolution passed by a majority of not less than two-thirds of the members present and voting, to cancel any Ordinance made by the Executive Council, and any such Ordinance shall, from the date of such resolution, cease to have effect.”;

(d) in sub-section (7), for the words “two months from the date of such order”, the following shall be substituted, namely :—

“one month from the date of such order or on the expiration of fifteen days from the date of consideration of the Ordinance by the Court, whichever period expires later”;

(e) after sub-section (7), the following sub-section shall be inserted, namely:—

“(8) The Visitor may, within three months after any Ordinance has been considered by the Court, signify to the Executive Council his disallowance of the Ordinance, and from the date of receipt by the Executive Council of intimation of such disallowance, the Ordinance shall cease to have effect.”.

20. In section 19 of the principal Act, to sub-section (3), the following proviso shall be added, namely :—

Amendment of
section 19.

“Provided that any authority of the University which is dissatisfied with any such direction may, within two months of the date of such direction, appeal to the Court, whose decision thereon shall be final.”.

21. For section 19A of the principal Act, the following section shall be substituted, namely :—

Substitution
of new
section
for
section
19A.

“19A. Where any authority of the University is given power by this Act or by the Statutes to appoint boards or committees, such board or committee shall, unless there is some special provision to the contrary, consist of members of the authority concerned and of such other persons (if any) as the authority in each case may think fit.”.

Constitu-
tion of
boards
and com-
mittees.

Power
to re-
move
difficul-
ties.

22. If any difficulty arises with respect to the constitution of any authority, the appointment or election of any officer of the University or in connection with the first meeting of any authority of the University in accordance with the provisions of the principal Act as amended by this Act and of the Statutes set out in the Schedule, the Visitor may, by order, make any appointment or do anything which appears to him necessary or expedient for the proper constitution of any authority of the University or the appointment of any officer thereof or for the first meeting of any such authority of the University.

Transi-
tional
provi-
sions.

23. (1) Every authority of the University shall as soon as may be after the commencement of this Act be constituted in accordance with the provisions of the principal Act as amended by this Act and of the Statutes set out in the Schedule and until any such authority is so constituted, the authority functioning immediately before such commencement shall continue to exercise all the powers and perform all the duties under the principal Act as so amended.

(2) The following officers, namely, the Chancellor, the Deans of the Faculties and the Chief Proctor shall, as soon as may be after the commencement of this Act, be elected or appointed in accordance with the provisions of the principal Act as amended by this Act and of the Statutes set out in the Schedule, and the persons holding any such office immediately before such commencement shall continue to hold that office until his successor enters upon his office.

(3) Notwithstanding anything contained in section 6 of the principal Act as substituted by this Act, the person holding immediately before the commencement of this Act the office of the Treasurer shall continue to hold that office until the Finance Officer is appointed in accordance with the provisions of the principal Act as amended by this Act and of the Statutes set out in the Schedule.

(4) Every officer of the University, other than those referred to in sub-sections (2) and (3), holding office immediately before the commencement of this Act shall, on and from such commencement, hold his office by the same tenure and upon the same terms and conditions as he held it immediately before such commencement.

(5) The persons holding office as the Pro-Chancellor and the Pro-Vice-Chancellor immediately before the commencement of this Act shall, on such commencement, cease to hold office ; and any reference

to the Pro-Vice-Chancellor in any Ordinance, Regulation or rule of the University shall be construed as a reference to the Vice-Chancellor.

THE SCHEDEULE

[See section 17 (2)]

THE STATUTES OF THE UNIVERSITY

1. In these Statutes,—

Definitions.

(a) "Act" means the Banaras Hindu University Act, 1915 ;

(b) all words and expressions used herein and defined in the Act shall have the meanings respectively assigned to them in the Act.

2. (1) There shall be paid to the Vice-Chancellor a salary of two thousand five hundred rupees per mensem and he shall be entitled, without payment of rent, to use a furnished residence throughout his term of office and no charge shall fall on the Vice-Chancellor personally in respect of the maintenance of such residence.

Emolu-
ments,
terms and
conditions
of service
of the
Vice-
Chancellor.

(2) The Vice-Chancellor shall not be entitled to the benefits of the University Provident Fund or to any other allowance :

Provided that where an employee of the University is appointed as Vice-Chancellor, he shall be allowed to continue to contribute to the Provident Fund and the contribution of the University shall be limited to what he had been contributing immediately before his appointment as Vice-Chancellor.

(3) The Vice-Chancellor shall be entitled to travelling allowances at such rates as may be fixed by the Executive Council.

(4) The Vice-Chancellor shall be entitled to leave on full pay for one-enth of the period spent by him on active service.

(5) The Vice-Chancellor shall also be entitled, on medical grounds or otherwise than on medical grounds, to leave without pay for a period not exceeding three months during the term of his office :

Provided that such leave may be converted into leave on full pay to the extent to which he will be entitled to leave under clause (4).

Rector.

3. (1) The Rector shall be appointed by the Executive Council on the recommendation of the Vice-Chancellor :

Provided that where the recommendation of the Vice-Chancellor is not accepted by the Executive Council, he may recommend any other person to the Executive Council and if it does not accept that recommendation also, the Vice-Chancellor shall forward the names of both the persons aforesaid to the Visitor and the Visitor may appoint either of them or direct the Vice-Chancellor to recommend any other person to the Executive Council.

(2) The Rector shall be a whole-time salaried officer of the University.

(3) The Rector shall hold office for a term of five years from the date on which he enters upon his office and shall at the expiry of such term be eligible for re-appointment for a second term.

(4) The emoluments and other terms and conditions of service of the Rector shall be prescribed by the Ordinances.

(5) The Rector shall assist the Vice-Chancellor in all matters and shall also exercise such powers and perform such duties as may be delegated to him by the Vice-Chancellor.

(6) Where the Vice-Chancellor is the Chairman of any board or committee appointed under Statute 26 and he is absent for any reason whatsoever from any meeting of such board or committee, the Rector shall preside over such meeting.

(7) The Rector shall be entitled to be present at and to address any meeting of any authority or board or committee of the University but shall not be entitled to vote thereat unless he is a member of such authority or board or committee.

Registrar.

4. (1) The Registrar shall be appointed by the Executive Council on the recommendation of a Selection Committee constituted for the purpose and shall be a whole-time salaried officer.

(2) When the office of the Registrar is vacant or when the Registrar is, by reason of illness or absence for any other cause,

unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(3) The Registrar shall be the *ex-officio* Secretary of the Court, the Executive Council, the Academic Council, the Standing Committee of the Academic Council, the Selection Committees and the Faculties, but shall not be deemed to be a member of any of these authorities.

(4) The Registrar shall—

(a) be the custodian of the records, the common seal and such other properties of the University as the Executive Council shall commit to his charge;

(b) issue under the direction of the Vice-Chancellor all notices convening meetings of the Court, the Executive Council, the Academic Council, the Finance Committee, the Standing Committee of the Academic Council, the Selection Committees, the Faculties, the Boards of Studies, the Boards of Examiners, the Boards of Moderators and of the committees appointed by the authorities of the University;

(c) maintain the minutes of all meetings of the Court, the Executive Council, the Academic Council, the Standing Committee of the Academic Council, the Finance Committee, the Selection Committees, the Faculties, and of the committees appointed by the authorities of the University;

(d) conduct the official correspondence of the Court, the Executive Council, the Academic Council and the Standing Committee of the Academic Council;

(e) control the conduct of examinations and all other arrangements necessary therefor and the execution of all processes connected therewith;

(f) supply to the Visitor copies of the agenda of meetings of the authorities of the University as soon as they are issued and the minutes of the meetings of the authorities ordinarily within a month of the holding of the meetings;

(g) in an emergency, when neither the Vice-Chancellor nor the Rector is able to act, call a meeting of the Executive Council forthwith and take its directions for carrying on the work of the University;

(h) represent the University in suits or proceedings by or against the University, assign powers of attorney and verify pleadings or depute his representative for the purpose;

(i) perform such other duties as may be prescribed by these Statutes, the Ordinances and Regulations or as may be required, from time to time, by the Executive Council or the Vice-Chancellor.

(5) (a) The Registrar shall have power to take disciplinary action against the employees belonging to the ministerial, subordinate-executive and class IV services and to suspend them pending enquiry, administer warnings to them or impose on them the penalty of censure or the withholding of increment:

Provided that no such penalty shall be imposed until the employee has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(b) An appeal shall lie to the Vice-Chancellor against any order of the Registrar imposing the penalty of the withholding of increment.

(c) In a case where the enquiry discloses that a punishment beyond the powers of the Registrar is called for, the Registrar shall, upon conclusion of the enquiry, make a report to the Vice-Chancellor along with his recommendations, and the decision of the Vice-Chancellor thereon shall be final :

Provided that an appeal shall lie to the Executive Council against the order of the Vice-Chancellor imposing the penalty of dismissal.

Finance Officer.

5. (1) The Finance Officer shall be appointed by the Executive Council on the recommendation of a Selection Committee constituted for the purpose and shall be a whole-time salaried officer.

(2) When the office of the Finance Officer is vacant or when the Finance Officer is, by reason of illness or absence for any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(3) The Finance Officer shall—

(a) exercise general supervision over the funds of the University and shall advise it as regards its financial policy; and

(b) perform such other financial functions as may be assigned to him by the Executive Council or as may be prescribed by these Statutes or the Ordinances :

Provided that the Finance Officer shall not incur any expenditure or make any investment exceeding Rs. 10,000 without the previous approval of the Executive Council.

(4) Subject to the control of the Executive Council, the Finance Officer shall—

- (a) hold and manage the property and investments including trust and endowed property for furthering any of the objects of the University ;
- (b) see that the limits fixed by the Finance Committee for recurring and non-recurring expenditure for a year are not exceeded and that all moneys are expended on the purposes for which they are granted or allotted;
- (c) be responsible for the preparation of annual accounts and the budget of the University for the next financial year and for their presentation to the Executive Council;
- (d) keep a constant watch on the state of the cash and bank balances and on the state of investments ;
- (e) watch the progress of collection of revenue and advise on the methods of collection employed ;
- (f) have the accounts of the University regularly audited by an internal audit party ;
- (g) see that the registers of buildings, land and equipment are maintained up-to-date and that the stock-checking is conducted of equipments and other consumable materials in all offices and colleges, and in the Public Works Department and Workshop stores ;
- (h) call for explanation for unauthorised expenditure and for other financial irregularities and suggest disciplinary action against the persons at fault;
- (i) call for from any office or institution under the University any information or returns that he may consider necessary to discharge his financial responsibilities.

(5) The receipt of the Finance Officer or of the person or persons duly authorised in this behalf by the Executive Council for any money payable to the University shall be sufficient discharge for the same.

6. (1) The Librarian shall be a whole-time salaried officer appointed by the Executive Council on the recommendation of a Selection Committee constituted for the purpose and shall possess such qualifications as may be prescribed by the Executive Council. Librarian.

(2) When the office of the Librarian is vacant or when the Librarian is, by reason of illness or absence for any other cause, unable to

perform the duties of his office, the duties of the office shall be performed by such person as the Executive Council may appoint for the purpose.

(3) The duties and powers of the Librarian shall be regulated by the Ordinances.

Dean of Students.

7. (1) The Dean of Students shall be appointed, from amongst employees of the University who are or who have been teachers of the University not below the rank of Reader, by the Executive Council on the recommendation of the Vice-Chancellor; the Dean shall be a whole-time employee of the University, shall hold office for a term of three years and shall be eligible for re-appointment.

(2) The person who is appointed as the Dean of Students shall continue to hold his lien on his substantive post and shall continue to subscribe to the University Provident Fund.

(3) When the office of the Dean of Students is vacant or when the Dean of Students is, by reason of illness or absence for any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(4) The duties and powers of the Dean of Students shall be regulated by the Ordinances.

Chief Proctor.

8. (1) The Chief Proctor shall be a person not below the rank of Reader of the University, shall be appointed by the Executive Council from amongst the teachers of the University on the recommendation of the Vice-Chancellor and shall exercise such powers and perform such duties as may be assigned to him by the Vice-Chancellor.

(2) The Chief Proctor shall hold office for a term of two years and shall be eligible for re-appointment for a second term.

(3) When the office of the Chief Proctor is vacant or when the Chief Proctor is, by reason of illness or absence for any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

Deans of Faculties.

9. (1) There shall be a Dean for each Faculty; the head of each of the Departments within the Faculty, who is a Professor, shall, by rotation according to seniority, act as the Dean of the Faculty for a period of two years:

Provided that, in any Faculty,—

(i) if there is no Professor, the senior-most Reader shall act as the Dean, and

(ii) if there is no Professor or Reader, the Vice-Chancellor shall act as the Dean.

(2) The Dean shall be the Chairman of the Faculty and shall be responsible for the due observance of these Statutes, the Ordinances and the Regulations relating to the Faculty.

(3) The Dean shall be responsible for the organisation and conduct of teaching and research work in the Departments comprised in the Faculty.

(4) The Dean shall exercise such other powers and perform such other functions and duties as may be assigned to him by the Executive Council or the Vice-Chancellor.

10. (1) The Court shall consist of the following members, The Court, namely:—

A. Ex officio Members:

(i) The Chancellor	1
(ii) The Vice-Chancellor	1
(iii) The Rector	1
(iv) The remaining members of the Executive Council who are not otherwise members of the Court	
(v) The Finance Officer	1
(vi) The Librarian	1
(vii) The Dean of Students	1
(viii) The Chief Proctor	1

B. Representatives of Departments and Colleges:

(ix) All Deans of Faculties

(x) Heads of Teaching Departments who are not Deans, by rotation according to seniority as indicated below:

From the Faculty of Arts	2
From the Faculty of Science	2
From the Faculty of Technology	1
From the Faculty of Engineering	1
From the Faculty of Oriental Learning and Theology	1
From the Faculty of Medical Sciences	1
From the Faculty of Music and Fine Arts	1
From the Faculty of Education	1
From the Faculty of Agriculture	1
From the Faculty of Commerce	1
From the Faculty of Law	1

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C. *Representatives of Professors and Principals:*

(xi) Professors who are not Heads of Departments by rotation according to seniority. 1

(xii) The Principal, Women's College, and if there are two or more Women's Colleges, the Principals, by rotation according to seniority

The Principal, College of Medical Sciences 1

(xiii) Principals of colleges admitted to the privileges of the University by rotation according to seniority 1

D. *Representatives of Teachers other than Professors:*

(xiv) Two Readers by rotation according to seniority 2

(xv) Two Lecturers by rotation according to seniority 2

E. *Representatives of registered graduates:*

(xvi) Twenty representatives none of whom shall be a member or an employee of the University or of a college admitted to the privileges of the University, to be elected by the registered graduates from amongst themselves through the system of proportional representation by means of the single transferable vote 20

F. *Representatives of registered donors:*

(xvii) Ten representatives to be elected by the registered donors from amongst themselves through the system of proportional representation by means of the single transferable vote 10

G. *Representatives of Parliament:*

(xviii) Six representatives of Parliament, four to be elected by the Lok Sabha in such manner as the Speaker may direct and two to be elected by the Rajya Sabha in such manner as the Chairman may direct 6

H. Persons representing Learned Professions, Industry, Commerce and Agriculture:

- (xix) Five persons representing learned professions,
to be nominated by the Visitor 5
- (xx) Five persons representing Industry, Commerce and Agriculture to be nominated by the
Visitor 5

I. Other nominated Members:

- (xxi) Not more than five persons, to be nominated by
the Visitor 5
- (xxii) One person to be nominated by the Governor of Uttar Pradesh 1
- (xxiii) One person to be nominated by the Chancellor 1:

Provided that in making nominations under items (xix), (xx), (xxi) and (xxiii) due regard shall be had to the representation of the different interests, professions, cultures and learning and also of the different regions of the country.

Provided further that no employee of the University or of a college admitted to the privileges of the University shall be eligible to be a member under any of the items (xvii), (xviii), (xix), (xx), (xxi), (xxii) and (xxiii).

(2) When an elected member of the Court becomes an *ex officio* member before the expiry of his term, he shall cease to be an elected member.

(3) Save as otherwise expressly provided, a member of the Court shall hold office for a term of three years.

(4) Thirty members of the Court shall form the quorum.

11. Notice of meetings of the Court shall be issued by the Secretary at least thirty days before the date of the meeting with an agenda paper, and no business which does not arise out of matters noted or mentioned in the agenda paper shall be considered unless the consent of at least two-thirds of the members of the Court present at the meeting be obtained thereto.

Notice of meeting.

12. Every member who intends to bring forward any special business at a meeting of the Court or to propose any person for election as Chancellor shall give notice of such business or of the name of the person to be proposed, to the Secretary at least twenty days before the date appointed for such meeting; and every member who intends to propose an amendment shall give notice thereof to the Secretary ten days before the date fixed for the meeting.

Notice of proposals or amendments.

Notice of
special
meeting.

13. A notice of twenty-one days of any special meeting of the Court stating generally the nature of the business to be transacted shall be sent to each member of the Court, and no such meeting shall be competent to transact any business other than that mentioned in the notice or directly arising out of it; any member desiring to send a proposal relating to the nature of the business specified in the notice shall send such proposal to the Secretary so as to reach him at least ten days before the date of the meeting.

The Ex-
ecutive
Council.

14. (1) The Executive Council shall consist of the following members, namely:—

(i) The Vice-Chancellor

1

(ii) Four Deans, two from each of the following two groups, by rotation according to seniority

4

Group I

- (a) Faculty of Arts,
- (b) Faculty of Oriental Learning and Theology,
- (c) Faculty of Education,
- (d) Faculty of Law,
- (e) Faculty of Music and Fine Arts,
- (f) Faculty of Commerce.

Group II

- (a) Faculty of Science,
- (b) Faculty of Technology,
- (c) Faculty of Agriculture,
- (d) Faculty of Engineering,
- (e) Faculty of Medical Sciences

(iii) One Professor not being Dean or Principal by rotation according to seniority

1

(iv) The Principal, Women's College, and if there are two or more Women's Colleges the Principals by rotation according to seniority

1

(v) Principals of colleges admitted to the privileges of the University by rotation according to seniority	1
(vi) Five persons, none of whom shall be an employee of the University, elected by the Court from amongst its members, through the system of proportional representation by means of the single transferable vote	5
(vii) Three persons nominated by the Visitor	3
(viii) One person nominated by the Chancellor	1
	<hr/>
TOTAL	17:
	<hr/>

Provided that no employee of the University shall be eligible to be a member under any of the items (vii) and (viii).

(2) Members of the Executive Council referred to in items (ii) to (v) shall hold office for a term of two years and those referred to in items (vi) to (viii) shall hold office for a term of three years.

(3) Seven members of the Executive Council shall form the quorum.

(4) The Registrar shall be the *ex officio* Secretary of the Executive Council without any right of participation in the discussion or voting.

(5) When an elected member of the Executive Council becomes also an *ex officio* member, he shall cease to be an elected member.

15. Subject to the provisions of the Act, these Statutes and the Ordinances, the Executive Council shall, in addition to any other powers vested in it, have the following powers, namely:—

(i) to appoint, from time to time, such Professors, Readers, Lecturers and other members of the teaching staff as may be necessary, on the recommendation of the Selection Committee constituted for the purpose, and to provide for filling temporary vacancies therein;

(ii) to fix the emoluments and define the duties and conditions of service of Professors, Readers, Lecturers and other members of the teaching staff:

Provided that no action shall be taken by the Executive Council in respect of the number, the qualifications and the emoluments of teachers otherwise than after consideration of the recommendation of the Academic Council;

(iii) to appoint the Registrar, the Dean of Students, the Chief Proctor, the Librarian and other salaried officers and staff of the University and to fix their emoluments and define their duties and conditions of service;

(iv) to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University and, for that purpose, to appoint such agents as it may think fit;

(v) to invest any money belonging to the University, including any unapplied income, in such stocks, funds, share or securities, as it shall, from time to time, think fit, or in the purchase of immovable property in India, with the like powers of varying such investments from time to time;

(vi) (a) to accept on behalf of the University any trust, bequest, donation or transfer of any movable or immovable property to the University; and

(b) to transfer any movable or immovable property on behalf of the University;

(vii) to provide the buildings, premises, furniture, apparatus, and other means needed for carrying on the work of the University;

(viii) to enter into, vary, carry out and cancel contracts on behalf of the University;

(ix) to entertain, adjudicate upon, and if it thinks fit, to redress, any grievances of the salaried officers of the University, the teaching staff and other employees of the University who may for any reason feel aggrieved:

Provided that, in matters of discipline and punishment, where the final power has been vested in the Vice-Chancellor or any other officer of the University, no appeal shall lie to the Executive Council;

(x) to appoint examiners and moderators and if necessary, to remove them, and to fix their fees, emoluments and travelling and other allowances after considering the recommendations of the Standing Committee of the Academic Council;

(xi) to maintain registers of registered graduates and of registered donors to the University;

(xii) to select a common seal for the University, and provide for the custody and use of the seal;

(xiii) to manage Departments, Institutions of Research or Specialised Studies, Special Centres, Laboratories, Museums and Hostels managed by the University;

(xiv) to arrange for and direct the inspection of Colleges, Departments, Institutions, Special Centres and Hostels and to issue instructions for maintaining their efficiency and ensuring proper conditions of employment for members of their staff;

(xv) to make arrangements, from time to time, for periodical assessment of the work of the teachers of the University;

(xvi) to institute fellowships including travelling fellowships, scholarships, studentships, medals and prizes;

(xvii) to direct the conduct of examinations in conformity with the Ordinances and the publication of the results thereof;

(xviii) to delegate any of its powers to the Vice-Chancellor, the Registrar or such other officer of the University or to a Committee appointed by it as it may deem fit.

16. The Executive Council shall, from time to time, appoint such ~~Committee~~ person or persons as it may think proper, either by virtue of office or by name, to enter into, execute and sign contracts for and on

behalf of the University, and to present them for registration according to the law in force for the time being.

Academic
Council.

17. (1) The Academic Council shall consist of the following members, namely:—

- (i) The Vice-Chancellor.
 - (ii) The Deans of Faculties.
 - (iii) The Heads of Teaching Departments.
 - (iv) All Professors who are not Heads of Teaching Departments.
 - (v) The Librarian.
 - (vi) The Dean of Students.
 - (vii) The Chief Proctor.
 - (viii) Two Readers and four Lecturers by rotation according to seniority.
 - (ix) The Principal, Women's College, and if there are two or more Women's Colleges, the Principals.
 - (x) All Principals of colleges admitted to the privileges of the University.
 - (xi) Not more than five persons, not being employees of the University, co-opted by the Academic Council for their specialised knowledge.
- (2) All members of the Academic Council, other than *ex-officio* members, shall hold office for a term of three years:
- Provided that a member co-opted in his capacity as a member of a particular board or committee or as the holder of a particular post shall hold office so long only as he continues to be a member of that board or committee or the holder of that post.
- (3) Twenty-five members of the Academic Council shall form the quorum.

18. Subject to the provisions of the Act, the Academic Council shall, in addition to all other powers vested in it, have the following powers, duties and functions, namely:—

Powers,
duties
and
functions
of the
Academic
Council.

- (i) to report on any matter referred to it by the Court or the Executive Council;
- (ii) to make recommendations to the Executive Council with regard to the creation and abolition of teaching posts in the University and the colleges, and the classification of the said posts and the emoluments and duties attaching thereto;
- (iii) to formulate, modify or revise schemes for the organisation of, and assignment of subjects to, Faculties and to report to the Executive Council as to the expediency of the abolition, reconstitution or division of any Faculty or the amalgamation of one or more Faculties;
- (iv) to promote research within the University and to require, from time to time, reports on such research;
- (v) to consider proposals submitted by the Faculties;
- (vi) to recognise diplomas and degrees of other Universities and institutions and to determine their equivalent diplomas and degrees of the Banaras Hindu University;
- (vii) to make special arrangements, if any, for the teaching of women students and for prescribing for them special courses of study, after consulting the Advisory Board of Women's Education;
- (viii) to make such arrangements for the instruction and examination of persons, not being members of the University, as may be necessary;

- (ix) to recommend to the Executive Council the rates of fees and charges;
- (x) to make proposals to the Executive Council for the establishment of Colleges, Departments, Institutions of Research and Specialised Studies, Special Centres, Libraries, Laboratories and Museums;
- (xi) to make proposals to the Executive Council for the institution of fellowships, travelling fellowships, scholarships, studentships, medals and prizes;
- (xii) to recommend to the Executive Council draft Ordinances regarding examinations of the University and the conditions on which students should be admitted to such examinations and the working, maintenance and use of the University Library;
- (xiii) to maintain proper standards of examination;
- (xiv) to constitute a Council of Students' Affairs consisting of such number of teachers and students as may be prescribed by the Ordinances to advise the Academic Council on matters relating to the welfare of the students of the University;
- (xv) to perform, in relation to academic matters, all such duties and to do all such acts as may be necessary for the proper carrying out of the provisions of the Act, these Statutes and the Ordinances.

The
Standing
Committee
of
the Academic
Council.

19. (1) The Standing Committee of the Academic Council shall be the executive body of the Academic Council and shall consist of the following members:—
- (i) The Vice-Chancellor;
 - (ii) The Deans of Faculties;
 - (iii) The Principal, Women's College, and if there are two or more Women's Colleges, one Principal by rotation according to seniority;
 - (iv) One Principal of the Colleges admitted to the privileges of the University, by rotation according to seniority;
 - (v) The Dean of Students.

(2) Seven members of the Standing Committee of the Academic Council shall form the quorum.

20. The duties of the Standing Committee of the Academic Council shall be, subject to the revision and control of the Academic Council—

- (i) to fix, subject to any conditions accepted by the Executive Council, the time, mode and conditions of competition for fellowships, scholarships and other prizes and to award the same;
- (ii) to conduct examinations in conformity with the Ordinances and to fix dates for holding them;
- (iii) to declare the results of the various University examinations, or to appoint committees or officers to do so, and to make recommendations to the Academic Council regarding the conferment or grant of degrees, honours, diplomas, certificates, titles and marks of honour;
- (iv) to award stipends, scholarships, medals, prizes and to make awards in accordance with the Ordinances and such other conditions as may be attached to the awards;
- (v) to make recommendations to the Executive Council in regard to the appointment of examiners, and if necessary, their removal and the fixation of their fees, emoluments and the travelling and other allowances and the appointment of Boards of Examiners and Moderators;
- (vi) to appoint, whenever necessary, Inspectors or Boards of Inspectors for inspecting colleges and institutions applying for admission to the privileges of the University;
- (vii) to publish lists of prescribed or recommended textbooks and to publish syllabuses of the prescribed courses of study;
- (viii) to prepare such forms and registers as are, from time to time, prescribed by the Ordinances;
- (ix) to appoint committees for admission to the University; and
- (x) to perform all such duties and to do all such acts, as may be necessary for the carrying out of the decisions and

directions of the Academic Council and to perform all such functions as may be delegated to it by the Academic Council under the Act, the Statutes or the Ordinances.

**Finance
Com-
mittee.**

21. (1) The Finance Committee shall consist of the following members, namely:—

(i) The Vice-Chancellor;

(ii) Two persons nominated by the Visitor;

(iii) Two persons, who are not employees of the University, one elected by the Court and one nominated by the Executive Council.

(2) The Finance Officer shall be the Secretary of the Finance Committee.

(3) Three members of the Finance Committee shall form the quorum.

(4) All members of the Finance Committee, other than *ex officio* members, shall hold office for a term of three years.

(5) The Vice-Chancellor shall preside at meetings of the Finance Committee.

(6) A member of the Finance Committee shall have the right to record a minute of dissent if he dissents from the other members.

(7) The Finance Committee shall meet at least twice every year to examine accounts and to scrutinise proposals for expenditure.

(8) The annual accounts and the budget of the University for the next financial year prepared by the Finance Officer shall be laid before the Finance Committee for consideration and comments and thereafter submitted to the Executive Council for approval with or without amendments.

(9) The Finance Committee shall fix limits for the total recurring expenditure and the total non-recurring expenditure for the year, based on the income and resources of the University which, in the case of productive works, may include the proceeds of loans; no expenditure shall be incurred by the University in excess of the limits so fixed.

**Facul-
ties.**

22. The University shall include the faculties of—

- (i) Oriental Learning and Theology,
- (ii) Arts,
- (iii) Science,
- (iv) Law,

- (v) Technology,
- (vi) Medical Sciences,
- (vii) Agriculture,
- (viii) Education,
- (ix) Music and Fine Arts,
- (x) Engineering,
- (xi) Commerce.

23. (1) Each Faculty shall consist of the following members, Constitution
of Facul-
ties. namely:—

- (i) the Dean of the Faculty who shall be the Chairman;
- (ii) the Heads of Departments of Studies in the Faculty;
- (iii) all Professors in the Faculty;
- (iv) one Reader and one Lecturer, by rotation according to seniority, from each Department in the Faculty;
- (v) one teacher, by rotation according to seniority, from the Women's Colleges:

Provided that the college provides instruction in any of the subjects assigned to the Faculty:

Provided further that the rotation according to seniority shall be amongst teachers of subjects assigned to the Faculty;

(vi) persons not connected with the University having special knowledge of the subject or subjects concerned, nominated by the Academic Council, one for each Department of the Faculty, provided that the number of members to be nominated to each of the Faculties of Law, Agriculture, Education and Music and Fine Arts under this sub-clause, shall be five.

(2) The term of office of a member nominated under sub-clause (vi) of clause (1) shall be three years from the date of his nomination.

24. (1) The Faculty shall have such powers and shall perform such duties as may be assigned to them by these Statutes and the Ordinances and shall, from time to time, appoint such and so many Boards of Studies in different branches of knowledge as may be prescribed by the Ordinances. Powers
of the
Faculties.

(2) The Faculties shall also consider and make such recommendations to the Academic Council on any question pertaining to their

respective spheres of work as may appear to them necessary or on any matter referred to them by the Academic Council.

Departments of Faculties.

25. (1) The Departments of Studies in existence in the University at the commencement of the Banaras Hindu University (Amendment) Act, 1966 and the Faculties relating thereto are set out in the Annexure to this Schedule.

(2) No Department shall be established, reconstituted, amalgamated with another, or divided or abolished except in accordance with the provisions of these Statutes.

(3) Each Department shall consist of the following members, namely:—

- (i) Teachers of the Department;
- (ii) Persons conducting research in the Departments;
- (iii) Dean of the Faculty or Deans of the Faculties concerned;
- (iv) Honorary Professors, if any, attached to the Department;
- (v) Such other persons as may be members of the Department in accordance with the provisions of the Ordinances.

(4) Each Department shall have a Head who may be a University Professor or, if there is no Professor, a Reader, and whose duties, functions and terms and conditions of appointment shall be laid down by the Ordinances:

Provided that, if there are two or more Professors or Readers in any Department, no person shall be appointed to be the Head of the Department otherwise than in accordance with the provisions made in respect thereof by the Ordinances:

Provided further that, if there is no Professor or Reader in a Department otherwise than in accordance with the provisions made Head of the Department.

Boards and committees.

26. The Court, the Executive Council, the Academic Council or any Faculty may appoint boards or committees consisting of members of the authority making such appointment and such other persons (if any) as that authority in each case may think fit; and any

such board or committee may deal with any subject assigned to it subject to subsequent confirmation by the authority which appointed it.

27. (1) (a) There shall be Selection Committees for making recommendations to the Executive Council for appointment to the posts of Professors, Readers, Lecturers, Registrar, Finance Officer and Librarian. Selection
Commit-
tees.

(b) Every Selection Committee shall consist of the Vice-Chancellor who shall be the Chairman thereof and a person nominated by the Visitor; and, in addition, the Selection Committee for making recommendations for appointment to a post specified in column (1) of the Table below shall have as its members the persons specified in the corresponding entry in column (2) of the said Table.

TABLE

	(1)	(2)
Professor		(1) The Dean of the Faculty concerned; (2) The Head of the Department concerned, if he is a Professor; and (3) Three persons not connected with the University who have special knowledge of the subject with which the person to be appointed will be concerned, to be nominated by the Executive Council.
Reader, Lecturer		(1) The Dean of the Faculty concerned; (2) The Head of the Department concerned, if he is a Professor; and (3) Two persons not connected with the University who have special knowledge of the subject with which the person to be appointed will be concerned, to be nominated by the Executive Council.
Registrar, Finance Officer		Three members of the Executive Council nominated by it.
Librarian		Three persons not connected with the University who have special knowledge of the subject of Library Science to be nominated by the Executive Council.

(2) The procedure to be followed by a Selection Committee in making recommendations shall be laid down in the Ordinances.

(3) If the Executive Council is unable to accept any recommendation made by the Selection Committee, it shall record its reasons and submit the case to the Visitor for orders.

Elected
Chair-
man to
preside
where no
provi-
sion made
in Statu-
tes.

28. Where, by these Statutes, no provision is made for the President or Chairman to preside over a meeting of any University authority, board or committee, or when the President or Chairman so provided for is absent, the members present shall elect one among themselves to preside at the meeting.

Re-ap-
pointmen-
and re-
election.

29. Save as otherwise provided in the Act, these Statutes or the Ordinances every officer of the University and every member of any University authority whose term of office or of membership has expired shall be eligible for re-appointment or re-election, as the case may be.

Resigna-
tion.

30. (1) Any member other than an *ex officio* member of the Court, the Executive Council, the Academic Council or any other University authority may resign his membership by letter addressed to the Registrar, and the resignation shall take effect as soon as such letter is received by the Registrar.

(2) An Officer of the University (whether salaried or otherwise), other than a Dean, may resign his office by letter addressed to the Registrar:

Provided that such resignation shall take effect only on the date from which the same is accepted by the authority competent to appoint such Officer.

Removal
of
teachers.

31. (a) Where there is an allegation of misconduct against a teacher, the Vice-Chancellor may, if he thinks fit, by order in writing, place the teacher under suspension and shall forthwith report to the Executive Council the circumstances in which the order was made:

Provided that the Executive Council may, if it is of the opinion, that the circumstances of the case do not warrant the suspension of the teacher, revoke that order.

(b) Notwithstanding anything contained in the terms of his contract of service or of his appointment, the Executive Council shall be entitled to remove a teacher on the ground of misconduct.

(c) Save as aforesaid, the Executive Council shall not be entitled to remove a teacher except for good cause and after giving three

months' notice in writing or payment of three months' salary in lieu of notice.

(d) No teacher shall be removed under clause (b) or under clause (c) until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(e) The removal of a teacher shall require a two-thirds majority of the members of the Executive Council present and voting.

(f) The removal of a teacher shall take effect from the date on which the order of removal is made:

Provided that where a teacher is under suspension at the time of his removal, the removal shall take effect on the date on which he was placed under suspension.

(g) Notwithstanding anything contained in these Statutes, the teacher shall be entitled to resign by giving three months' notice in writing to the Executive Council.

32. (1) Notwithstanding anything contained in the terms of his contract of service or of his appointment, an employee of the University, other than a teacher, may be removed by the authority which is competent to appoint the employee—
Removal
of em-
ployees
other
than
teachers.

(a) if he is of unsound mind or is a deaf-mute or suffers from contagious leprosy;

(b) if he is an undischarged insolvent;

(c) if he has been convicted by a court of law of an offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months;

(d) if he is otherwise guilty of misconduct:

Provided that no officer of the University shall be removed from his office unless a resolution to that effect is passed by the Executive Council by a majority of two-thirds of its members present and voting.

(2) No such employee shall be removed under clause (1) until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(3) Where the removal of such employee is for a reason other than that specified in sub-clause (c) or sub-clause (d) of clause (1), he shall be given three months' notice in writing or paid three months' salary in lieu of notice.

(4) Notwithstanding anything contained in the Statutes, an employee of the University, not being a teacher, shall be entitled to resign,--

(i) in the case of a permanent employee, only after giving three months' notice in writing to the appointing authority or paying to the University three months' salary in lieu thereof;

(ii) in any other case, only after giving one month's notice in writing to the appointing authority or paying to the University one month's salary in lieu thereof.

Seniority.

33. (1) Whenever, in accordance with these Statutes, any person is to hold any office or be a member of any authority of the University by rotation according to seniority, such seniority as between two persons holding permanent posts of similar rank or grade shall be determined in accordance with the length of continuous permanent service in such rank or grade and in the case of two persons in temporary service in similar rank or grade, seniority shall be determined in accordance with the length of continuous temporary service in such rank or grade; between a permanent employee and a temporary employee in the same rank or grade, the permanent employee shall be senior.

(2) It shall be the duty of the Registrar to prepare and maintain in respect of each class of persons to whom the provisions of this Statute apply, a complete and up-to-date seniority list in accordance with the provisions of the foregoing clause.

(3) If two or more persons have equal length of continuous service in a particular grade or post, or the relative seniority of any person or persons is otherwise in doubt, the Registrar may, on his own motion, and shall, at the request of any such person, submit the matter to the Executive Council whose decision thereon shall be final.

Tenure of office.

34. Notwithstanding anything contained in these Statutes, a person who holds any office in the University or is a member of any authority or board or committee of the University in his capacity as a member of any other authority or board or committee, or as the holder of any appointment, shall hold the office or be a member of the authority or board or committee of the University so long only as he continues to be a member of that other authority or board or committee, or the holder of that particular appointment, as the case may be.

35. All casual vacancies in the office of member (other than an *ex officio* member) of any authority or board or committee of the University shall be filled, as soon as conveniently may be, by the officer or authority or board or committee who has power to appoint, elect or co-opt the member whose place has become vacant, and the person so appointed, elected or co-opted in a casual vacancy shall be a member of such authority or board or committee for the residue of the term for which the person whose place he fills would have been a member.

36. (1) Colleges and other institutions within a radius of fifteen miles from the main temple of the University may be admitted to such privileges of the University as the Executive Council may decide on the following conditions, namely:—

(i) every such college or institution shall have a Managing Body constituted in accordance with the rules relating to the society or association establishing the college or institution consisting of—

- (a) two persons nominated by the University;
- (b) the Principal;
- (c) two teachers to be nominated in accordance with the Ordinances;
- (d) such number of other persons as may be specified in the rules:

Provided that the previous approval of the Executive Council is obtained for the appointment of every such other person;

(ii) every such college or institution shall satisfy the Executive Council on the following points:—

- (a) the suitability and adequacy of its accommodation and equipment for teaching,
- (b) the qualifications and adequacy of its teaching staff and the conditions of their service,
- (c) the arrangements for the residence, welfare, discipline and supervision of its students, and
- (d) such other matters as are essential for the maintenance of the standards of University education; and

Filling of
casual
vacancies.

Admission
of Col-
leges etc.,
to the
privileges
of the
Univer-
sity.

(iii) no college or institution shall be admitted to any privileges of the University except on the recommendation of the Academic Council made after considering the report of a Committee of Inspection appointed for the purpose by the Standing Committee of the Academic Council.

(2) Every appointment of a teacher in such college or institution shall be made on the recommendation of a Selection Committee which shall consist of—

(a) the Principal, unless the post to be filled is that of the Principal;

(b) one representative of the University nominated by the Executive Council;

(c) two persons nominated by the Managing Body;

(d) two persons not connected with the college or institution who have special knowledge of the subject with which the person to be appointed will be concerned to be nominated by the Executive Council.

(3) Every such college or institution shall be inspected at least once every year by a Committee appointed by the Standing Committee of the Academic Council, and the report of that Committee shall be submitted to the Standing Committee of the Academic Council which shall forward the same to the Executive Council with such recommendations as it may deem fit to make. The Executive Council, after considering the report and the recommendations, if any, of the Standing Committee of the Academic Council, shall forward a copy of the report to the Managing Body of the college or institution with such remarks, if any, as it may deem fit, for suitable action.

(4) The Executive Council may, after consulting the Academic Council, withdraw any privileges granted to a college or institution if at any time it considers that the college or institution is not fulfilling the requisite conditions:

Provided that no such privileges shall be withdrawn until the Managing Body of the college or the institution, as the case may be, has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to the college or the institution.

(5) Subject to the conditions set forth above, the Ordinances may prescribe any other conditions which may be considered necessary and also the procedure for the admission of colleges and institutions to the privileges of the University and for the withdrawal of those privileges.

37. (1) Every graduate of the University of not less than three years' standing shall be entitled to be registered and to have his name entered in the register of registered graduates, the period of three years being computed from the date of conferment of the first degree by the University on the person concerned.

(2) Every person who intends to become a registered graduate shall make an application to the Registrar in such form and on payment of such fee as may be prescribed by the Ordinances.

(3) If any question arises as to whether a person is entitled to have his name entered in the register of registered graduates, it shall be decided by the Vice-Chancellor whose decision thereon shall be final.

(4) The names of all graduates which have been entered in the register of registered graduates immediately before the commencement of the Banaras Hindu University (Amendment) Act, 1966 shall be included in the register of registered graduates maintained under this Statute.

(5) No registered graduate shall be entitled to vote at, or stand as a candidate for, an election to the Court from among the registered graduates unless his name has been entered in the register of registered graduates for at least one year prior to the date of the election.

38. (1) Every person who has made a donation of one thousand rupees or more or has transferred property of the like value to the University shall be entitled to be registered and to have his name entered in the register of registered donors.

(2) The names of all donors who have made such donation or have transferred such property immediately before the commencement of the Banaras Hindu University (Amendment) Act, 1966 shall be included in the register of registered donors maintained under this Statute.

39. (1) The Degree of Doctor of Letters (D. Litt.), or Mahamahopadhyaya, *Honoris Causa*, shall be conferred upon such persons as have contributed substantially to the advancement of Literature, Philosophy, Art, Music, Painting or any other subject assigned to the Faculty of Arts, or for conspicuous service rendered by them to the cause of education.

Honorary Degrees

(2) The Degree of Doctor of Science (D. Sc.) *Honoris Causa* shall be conferred upon such persons as have contributed substantially to the advancement of any branch of science or technology or to planning, organising or developing scientific and technological institutions in the country.

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(3) The Degree of Doctor of Laws (L.L.D.) *Honoris Causa* shall be conferred upon persons, who are distinguished lawyers, judges or jurists, statesmen or have made noteworthy contribution to public good.

Emeritus Professor and Visiting Professor.

40. (1) A retired Professor of the University who has acquired distinction in the field of scholarship and research and has published any work of merit may, on the recommendation of the Vice-Chancellor supported with reasons and of the Academic Council, be appointed as Emeritus Professor on such terms as may be prescribed by the Ordinances in this regard.

(2) A scholar of eminence who has acquired distinction in the field of scholarship and research and has published any work of merit may, on the recommendation of the Vice-Chancellor supported with reasons, be invited by the Academic Council to deliver lectures in the University for a specified period on such terms as may be prescribed by the Ordinances.

Provision for maintenance of Central Hindu School.

41. (1) The Executive Council shall make provision for the maintenance of the Central Hindu School and other schools which have been established in accordance with the Act, these Statutes or the Regulations.

(2) The management of such schools shall be in accordance with the Ordinances made in this behalf.

Properties of the schools to be properties of the University.

42. The schools referred to in Statute 41 and all their buildings, properties, furniture, apparatus and books and accounts shall be the property of the University.

Subscription by employees.

43. Every employee of the University, appointed permanently, or on probation, to a substantive post shall, as a condition of his service, subscribe to the Provident Fund eight and one-third per cent. of his salary; such subscription shall be deducted from his salary every month, fractions of a rupee of the salary being omitted.

Contribution by the University.

44. (1) The University shall contribute to the Fund a sum equal to such percentage of the salary of each employee as may be approved by the Central Government.

(2) Such contribution shall be credited to the account of the employee concerned and charged to the University accounts under the head "Provident Fund":

Provided that in the case of a person appointed on probation such contribution shall be added to the Fund only on his confirmation credit being given from the date on which the subscription was deducted each time from his salary.

45. The amount of the deduction made from the salary of an employee under Statute 43 and the amount of the contribution made by the University under Statute 44 shall be deposited in the Post Office Savings Bank or in the State Bank as the Executive Council may direct, in the name of the Fund as early as practicable or at any rate within three days of the date on which the payment of the salary is made.

46. (1) The University may, from time to time, invest such part of the Provident Fund, as may be considered expedient, in such Government securities as the Executive Council may determine, and may change the nature of the securities.

(2) All interest or profit realized from the securities or from any deposit or account arising out of the Fund, shall, after deducting the incidental expenses of investment or realization, be credited to the Provident Fund account to be distributed rateably in the account of each subscriber.

47. (1) On a written application from a subscriber to the Provident Fund and with the approval of the Executive Council, the University may allow premia on the Life Insurance policy of the subscriber to be paid out of the subscriber's share in his Provident Fund.

(2) In all such cases, the Life Insurance policy for which the premia are so paid shall be assigned in favour of the University and the policy shall, on the retirement of the subscriber from the service of the University, be re-assigned to him by the University. In case of maturity of the policy during the service of the subscriber in the University, the full amount of the policy shall be credited to the Provident Fund of the subscriber and in the case of the death of the subscriber during the service, the full amount of the policy shall be paid to the legal representative of the deceased entitled to the Provident Fund.

Amount
when
payable.

48. The amount at the credit of any subscriber shall be payable—

(a) on the death of the subscriber, to the person or persons nominated by him or, when no such nomination is made, to his legal heir or heirs;

(b) on his ceasing to be in the service of the University, to such subscriber, provided—

(i) that no subscriber who has been dismissed for what is considered by the Executive Council as gross misconduct, shall, if the Executive Council so directs, be entitled to the benefit or to receive any part of any sum at any time contributed by the University to the Fund or the interest or profit thereon;

(ii) that if any subscriber resigns his appointment before putting in five years' service, the University may withhold the contribution allotted to him, together with the interest thereon, and pay to the subscriber only the balance at his credit without such contribution or the interest on or profit from such contribution.

Recovery
of loss or
damage.

49. The University shall not be entitled to recover from the amount to the credit of any subscriber on account of subscriptions made by him thereto (including interest on or profit from such subscriptions), any sum on account of any loss or damage sustained by the University through the misconduct or negligence of the subscriber or any other sum due to the University from him; any such loss or damage sustained by the University or other liability incurred by the subscriber to the University, shall, however, be recoverable from the contribution made by the University to his account including interest on profit thereon.

Lapse of
withheld
contribution.

Advances.

50. Any contribution and interest or profit, withheld under these Statutes, shall lapse to the University.

51.(1) In case of urgent necessity, which in the opinion of the Executive Council justifies the course, the University may allow a subscriber an advance of a sum, not exceeding his salary for three months, out of the amount subscribed by him with interest thereon (excluding the contribution of the University and the interest or profit thereon).

(2) The advance shall be recovered in such number of monthly instalments, not exceeding twenty-four as the Executive Council may fix, and shall be recovered by deduction from the salary payable by the University to such subscriber; the amount of such instalments shall be fixed in whole rupees, and the deductions shall commence

from the first payment of a full month's salary, after such advance has been made, and the last instalment shall cover the entire balance then due.

(3) Notwithstanding anything in clause (1), if an advance is required for the purpose of building or purchasing a house, the maximum limit of the advance may be equal to twelve months' salary of the subscriber out of his subscription to the Fund, to be repaid in such number of instalments, not exceeding forty-eight, as the Executive Council may determine.

(4) A subscriber may at his option pay at any time any additional sum above the amount fixed.

(5) No subsequent advance shall ordinarily be made until the lapse of three months from the date when the previous advance has been fully repaid.

52. An employee, who is on leave on full pay, shall continue to subscribe to the Provident Fund and may do so at his option, if he is on leave on less than full pay.

53. A separate account in Form A shall be kept in the office of the University on account of every employee subscribing to the Provident Fund, and a copy of the account shall be furnished to every such employee at the end of each financial year and on his ceasing to be an employee.

FORM A

Provident Fund, Banaras Hindu University deposit account for the
year ending the 31st of March, 196 .

Provident
Fund
Ledger.

54. (1) Accounts credited or debited to the Provident Fund shall on the same day be posted to the Provident Fund Ledger in Form B, given below. The figures for column 6 in the ledger will be calculated yearly as also the net balance of each account entered in columns 7 and 10.

FORM B

Provident Fund Ledger, Banaras Hindu University, Banaras

No. of Account	Name of Subscriber	Opening Balance	April to March		Rateable interest or profit	Total	Withdrawal	Repayment	Closing Balance	Remarks
			Deduction from salary	Contribution by the University						
1	2	3	4	5	6	7	8	9	10	11

(2) No voluntary deposits from employees shall be credited to the Provident Fund.

Closing of
account.

55. If a subscriber dies or his services otherwise terminate, his account shall be closed, and the sum due to him shall cease to bear interest or carry any profit after the expiry of the month in which his death or the termination of his services occurs.

Transfer
to deposit
account.

56. When an account is closed, any sum remaining unclaimed shall be removed from the Provident Fund Ledger and transferred to a deposit account at the end of the year and be dealt with like any ordinary deposit.

Nomina-tion.

57. (1) Every subscriber shall be required to sign a written declaration that he has read these Statutes and he agrees to abide by them and hand over for registration in the University Office the name of the person to whom he wishes the balance at his credit to be paid in the event of his death.

(2) When nominating more than one person, he may state the proportion in which the said balance may be paid to each of them

respectively. In case the nominee or any of the nominees is a minor, he should state the date of birth of the minor nominee; and the payment shall be made to the next friend of the nominee or the guardian who may be authorised by law to receive payment on his behalf while he is a minor.

(3) The subscriber may, from time to time, add to or change his nominee or nominees and the proportion in which the balance at credit is to be distributed, by written application to the University.

(4) A register of nominees shall be kept in the University Office in Form C given below:—

FORM C

Name of Subscriber	Name and address of his nominee with date of birth and the name of his next friend if he is a minor	Signature of Subscriber	Signature of the Rector, the University
1	2	3	4

58. Notwithstanding anything contained in these Statutes, no Employee employee of the University shall be entitled to the benefit of the who are Provident Fund if he is otherwise entitled to a pension or the Uni- not eligi- versity contributes towards his pension and leave allowance or he ble. has been appointed by the University on a consolidated salary on special terms.

59. Where any employee of the University has been in continuous Gratuity service, whether before or after the commencement of the Banaras Hindu University (Amendment) Act, 1966, for not less than ten years, and—

- (i) he retires from service on account of incapacity; or
- (ii) he dies while in service;

the employee or, in the case of his death, the dependent members of his family, shall be paid, on such retirement or death, by the Univer-

sity such gratuity as the Executive Council may determine in the circumstances of each case, the amount of gratuity being calculated at a rate not exceeding one-half month's salary last drawn by the employee for every completed year of service or any part thereof in excess of six months:

Provided that in no case the total amount of gratuity so determined shall exceed fifteen months' salary last drawn by the employee.

Mainte-
nance of
discipline
among stu-
dents of
the Uni-
versity.

60. (1) All powers relating to discipline and disciplinary action in relation to students shall vest in the Vice-Chancellor.

(2) The Vice-Chancellor may delegate all or such of his powers as he deems proper to the Chief Proctor and to such other persons as he may specify in this behalf.

(3) Without prejudice to the generality of his powers relating to the maintenance of discipline and taking such action in the interest of maintaining discipline as may seem to him appropriate, the Vice-Chancellor may, in the exercise of his powers aforesaid, order or direct that any student or students be expelled, or be, for a stated period, rusticated, or be not, for a stated period, admitted to a course or courses of study in a College, Department or Institution of the University, or be fined in a sum of rupees that may be specified, or be debarred from taking a University or College or Departmental Examination or Examinations for one or more years, or that the results of student or students concerned in the Examination or Examinations in which he or they have appeared be cancelled.

(4) The Principals of Colleges, Heads of Special Centres, Deans of Faculties and Heads of Teaching Departments in the University shall have the authority to exercise all such disciplinary powers over the students in their respective Colleges, Special Centres, Institutions, Faculties and Teaching Departments in the University as may be necessary for the proper conduct of the Institutions, Special Centres and teaching in the concerned Departments.

(5) Without prejudice to the powers of the Vice-Chancellor and the Chief Proctor as aforesaid, detailed rules of discipline and proper conduct shall be framed. The Principals of Colleges, Heads of Special Centres, Deans of Faculties and Heads of Teaching Departments in the University may frame such supplementary rules, as they deem necessary for the aforesaid purposes. Every student shall provide himself with a copy of these rules.

(6) At the time of the admission, every student shall be required to sign a declaration that on admission he submits himself to the

disciplinary jurisdiction of the Vice-Chancellor and the several authorities of the University who may be vested with the authority to exercise discipline under the Act, the Statutes, the Ordinances and the rules that have been framed thereunder by the University.

61. No student shall be compelled to join any students' organisation; nor shall, a student be compelled to pay any fee or subscription for any such organisation unless he is a member thereof.

Member-
ship of
students'
organisa-
tions.

ANNEXURE

[See Statute 25 (1)]

LIST OF DEPARTMENTS IN THE BANARAS HINDU UNIVERSITY

Faculty of Arts

1. Department of English
2. Department of Hindi
3. Department of Sanskrit and Pali
4. Department of Economics
5. Department of Philosophy
6. Department of History
7. Department of Politics
8. Department of Arabic, Urdu and Persian
9. Department of Ancient Indian History, Culture and Archaeology.
10. Department of Art and Architecture
11. Department of Indian Philosophy and Religion
12. Department of Foreign Languages
13. Department of Indian Languages
14. Department of Psychology
15. Department of Indo-Sumerian Studies
16. Department of Sociology
17. Department of Library Science

Faculty of Science

1. Department of Mathematics
2. Department of Botany
3. Department of Chemistry
4. Department of Geology
5. Department of Physics
6. Department of Geography
7. Department of Zoology
8. Department of Spectroscopy
9. Department of Geophysics

Faculty of Technology

1. Department of Silicate Technology
2. Department of Pharmaceutics
3. Department of Chemical Engineering and Chemical Technology.

Faculty of Engineering

1. Department of Metallurgy
2. Department of Mining
3. Department of Mechanical Engineering
4. Department of Electrical Engineering
5. Department of Civil and Municipal Engineering.

Faculty of Medical Sciences

1. Department of Ayurveda
2. Department of Surgery
3. Department of Anatomy
4. Department of Medicine
5. Department of Bio-Chemistry and Bio-Physics
6. Department of Pharmacology
7. Department of Pathology and Bacteriology
8. Department of Social and Preventive Medicine
9. Department of Obstetrics and Gynaecology
10. Department of Physiology
11. Department of Micro-Biology
12. Department of Ophthalmology
13. Department of Radiology
14. Department of Forensic Medicine
15. Department of Paediatrics.

Faculty of Law

Department of Law.

Faculty of Music and Fine Arts

1. Department of Vocal Music
2. Department of Instrumental Music
3. Department of Musiocology
4. Department of Painting
5. Department of Plastic Arts
6. Department of Applied Arts

Faculty of Oriental Learning and Theology

1. Department of Sahitya
2. Department of Darshan
3. Department of Vyakaran
4. Department of Religious Instructions
5. Department of Jyotish
6. Department of Theology
7. Department of Dharmashastra and Mimansa

Faculty of Education

Department of Education.

Faculty of Agriculture

Department of Agriculture

Faculty of Commerce

Department of Commerce.

THE JAWAHARLAL NEHRU UNIVERSITY ACT, 1966

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and commencement.
2. Definitions.
3. The University.
4. Objects.
5. Powers of the University.
6. Jurisdiction of the University.
7. Powers and jurisdiction in respect of institution or body outside the Union territory of Delhi.
8. Visitor.
9. Officers of the University.
10. Authorities of the University.
11. The Court.
12. The Executive Council.
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15. Statutes.
16. Statutes how made.
17. Ordinances.
18. Regulations.
19. Annual Report.
20. Audit of accounts.

21. Disputes as to constitution of the University authorities and bodies.
22. Constitution of committees.
23. Filling of casual vacancies.
24. Proceedings of the University authorities and bodies not invalidated by vacancies.
25. Removal of difficulties.
26. Transitional provisions.
27. Amendment of Act 8 of 1922.

THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

THE JAWAHARLAL NEHRU UNIVERSITY ACT, 1966

No. 53 OF 1966

[22nd December, 1966]

An Act to establish and incorporate a university in Delhi.

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

1. (1) This Act may be called the Jawaharlal Nehru University Short title
and com-
mence-
ment.
Act, 1966.
- (2) 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, Defini-
tions.
- (a) "College" means a college maintained by the University;
- (b) "Hall" means a unit of residence, by whatever name called, for students of the University provided, maintained or recognised by it;
- (c) "recognised institution" means an institution of higher learning maintained or recognised by, or associated with, the University;
- (d) "prescribed" means prescribed by Statutes, Ordinances or Regulations;
- (e) "Statutes", "Ordinances" and "Regulations" means respectively, the Statutes, Ordinances and Regulations of the University made under this Act;

(f) "University" means the Jawaharlal Nehru University.

**The Uni-
versity.**

3. (1) There shall be constituted in the Union territory of Delhi a University by the name of "Jawaharlal Nehru University".

(2) The first Chancellor and the first Vice-Chancellor of the University and the first members of the Court, the Executive Council and the Academic Council and all persons who may hereafter become such officers or members so long as they continue to hold such office or membership are hereby constituted a body corporate by the name of "Jawaharlal Nehru University".

(3) The University shall have perpetual succession and a common seal, and shall sue and be sued by the said name.

Objects.

4. The objects of the University shall be to disseminate and advance knowledge, wisdom and understanding by teaching and research and by the example and influence of its corporate life and in particular the objects set out in the First Schedule.

**Powers
of the
University.**

5. The University shall have the following powers, namely:—

(1) to provide for instruction including the method of correspondence courses in such branches of learning as the University may from time to time determine, and to make provision for research and for the advancement and dissemination of knowledge;

(2) to establish within the Union territory of Delhi or outside that territory such Special Centres and Specialised Laboratories and such other units for research and instruction as are necessary for the furtherance of its objects;

(3) to organise and to undertake extra-mural teaching and extension services;

(4) to hold examinations and grant diplomas or certificates to, and confer degrees and other academic distinctions on, persons and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;

(5) to confer honorary degrees or other academic distinctions in the manner laid down in the Statutes;

(6) to create such teaching, administrative and other posts as the University may deem necessary, from time to time, and to make appointments thereto;

(7) to appoint or recognise persons as Professors, Readers or Lecturers or otherwise as teachers of the University;

(8) to institute and award Fellowships, Scholarships, Exhibitions and prizes;

(9) to establish and maintain Colleges and Halls, to recognise, guide, supervise and control Halls not maintained by the University and other accommodation for students, and to withdraw any such recognition;

(10) to regulate and enforce discipline among students and employees of the University and to take such disciplinary measures in this regard as may be deemed necessary;

(11) to make arrangements for promoting health and general welfare of students and employees of the University;

(12) to determine and provide for examinations for admission into the University;

(13) to recognise for any purpose, either in whole or in part, any institution or members or students thereof on such terms and conditions as may, from time to time, be prescribed and to withdraw such recognition;

(14) to co-operate with any other University, authority or association or any other public or private body having in view the promotion of purposes and objects similar to those of the University for such purposes as may be agreed upon, on such terms and conditions as may, from time to time, be prescribed;

(15) to enter into any agreement for the incorporation in the University of any other institution and for taking over its rights, properties and liabilities and for any other purpose not repugnant to this Act;

(16) to demand and receive payment of such fees and other charges as may be prescribed, from time to time;

- (17) to receive donations and to acquire, hold, manage and dispose of any property movable or immovable, including trust or endowed property within or outside the Union territory of Delhi, for the purposes or objects of the University, and to invest funds in such manner as the University thinks fit;
- (18) to make provision for research and advisory services; and for that purpose to enter into such arrangements with other institutions or bodies as the University may deem necessary;
- (19) to provide for the printing, reproduction and publication of research and other work which may be issued by the University;
- (20) to borrow, with the approval of the Central Government, on the security of the University property, money for the purposes of the University;
- (21) to do all such things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the University.

Jurisdiction of the University. 6. (1) The jurisdiction of the University shall extend to all Colleges and recognised institutions.

(2) Notwithstanding anything contained in clause (13) of section 5, the Jawaharlal Nehru University shall not grant recognition, either in whole or in part, to any institution which has already been recognised by the University of Delhi unless the Central Government, after consultation with the University of Delhi, authorises the Jawaharlal Nehru University to do so.

(3) On and from the date of the recognition either in whole or in part of an institution by the Jawaharlal Nehru University under sub-section (2), the University of Delhi shall to the extent of such recognition cease to have jurisdiction over that institution.

Powers and jurisdiction in respect of institution or body outside the Union territory of Delhi.

7. Notwithstanding anything contained in section 5,—

(a) where any institution or body established outside the Union territory of Delhi seeks recognition from the University, or

(b) where the University establishes and maintains any institution or body outside the Union territory of Delhi,

then the powers and jurisdiction of the University shall extend to such institution or body subject to—

(i) the laws in force in the State within which, and

(ii) the rules and regulations of the University within whose jurisdiction,

the said institution or body is situated.

8. (1) The President of India shall be the Visitor of the University.

(2) The Visitor may, from time to time, appoint one or more persons to review the work and progress of the University and to submit a report thereon; and upon receipt of that report, the Visitor may, after obtaining the views of the Executive Council thereon, take such action and issue such directions as he considers necessary in respect of any of the matters dealt with in the report and the University shall be bound to comply with such directions.

(3) The Visitor shall also have the right to cause an inspection to be made by such person or persons as he may direct of the University, its buildings, laboratories and equipment and of any institution maintained by the University, and also of the examinations, teaching and other work conducted or done by the University and to cause an inquiry to be made in respect of any matter connected with the University.

(4) The Visitor shall in every case give notice to the University of his intention to cause an inspection or inquiry to be made, and the University shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or inquiry.

(5) The Visitor may address the Vice-Chancellor with reference to the result of such inspection and inquiry, and the Vice-Chancellor shall communicate to the Executive Council the views of the Visitor with such advice as the Visitor may offer upon the action to be taken thereon.

(6) The Executive Council shall communicate through the Vice-Chancellor to the Visitor such action, if any, as it is proposed to take or has been taken upon the result of such inspection or inquiry.

(7) Where the Executive Council does not, within a reasonable time, take action to the satisfaction of the Visitor, the Visitor may, after considering any explanation furnished or representation made by the Executive Council, issue such directions as he may think fit and the Executive Council shall be bound to comply with such directions.

(8) The Visitor may by order in writing annul any proceeding of the University which is not in conformity with this Act, the Statutes or the Ordinances.

(9) The Visitor shall also have such other powers as may be prescribed by the Statutes.

**Officers
of the
University.**

9. (1) There shall be a Chancellor appointed in the manner prescribed by the Statutes who shall be the Head of the University.

(2) The Chancellor shall, if present, preside at convocation of the University for conferring degrees and all meetings of the Court.

(3) There shall be a Vice-Chancellor appointed in the manner prescribed by the Statutes who shall be the principal executive and Academic Officer of the University and *ex officio* Chairman of the Executive Council, Academic Council and Finance Committee and he shall, in the absence of the Chancellor preside at any convocation for conferring degrees and also at any meeting of the Court.

(4) There shall be one or more Rectors who shall be appointed in such manner and with such powers and duties as may be prescribed by the Statutes.

(5) There shall be a Dean for each School of Study who shall be appointed in such manner and with such powers and duties as may be prescribed by the Statutes.

(6) There shall be a Registrar who shall act as Secretary of the Court, the Executive Council and the Academic Council and he shall be appointed in such manner and with such powers and duties as may be prescribed by the Statutes.

(7) There shall be a Finance Officer who shall be the Secretary of the Finance Committee and exercise such powers and perform such duties as may be prescribed by the Statutes.

(8) There shall be such other officers as provided for in the Statutes.

**Authorities
of the
University.**

10. The authorities of the University shall be the Court, the Executive Council, the Academic Council, the Schools of Studies, the Finance Committee and such other authorities as may be declared by the Statutes to be authorities of the University.

The Court.

11. (1) The Court shall be the supreme authority of the University, and its constitution and the terms of office of its members shall be prescribed by the Statutes.

(2) The Court shall have the power to review the acts of the Executive Council and the Academic Council (save when these authorities have acted in accordance with the powers conferred upon them under this Act, the Statutes or the Ordinances) and shall exercise all the powers of the University not otherwise provided for by this Act or the Statutes:

Provided that the power of review under this sub-section shall not be exercised except by a majority of the total membership of

the Court and by a majority of not less than two-thirds of the members of the Court present and voting.

12. (1) The Executive Council shall be the executive body of the University, and its constitution and the terms of office of its members, other than *ex officio* members, shall be prescribed by the Statutes.

(2) It shall be in charge of the general management and administration (including the revenue and property) of the University.

13. (1) The Academic Council shall be the academic body of the University, and its constitution and the terms of office of its members, other than *ex officio* members, shall be prescribed by the Statutes.

(2) The Academic Council shall, subject to the provisions of this Act, the Statutes and the Ordinances, have the control and general regulation, and be responsible for the maintenance, of standards of instruction, education and examination within the University, and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes.

14. (1) There shall be constituted an Academic Advisory Committee of the University which shall advise generally on the planning and development of the University and keep under review the standard of education and research in the University.

(2) The Committee shall consist of—

(a) not more than seven persons of high academic standing who shall be appointed in such manner as may be prescribed by the Statutes, and

(b) the Vice-Chancellor.

(3) The Visitor may determine a date with effect from which the Academic Advisory Committee shall stand dissolved.

15. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(a) the constitution, powers and duties of the authorities and other bodies of the University, the qualifications and disqualifications for membership of such authorities and other bodies, appointment and removal of members thereof and other matters connected therewith;

(b) the appointment, powers and duties of the officers of the University;

(c) the appointment, terms and conditions of service and the powers and duties of the employees of the University;

(d) the terms and conditions under which institutions may be associated with the University;

(e) the administration of the University, the establishment and abolition of Colleges, institutions and Halls, the grant and withdrawal of recognition to institutions, the institution of Fellowships, Awards and the like, the conferment of degrees and other academic distinctions and the grant of diplomas and certificates;

(f) any other matter which is necessary for the proper and effective management and conduct of the affairs of the University and which by this Act is to be or may be provided by the Statutes.

Statutes how made. 16. (1) The first Statutes are those set out in the Second Schedule.

(2) The Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes in the manner hereafter in this section provided:

Provided that the Executive Council shall not make any Statute or any amendment of a Statute affecting the status, powers or constitution of any existing authority of the University until such authority has been given an opportunity of expressing an opinion on the proposal, and any opinion so expressed shall be in writing and shall be considered by the Executive Council:

Provided further that no Statute shall be made by the Executive Council affecting the discipline of students, and standards of instruction, education and examination except after consultation with the Academic Council.

(3) Every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the approval of the Visitor who may assent thereto or withhold assent or remit to the Executive Council for consideration.

(4) A new Statute or a Statute amending or repealing an existing Statute shall have no validity unless it has been assented to by the Visitor.

Ordinances.

17. (1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—

(a) the admission of students, the courses of study and the fees therefor, the qualifications pertaining to degrees, diplomas, certificates and other academic distinctions, the conditions for the grant of Fellowships, Awards and the like;

(b) the conduct of examinations, including the terms of office and appointment of examiners, and the conditions of residence of students and their general discipline;

(c) the management of colleges and institutions maintained by the University;

(d) any other matter which by this Act or the Statutes is to be or may be provided by the Ordinances.

(2) The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the Central Government and the Ordinances so made may be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the Statutes.

18. The authorities of the University may make Regulations consistent with this Act, the Statutes and the Ordinances for the conduct of their own business and that of the committees appointed by them and not provided for by this Act, the Statutes or the Ordinances in the manner prescribed by the Statutes. Regulations.

19. (1) The annual report of the University shall be prepared under the direction of the Executive Council and shall be submitted to the Court on or before such date as may be prescribed by the Statutes and shall be considered by the Court at its annual meeting. Annual report.

(2) The Court may communicate its comments thereon to the Executive Council.

20. (1) The accounts of the University shall, once at least in every year and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India, or any person authorised by him in this behalf. Audit of accounts.

(2) The accounts, when audited shall be published in the Gazette of India, and a copy of the accounts together with the audit report shall be submitted by the Registrar to the Visitor and to the Court.

21. If any question arises whether any person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Visitor whose decision thereon shall be final. Disputes as to constitution of University authorities and bodies.

Constitu-
tion of
commit-
tees.

22. Where any authority of the University is given power by this Act or the Statutes to appoint committees, such committees shall, save as otherwise provided, consist of members of the authority concerned and of such other persons (if any) as the authority in each case may think fit.

Filling of
casual
vacancies.

23. All casual vacancies among the members (other than *ex officio* members) of any authority or other body of the University shall be filled, as soon as conveniently may be, by the person or body who appointed, elected or co-opted the member whose place has become vacant, and the person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

Proceed-
ings
of the
University
authorities
and bodies
not invali-
dated by
vacancies.

24. No act or proceedings of any authority or other body of the University shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members.

Removal
of diffi-
culties.

25. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the purposes of this Act, as appear to it to be necessary or expedient for removing the difficulty.

Transi-
tional pro-
visions.

26. Notwithstanding anything contained in this Act and the Statutes—

(a) the first Chancellor, members of the Court, the Executive Council and the Academic Council shall be nominated by the Visitor and shall hold office for a term of three years;

(b) the first Vice-Chancellor shall be appointed by the Visitor and he shall hold office for a term of five years.

Amendment
ment of
Act 8 of
1922.

27. In the Delhi University Act, 1922, in sub-section (2) of section 5, after the words "for the time being in force", the words and figures "but subject to the provisions contained in the Jawaharlal Nehru University Act, 1966" shall be inserted.

THE FIRST SCHEDULE

(See section 4)

The University shall endeavour to promote the study of the principles for which Jawaharlal Nehru worked during his life-time, namely, national integration, social justice, secularism, democratic way of life, international understanding and scientific approach to the problems of society.

Towards this end, the University shall—

- (i) foster the composite culture of India and establish such departments or institutions as may be required for the study and development of the languages, arts and culture of India;
- (ii) take special measures to facilitate students and teachers from all over India to join the University and participate in its academic programmes;
- (iii) promote in the students and teachers an awareness and understanding of the social needs of the country and prepare them for fulfilling such needs;
- (iv) make special provision for integrated courses in humanities, science and technology in the educational programmes of the University;
- (v) take appropriate measures for promoting inter-disciplinary studies in the University;
- (vi) establish such departments or institutions as may be necessary for the study of languages, literature and life of foreign countries with a view to inculcating in the students a world perspective and international understanding;
- (vii) provide facilities for students and teachers from other countries to participate in the academic programmes and life of the University.

THE SECOND SCHEDULE

[See section 16(1)]

THE STATUTES OF THE UNIVERSITY

1. In these Statutes—

- (a) "Act" means the Jawaharlal Nehru University Act, 1966; Definitions.

(b) all words and expressions used herein and defined in the Act shall have the meanings respectively assigned to them in the Act.

Chancel-
lor.

2. (1) The Chancellor shall be elected by the Court and shall hold office for a term of three years:

Provided that the Chancellor shall, notwithstanding the expiration of his term, continue to hold office until the election of his successor.

(2) If the office of the Chancellor becomes vacant, the functions of his office shall, until some person is elected under clause (1) to the vacant office, be performed by the Vice-Chancellor.

Vice-
Chancel-
lor.

3. (1) The Vice-Chancellor shall be appointed by the Visitor from a panel of not less than three persons who shall be recommended by a committee consisting of three members:

Provided that, if the Visitor does not approve of any of the persons so recommended, he may call for fresh recommendations.

(2) Two members of the committee shall be persons not connected with the University or an institution recognised by, or associated with, the University nominated by the Executive Council and one member shall be a person nominated by the Visitor who shall also be the Chairman of the committee.

(3) The Vice-Chancellor shall be a whole-time salaried officer of the University.

(4) The Vice-Chancellor shall hold office for a term of five years from the date on which he enters upon his office and shall, on the expiration of his term of office be ineligible for re-appointment to that office:

Provided that the Vice-Chancellor shall, notwithstanding the expiration of his term, continue to hold his office until his successor is appointed and enters upon his office.

(5) The emoluments and terms and conditions of service of the Vice-Chancellor shall be as follows:—

(i) There shall be paid to the Vice-Chancellor a salary of two thousand five hundred rupees per mensem and he shall be entitled, without payment of rent, to use a furnished residence

throughout his term of office and no charge shall fall on the Vice-Chancellor personally in respect of the maintenance of such residence.

(ii) The Vice-Chancellor shall not be entitled to the benefits of the University Provident Fund or to any other allowance:

Provided that where any employee of the University is appointed as Vice-Chancellor, he shall be allowed to continue to contribute to the Provident Fund and the contribution of the University shall be limited to what he had been contributing immediately before his appointment as Vice-Chancellor.

(iii) The Vice-Chancellor shall be entitled to travelling allowances at such rates as may be fixed by the Executive Council.

(iv) The Vice-Chancellor shall be entitled to leave on full pay for one-eleventh of the period spent by him on active service.

(v) The Vice-Chancellor shall also be entitled, on medical grounds or otherwise than on medical grounds, to leave without pay for a period not exceeding three months during the term of his office:

Provided that such leave may be converted into leave on full pay to the extent to which he will be entitled to leave under sub-clause (iv).

(6) Notwithstanding anything contained in clause (5), the Executive Council may, with the previous approval of the Visitor, vary the emoluments and all or any of the conditions of service of the Vice-Chancellor at the time of his appointment.

(7) If the office of the Vice-Chancellor becomes vacant, the functions of his office shall, until some person is appointed under clause (1) to the vacant office, be performed by the Rector, and if there are two or more Rectors, by the senior-most of the Rectors:

Provided that if there is no Rector, the Registrar shall carry on the current duties of the Vice-Chancellor and call a meeting of the Executive Council forthwith and take its directions for the carrying on of the work of the University.

4. (1) The Vice-Chancellor shall have a general responsibility for maintaining and promoting the efficiency and good order of the University. Powers and duties of Vice-Chancellor.

(2) It shall be the duty of the Vice-Chancellor to see that the provisions of the Act, these Statutes, the Ordinances and the Regulations are duly observed and the decisions taken by the authorities of the University are implemented.

(3) The Vice-Chancellor shall have power to convene meetings of the Court, the Executive Council and the Academic Council and

shall perform all such acts as may be necessary to carry out the provisions of the Act, these Statutes and the Ordinances.

(4) The Vice-Chancellor shall be entitled to be present at and to address any meeting of any authority or body or committee of the University but shall not be entitled to vote thereat unless he is a member of such authority or body or committee.

(5) If, in the opinion of the Vice-Chancellor, any emergency has arisen which requires immediate action to be taken, the Vice-Chancellor shall take such action as he deems necessary and shall report the same for approval at the next meeting to the authority which, in the ordinary course, would have dealt with the matter:

Provided that, if the action taken by the Vice-Chancellor is not approved by the authority concerned, he may refer the matter to the Visitor, whose decision thereon shall be final:

Provided further that, where any such action taken by the Vice-Chancellor affects any person in the service of the University, such person shall be entitled to prefer, within thirty days from the date on which he receives notice of such action, an appeal to the Executive Council.

(6) The Vice-Chancellor shall exercise such other powers as may be prescribed by the Ordinances or the Regulations.

Rector.

5. (1) Every Rector shall be appointed by the Executive Council on the recommendation of the Vice-Chancellor:

Provided that where the recommendation of the Vice-Chancellor is not accepted by the Executive Council, he may recommend any other person to the Executive Council and if it does not accept that recommendation also, the Vice-Chancellor shall forward the names of both the persons aforesaid to the Visitor and the Visitor may appoint either of them or direct the Vice-Chancellor to recommend any other person to the Executive Council.

(2) A Rector shall be a whole-time salaried officer of the University.

(3) The term of office of a Rector shall be such as may be decided by the Executive Council, but it shall not in any case exceed five years. On the expiration of his term of office he shall be eligible for re-appointment.

(4) The emoluments and other terms and conditions of service of a Rector shall be prescribed by the Ordinances.

Powers
and
duties of
Rector.

6. (1) A Rector shall assist the Vice-Chancellor in respect of such matters as may be specified by the Vice-Chancellor in this behalf. He shall also exercise such powers and perform such duties as may be delegated to him by the Vice-Chancellor.

(2) Where the Vice-Chancellor is the Chairman of any body or committee of the University and he is absent for any reason whatsoever from any meeting of such body or committee, the Rector, and if there are two or more Rectors, the senior-most Rector shall preside over such meeting.

(3) A Rector shall, on being authorised by the Vice-Chancellor in that behalf, be entitled to be present at and to address any meeting of any authority, body or committee of the University but shall not be entitled to vote thereat:

Provided that if the Rector is a member of such authority, body or committee, such Rector shall have all the rights and privileges of a member thereof.

7. (1) Every Dean of a School of Studies shall be appointed by the Vice-Chancellor for a period of three years and he shall be eligible for re-appointment: Dean of School of Studies.

Provided that when the office of the Dean is vacant or when the Dean is, by reason of illness or absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(2) The Dean shall be the head of the School of Studies and shall be responsible for the conduct and standard of teaching and research in the School. He shall have such other functions as may be prescribed by the Ordinances.

(3) The Dean shall have the right to be present and to speak at any meeting of a board or committee of the School, as the case may be, but not the right to vote thereat unless he is a member thereof.

8. (1) The Registrar shall be appointed by the Executive Council and shall be a whole-time salaried officer of the University. Registrar.

(2) When the office of the Registrar is vacant or when the Registrar is, by reason of illness or absence for any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(3) The Registrar shall not by reason only of his being Secretary of the Court, the Executive Council and the Academic Council, be deemed to be a member of any of these authorities.

(4) The Registrar shall—

(a) be the custodian of the records, the common seal and such other properties of the University as the Executive Council shall commit to his charge;

(b) conduct the official correspondence of the Court, the Executive Council and the Academic Council;

(c) supply to the Visitor copies of the agenda of meetings of the authorities of the University as soon as they are issued and the minutes of the meetings of the authorities ordinarily within a month of the holding of the meetings;

(d) in an emergency, when the Vice-Chancellor or any of the Rectors is not able to act, call a meeting of the Executive Council forthwith and take its directions for carrying on the work of the University;

(e) represent the University in suits or proceedings by or against the University, sign powers of attorney and verify pleadings or depute his representative for the purpose; and

(f) perform such other duties as may be specified in these Statutes, or prescribed by the Ordinances or the Regulations or as may be required, from time to time, by the Executive Council or the Vice-Chancellor.

(5) (a) The Registrar shall have power to take disciplinary action against the employees belonging to the ministerial staff and to suspend them pending inquiry, to administer warnings to them or to impose on them the penalty of censure or the withholding of increment:

Provided that no such penalty shall be imposed unless the person concerned has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(b) An appeal shall lie to the Vice-Chancellor against any order of the Registrar imposing the penalty of the withholding of increment.

(c) In a case where the inquiry discloses that a punishment beyond the powers of the Registrar is called for, the Registrar shall, upon conclusion of the inquiry, make a report to the Vice-Chancellor along with his recommendations, for such action as the Vice-Chancellor deems fit:

Provided that an appeal shall lie to the Executive Council against the order of the Vice-Chancellor imposing the penalty of dismissal.

**Finance
Officer.**

9. (1) The Finance Officer shall be appointed by the Executive Council and shall be a whole-time salaried officer of the University.

(2) When the office of the Finance Officer is vacant or when the Finance Officer is, by reason of illness or absence for any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(3) The Finance Officer shall—

(a) exercise general supervision over the funds of the University and shall advise it as regard its financial policy; and

(b) perform such other financial functions as may be assigned to him by the Executive Council or as may be prescribed by these Statutes or the Ordinances:

Provided that the Finance Officer shall not incur any expenditure or make any investment exceeding Rs. 10,000 without the previous approval of the Executive Council.

(4) Subject to the control of the Executive Council, the Finance Officer shall—

(a) hold and manage the property and investments including trust and endowed property for furthering any of the objects of the University;

(b) see that the limits fixed by the Finance Committee for recurring and non-recurring expenditure for a year are not exceeded and that all moneys are expended on the purposes for which they are granted or allotted;

(c) be responsible for the preparation of annual accounts and the budget of the University for the next financial year and for their presentation to the Executive Council;

(d) keep a constant watch on the state of the cash and bank balances and on the state of investments;

(e) watch the progress of collection of revenue and advise on the methods of collection employed;

(f) have the accounts of the University regularly audited by an internal audit party;

(g) see that the registers of buildings, land, furniture and equipment are maintained up-to-date and that the stock-checking is conducted of equipment and other consumable materials in all offices, Special Centres, Specialised Laboratories, colleges and institutions maintained by the University;

(h) call for explanation for unauthorised expenditure and for other financial irregularities and suggest disciplinary action against the persons at fault; and

(i) call for from any office or college or institution under the University any information or returns that he may consider necessary to discharge his financial responsibilities.

(5) The receipt of the Finance Officer or of the person or persons duly authorised in this behalf by the Executive Council for any money payable to the University shall be sufficient discharge for the same.

Officers of the University. 10. (1) The following shall also be the officers of the University, namely:—

- (a) Dean of Students,
- (b) Chief Proctor,
- (c) Librarian.

(2) (a) The Dean of Students shall be appointed from amongst employees of the University, who are or who have been teachers of the University not below the rank of Reader, by the Executive Council on the recommendation of the Vice-Chancellor; the Dean shall be a whole-time employee of the University, shall hold office for a term of three years and shall be eligible for re-appointment.

(b) The person who is appointed as the Dean of Students shall continue to hold his lien on his substantive post.

(c) When the office of the Dean of Students is vacant or when the Dean of Students is, by reason of illness or absence for any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(d) The duties and powers of the Dean of Students shall be prescribed by the Ordinances.

(3) (a) The Chief Proctor shall be appointed by the Executive Council on the recommendation of the Vice-Chancellor and shall exercise such powers and perform such duties in respect of the maintenance of discipline among the students as may be assigned to him by the Vice-Chancellor.

(b) The Chief Proctor shall hold office for a term of two years and shall be eligible for re-appointment.

(4) (a) The Librarian shall be appointed by the Executive Council and shall be a whole-time salaried officer of the University.

(b) The duties and powers of the Librarian shall be regulated by the Ordinances.

The Court. 11. (1) The Court shall consist of the following members, namely:—

Ex-Officio Members:

- (i) The Chancellor;
- (ii) The Vice-Chancellor;
- (iii) The Rector or the Rectors;
- (iv) The remaining members of the Executive Council who are not otherwise members of the Court;

- (v) The Dean of Students;
- (vi) The Chief Proctor;
- (vii) The Librarian;
- (viii) Vice-Chancellor, Delhi University;
- (ix) Director, All-India Institute of Medical Sciences, New Delhi;
- (x) Director, Indian Institute of Technology, New Delhi;
- (xi) Director, Indian Agricultural Research Institute, New Delhi;
- (xii) Director, Indian School of International Studies, New Delhi;
- (xiii) Director, Indian Institute of Public Administration, New Delhi;
- (xiv) Director, Institute of Advanced Studies, Simla;
- (xv) Sheikh-ul-Jamia, Jamia Millia Islamia, New Delhi;
- (xvi) The President, Alumni Association;

Representatives of Municipal Bodies:

- (xvii) Mayor, Municipal Corporation of Delhi;
- (xviii) One member to be elected by the New Delhi Municipal Committee, New Delhi, from among its members;

Representatives of Education Board:

- (xix) Chairman, Central Board of Secondary Education, New Delhi;

- (xx) Director of Education, Delhi;

Representatives of Schools, Departments and Colleges:

- (xxi) All Deans of Schools of Studies;

- (xxii) Not more than ten Heads of Departments, who are not Deans, by rotation according to seniority;

- (xxiii) Not more than five Principals of Colleges, by rotation according to seniority of whom at least one shall be Principal of Women's Colleges;

- (xxiv) One Professor from each School of Studies, not being the Head of Department, by rotation according to seniority;

- (xxv) Two Readers, by rotation according to seniority;

- (xxvi) Five Lecturers, by rotation according to seniority;

members of the Court referred to in items (xxii) to (xxvi) shall hold office for a term of two years;

Representatives of Alumni Association:

(xxvii) Not more than five representatives, other than the President, to be elected by Alumni Association;

Representatives of Parliament:

(xxviii) Six representatives of Parliament, four to be elected by the Lok Sabha in such manner as the Speaker may direct and two to be elected by the Rajya Sabha in such manner as the Chairman may direct;

Persons representing Learned Professions, Industry, Commerce and Agriculture:

(xxix) Not more than ten persons representing learned professions to be nominated by the Visitor;

(xxx) Not more than six persons representing Industry, Commerce and Agriculture to be nominated by the Visitor;

Other Nominated Members:

(xxxi) Not more than five persons to be nominated by the Visitor;

(xxxii) Not more than two persons to be nominated by the Chancellor:

Provided that in making nominations under items (xxix), (xxx), (xxxi) and (xxxii) due regard shall be had to the representation of the different interests, professions, cultures and learnings and also of the different regions of the country:

Provided further that no employee of the University or of a recognised institution shall be eligible to be a member under any of the items (xxvii) to (xxxii).

(2) When an elected member of the Court becomes an *ex officio* member before the expiry of his term, he shall cease to be an elected member.

(3) If any body of persons entitled to elect members fails to do so within the time prescribed by the Court, the Court may appoint as a member any person whom that body of persons could have elected as a member:

Provided that in the case of first elections to the Court, the powers conferred upon the Court by this clause shall be exercisable by the Executive Council.

(4) Save as otherwise expressly provided, a member of the Court shall hold office for a period of three years.

(5) Thirty members of the Court shall form the quorum.

12. (1) An annual meeting of the Court shall be held on a date fixed by the Executive Council and at such annual meetings a report of the proceedings of the Executive Council and a report of the working of the University during the previous year together with a statement of the receipts and expenditure, the balance-sheet as audited and the budget for the next financial year shall be presented by the Executive Council and any vacancies among the officers of the University or among the members of the Court or the Executive Council which ought to be filled up by the Court shall also be filled up.

(2) A copy each of the reports together with a copy of the statement of receipts and expenditure and of the balance-sheet and the budget referred to in clause (1) shall be sent to every member of the Court at least seven days before the date of the annual meeting.

13. (1) The Executive Council shall consist of the following members, namely:—

(i) The Vice-Chancellor, *ex-officio*;

(ii) The Dean of Students, *ex officio*;

(iii) Not more than three Deans of Schools of Studies, by rotation according to seniority;

(iv) Not more than three Principals of Colleges including at least one Principal from a Women's College, by rotation according to seniority;

(v) Three persons, none of whom shall be an employee of the University or an institution recognised by, or associated with, the University, elected by the Court from among its members;

(vi) Four persons nominated by the Visitor;

(vii) Such number of other persons representing institutions recognised by, or associated with, the University, as may be determined by the Visitor, from time to time.

(2) The members of the Executive Council referred to in items (iii) and (iv) shall hold office for a term of two years.

(3) The members referred to in items (v), (vi) and (vii) shall hold office for a term of three years.

(4) The term of office of the members of the Executive Council shall commence from the date of election, nomination or appointment, as the case may be.

(5) Five members of the Executive Council shall form the quorum.

**Powers
of the
Executive
Council,**

14. Subject to the provisions of the Act, these Statutes and the Ordinances, the Executive Council shall, in addition to any other powers vested in it, have the following powers, namely:—

- (i) to appoint such Professors, Readers, Lecturers, and other members of the teaching staff as may be necessary, on the recommendations of the Selection Committees constituted for the purpose, and to provide for filling temporary vacancies therein;
- (ii) to fix the emoluments and define the duties and conditions of service of Professors, Readers, Lecturers and other members of the teaching staff;
- Provided that no action shall be taken by the Executive Council in respect of the number, the qualifications and the emoluments of teachers otherwise than after consideration of the recommendations of the Academic Council;
- (iii) to create administrative, ministerial and other necessary posts and to make appointments thereto;
- (iv) to regulate and enforce discipline among the members of the teaching, administrative and ministerial staff of the University in accordance with these Statutes and the Ordinances;
- (v) to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University and, for that purpose, to appoint such agents as it may think fit;
- (vi) to invest any money belonging to the University, including any unapplied income, in such stocks, funds, shares or securities, as it shall, from time to time, think fit, or in the purchase of immovable property in India, with the like powers of varying such investments, from time to time;
- (vii) (a) to accept on behalf of the University any trust, bequest, donation or transfer of any movable or immovable property to the University; and
- (b) to transfer any movable or immovable property on behalf of the University;
- (viii) to provide the buildings, premises, furniture, apparatus and other means needed for carrying on the work of the University;
- (ix) to enter into, vary, carry out and cancel contracts on behalf of the University;
- (x) to entertain, adjudicate upon, and if it thinks fit, to redress, any grievances of the salaried officers, the teaching staff

and other employees of the University who may for any reasons feel aggrieved:

Provided that, in matters of discipline and punishment, where the final power has been vested in the Vice-Chancellor or any other officer of the University, no appeal shall lie to the Executive Council;

(xi) to appoint examiners and moderators and if necessary, to remove them, and to fix their fees, emoluments and travelling and other allowances after consulting the Academic Council;

(xii) to select a common seal for the University and provide for the custody and use of the seal;

(xiii) to institute fellowships, scholarships, studentships, medals and prizes;

(xiv) to delegate any of its powers to the Vice-Chancellor, the Registrar or such other officer of the University or to a Committee appointed by it as it may deem fit.

15. (I) The Academic Council shall consist of the following members, namely:—

Academic Council

(i) The Vice-Chancellor;

(ii) The Rector or the Rectors;

(iii) The Deans of Schools of Studies;

(iv) The Dean of Students;

(v) The Chief Proctor;

(vi) The Librarian;

(vii) Such number of Heads of Departments, other than the Deans of Schools of Studies and the Principals of Colleges (by rotation according to seniority) as may be laid down in the Ordinances;

(viii) Not more than five Professors, other than the Heads of Departments, Deans of Schools of Studies and Principals of Colleges, by rotation according to seniority;

(ix) Not more than eight Principals of Colleges, other than Deans of Schools of Studies, by rotation according to seniority;

(x) Not more than eight teachers of the University elected from amongst themselves by the teachers, other than those referred to in items (ii) to (v) and (vii) to (ix);

- (xi) Not more than five persons, not being employees of the University or an institution recognised by, or associated with, the University, co-opted by the Academic Council for their special knowledge;
- (xii) Such number of other persons representing institutions recognised by, or associated with, the University, as may be determined by the Executive Council, from time to time.
- (2) All members of the Academic Council, other than *ex officio* members shall hold office for a term of two years.
- (3) Fifteen members of the Academic Council shall form the quorum.

**Powers
and duties
of the
Academic
Council.**

16. Subject to the provisions of the Act and these Statutes, the Academic Council shall, in addition to all other powers vested in it, have the following powers, duties and functions, namely:—

- (i) to report on any matter referred to it by the Court or the Executive Council;
- (ii) to make proposals to the Executive Council for the establishment of Departments, Colleges, institutions of higher learning, Special Centres, Specialized Laboratories, Libraries and Museums;
- (iii) to formulate, modify or revise schemes for the organisation of, and assignment of subjects to Schools of Studies;
- (iv) to consider proposals submitted by the Schools of Studies;
- (v) to promote research within the University and to require, from time to time, reports on such research;
- (vi) to make recommendations to the Executive Council with regard to the creation and abolition of teaching posts in the University and the classification of the said posts and the emoluments and duties attaching thereto;
- (vii) to recognise diplomas and degrees of other Universities and institutions and to determine their equivalent diplomas and degree of the Jawaharlal Nehru University;
- (viii) to appoint Committees for admission to the University;
- (ix) to publish lists of prescribed or recommended textbooks and to publish the syllabuses of prescribed courses of study;
- (x) to make such arrangements for the instruction and examination of persons, not being members of the University, as may be necessary;

- (xi) to recommend to the Executive Council draft Ordinances regarding examinations of the University and the conditions on which students should be admitted to such examinations;
- (xii) to make recommendations to the Executive Council in regard to the appointment of examiners and, if necessary, their removal and the fixation of their fees, emoluments and travelling and other expenses;
- (xiii) to make arrangements for the conduct of examinations and to fix dates for holding them;
- (xiv) to declare the results of various University examinations, or to appoint committees or officers to do so;
- (xv) to make recommendations for the conferment of honorary degrees and to confer or grant degrees, academic distinctions, honours, diplomas, licences, titles and marks of honour;
- (xvi) to make proposals to the Executive Council for the institution of fellowships, scholarships, studentships, medals and prizes and to award the same;
- (xvii) to perform, in relation to academic matters, all such duties and to do all such acts as may be necessary for the proper carrying out of the provisions of the Act, these Statutes and the Ordinances;
- (xviii) to promote the health and welfare of students and to constitute a Council of Students' Affairs consisting of such number of teachers and students as may be prescribed by the Ordinances to advise the Academic Council on matters relating to the welfare of the students of the University.

17. (1) The members and the Chairman of the Academic Advisory Committee shall be appointed by the Visitor and shall hold office for such period as he may determine. The Academic Advisory Committee.

(2) The Academic Advisory Committee shall, in addition to all other powers vested in it by the Act have the right to advise the Executive Council and the Academic Council on any academic matter.

(3) On the date determined by the Visitor under sub-section (3) of section 14, this Statute shall cease to have effect.

18. (1) The University shall have such Schools of Studies as may be specified in the Ordinances. Schools of Studies.

(2) (a) Every School of Studies (hereinafter referred to as the School) shall consist of such Departments as may be assigned to it by the Ordinances.

(b) Each Department shall consist of the following members, namely:—

- (i) Teachers of the Department;
- (ii) Persons appointed to conduct research in the Department;
- (iii) Honorary Professors, if any, attached to the Department;
- (iv) Such other persons as may be members of the Department in accordance with the provisions of the Ordinances.

(c) Each Department shall have a Head who may be a Professor or, if there is no Professor, a Reader and whose duties and functions shall be prescribed by the Ordinances:

Provided that if there are more Professors or, as the case may be, Readers than one in any Department, the Executive Council shall appoint one of them as the Head of the Department.

(3) Every School shall have a Board consisting of the following members, namely:—

- (i) The Dean of the School;
- (ii) The Heads of Departments in the School;
- (iii) The Professors in the Departments in the School;
- (iv) One Reader and one Lecturer, by rotation according to seniority, from each Department in the School;
- (v) Five members elected by the Academic Council for their special knowledge in any subject assigned to the School or in any allied branch of knowledge;
- (vi) Such other members, but not exceeding five, as may be specified in the Ordinances.

(4) All members of a Board other than *ex officio* members, shall hold office for a term of three years and shall be eligible for re-election or re-appointment, as the case may be. The first term of members shall commence from such date as may be notified by the University.

(5) Every Board shall have such powers and shall perform such duties as may be prescribed by the Ordinances.

(6) The conduct of the meetings of a Board and the quorum required shall be prescribed by the Ordinances.

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19. (1) The Finance Committee shall consist of the following members, namely:—

- (i) The Vice-Chancellor;
- (ii) Three persons nominated by the Visitor;

(iii) Three persons, who are not employees of the University or of any recognised institution nominated by the Executive Council.

(2) The Finance Officer shall be the Secretary of the Finance Committee.

(3) Three members of the Finance Committee shall form the quorum.

(4) All members of the Finance Committee, other than *ex officio* members, shall hold office for a term of three years.

(5) The Vice-Chancellor shall preside at the meetings of the Finance Committee.

(6) The Finance Committee shall meet at least twice every year to examine accounts and scrutinise proposals for expenditure.

(7) The annual accounts and financial estimates of the University prepared by the Finance Officer shall be laid before the Finance Committee for consideration and comments and thereafter submitted to the Executive Council for approval with or without amendments.

20. The Court, the Executive Council or the Academic Council may appoint Boards or Committees consisting of members of the authority making such appointment and of such other persons (if any) as that authority in each case may think fit; and any such Board or Committee may deal with any subject assigned to it subject to subsequent confirmation by the authority which appointed it.

21. Where, by the Statutes or the Ordinances, no provision is made for a Chairman to preside over a meeting of any University Authority, Board or Committee, or when the Chairman so provided for is absent, the members present shall elect one among themselves to preside at the meeting.

22. (1) Any member other than an *ex officio* member, of the Court, the Executive Council, the Academic Council or any other authority of the University or committee may resign by letter addressed to the Registrar and the resignation shall take effect as soon as such letter is received by the Registrar.

Elected
Chairman
to preside
where no
provision
made in
Statutes.

Resigna-
tion.

(2) Any officer of the University (whether salaried or otherwise) may resign his office by letter addressed to the Registrar:

Provided that such resignation shall take effect only on the date from which the same is accepted by the authority competent to fill the vacancy.

Disqualifications.

23. (1) A person shall be disqualified for being chosen as, and for being, a member of any of the authorities of the University—

(a) if he is of unsound mind or is a deaf-mute or suffers from contagious leprosy;

(b) if he is an undischarged insolvent;

(c) if he has been convicted by a court of law of an offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months.

(2) If any question arises as to whether a person is or had been subjected to any of the disqualifications mentioned in sub-section (1), the question shall be referred for the decision of the Visitor and his decision shall be final, and no suit or other proceeding shall lie in any court of law against such decision.

Honorary degrees.

24. Any proposal for the conferment of honorary degrees shall be made by the Academic Council to the Executive Council, and the proposal if accepted by the Executive Council shall require the assent of the Court before submission to the Chancellor for confirmation.

Withdrawal of degrees, etc.

25. The Academic Council may, by a special resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw any degree or academic distinction conferred on, or any certificate or diploma granted to, any person by the University for good and sufficient cause:

Provided that no such resolution shall be passed until a notice in writing has been given to that person calling upon him to show cause within such time as may be specified in the notice why such resolution should not be passed and until his objections, if any, and any evidence he may produce in support of them, have been considered by the Academic Council.

University teachers.

26. (1) Teachers of the University shall be of two classes, namely:—

(i) Appointed teachers of the University;

(ii) Recognised teachers of the University.

(2) Appointed teachers of the University shall be either—

(a) employees of the University paid by University and appointed by the Executive Council as Professors, Readers or Lecturers or otherwise as teachers of the University, or

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(b) persons appointed by the Executive Council as Honorary Professors, Emeritus Professors, Readers or Lecturers or otherwise as teachers of the University.

(3) Recognised teachers of the University shall be the members of the staff of a recognised institution other than an institution maintained by the University:

Provided that no such member of the staff shall be deemed to be a recognised teacher unless he is recognised by the Executive Council as a Professor, Reader or in any other capacity as a teacher of the University.

(4) The qualifications of recognised teachers of the University shall be such as may be prescribed by the Ordinances.

(5) All applications for the recognition of teachers of the University shall be made in such manner as may be laid down by the Regulations made by the Executive Council in that behalf.

(6) The period of recognition of a teacher of the University as Professor or Reader shall be determined by Ordinances made in that behalf. A person in the service of a recognised institution other than an institution maintained by the University, recognised as a teacher of the University otherwise than as a Professor or Reader shall continue to be recognised so long as he is in the service of the institution.

(7) The Academic Council may, by a special resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw recognition from a teacher:

Provided that no such resolution shall be passed until a notice in writing has been given to that person calling upon him to show cause within such time as may be specified in the notice why such resolution should not be passed and until his objections, if any, and any evidence he may produce in support of them, have been considered by the Academic Council.

(8) A person aggrieved by an order of withdrawal under clause (7) may, within three months from the communication to him of such order, appeal to the Executive Council who may pass such orders thereon as it thinks fit.

(9) No person shall be appointed or recognised as a teacher of the University except on the recommendation of a Selection Committee constituted for the purpose.

27. (1) There shall be Selection Committees for making recommendations to the Executive Council for appointment to the posts of Professor, Reader, Lecturer, Registrar, Finance Officer and Librarian.

Selection
Com-
mittees.

(2) Every Selection Committee shall consist of the Vice-Chancellor, who shall be the Chairman thereof, and a person nominated by the Visitor; and, in addition, the Selection Committee for making recommendations for appointment to a post specified in column 1 of the Table below shall have as its members the persons specified in the corresponding entry in column 2 of the said Table:

TABLE

	1	2
Professor		<ul style="list-style-type: none"> (i) The Head of the Department concerned if he is a Professor; (ii) Three persons not connected with the University, nominated by the Executive Council, out of a panel of names recommended by the Academic Council for their special knowledge of or interest in, the subject with which the Professor will be concerned;
Reader, Lecturer		<ul style="list-style-type: none"> (i) The Head of the Department concerned; (ii) Two persons not connected with the University, nominated by the Executive Council, out of a panel of names recommended by the Academic Council for their special knowledge of or interest in, the subject with which the Reader or Lecturer will be concerned.
Registrar, Finance Officer		Three members of the Executive Council nominated by it.
Librarian		Three persons not connected with the University, who have special knowledge of the subject of Library Science to be nominated by the Executive Council.

(3) The procedure to be followed by a Selection Committee in making recommendations shall be laid down in the Ordinances.

(4) If the Executive Council is unable to accept any recommendation made by the Selection Committee, it may remit the same to the Selection Committee for reconsideration and if the difference is not resolved, the Executive Council shall record its reasons and submit the case to the Visitor for orders.

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(5) The constitution of the Selection Committees for the purpose of recognising teachers shall be provided for by the Ordinances.

28. Notwithstanding anything contained in Statute 27, the Executive Council may invite a person of high academic distinction and professional attainment to accept a post of Professor or Reader in the University, as the case may be, on such terms and conditions as it deems fit, and on the person agreeing to do so, appoint him to the post.

29. (1) Every teacher and salaried officer and such other employees as are mentioned in the Statutes shall be appointed under a written contract, which shall be lodged with the University and a copy thereof shall be furnished to the officer or teacher or employee concerned:

Provided that in the case of any teacher appointed for the first time, the period of the contract shall not exceed five years.

(2) Any dispute arising out of a contract between the University and those mentioned in clause (1) shall, at the request of the teacher or officer or employee concerned, or at the instance of the University, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the officer or teacher concerned and an umpire appointed by the Visitor, and the decision of the Tribunal shall be final.

30. (1) Where there is an allegation of misconduct against a teacher, the Vice-Chancellor may, if he thinks fit, by order in writing, place the teacher under suspension and shall forthwith report to the Executive Council the circumstances in which the order was made:

Provided that the Executive Council may, if it is of the opinion that the circumstances of the case do not warrant the suspension of the teacher, revoke that order.

(2) Notwithstanding anything contained in the terms of his contract of service or of his appointment, the Executive Council shall be entitled to remove a teacher on the ground of misconduct.

(3) Save as aforesaid, the Executive Council shall not be entitled to remove a teacher except for good cause and after giving three months' notice in writing or payment of three months' salary in lieu of notice.

(4) No teacher shall be removed under clause (2) or under clause (3) until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(5) The removal of a teacher shall require a two-thirds majority of the members of the Executive Council present and voting.

(6) The removal of a teacher shall take effect from the date on which the order of removal is made:

Provided that where a teacher is under suspension at the time of his removal, the removal shall take effect on the date on which he was placed under suspension.

(7) Notwithstanding anything contained in these Statutes, the teacher shall be entitled to resign by giving three months' notice in writing to the Executive Council.

**Removal
of em-
ployees
other than
teachers.**

31. (1) Notwithstanding anything contained in the terms of his contract of service or of his appointment, an employee of the University, other than a teacher, may be removed by the authority which is competent to appoint the employee—

(a) if he is of unsound mind or is a deaf-mute or suffers from contagious leprosy;

(b) if he is an undischarged insolvent;

(c) if he has been convicted by a court of law of any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months;

(d) if he is otherwise guilty of misconduct:

Provided that no officer of the University shall be removed from his office unless a resolution to that effect is passed by the Executive Council by a majority of two-thirds of its members present and voting.

(2) No such employee shall be removed under clause (1) until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(3) Where the removal of such employee is for a reason other than that specified in sub-clause (c) or sub-clause (d) of clause (1), he shall be given three months' notice in writing or paid three months' salary in lieu of notice.

(4) Notwithstanding anything contained in these Statutes, an employee of the University, not being a teacher, shall be entitled to resign,—

(i) in the case of a permanent employee, only after giving three months' notice in writing to the appointing authority or paying to the University three months' salary in lieu thereof;

(ii) in any other case, only after giving one month's notice in writing to the appointing authority or paying to the University one month's salary in lieu thereof.

**Mainte-
nance of
discipline
among
students
of the
University.**

32. (1) All powers relating to discipline and disciplinary action in relation to students shall vest in the Vice-Chancellor.

(2) The Vice-Chancellor may delegate all or such of his powers as he deems proper to the Chief Proctor and to such other persons as he may specify in this behalf.

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[ACT 53]

(3) Without prejudice to the generality of his powers relating to the maintenance of discipline and taking such action in the interest of maintaining discipline as may seem to him appropriate, the Vice-Chancellor may, in the exercise of his powers aforesaid, order or direct that any student or students be expelled from any college or institution maintained by the University, Department, Special Centre or Specialised Laboratory, or be, for a stated period rusticated or be not, for a stated period, admitted to a course or courses of study in any such college or institution, Department, Special Centre, or Specialised Laboratory, or be fined in a sum of rupees that may be specified, or be debarred from taking an examination or examinations for one or more years or that the results of student or students concerned in the examination or examinations in which he has or they have appeared be cancelled.

(4) The Principals or, as the case may be, the Heads of the Colleges, institutions, Departments, Special Centres or Specialised Laboratories shall have the authority to exercise all such disciplinary powers over the students in their respective colleges, institutions, Departments, Special Centres or Specialised Laboratories as may be necessary for the proper conduct of such colleges, institutions, Departments, Special Centres or Specialised Laboratories.

(5) Without prejudice to the powers of the Vice-Chancellor and the Chief Proctor as aforesaid, detailed rules of discipline and proper conduct shall be framed. The Principals or, as the case may be, the Heads of the colleges, institutions, Departments, Special Centres or Specialised Laboratories may frame such supplementary rules as they deem necessary for the aforesaid purposes. Every student shall provide himself with a copy of these rules.

33. The membership of any students' organisation shall be voluntary. Membership of students' organisation.

34. (1) There shall be an Alumni Association established for the Jawaharlal Nehru University. Alumni Association.

(2) The subscription for membership of the Alumni Association shall be prescribed by the Ordinances.

(3) No member of the Association shall be entitled to vote or stand for election unless he has been a member of the Association for at least one year prior to the date of the election and is a graduate of the University of at least five years' standing:

Provided that the condition relating to the completion of one year's membership shall not apply in the case of the first election after the commencement of the Act.

Ordinances:

35. Subject to the provisions of the Act and these Statutes, the Ordinances may provide for all or any of the following matters, namely:—

- (a) the fees to be charged for courses of study in the University and for admission to the examinations, degrees and diplomas of the University;
- (b) the conditions of the award of fellowships, scholarships, studentships, exhibitions, medals and prizes;
- (c) the conduct of examinations, including the terms of office and manner of appointment and the duties of examining bodies, examiners and moderators;
- (d) the maintenance of discipline among the students of the University;
- (e) the conditions of residence of students at the University;
- (f) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students and the prescribing for them of special courses of study;
- (g) the giving of moral instruction;
- (h) the numbers, qualifications, emoluments and the terms and conditions of service, of teachers of the University;
- (i) the management of colleges, institutions maintained by the University, Special Centres and Specialised Laboratories;
- (j) supervision and inspection of colleges, recognised institutions, Special Centres and Specialised Laboratories;
- (k) all other matters which by the Act or these Statutes are to be or may be provided for by the Ordinances.

Ordinances now made.

36. (1) The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the Central Government.

(2) The said Ordinances may be amended, repealed or added to at any time by the Executive Council provided that—

- (a) no Ordinance shall be made affecting the conditions of residence or discipline of students, except after consultation with the Academic Council;

(b) no Ordinance shall be made,—

(i) affecting the admission or enrolment of students or prescribing examinations to be recognised as equivalent to the University examinations, or

(ii) affecting the conditions, mode of appointment or duties of examiners or the conduct or standard of examination or any course of study,

unless a draft of such Ordinance has been proposed by the Academic Council.

(3) The Executive Council shall not have power to amend any draft proposed by the Academic Council under clause (2) but may reject the proposal or return the draft to the Academic Council for reconsideration, either in whole or in part, together with any amendments which the Executive Council may suggest.

(4) Where the Executive Council has rejected the draft of an Ordinance proposed by the Academic Council, the Academic Council may, within two months of the date of such rejection, appeal to the Visitor and he may, by order, direct that the proposed Ordinance shall be laid before the next meeting of the Court for its approval and that pending such approval, it shall have effect from such date as may be specified in the order:

Provided that if the Ordinance is not approved by the Court at such meeting, it shall cease to have effect.

(5) All Ordinances made by the Executive Council shall be submitted, as soon as may be, to the Visitor and the Court, and shall be considered by the Court at its next meeting; and the Court shall have power, by a resolution passed by a majority of not less than two-thirds of the members present and voting, to cancel any Ordinance made by the Executive Council, and any such Ordinance shall, from the date of such resolution, cease to have effect.

(6) The Visitor may, by order, direct that the operation of any Ordinance shall be suspended until he has had an opportunity of exercising his power of disallowance, and any order of suspension under this clause shall cease to have effect on the expiration of one month from the date of such order or on the expiration of fifteen days from the date of consideration of the Ordinance by the Court, whichever period expires later.

(7) The Visitor may, within three months after any Ordinance has been considered by the Court, signify to the Executive Council his disallowance of the Ordinance and from the date of receipt by

the Executive Council of intimation of such disallowance, the Ordinance shall cease to have effect.

**Regula-
tions.**

37. (1) The authorities of the University may make Regulations consistent with this Act, these Statutes and the Ordinances:—

(a) laying down the procedure to be observed at their meetings and the number of members required to form a quorum;

(b) providing for all matters which by this Act, these Statutes or the Ordinances are to be prescribed by Regulations;

(c) providing for all other matters solely concerning such authorities or committees appointed by them and not provided for by this Act, these Statutes or the Ordinances.

(2) Every authority of the University shall make Regulations providing for the giving of notice to the members of such authority of the dates of meetings and of the business to be considered at meetings and for the keeping of a record of the proceedings of meetings.

(3) The Executive Council may direct the amendment, in such manner as it may specify, of any Regulation made under this Statute or the annulment of any such Regulation.

THE SEEDS ACT, 1966

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title, extent and commencement.
2. Definitions.
3. Central Seed Committee.
4. Central Seed Laboratory and State Seed Laboratory.
5. Power to notify kinds or varieties of seeds.
6. Power to specify minimum limits of germination and purity, etc.
7. Regulation of sale of seeds of notified kinds or varieties.
8. Certification agency.
9. Grant of certificate by certification agency.
10. Revocation of certificate.
11. Appeal.
12. Seed Analysts.
13. Seed Inspectors.
14. Powers of Seed Inspector.
15. Procedure to be followed by Seed Inspectors.
16. Report of Seed Analyst.
17. Restriction on export and import of seeds of notified kinds or varieties.
18. Recognition of seed certification agencies of foreign countries.

SECTIONS

19. Penalty.
20. Forfeiture of property.
21. Offences by companies.
22. Protection of action taken in good faith.
23. Power to give directions.
24. Exemption.
25. Power to make rules.

THE SEEDS ACT, 1966

No. 54 OF 1966

[29th December, 1966]

An Act to provide for regulating the quality of certain seeds for sale, and for matters connected therewith.

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

1. (1) This Act may be called the Seeds Act, 1966.

Short title,
extent
and
commence-
ment

(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, and different dates may be appointed for different provisions of this Act, and for different States or for different areas thereof.

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

Defini-
tions.

(1) "agriculture" includes horticulture;

(2) "Central Seed Laboratory" means the Central Seed Laboratory established or declared as such under sub-section (1) of section 4;

(3) "certification agency" means the certification agency established under section 8 or recognised under section 18;

(4) "Committee" means the Central Seed Committee constituted under sub-section (1) of section 3;

(5) "container" means a box, bottle, casket, tin, barrel, case, receptacle, sack, bag, wrapper or other thing in which any article or thing is placed or packed;

(6) "export" means taking out of India to a place outside India;

(7) "import" means bringing into India from a place outside India;

(8) "kind" means one or more related species or sub-species of crop plants each individually or collectively known by one common name such as cabbage, maize, paddy and wheat;

(9) "notified kind or variety", in relation to any seed, means any kind or variety thereof notified under section 5;

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

(11) "seed" means any of the following classes of seeds used for sowing or planting—

(i) seeds of food crops including edible oil seeds and seeds of fruits and vegetables;

(ii) cotton seeds;

(iii) seeds of cattle fodder,

and includes seedlings, and tubers, bulbs, rhizomes, roots, cuttings, all types of grafts and other vegetatively propagated material, of food crops or cattle fodder;

(12) "Seed Analyst" means a Seed Analyst appointed under section 12;

(13) "Seed Inspector" means a Seed Inspector appointed under section 13;

(14) "State Government", in relation to a Union territory, means the administrator thereof;

(15) "State Seed Laboratory", in relation to any State, means the State Seed Laboratory established or declared as such under sub-section (2) of section 4 for that State; and

(16) "variety" means a sub-division of a kind identifiable by growth, yield, plant, fruit, seed, or other characteristic.

3. (1) The Central Government shall, as soon as may be after the commencement of this Act, constitute a Committee called the Central Seed Committee to advise the Central Government and the State Governments on matters arising out of the administration of this Act and to carry out the other functions assigned to it by or under this Act.

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

(i) a Chairman to be nominated by the Central Government;

(ii) eight persons to be nominated by the Central Government to represent such interests as that Government thinks fit, of whom not less than two persons shall be representatives of growers of seed;

(iii) one person to be nominated by the Government of each of the States.

(3) The members of the Committee shall, unless their seats become vacant earlier by resignation, death or otherwise, be entitled to hold office for two years and shall be eligible for re-nomination.

(4) The Committee may, subject to the previous approval of the Central Government, make bye-laws fixing the quorum and regulating its own procedure and the conduct of all business to be transacted by it.

(5) The Committee may appoint one or more sub-committees, consisting wholly of members of the Committee or wholly of other persons or partly of members of the Committee and partly of other persons, as it thinks fit, for the purpose of discharging such of its functions as may be delegated to such sub-committee or sub-committees by the Committee.

(6) The functions of the Committee or any sub-committee thereof may be exercised notwithstanding any vacancy therein.

(7) The Central Government shall appoint a person to be the secretary of the Committee and shall provide the Committee with such clerical and other staff as the Central Government considers necessary.

Central
Seed
Labora-
tory and
State
Seed
Labora-
tory.

4. (1) The Central Government may, by notification in the Official Gazette, establish a Central Seed Laboratory or declare any seed laboratory as the Central Seed Laboratory to carry out the functions entrusted to the Central Seed Laboratory by or under this Act.

(2) The State Government may, by notification in the Official Gazette, establish one or more State Seed Laboratories or declare any seed laboratory as a State Seed Laboratory where analysis of seeds of any notified kind or variety shall be carried out by Seed Analysts under this Act in the prescribed manner.

Power to
notify
kinds or
varieties
of seeds.

5. If the Central Government, after consultation with the Committee, is of opinion that it is necessary or expedient to regulate the quality of seed of any kind or variety to be sold for purposes of agriculture, it may, by notification in the Official Gazette, declare such kind or variety to be a notified kind or variety for the purposes of this Act and different kinds or varieties may be notified for different States or for different areas thereof.

Power
to specify
minimum
limits of
germina-
tion and
purity,
etc.

6. The Central Government may, after consultation with the Committee and by notification in the Official Gazette, specify—

(a) the minimum limits of germination and purity with respect to any seed of any notified kind or variety;

(b) the mark or label to indicate that such seed conforms to the minimum limits of germination and purity specified

under clause (a) and the particulars which such mark or label may contain.

7. No person shall, himself or by any other person on his behalf, carry on the business of selling, keeping for sale, offering to sell, bartering or otherwise supplying any seed of any notified kind or variety, unless—

- (a) such seed is identifiable as to its kind or variety;
- (b) such seed conforms to the minimum limits of germination and purity specified under clause (a) of section 6;
- (c) the container of such seed bears in the prescribed manner, the mark or label containing the correct particulars thereof, specified under clause (b) of section 6; and
- (d) he complies with such other requirements as may be prescribed.

8. The State Government or the Central Government in consultation with the State Government may, by notification in the Official Gazette, establish a certification agency for the State to carry out the functions entrusted to the certification agency by or under this Act.

9. (1) Any person selling, keeping for sale, offering to sell, bartering or otherwise supplying any seed of any notified kind or variety may, if he desires to have such seed certified by the certification agency, apply to the certification agency for the grant of a certificate for the purpose.

(2) Every application under sub-Section (1) shall be made in such form, shall contain such particulars and shall be accompanied by such fees as may be prescribed.

(3) On receipt of any such application for the grant of a certificate, the certification agency may, after such enquiry as it thinks fit and after satisfying itself that the seed to which the application relates conforms to the minimum limits of germination and purity specified for that seed under clause (a) of section 6, grant a certificate in such form and on such conditions as may be prescribed.

Revocation of certificate

10. If the certification agency is satisfied, either on a reference made to it in this behalf or otherwise, that—

(a) the certificate granted by it under section 9 has been obtained by misrepresentation as to an essential fact; or

(b) the holder of the certificate has, without reasonable cause, failed to comply with the conditions subject to which the certificate has been granted or has contravened any of the provisions of this Act or the rules made thereunder,

then, without prejudice to any other penalty to which the holder of the certificate may be liable under this Act, the certification agency may, after giving the holder of the certificate an opportunity of showing cause, revoke the certificate.

Appeal.

11. (1) Any person aggrieved by a decision of a certification agency under section 9 or section 10, may, within thirty days from the date on which the decision is communicated to him and on payment of such fees as may be prescribed, prefer an appeal to such authority as may be specified by the State Government in this behalf:

Provided that the appellate authority may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible,

(3) Every order of the appellate authority under this section shall be final.

12. The State Government may, by notification in the Official Seed Analysts Gazette, appoint such persons as it thinks fit, having the prescribed qualifications, to be Seed Analysts and define the areas within which they shall exercise jurisdiction.

13. (1) The State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit, having the prescribed qualifications, to be Seed Inspectors and define the areas within which they shall exercise jurisdiction.

(2) Every Seed Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code and shall be officially subordinate to such authority as the State Government may specify in this behalf.

14. (1) The Seed Inspector may—

(a) take samples of any seed of any notified kind or variety from—

(i) any person selling such seed; or

(ii) any person who is in the course of conveying, delivering or preparing to deliver such seed to a purchaser or a consignee; or

(iii) a purchaser or a consignee after delivery of such seed to him;

(b) send such sample for analysis to the Seed Analyst for the area within which such sample has been taken;

(c) enter and search at all reasonable times, with such assistance, if any, as he considers necessary, any place in which he has reason to believe that an offence under this Act has been or is being committed and order in writing the person in possession of any seed in respect of which the offence has been or is

being committed, not to dispose of any stock of such seed for a specific period not exceeding thirty days or, unless the alleged offence is such that the defect may be removed by the possessor of the seed, seize the stock of such seed;

(d) examine any record, register, document or any other material object found in any place mentioned in clause (c) and seize the same if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act; and

(e) exercise such other powers as may be necessary for carrying out the purposes of this Act or any rule made thereunder.

(2) Where any sample of any seed of any notified kind or variety is taken under clause (a) of sub-section (1), its cost, calculated at the rate at which such seed is usually sold to the public, shall be paid on demand to the person from whom it is taken.

(3) The power conferred by this section includes power to break-open any container in which any seed of any notified kind or variety may be contained or to break-open the door of any premises where any such seed may be kept for sale:

Provided that the power to break-open the door shall be exercised only after the owner or any other person in occupation of the premises, if he is present therein, refuses to open the door on being called upon to do so.

(4) Where the Seed Inspector takes any action under clause (a) of sub-section (1), he shall, as far as possible, call not less than two persons to be present at the time when such action is taken and take their signatures on a memorandum to be prepared in the prescribed form and manner.

(5) The provisions of the Code of Criminal Procedure, 1898, shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 98 of the said Code.

15. (1) Whenever a Seed Inspector intends to take sample of any seed of any notified kind or variety for analysis, he shall—

Procedure
to be
followed
by Seed
Inspectors.

(a) give notice in writing, then and there, of such intention to the person from whom he intends to take sample;

(b) except in special cases provided by rules made under this Act, take three representative samples in the prescribed manner and mark and seal or fasten up each sample in such manner as its nature permits.

(2) When samples of any seed of any notified kind or variety are taken under sub-section (1), the Seed Inspector shall—

(a) deliver one sample to the person from whom it has been taken;

(b) send in the prescribed manner another sample for analysis to the Seed Analyst for the area within which such sample has been taken; and

(c) retain the remaining sample in the prescribed manner for production in case any legal proceedings are taken or for analysis by the Central Seed Laboratory under sub-section (2) of section 16, as the case may be.

(3) If the person from whom the samples have been taken refuses to accept one of the samples, the Seed Inspector shall send intimation to the Seed Analyst of such refusal and thereupon the Seed Analyst receiving the sample for analysis shall divide it into two parts and shall seal or fasten up one of those parts and shall cause it, either upon receipt of the sample or when he delivers his report, to be delivered to the Seed Inspector who shall retain it for production in case legal proceedings are taken.

(4) Where a Seed Inspector takes any action under clause (c) of sub-section (1) of section 14,—

(a) he shall use all despatch in ascertaining whether or not the seed contravenes any of the provisions of section 7 and if it is ascertained that the seed does not so contravene, forthwith revoke the order passed under the said clause or, as the case may be, take such action as may be necessary for the return of the stock of the seed seized;

(b) if he seizes the stock of the seed, he shall, as soon as may be, inform a magistrate and take his orders as to the custody thereof;

(c) without prejudice to the institution of any prosecution, if the alleged offence is such that the defect may be removed by the possessor of the seed, he shall, on being satisfied that the defect has been so removed, forthwith revoke the order passed under the said clause.

(5) Where a Seed Inspector seizes any record, register, document or any other material object under clause (d) of sub-section (1) of section 14, he shall, as soon as may be, inform a magistrate and take his orders as to the custody thereof.

**Report
of Seed
Analyst.**

16. (1) The Seed Analyst shall, as soon as may be after the receipt of the sample under sub-section (2) of section 15, analyse the sample at the State Seed Laboratory and deliver, in such form as may be prescribed, one copy of the report of the result of the analysis to the Seed Inspector and another copy thereof to the person from whom the sample has been taken.

(2) After the institution of a prosecution under this Act, the accused vendor or the complainant may, on payment of the prescribed fee, make an application to the court for sending any of the samples mentioned in clause (a) or clause (c) of sub-section (2) of section 15 to the Central Seed Laboratory for its report and on receipt of the application, the court shall first ascertain that the mark and the seal or fastening as provided in clause (b) of sub-section (1) of section 15 are intact and may then despatch the sample under its own seal to the Central Seed Laboratory which shall thereupon send its report to the court in the prescribed form within one month from the date of receipt of the sample, specifying the result of the analysis.

(3) The report sent by the Central Seed Laboratory under sub-section (2) shall supersede the report given by the Seed Analyst under sub-section (1).

(4) Where the report sent by the Central Seed Laboratory under sub-section (2) is produced in any proceedings under section 19, it shall not be necessary in such proceedings to produce any sample or part thereof taken for analysis.

17. No person shall, for the purpose of sowing or planting by any person (including himself), export or import or cause to be exported or imported any seed of any notified kind or variety, unless—

Restriction on export and import of seeds of notified kinds or varieties.

(a) it conforms to the minimum limits of germination and purity specified for that seed under clause (a) of section 6; and

(b) its container bears, in the prescribed manner, the mark or label with the correct particulars thereof specified for that seed under clause (b) of section 6.

18. The Central Government may, on the recommendation of the Committee and by notification in the Official Gazette, recognise any seed certification agency established in any foreign country, for the purposes of this Act.

Recognition of seed certification agencies of foreign countries.

19. If any person—

Penalty.

(a) contravenes any provision of this Act or any rule made thereunder; or

(b) prevents a Seed Inspector from taking sample under this Act; or

(c) prevents a Seed Inspector from exercising any other power conferred on him by or under this Act,

he shall, on conviction, be punishable—

(i) for the first offence with fine which may extend to five hundred rupees, and

(ii) in the event of such person having been previously convicted of an offence under this section, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

20. When any person has been convicted under this Act for the contravention of any of the provisions of this Act or the rules made thereunder, the seed in respect of which the contravention has been committed may be forfeited to the Government.

Forfeiture of property.

Offences
by com-
panies.

21. (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 under this Act if he proves that the offence was committed without his knowledge and 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 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.

Protec-
tion of
action
taken in
good
faith.

22. No suit, prosecution or other legal proceeding shall lie against the Government or any officer of the Government for anything which is in good faith done or intended to be done under this Act.

Power to
give
direc-
tions.

23. The Central Government may give such directions to any State Government as may appear to the Central Government to be necessary for carrying into execution in the State any of the provisions of this Act or of any rule made thereunder.

Exemption.

24. Nothing in this Act shall apply to any seed of any notified kind or variety grown by a person and sold or delivered by him on his own premises direct to another person for being used by that person for the purpose of sowing or planting.

Power to
make
rules.

25. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

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

- (a) the functions of the Committee and the travelling and daily allowances payable to members of the Committee and members of any sub-committee appointed under sub-section (5) of section 3;
- (b) the functions of the Central Seed Laboratory;
- (c) the functions of a certification agency;
- (d) the manner of marking or labelling the container of seed of any notified kind or variety under clause (c) of section 7 and under clause (b) of section 17;
- (e) the requirements which may be complied with by a person carrying on the business referred to in section 7;
- (f) the form of application for the grant of a certificate under section 9, the particulars it may contain, the fees which should accompany it, the form of the certificate and the conditions subject to which the certificate may be granted;
- (g) the form and manner in which and the fee on payment of which an appeal may be preferred under section 11 and the procedure to be followed by the appellate authority in disposing of the appeal;
- (h) the qualifications and duties of Seed Analysts and Seed Inspectors;
- (i) the manner in which samples may be taken by the Seed Inspector, the procedure for sending such samples to the Seed Analyst or the Central Seed Laboratory and the manner of analysing such samples;
- (j) the form of report of the result of the analysis under sub-section (1) or sub-section (2) of section 16 and the fees payable in respect of such report under the said sub-section (2);
- (k) the records to be maintained by a person carrying on the business referred to in section 7 and the particulars which such records shall contain; and
- (l) any other matter which is to be or may be prescribed.

(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 successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, that rule shall, thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE CONSTITUTION (EIGHTEENTH AMENDMENT)
ACT, 1966

[27th August, 1966]

An Act further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Eighteenth Amendment) Act, 1966. Short title.

2. In article 3 of the Constitution, the following *Explanations* shall be inserted at the end, namely:— Amend-
ment of
article 3.

Explanation I.—In this article, in clause (a) to (e), “State” includes a Union territory, but in the proviso, “State” does not include a Union territory.

Explanation II.—The power conferred on Parliament by clause (a) includes the power to form a new State or Union territory by uniting a part of any State or Union territory to any other State or Union territory.

THE CONSTITUTION (NINETEENTH AMENDMENT)
ACT, 1966

[11th December, 1966]

An Act further to amend the Constitution of India.

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

- Short title.** 1. This Act may be called the Constitution (Nineteenth Amendment) Act, 1966.
- Amendment of article 324.** 2. In article 324 of the Constitution, in clause (1), the words "including the appointment of election tribunals for the decision of doubts and disputes arising out of or in connection with elections to Parliament and to the Legislatures of States" shall be omitted.

THE CONSTITUTION (TWENTIETH AMENDMENT)
ACT, 1966

[22nd December, 1966]

An Act further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Twentieth Amendment) Act, 1966. Short title.

2. After article 233 of the Constitution, the following article shall be inserted, namely:— Insertion of new article 233A.

“233A. Notwithstanding any judgment, decree or order of any court,— Validation of appointments of, and judgments, etc., delivered by, certain district judges.

(a) (i) no appointment of any person already in the judicial service of a State or of any person who has been for not less than seven years an advocate or a pleader, to be a district judge in that State, and

(ii) no posting, promotion or transfer of any such person as a district judge,

made at any time before the commencement of the Constitution (Twentieth Amendment) Act, 1966, otherwise than in accordance with the provisions of article 233 or article 235 shall be deemed to be illegal or void or ever to have become illegal or

void by reason only of the fact that such appointment, posting, promotion or transfer was not made in accordance with the said provisions;

(b) no jurisdiction exercised, no judgment, decree, sentence or order passed or made, and no other act or proceeding done or taken, before the commencement of the Constitution (Twentieth Amendment) Act, 1966 by, or before, any person appointed, posted, promoted or transferred as a district judge in any State otherwise than in accordance with the provisions of article 233 or article 235 shall be deemed to be illegal or invalid or ever to have become illegal or invalid by reason only of the fact that such appointment, posting, promotion or transfer was not made in accordance with the said provisions.”.

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