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**TABLE—SHOWING EFFECT OF PARLIAMENTARY LEGISLATION
OF 1982**

**PART—I CENTRAL ACTS AMENDED REPEALED OR OTHERWISE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 1982 Act by which affected
1	2	3	4	5
1871	23	Pensions Act, 1871.	S. 1 amended ss. 12 A, 20, s. 2 <i>ibid.</i> ss. 3 and 4. 15 and 16 inserted.	
1882	7	Powers-of-Attorney Act, 1882.	S. 1 A inserted ss. 2, and 5 amended.	55, s. 2, <i>ibid.</i> ss. 3-4-5 and 3.
1890	6	Charitable Endowments Act, 1890.	S. 13 amended	56, s. 2.
1890	9	Indian Railways Act 1890.	S. 114 A inserted s. 131 amended.	16, s. 2 <i>Ibid.</i> s. 3.
1898	6	Indian Post Office Act, 1898.	First Schedule amend- ed.	14, s. 54.
1936	4	Payment of Wages Act, 1936.	Long title and pream- ble amended (w.e.f. 15-10-1982.)	38, s. 2.
1939	4	Motor Vehicles Act, 1939.	Ss. 1, 2, 3, 5, 7, 8, 14, 18, <i>Ibid.</i> ss. 3-4, 5, 6, 7, 20, 25 and 26 amend- 8, 9, 10, 11, 12, and 14. ed (w.e.f. 15-10-1982). S. 25. inserted A. <i>Ibid.</i> s. 13. (w.e.f. 15-10-1982).	7
1940	23	Drugs and Cosmetics Act, 1940.	S. 7, 8, 8A, 24, 36, 86, 47, ss. 2, 3, 4, 6, 7, 10, 93, 95, 110, 110A, 12, 13, 15, 16, 17, 18 110AA, 110B, 110CC, 19, 20, 22, and 23. 113A, 115, 116, 120 an 123 ame ded. (w.e.f. 1-10-1982) s. 70 amended <i>Ibid.</i> s. 9 (w.e.f. 10-12-1982).	10, 11, 14, 21.
			S. 11A, Chapter VIIA <i>Ibid.</i> , ss. 5, 11, 14, 21. (ss. 92A to 92E), ss. 109A, 109B, 109C 113B and 127B in- serted (w.e.f. 1-10-1982).	
			S. 69B inserted <i>Ibid</i> s., 8. (w.e.f. 10-12-1982).	
			Throughout the Act the words and brackets. "Ayurvedic (including Siddha) or Unani" and "Ayurvedic (including Siddha) and Unani" substituted (w.e.f. 1-2-1983).	68, s. 2.
			Ss. 3, 10, 12, 15, Chap- ter IV, 18, 19, 20, 21, 22, 23, 28, 30, 31, 32, 32A, 33, 33G, 28, 29, 30, 32, 34, 33F, 33M, 33N, 35, 35, 37, 38, 40 and 36, 38 and First 41. Schedule amended (w.e.f. 1-2-1983) <i>Ibid.</i> s. 4. Heading under Cha- pter III, substituted (w.e.f. 1-2-1983).	68, ss. 3, 7, 9, 11, 12, 14, 16, 17, 18, 19, 20, 23, 25, 26, 27, 28, 29, 30, 32, 34, 35, 37, 38, 40 and 41.

1	2	3	4	5
1940	23	Drugs and Cosmetics Act, 1940— <i>contd.</i>	Ss. 9, 9A, 9B, 13, 17, 17A, 17B, 27 and 27A, 33D and 39E, 33-1 and 33J substituted (w.e.f. 1-2-1983). Ss. 10A, 18B, 26A, 28A <i>ibid.</i> , ss. 8, 15, 21, 24, and 28B, 34A and 36A inserted (w.e.f. 1-2-1983).	68, ss. 5, 6, 10, 13, 23 and 33.
1944	1	Central Excises and Salt Act, 1944.	Ss. 3, 37 and First Schedule amended. S. 4 amended (w.e.f. 1-10-1975).	14, ss. 46, 48, 49 and Sch. III.
1945		International Monetary Fund and Bank Act, 1945.	Ss. 2, 4, 7 and Schedule amended (w.e.f. 15-1-1983).	67, ss. 23, 4 and 5.
1946	20	Industrial Employment (Standing Orders) Act, 1946.	Ss. 2, 6, 10, 11, 13, 13A, 18, ss. 2, 3, 4, 6, 7, 8, 15 amended (w.e.f. 17-5-1982). S. 10A inserted (w.e.f. <i>Ibid.</i> , s. 5 17-5-1982).	
1947	14	Industrial Disputes Act, 1947.	Ss. 2, 7, 7A, 7B, 9A, 10, 46, ss. 2, 3, 4, 5, 6, 8, 9, 11, 15, 25K, 25M, 25R, 33, 33A, 33C, 34 and 38 amended (w.e.f.).	ss. 10, 12, 13, 15, 17, 18, 19, 20 and 22.
			Chapter IIIB (s. 9G), Ss. 17B, Chapter VC (Ss. 25T and 25U), 26B and Fifth Schedule inserted (w.e.f.).	<i>Ibid.</i> , less. 7, 11, 16, 21, and 23.
1947	24	Rubber Act, 1947.	S. 25-O substituted (w.e.f.).	<i>Ibid.</i> , s. 14.
1948	8	Pharmacy Act, 1948.	S. 42 amended (w.e.f. 1-9-1981).	54, ss. 2, 3, 4, 5 and 6 amended (w.e.f.).
1948	15	Industrial Finance Corporation Act, 1948.	Ss. 2, 4, 4A, 11, 18, 19, 2, less. 2, 3, 4, 5, 7, 8, 9, 21, 23, 26, 33, 35, 39 and 43 amended (w.e.f. 12-3-1982).	12, 14, 15, 17, 18, and 19.
			Ss. 16 and 22 substituted (w.e.f. 12-3-1982).	<i>Ibid.</i> , ss. 6 and 11.
			Ss. 21G and 34A inserted (w.e.f. 12-3-1982)	<i>Ibid.</i> , ss. 10 and 16.
			S. 24 omitted (w.e.f. 12-3-1982).	<i>Ibid.</i> , s. 13.
1948	61	Central Sikh Board Act, 1948.	Ss. 4 and 13 amended (w.e.f.).	13, ss. 2 and 3.
1950	49	Contingency Fund of India Act, 1950.	S. 4 amended	51, s. 2.
1950	64	Road Transport Corporations Act, 1950.	Ss. 1, 6, 8, 12, 14, 19, 23 and 27 amended (w.e.f. 13-11-1982).	63, ss. 2, 4, 5, 6, 8, 11, 12 and 14.
			Ss. 5, 13, 15 and 26 substituted (w.e.f. 13-11-1982).	<i>Ibid.</i> , ss. 3, 7, 9 and 13.

1	2	3	4	5
1950	64 Road Transport Corporations Act, 1950— <i>Contd.</i>	Chapter IIIA (S. 17A) inserted (w.e.f. 13-11-1982).	63, s. 10.	
		Ss. 2, 7, 9, 10, 11, 16, 24, 28, 37, 38, 42, 43, 44, 45 amended (w.e.f. 13-11-1982)	<i>Ibid.</i> , s. 16 and Sch.	
1953	24 Estate Duty Act, 1953	S. 5A amended s. 16A inserted (w.e.f. 1-3-1981). Ss. 33, 36 and Second Schedule amended (w.e.f. 1-3-1981).	31, s. 2 <i>Ibid.</i> , s. 3.	
1953	27 Air Corporations Act, 1953.	Ss. 35, 44 and 45 amended.	24, ss. 2, 3, and 4.	
1954	30 Salary, Allowances and Pension of Members of Parliament Act, 1954.	S. 8A amended. Ss. 4, 6B and 9 amended.	35, s. 2. 61, ss. 2, 3 and 4.	
1955	16 Medicinal and Toilet Preparation (Excise Duties) Act, 1955.	Schedule amended.	14, s. 53.	
1957	27 Wealth-tax Act, 1957.	Ss. 2 and 5 amended (w.e.f. 1-4-1983). Ss. 6, 22B and 22D amended (w.e.f. 1-4-1982).	14, ss. 33 and 34. <i>Ibid.</i> , ss. 35, 36 and 37.	
1957	62 Navy Act, 1957	Ss. 55A, 81, 82, 94, 97, 135, 141, 142 and 158 amended.	48, ss. 2, 3, 4, 5, 6, 7, 8, 9, and 10.	
1958	18 Gift-tax Act, 1958	S. 184A inserted. S. 5 amended (w.e.f. 1-4-1983).	<i>Ibid.</i> , s. 11. 14, s. 38.	
1959	29 Public Walks (Extension of Limitation) Act, 1959 (As in force in the Union territory of Delhi).	S. 3 amended (w.e.f. 1-1-1981)	39, s. 2.	
1960	59 Prevention of Cruelty to Animals Act, 1960.	Ss. 2, heading of Chapter II, 4, 5, 7, 9, 11, 12, 13, 17, 32 and 38 amended.	26, ss. 2, 3, 4, 5, 8, 9, 10, 11, 12, 14, 15 and 16.	
1961	43 Income-tax Act, 1961.	Ss. 5A, 15A and 38A inserted. S. 6 substituted	<i>Ibid.</i> , ss. 6, 13 and 17. <i>Ibid.</i> , s. 7	
		Ss. 6, 16, 23, 36, 54, 80C, 80CG, 80G, 80GG, 80L, 80M, 80T and 155 amended (w.e.f. 1-4-1983).	14, ss. 3, 4, 5, 6, 7, 10, 11, 13, 14, 15, 16, 19, 20, 21 and 23.	
		S. 10 (partly) amended (w.e.f. 1-4-1978 and 1-4-1982) and (partly) amended (w.e.f. 1-4-1983).	<i>Ibid.</i> , s. 4.	

1	2	3	4	5
1961		Income-tax Act, 1961 <i>Contd.</i>	Ss. 13, 32A, 245 B and 245 D amended (w.e.f. 1-4-1982). S. 35GCB inserted (w.e.f. 1-6-1982). S. 54F inserted (w.e.f. 1-4-1983). S. 80GGA amended (w.e.f. 1-6-1982). S. 80HHB inserted (w.e.f. 1-4-1983). Ss. 89A and 197A inserted (w.e.f. 1-6-1982). Ss. 193, 194C and 272A amended (w.e.f. 1-6-1982). S. 279 amended (w.e.f. 1-7-1982). Twelfth Schedule inserted (w.e.f. 1-4-1983)	14., ss. 5, 8, 27, and 28. <i>Ibid.</i> , s. 9. <i>Ibid.</i> , s. 12. <i>Ibid.</i> , s. 17. <i>Ibid.</i> , s. 18. <i>Ibid.</i> , ss. 22 and 26. <i>Ibid.</i> , ss. 24, 25 and 29. <i>Ibid.</i> , s. 30. <i>Ibid.</i> , s. 31
1961	47	Deposit Insurance and Credit Guaranty Corporation Act, 1961.	Ss. 45, 80A, 80P and 139 amended (w.e.f. 1-4-1983). S. 30 amended (w.e.f. 1-4-1982).	14, s. 32. <i>Ibid.</i> , s. 55.
1962	52	Customs Act, 1962.	S. 20 amended.	14, s. 45.
1963	38	Major Port Trusts Act, 1963.	Ss. 2, 3, 17, 18, 24, 25, 27, 28, 34, 39, 49, 85, 96, 113, 114, 115, 117 and 124 amended (w.e.f. 31-5-1982). S. 14A inserted (w.e.f. 31-5-1982).	17, ss. 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20. <i>Ibid.</i> , s. 4.
1963	52	Unit Trust of India Act, 1963.	S. 32 partly amen- ded (w.e.f. 1-4-1983) and partly amended (w.e.f. 1-6-1982).	14, s. 56.
1964	18	Industrial Develop- ment Bank of India Act, 1964.	S. 4 amended.	72, s. 2.
1964	37	Food Corporations Act, 1964.	Ss. 12A, 44 and 45 amended. S. 46 inserted.	53, ss. 2, 3 and 4. <i>Ibid.</i> , s. 5.
1969	54	Monopolies and Restrictive Trade Practices Act, 1969.	Ss. 2, 21 and 22 amended (w.e.f. 18-8-1982).	30, ss. 2, 3, and 4.
1972	20	Architects Act, 1972.	S. 22A inserted (w.e.f. 18-8-1982).	<i>Ibid.</i> , s. 5
			S. 45 amended.	21, s. 2.

1	2	3	4	5
1972	53	Wild Life (Protection) Act, 1972.	Ss. 12, 44 and 63 amended.	23, ss. 2, 3 and 4.
	62	Limestone and Dolomite Mines Labour Welfare Fund Act, 1972.	Ss. 2, 3, 4, 8 and 16 amended.	70, ss. 2, 3, 4, 6 and 7.
			S. 7A inserted.	<i>Ibid.</i> , s. 5.
1974	45	Interest-tax Act, 1974.	S. 2 amended (w.e.f. 1-4-1983).	14, s. 40.
1975	51	Customs Tariff Act, 1975.	First Schedule and Second Schedule amended.	14, s. 43 and Sch. II.
			First Schedule amended.	15, s. 2.
			S. 9 amended (w.e.f.).	52, s. 2.
			Ss. 9A and 9B inserted (w.e.f.).	<i>Ibid.</i> , s. 3.
1976	11	Sales Promotion Employees (Conditions of Service) Act, 1976.	S. 6 amended (w.e.f.).	46, s. 24
			S. 11A inserted.	69, s. 2.
1976	55	Iron Ore Mines and Manganese Ore Mines Labour Gess Act, 1976.	Long title amended (w.e.f. 1-7-1983).	44, s. 2.
			Ss. 1, 2, 3, 4, 6, 7, 8, 9 and 14 amended (w.e.f. 1-7-1983).	<i>Ibid.</i> , ss. 3, 4, 5, 6, 7, 8, 9, 10 and 11.
1976	61	Iron Ore Mines and Maganese Ore Mines Labour Welfare Fund Act, 1976.	Long title amended (w.e.f. 1-7-1983).	45, s. 2.
			Ss. 1, 2, 3, 4, 5, 6, 8, 9, 11 and 12 amended (w.e.f. 1-7-1983).	<i>Ibid.</i> , ss. 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12.
1978	33	Metro Railways (Construction of Works) Act, 1978.	Throughout the Act for the work "arbitrator" wherever it occurs, the words "appellate authority" substituted (w.e.f. 15-5-1983).	41, s. 2.
			Ss. 2, 9, 11, 13, 14, 19, 21, 22, 25, 36 and Schedule amended (w.e.f. 15-5-1983).	<i>Ibid.</i> , ss. 3, 4, 5, 6, 7, 11, 12, 13, 14, 15 and 16.
			Ss. 15A, 16A, 16B and 16C inserted (w.e.f. 15-5-1983).	<i>Ibid.</i> , s. 8 and 10.
			S. 16 substituted (w.e.f. 15-5-1983).	<i>Ibid.</i> , ss. 9.
1979	22	Special Courts Act, 1979.	[Repealed]	34-s. 2.

	1	2	3	4	5
1980	7	Prevention of Black-marketing and Maintenance of Supplies of Essential Commodities Act, 1980.	S. 7 amended.	27, 5.2	
1980	54	Hotel-Receipts Tax Act, 1980.	Ss. 6 and 7 amended (w.e.f. 1-4-1982.)	14, ss. 41 and 42	
1982	3	Sugar Cess Act, 1982	S. 3 amended (w.e.f.)	57, s. 2	
	4	Sugar Development Fund Act, 1982	S. 4 amended (w.e.f. 13-11-1982)	64, s. 2	

PART II—ORDINANCES REPEALED

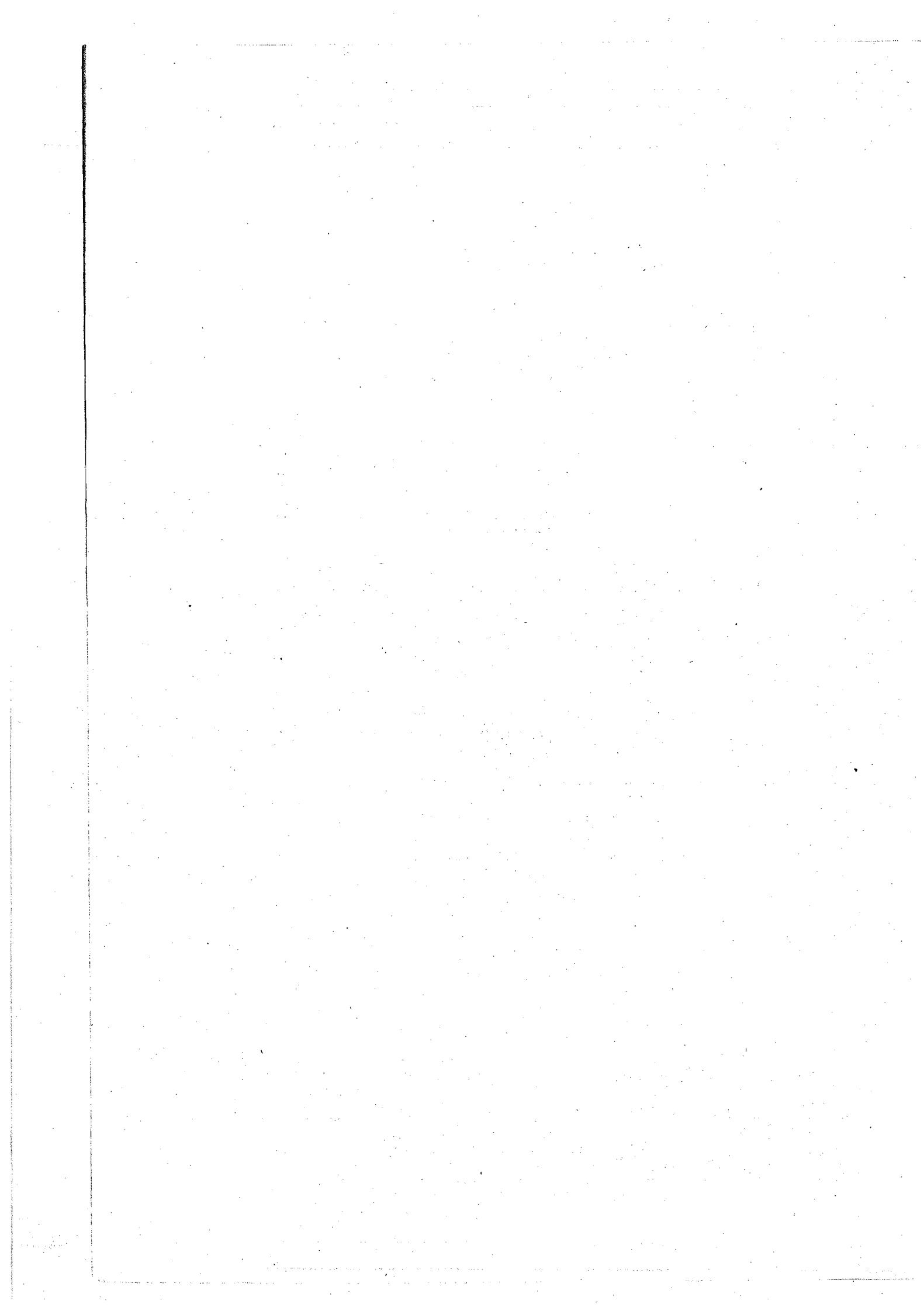
Year	No.	Short title of Ordinance	No. and section of 1982 Act by which repealed
1982	1	Central Excise Laws (Amendment and Validation) Ordinances, 1982.	58, s. 3

PART II.—STATE/UNION TERRITORY ACTS AMENDED, REPEALED OR OTHERWISE AFFECTED

Year of Act	No. of Act	Short title of Act	How affected	No. and section of 1982 Act by which affected
1949	III	East Punjab Urban Rent Restriction Act, 1949 as in force in the Union territory of Chandigarh.	Ss. 1 and 2 amended.	42, ss. 2 and 3.
1971	9	Andhra Pradesh Chit Funds Act, 1971.	Repealed	40, s. 90.
1975	23	Kerala Chitties Act, 1975.	Repealed	<i>Ibid.</i> , s. 90.
1974	55	Maharashtra Chit Funds Act, 1974.	Repealed	<i>Ibid.</i> , s. 90.
1961	24	Tamil Nadu Chit Funds Act, 1961.	Repealed	<i>Ibid.</i> , s. 90.
1975	53	Uttar Pradesh Chit Funds.	Repealed	<i>Ibid.</i> , s. 90.
1973		Goa, Daman and Diu Chit Funds Act, 1973.	Repealed	<i>Ibid.</i> , s. 90.
1966		Pondicherry Chit Funds Act, 1966.	Repealed	<i>Ibid.</i> , s. 90.

PART IV.—CONSTITUTION OF INDIA AMENDED

How affected	No. and section of 1982 Act by which affected.
Articles 269, 286, 366 and Seventh Schedule amended.	Constitution (Forty-sixth Amendment) Act, 1982, ss. 2, 3, 4 and 5.



THE AFRICAN DEVELOPMENT FUND ACT, 1982

No. 1 OF 1982

[4th March, 1982.]

An Act to implement the African Development Fund Agreement and for matters connected therewith.

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

1. (1) This Act may be called the African Development Fund Act, 1982.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In this Act, unless the context otherwise requires,—
 - (a) “Agreement” means the African Development Fund Agreement;
 - (b) “Fund” means the African Development Fund established under the Agreement.
3. (1) There shall be paid out of the Consolidated Fund of India, after due appropriation made by Parliament by law in this behalf, all such sums as may, from time to time, be required for the purpose of paying,—
 - (a) the subscription payable by the Central Government to the Fund under Articles 6, 7, 8 and 9 of the Agreement;
 - (b) any sums payable by the Central Government to the Fund under Article 13 of the Agreement; and
 - (c) any charges payable by the Central Government to the Fund under Article 16 of the Agreement.
(2) The Central Government may, if it thinks fit so to do, create and issue to the Fund, in such form as it thinks fit, any such non-interest bearing and non-negotiable note or other obligations as are provided for by Article 9 of the Agreement.
4. The Reserve Bank of India shall be the depository of the Indian currency holdings of the Fund.

Short title,
extent
and
commencement.

Defi-
nitions.

Pay-
ments to
Fund.

Reserve
Bank
to be
deposi-
tory for
Fund.

Conferment of status and certain immunities, exemptions and privileges on Fund and conferment of certain immunities, exemptions and privileges on its officers and employees.

Power to make rules.

Notifications issued under section 5 and rules made under section 6 to be laid before Parliament.

5. (1) Notwithstanding anything to the contrary contained in any other law, the provisions of the Agreement set out in the Schedule shall have the force of law in India:

Provided that nothing in Article 49 of the Agreement shall be construed as—

(a) entitling the Fund to import into India goods free of any duty of customs without any restriction or their subsequent sale therein; or

(b) conferring on the Fund any exemption from duties or taxes which form part of the price of goods sold; or

(c) conferring on the Fund any exemption from duties or taxes which are in fact no more than charges for services rendered.

(2) The Central Government may, by notification in the Official Gazette, amend the Schedule in conformity with any amendments, duly made and adopted, of the provisions of the Agreement set out therein.

6. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

7. Every notification issued under sub-section (2) of section 5 and every rule made under section 6 shall be laid, as soon as may be after it is issued or made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or, as the case may be, in the rule or both Houses agree that the notification or rule should not be issued or made, the notification or rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification or rule.

THE SCHEDULE

(See section 5)

PROVISIONS OF THE AGREEMENT WHICH SHALL HAVE FORCE OF LAW

CHAPTER VIII

STATUS, IMMUNITIES, EXEMPTIONS AND PRIVILEGES

ARTICLE 41

PURPOSE OF CHAPTER

To enable the Fund 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 Fund in the territory of each State participant, and each State participant shall inform the Fund of the specific action which it has taken for such purpose.

ARTICLE 42**STATUS**

The Fund shall possess full judicial 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 43**LEGAL PROCESS**

1. The Fund shall enjoy immunity from every form of legal process, except in cases arising out of or in connection with the exercise of its power to receive loans in accordance with Article 8, in which case actions may be brought against the Fund in a court of competent jurisdiction in the territory of a country in which the Fund has its office, or has appointed an agent for the purpose of accepting service or notice of process, or has otherwise agreed to be sued.

2. Notwithstanding the provisions of paragraph 1, no action shall be brought against the Fund by any participant, or by any agency or instrumentality of a participant, or by any entity or person directly or indirectly acting for or deriving claims from a participant or from any agency or instrumentality of a participant. Participants shall have recourse to such special procedures for the settlement of disputes between the Fund and its participants as may be prescribed in this Agreement, in the bye-laws and regulations of the Fund, or in contracts entered into with the Fund.

3. The Fund shall also make provision for appropriate modes of settlement of disputes in cases which do not come within the provisions of paragraph 2 and of Articles 52 and 53 and which are subject to the immunity of the Fund by virtue of paragraph 1 of this Article.

4. Where by virtue of any of the provisions of this Agreement the Fund does not enjoy immunity from legal process, the Fund, and its property and assets wherever located and by whomsoever held, shall nevertheless be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Fund.

ARTICLE 44**IMMUNITY OF ASSETS**

Property and assets of the Fund, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of taking or foreclosure by executive or legislative action.

ARTICLE 45**IMMUNITY OF ARCHIVES**

The archives of the Fund, and, in general, all documents belonging to it or held by it, shall be inviolable, wherever located.

ARTICLE 46**FREEDOM OF ASSETS FROM RESTRICTION**

To the extent necessary to carry out the purpose and function of the Fund, and subject to the provisions of this Agreement, all property and other assets of the Fund shall be free from restriction by financial controls, regulations, or moratoria of any kind.

ARTICLE 47**PRIVILEGE FOR COMMUNICATIONS**

Official communications of the Fund shall be accorded by each State participant the same treatment as it accords to the official communications of other international financial institutions of which it is a member.

ARTICLE 48**IMMUNITIES AND PRIVILEGES OF OFFICIALS AND PERSONNEL**

All governors and directors, and their alternates, the President and personnel, including experts performing missions for the Fund:

- (i) shall be immune from legal process with respect to acts performed by them in their official capacity;
- (ii) when they are not local nationals, shall be accorded no less favourable immunities from immigration restrictions, alien registration requirements and national service obligations, and no less favourable facilities as regards exchange regulations, than are accorded by the State participant concerned to the representatives, officials and employees of comparable rank of any other international financial institution of which it is a member; and
- (iii) shall be granted no less favourable treatment in respect of travelling facilities than is accorded by the State participant concerned to representatives, officials and employees of comparable rank of any other international financial institution of which it is a member.

ARTICLE 49**EXEMPTION FROM TAXATION**

1. The Fund, its assets, property, income, operations and transactions, shall be exempt from all direct taxation, and from all customs duties, or taxes having equivalent effect, on goods imported or exported for its official use. The Fund shall also be exempt from any obligation for the payment, withholding or collection of any tax or duty.
2. Notwithstanding the provisions of paragraph 1, the Fund shall not claim exemption from taxes which are no more than charges for services rendered.
3. Articles imported under an exemption provided for by paragraph 1 shall not be sold in the territory of the State participant which granted the exemption except under conditions agreed with that participant.
4. No tax shall be levied on or in respect of salaries and emoluments paid by the Fund to the President and personnel including experts performing missions for it.

ARTICLE 50**WAIVER BY THE FUND**

1. The immunities, exemptions and privileges provided in this Chapter are granted in the interests of the Fund. The Board of Directors may waive, to such extent and upon such conditions as it may determine, the immunities, exemptions and privileges provided in this Chapter in cases where its action would in its opinion further the interests of the Fund.
2. Regardless of the provisions of paragraph 1, the President shall have the right and the duty to waive the immunity of any of the personnel, including experts performing missions for the Fund, in cases where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Fund.

THE INDUSTRIAL FINANCE CORPORATION
(AMENDMENT) ACT, 1982

NO. 2 OF 1982

[8th March, 1982.]

An Act further to amend the Industrial Finance Corporation Act, 1948.

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

Short title and commencement.

1. (1) This Act may be called the Industrial Finance Corporation (Amendment) Act, 1982.

(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 2.

2. In section 2 of the Industrial Finance Corporation Act, 1948 (hereinafter referred to as the principal Act),—

15 of 1948.

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

'(ba) "Court" means the High Court (or where there is no High Court and the powers of the High Court are exercised by the Court of Judicial Commissioner, such Court) within the local limits of whose jurisdiction,—

(i) the defendant or respondent, or where there is more than one defendant or respondent, any one of them—

(1) has his registered office; or

(2) carries on the whole or part of his business,

at the time of the commencement of any legal proceedings against him under this Act; or

(ii) the cause of action for such legal proceedings, wholly or in part, arises;'

¹ 12-3-1982 ; vide. Notification No. S. O. 133 (E), dated 11-3-1982. Gazette of India, Extraordinary, 1982, Pt. II, Sec. 3(ii), p. 228.

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

(c) "industrial concern" means any limited company or co-operative society incorporated by a Central Act or an Act of the Legislature of a State or under any law for the time being in force and registered in India which is engaged or is to be engaged in—

(i) the manufacture, preservation or processing of goods;

(ii) shipping;

(iii) mining;

(iv) the hotel industry;

(v) the generation or distribution of electricity or any other form of power;

(vi) the transport of passengers or goods by road or by water or by air or by ropeway or by lift;

(vii) the maintenance, repair, testing or servicing of machinery of any description or vehicles or vessels or motor-boats or trailers or tractors;

(viii) assembling, repairing or packing any article with the aid of machinery or power;

(ix) the development of any contiguous area of land as an industrial estate;

(x) fishing or providing shore facilities for fishing or maintenance thereof;

(xi) providing special or technical knowledge or other services for the promotion of industrial growth; or

(xii) the research and development of any process or product in relation to any of the matters aforesaid.

Explanation.—The expression "processing of goods" includes any art or process for producing, preparing or making an article by subjecting any material to a manual, mechanical, chemical, electrical or any other like operation; ;

(c) clause (g) shall be omitted.

3. In section 4 of the principal Act,—

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

"(1B) On or after the commencement of the Industrial Finance Corporation (Amendment) Act, 1982, the authorised capital of the Corporation may be increased to such amount not exceeding one hundred crores of rupees as the Central Govern-

ment may, from time to time, by notification in the Official Gazette, fix.

(1C) The authorised capital increased under sub-section (1B) shall be divided into such number of shares of five thousand rupees each as may be necessary and the shares representing the capital so increased may be issued with the sanction of the Central Government as and when the Corporation may deem fit.”;

(b) in sub-section (8),—

(i) for the words “In this section”, the words, figure and letter “In this section and in section 4A” shall be substituted;

(ii) after the words and figures “under section 3 of the Life Insurance Corporation Act, 1956”, the following shall be inserted, namely:—

31 of 1956.

“, the General Insurance Corporation of India formed and registered under the Companies Act, 1956, its subsidiaries and such other institution or institutions dealing with general insurance business as may be notified by the Central Government in the Official Gazette in this behalf”.

1 of 1956.

4. In sub-section (2) of section 4A of the principal Act, in the proviso, for the words “Provided that”, the following shall be substituted, namely:—

“Provided that such holders shall have the right to renounce the shares so offered to them in favour of any scheduled bank, any insurance company, any investment trust or any other like financial institution or any co-operative bank, whether or not any such institution is a shareholder:

Provided further that if any such holder does not accept the shares so offered or does not exercise the right of renunciation in respect of any such shares in favour of any institution referred to in the preceding proviso within the time fixed therefor, the Board may allot such shares to any such institution with the concurrence of the Development Bank:

Provided also that”.

5. In section 11 of the principal Act, in the proviso to sub-section (3), for the words “three months”, the words “six months” shall be substituted.

6. For section 16 of the principal Act, the following section shall be substituted, namely:—

Amend-
ment of
section 4A.

Substi-
tution of
new sec-
tion for
section 16.

Staff of
Corpora-
tion.

“16. The Corporation may appoint such number of officers and other employees as it considers necessary or desirable for the efficient performance of its functions and determine the terms and conditions of their appointment and service.”,

7. In section 18 of the principal Act, the words "with the previous sanction of the Development Bank," shall be omitted.

Amend-
ment of
section 18

8. In section 19 of the principal Act, the words "in consultation with the Reserve Bank," shall be omitted.

Amend-
ment of
section 19

9. In section 21 of the principal Act,—

Amend-
ment of
section 21

(a) in sub-section (1), the proviso shall be omitted;

(b) in sub-section (3), in the proviso, for the words "three crores", the words "fifteen crores" shall be substituted;

(c) in sub-section (4),—

(i) after the words "the Development Bank", the words "or, with the general or special approval of the Central Government, from any other authority or institution in India" shall be inserted;

(ii) the proviso shall be omitted.

10. After section 21B of the principal Act, the following section shall be inserted, namely:—

Insertion
of new
section
21C

1 of 1956.

"21C. The Corporation shall have the right to acquire, by transfer or assignment, the rights and interests of any public financial institution as defined in section 4A of the Companies Act, 1956 (including any other rights incidental thereto), in relation to any loan or advance granted, or any amount recoverable, by such institution, either in whole or in part, by the execution or issue of any instrument, or by the transfer of any instrument by endorsement or in any other manner."

Power to
acquire
rights.

11. For section 22 of the principal Act, the following section shall be substituted, namely:—

Substitu-
tion of
new
section for
section 22

"22. The Corporation may accept deposits repayable after the expiry of a period which shall not be less than twelve months from the date of the making of the deposit on such terms and conditions as may, generally or specially, be approved by the Development Bank."

Deposits
with the
Corpora-
tion.

12. In section 23 of the principal Act,—

Amend-
ment of
section 23

(a) in sub-section (1),—

(i) the brackets and figure "(1)" occurring in the beginning shall be omitted;

(ii) in clause (a),—

(1) the words "on such terms and conditions as may be agreed upon," shall be omitted;

(2) in sub-clause (i), the words "are repayable within a period not exceeding twenty-five years, and" shall be omitted;

(3) in sub-clause (ii), for the words "or State Co-operative Banks", the words "State Co-operative Banks or such other financial institutions as may be notified by the Central Government in this behalf" shall be substituted;

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

"(b) guaranteeing deferred payments due from any industrial concern;"

(iv) in clause (c), the words, "on such terms and conditions as may be agreed upon," shall be omitted;

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

"(f) subscribing to, or purchasing, the stock, shares or bonds of any industrial concern;"

(vi) in clause (i),—

(1) for the portion beginning with the words "or subscribing to debentures" and ending with the words "as the case may be:", the words "or subscribing to, or purchasing, debentures of industrial concerns:" shall be substituted;

(2) in the proviso, after the words "subscribing to", the words ", or purchasing," shall be inserted;

(3) in the *Explanation*, for the words "loan or advance", at both the places where they occur, the words "loan, advance or debenture" shall be substituted;

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

"(j) undertaking research and surveys for evaluating or dealing with marketing or investments and undertaking and carrying on techno-economic studies in connection with the development of industry;

(k) providing technical and administrative assistance to any industrial concern for the promotion, management or expansion of any industry;

(l) undertaking merchant banking operations;

(m) performing functions entrusted to, or required of, the Corporation by this Act or by any other law for the time being in force;"

(viii) clauses (ii) and (iii) shall be re-lettered as clauses (n) and (o) respectively;

(ix) clause (j) shall be re-lettered as clause (p), and in clause (p) as so re-lettered, after the words "under this Act", the words "or under any other law for the time being in force" shall be inserted;

(b) sub-section (2) shall be omitted.

13. Section 24 of the principal Act shall be omitted.

Commission
of section
24.

14. In section 26 of the principal Act, in sub-section (3), after clause (ii), the following clause shall be inserted, namely:—

"(iii) shall not apply to any industrial concern in respect of which the Corporation is satisfied that it is necessary, in the public interest, to enter into business with that concern:

Provided that such business shall be entered into in accordance with and subject to such conditions and limitations as may be prescribed by regulations made in this behalf."

15. In section 33 of the principal Act, in sub-section (1), for the words "three months", the words "four months" shall be substituted.

Amend-
ment of
section 33.

16. After section 34 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new sec-
tion 34A.

"34A. The Board may, in consultation with the auditors appointed under section 34, appoint local auditors to audit the affairs of any office or agency of the Corporation and the report of such auditors shall be taken into consideration by the auditors appointed under section 34 for the purpose of auditing the affairs of the Corporation."

Appoint-
ment of
local
auditors.

17. In section 35 of the principal Act,—

Amend-
ment of
section 35.

(a) in sub-section (1), for the words "all shareholders", the words "the Development Bank" shall be substituted;

(b) in sub-section (3), for the words "four months", the words "five months" shall be substituted.

18. In section 39 of the principal Act, after the word "auditor," the words "local auditor," shall be inserted.

Amend-
ment of
section 39.

19. In section 43 of the principal Act,—

Amend-
ment of
section 43

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

"(h) the conditions and limitations subject to which the Corporation may enter into business under the proviso to clause (iii) of sub-section (3) of section 26;"

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

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

THE SUGAR CESS ACT, 1982

No. 3 OF 1982

[19th March, 1982.]

An Act to provide for the imposition of a cess on sugar for the development of sugar industry and for matters connected therewith.

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

1. (1) This Act may be called the Sugar Cess Act, 1982.

(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,—

(a) “occupier”, in relation to any sugar factory, means the person who has ultimate control over the affairs of the sugar factory or the owner of the sugar factory in case he is not the occupier;

(b) “prescribed” means prescribed by rules made under this Act;

(c) “sugar factory” means any premises (including the precincts thereof) in any part of which sugar is manufactured by vacuum pan process;

(d) “sugar” means any form of sugar including crushed sugar or sugar in crystallised or powder form, containing ninety per cent or more of sucrose and produced by the vacuum pan process and includes raw sugar produced by the said process.

3. (1) There shall be levied and collected as a cess, for the purposes of the Sugar Development Fund Act, 1982, a duty of excise on all sugar produced by any sugar factory in India, at such rate not exceeding ²[fifteen rupees] per quintal of sugar, as the Central Government may, by notification in the Official Gazette, specify from time to time:

Provided that until such rate is specified by the Central Government, the duty of excise shall be levied and collected at the rate of ³[fourteen rupees] per quintal of sugar.

Short title,
extent
and
commencement.

Definitions.

Imposition of
cess.

¹ 1-6-1982; side notification No. G. S. R. 435 [E], dated 29-5-1982, Gazette of India, Extraordinary 1982, Pt. II, Sec. 3 (i).

² Substituted by Act 57 of 1982, section 2 for ten rupees “(w.e.f. 1-11-1982)”

³ Substituted by s. 2, *ibid* for “five rupees,” “(w.e.f. 1-11-1982)”

1 of 1944.

(2) The duty of excise levied under sub-section (1) shall be in addition to the duty of excise leviable on sugar under the Central Excises and Salt Act, 1944, or any other law for the time being in force.

1 of 1944.

(3) The duty of excise levied under sub-section (1) shall be payable by the occupier of the sugar factory in which sugar is produced.

(4) The provisions of the Central Excises and Salt Act, 1944, and the rules made thereunder, including those relating to refunds and exemptions from duty, shall, so far as may be, apply in relation to the levy and collection of the said duty of excise as they apply in relation to the levy and collection of the duty of excise on sugar under that Act.

Crediting
pro-
ceeds of
duty to
Consoli-
dated
Fund of
India.

4. The proceeds of the duty of excise levied under section 3 shall be credited to the Consolidated Fund of India.

Power
to call
for
reports
and
returns.

5. The Central Government may require an occupier of a sugar factory to furnish, for the purposes of this Act, such statistical and other information in such form and within such period as may be prescribed.

Power
to make
rules.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for the form in which and the period within which statistical and other information may be furnished under section 5.

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

THE SUGAR DEVELOPMENT FUND ACT, 1982

No. 4 OF 1982

[19th March, 1982.]

An Act to provide for the financing of activities for development of sugar industry and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Sugar Development Fund Act, 1982.

(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,—

(a) "Committee" means the Committee constituted under section 6;

(b) "Fund" means the Sugar Development Fund formed under section 3;

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

(d) all other words and expressions used in this Act and not defined, but defined in the Sugar Cess Act, 1982, shall have the meanings respectively assigned to them in that Act.

3. (1) There shall be formed a fund to be called the Sugar Development Fund.

(2) An amount equivalent to the proceeds of the duty of excise levied and collected under the Sugar Cess Act, 1982, 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 credited to the Fund.

¹1-6-1982 : Vide notification No. G.S.R. 436 (E) dated 29-5-1982, Gazette of India, Extra ordinary 1982, Pt. II Section 3 (i).

Short title,
extent
and
commencement.

Definitions.

Sugar
Develop-
ment
Fund.

(3) The Fund shall consist of the amounts credited under sub-section (2) and any income from investment of such amounts.

4. (1) The Fund shall be applied by the Central Government,—

(a) for making loans for facilitating the rehabilitation and modernisation of any sugar factory or any unit thereof or the undertaking of any scheme for development of sugarcane in the area in which any sugar factory is situated;

(b) for making grants for the purpose of any research project aimed at development of sugar industry;

¹[(bb) for defraying expenditure for the purpose of building up and maintenance of buffer stocks of sugar with a view to establishing price of sugar;]

(c) for defraying any other expenditure for the purposes of this Act.

(2) The manner in which any loans or grants may be made under this section and the terms and conditions subject to which such loans or grants may be made shall be such as may be prescribed.

5. Every application for loan or grant under section 4 shall be made to the Committee in such manner and in such form as may be prescribed.

6. (1) For the purpose of securing speedy consideration and disposal of applications received under section 5 and for considering any problems arising in the course of the administration of this Act, the Central Government may constitute a committee of officers of that Government.

(2) The composition of the Committee and the procedure to be followed by the Committee in the discharge of its functions under this Act shall be such as may be prescribed.

7. The Central Government shall, as soon as may be, after the end of each financial year, cause to be published in the Official Gazette, a report giving an account of the activities financed under this Act during the financial year, together with a statement of accounts.

8. The Central Government may require an occupier of a sugar factory to furnish, for the purposes of this Act, such statistical and other information, in such form and within such period as may be prescribed.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Application of Fund.

Applications for loans or grants. Committee.

Annual report of activities financed under the Act.

Power to call for reports and returns.

Power to make rules.

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

(a) the manner in which any loans or grants may be made and the terms and conditions subject to which such loans or grants may be made under section 4;

(b) the manner and form in which applications may be made under section 5;

(c) the composition of the Committee under section 6 and the procedure to be followed by the Committee in the discharge of its functions under this Act;

(d) the form in which and the period within which statistical and other information may be furnished under section 8;

(e) any other matter which is required 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 or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE APPROPRIATION (VOTE ON ACCOUNT) ACT, 1982

No. 5 OF 1982

[23rd March, 1982.]

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 1982-83.

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

Short title.

1. This Act may be called the Appropriation (Vote on Account) Act, 1982.

With-
drawal of
Rs. 23963,
27,17,000
from and
out of
the Con-
solidated
Fund of
India for
the finan-
cial year
1982-83.

2. From and out of the Consolidated Fund of India there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of twenty-three thousand nine hundred and sixty-three crores, twenty-seven lakhs and seventeen thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1982-83.

Appro-
priation.

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.

Construc-
tion of
refer-
ences to
Ministries
and De-
partments
in the
Schedule.

4. References to Ministries or Departments in the Schedule are to such Ministries or Departments as existing immediately before the 18th day of February, 1982 and shall, on or after that date, be construed as references to the appropriate Ministries or Departments as reconstituted from time to time.

THE SCHEDULE
(See sections 2, 3 and 4)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	
1	Department of Agriculture and Co-operation . . . Revenue	58,09,000	2,000	58,11,000
2	Agriculture . . . Revenue Capital	15,10,10,000 198,78,64,000	33,33,40,000	15,10,10,000 232,12,04,000
3	Fisheries . . . Revenue Capital	2,98,12,000 1,38,95,000	24,17,000	2,98,12,000 1,63,12,000
4	Animal Husbandry and Dairy Development . . . Revenue Capital	22,71,22,000 1,35,17,000	3,000 2,50,000	22,71,25,000 1,37,67,000
5	Forest Revenue Capital	6,06,33,000 12,50,000	1,54,71,000	6,06,33,000 1,67,21,000
6	Co-operation Revenue Capital	3,84,96,000 28,86,71,000	1,05,54,000	3,84,96,000 29,92,25,000
7	Department of Food . . . Revenue Capital	118,84,79,000 4,22,85,000	18,000 17,000	118,84,97,000 4,23,02,000
8	Department of Agricultural Research and Education . . . Revenue	13,47,000	..	13,47,000
9	Payments to Indian Council of Agricultural Research . . . Revenue	18,86,37,000	..	18,86,37,000
10	Ministry of Civil Supplies . . . Revenue Capital	71,18,000 1,36,62,000	61,41,000	71,18,000 1,98,03,000
11	Ministry of Commerce . . . Revenue	35,08,000	..	35,08,000
12	Foreign Trade and Export Production . . . Revenue Capital	127,68,29,000 18,16,76,000	..	127,68,29,000 18,16,76,000
13	Textiles, Handloom and Handicrafts . . . Revenue Capital	36,91,39,000 7,96,10,000	1,63,33,000	36,91,39,000 9,59,43,000
14	Ministry of Communications . . . Revenue Capital	54,10,000 6,28,83,000	..	54,10,000 6,28,83,000
15	Overseas Communications Service . . . Revenue Capital	4,66,54,000 1,50,00,000	..	4,66,54,000 1,50,00,000
16	Posts and Telegraphs—Working Expenses . . . Revenue	181,73,93,000	17,000	181,74,10,000

No. of Vote	Services and purposes	Sums not exceeding			Total
		Voted by Parliament	Charged on the Consoli- dated Fund		
		Rs.	Rs.	Rs.	
17	Posts and Telegraphs—Dividend to General Revenues, Appropriation to Reserve Funds and Repayment of Loans from General Revenues . . . Revenue	50,48,12,000	..	50,48,12,000	
18	Capital Outlay on Posts and Telegraphs . . . Capital	91,22,25,000	16,000	91,22,41,000	
19	Ministry of Defence . . . Revenue Capital	36,32,02,000 21,05,29,000	30,78,000	36,32,02,000 21,36,07,000	
20	Defence Services—Army . . . Revenue	486,60,07,000	8,50,000	486,68,57,000	
21	Defence Services—Navy . . . Revenue	66,81,65,000	35,000	66,82,00,000	
22	Defence Services—Air Force . . . Revenue	190,56,27,000	40,000	190,56,67,000	
23	Defence Services—Pensions . . . Revenue	62,06,83,000	17,000	62,07,00,000	
24	Capital Outlay on Defence Services . . . Capital	83,08,33,000	50,00,000	83,58,33,000	
25	Department of Education . . . Revenue	38,79,000	..	38,79,000	
26	Education . . . Revenue Capital	52,59,36,000 1,07,92,000	66,66,000	52,59,36,000 1,74,58,000	
27	Department of Culture . . . Revenue	2,61,13,000	..	2,61,13,000	
28	Archaeology . . . Revenue	1,33,25,000	..	1,33,25,000	
29	Department of Coal . . . Revenue Capital	18,97,93,000 163,50,51,000	..	18,97,93,000 163,50,51,000	
30	Department of Power . . . Revenue Capital	20,50,73,000 119,99,31,000	1,12,48,000	20,50,73,000 121,11,79,000	
31	Ministry of External Affairs . . . Revenue Capital	26,67,41,000 4,71,01,000	4,000	26,67,45,000 4,71,01,000	
32	Ministry of Finance . . . Revenue Capital	7,88,62,000 47,65,000	4,000	7,88,66,000 47,65,000	
33	Customs . . . Revenue Capital	7,44,80,000 5,16,67,000	7,000	7,44,87,000 5,16,67,000	
34	Union Excise Duties . . . Revenue	10,83,36,000	67,000	10,84,03,000	
35	Taxes on Income, Estate Duty, Wealth Tax and Gift Tax . . . Revenue	11,64,81,000	23,000	11,65,04,000	

1 No. of Vote	2 Services and purposes	Sums not exceeding			3 Total Rs.
		Voted by Parliament Rs.	Charged on the Consoli- dated Fund Rs.		
36.	Stamps . . . Revenue Capital 5,61,27,000 46,83,000	8,000 ..			5,61,35,000 46,83,000
37.	Audit . . . Revenue 13,27,67,000	25,54,000			13,53,21,000
38.	Currency, Coinage and Mint . . . Revenue Capital 9,80,23,000 2,67,99,000	2,000 ..			9,80,25,000 2,67,99,000
39.	Pensions . . . Revenue 16,55,37,000	11,30,000			16,66,67,000
40.	Opium and Alkaloid Factories . . . Revenue Capital 28,81,48,000 26,13,000	1,000 ..			28,81,49,000 26,13,000
41.	Transfers to State Governments . . . Revenue Capital 445,04,74,000 ..	684,32,92,000 1131,70,46,000			1129,37,66,000 1131,70,46,000
	CHARGED.—Interest Payments . . . Revenue	..	633,33,33,000		633,33,33,000
42.	Other Expenditure of the Ministry of Finance . . . Revenue Capital 91,54,86,000 224,78,32,000	39,000 ..			91,55,25,000 224,78,32,000
43.	Loans to Government Servants, etc. . . . Capital 16,21,12,000	..			16,21,12,000
	CHARGED.—Repayment of Debt . . . Capital	..	16897,18,14,000		16897,18,14,000
44.	Ministry of Health and Family Welfare . . . Revenue 21,97,000	..			21,97,000
45.	Medical and Public Health . . . Revenue Capital 31,49,39,000 12,09,44,000	..			31,49,39,000 12,09,44,000
46.	Family Welfare . . . Revenue Capital 44,68,16,000 17,000	..			44,68,16,000 17,000
47.	Ministry of Home Affairs . . . Revenue 68,49,000	..			68,49,000
48.	Cabinet . . . Revenue 65,32,000	..			65,32,000
49.	Department of Personnel and Administrative Reforms . . . Revenue Capital 1,73,56,000 ..	1,000 73,33,000			1,73,57,000 33,33,000
50.	Police . . . Revenue Capital 55,76,30,000 1,95,10,000	22,000 83,50,000			55,76,52,000 2,78,60,000
51.	Census . . . Revenue 3,89,85,000	..			3,89,85,000
52.	Other Expenditure of the Ministry of Home Affairs . . . Revenue Capital 69,72,17,000 27,66,68,000	28,36,39,000 42,09,000			98,08,56,000 28,08,77,000
53.	Delhi . . . Revenue Capital 41,97,84,000 31,51,81,000	15,36,000 1,50,00,000			42,13,20,000 33,01,81,000

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
54	Chandigarh . . .	Revenue Capital 6,91,02,000 6,37,63,000	19,14,000 18,83,000	7,10,16,000 6,56,46,000
55	Andaman and Nicobar Islands . . .	Revenue Capital 6,42,49,000 4,12,55,000	2,000 ..	6,42,51,000 4,12,55,000
56	Dadra and Nagar Haveli . . .	Revenue Capital 65,06,000 91,75,000	..	65,06,000 91,75,000
57	Lakshadweep . . .	Revenue Capital 1,80,49,000 42,94,000	..	1,80,49,000 42,94,000
58	Ministry of Industry . . .	Revenue 73,92,000	..	73,92,000
59	Industries . . .	Revenue Capital 8,70,16,000 62,94,46,000	..	8,70,16,000 62,94,46,000
60	Village and Small Industries . . .	Revenue Capital 14,85,47,000 14,35,75,000	83,33,000 1,42,16,000	15,68,80,000 15,77,91,000
61	Ministry of Information and Broadcasting . . .	Revenue 18,58,000	..	18,58,000
62	Information and Publicity . . .	Revenue Capital 5,38,04,000 20,00,000	..	5,38,04,000 20,00,000
63	Broadcasting . . .	Revenue Capital 17,08,41,000 10,75,68,000	17,000 83,000	17,08,58,000 10,76,51,000
64	Ministry of Irrigation . . .	Revenue Capital 14,24,37,000 2,16,67,000	.. 6,65,83,000	14,24,37,000 8,82,50,000
65	Ministry of Labour . . .	Revenue 18,52,000	..	18,52,000
66	Labour and Employment . . .	Revenue Capital 12,10,32,000 78,000	4,000 ..	12,10,36,000 78,000
67	Ministry of Law, Justice and Company Affairs . . .	Revenue Capital 5,16,25,000 17,000	..	5,16,25,000 17,000
68	Administration of Justice . . .	Revenue 19,64,000	21,53,000	41,17,000
69	Ministry of Petroleum, Chemicals and Fertilizers . . .	Revenue 22,08,000	..	22,08,000
70	Petroleum and Petrochemicals Industries . . .	Revenue Capital 20,46,59,000 43,01,92,000	..	20,46,59,000 43,01,92,000
71	Chemicals and Fertilizers Industries . . .	Revenue Capital 90,11,37,000 42,55,17,000	..	90,11,37,000 42,55,17,000
72	Ministry of Planning . . .	Revenue 83,000	..	83,000
73	Statistics . . .	Revenue 3,15,57,000	..	3,15,57,000
74	Planning Commission . . .	Revenue 1,00,99,000	..	1,00,99,000
75	Ministry of Rural Development . . .	Revenue Capital 75,03,82,000 8,20,000	1,000 ..	75,03,83,000 8,20,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	
76	Ministry of Shipping and Transport . . . Revenue	65,31,000	17,000	65,48,000
77	Roads . . . Revenue Capital	25,39,90,000 26,35,68,000	1,50,000 3,11,83,000	25,41,40,000 29,47,51,000
78	Ports, Lighthouses and Shipping . . . Revenue Capital	12,95,57,000 25,52,79,000	1,000 16,67,000	12,95,58,000 25,69,46,000
79	Road and Inland Water Transport . . . Revenue Capital	38,23,000 3,66,52,000	.. 8,17,000	38,23,000 3,74,69,000
80	Ministry of Social Welfare . . . Revenue Capital	9,15,10,000 22,18,000	9,15,10,000 22,18,000
81	Department of Steel . . . Revenue Capital	62,46,000 91,66,46,000	.. 26,75,000	62,46,000 91,93,21,000
82	Department of Mines . . . Revenue Capital	14,70,04,000 39,19,17,000	1,00,000 ..	14,71,04,000 39,19,17,000
83	Department of Supply . . . Revenue	5,45,000	..	5,45,000
84	Supplies and Disposals . . . Revenue	1,70,47,000	4,17,000	1,74,64,000
85	Department of Rehabilitation . . . Revenue Capital	4,40,67,000 1,17,27,000	21,000 1,46,21,000	4,40,88,000 2,63,48,000
86	Ministry of Tourism and Civil Aviation . . . Revenue	13,50,000	..	13,50,000
87	Meteorology . . . Revenue Capital	3,45,56,000 93,44,000	3,45,56,000 93,44,000
88	Aviation . . . Revenue Capital	6,18,21,000 11,39,17,000	3,000 33,000	6,18,24,000 11,39,50,000
89	Tourism . . . Revenue Capital	96,74,000 1,83,75,000	96,74,000 1,83,75,000
90	Ministry of Works and Housing . . . Revenue	26,75,000	..	26,75,000
91	Public Works . . . Revenue Capital	26,94,88,000 7,89,46,000	2,000 2,50,000	26,94,90,000 7,91,96,000
92	Water Supply and Sewerage . . . Revenue	21,66,67,000	..	21,66,67,000
93	Housing and Urban Development . . . Revenue Capital	5,45,96,000 19,16,52,000	18,65,000 3,50,80,000	5,64,61,000 22,67,32,000
94	Stationery and Printing . . . Revenue	8,29,59,000	1,000	8,29,60,000
95	Department of Atomic Energy . . . Revenue	12,99,000	..	12,99,000
96	Atomic Energy Research, Development and Industrial Projects . . . Revenue Capital	21,28,30,000 23,10,20,000	21,28,30,000 23,10,20,000

No. of Vote	Services and purposes	3			
		Sums not exceeding			
		Voted by Parliament	Charged on the Consolidated Fund	Total	
		Rs.	Rs.	Rs.	
97	Nuclear Power Schemes . . .	Revenue Capital	16,77,31,000 16,16,43,000	16,77,31,000 16,16,43,000
98	Department of Electronics . . .	Revenue Capital	2,72,51,000 4,03,08,000	2,72,51,000 4,03,08,000
99	Department of Environment . . .	Revenue	1,88,89,000	..	1,88,89,000
100	Department of Ocean De- velopment . . .	Revenue	4,44,55,000	..	4,44,55,000
101	Department of Science and Technology . . .	Revenue Capital	7,83,58,000 27,67,000	7,83,58,000 27,67,000
102	Survey of India . . .	Revenue Capital	4,97,50,000 50,000	4,97,50,000 50,000
103	Grants to Council of Scientific and Industrial Research . . .	Revenue	14,60,83,000	..	14,60,83,000
104	Department of Space . . .	Revenue Capital	10,28,76,000 13,96,34,000	10,28,76,000 13,96,34,000
105	Lok Sabha . . .	Revenue	1,49,27,000	72,000	1,49,99,000
106	Rajya Sabha . . .	Revenue	48,67,000	19,000	48,86,000
107	Department of Parliament- ary Affairs . . .	Revenue	4,67,000	..	4,67,000
	CHARGED.— Staff, Household and Allowances of the President . . .	Revenue	..	13,66,000	13,66,000
108	Secretariat of the Vice-Presi- dent . . .	Revenue	1,18,000	..	1,18,000
	CHARGED.— Union Public Service Commission . . .	Revenue	..	54,61,000	54,61,000
	TOTAL . . .	4524,47,80,000	19438,79,37,000	23963,27,17,000	

THE APPROPRIATION ACT, 1982

No. 6 of 1982

[23rd March, 1982.]

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 1981-82.

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

1. This Act may be called the Appropriation Act, 1982.

Short title.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one thousand eight hundred and eighty-one crores, sixty-five lakhs and ninety-five thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1981-82, in respect of the services specified in column 2 of the Schedule.

Issue of
Rs. 1881,
65.95.000
out of
the Con-
solidated
Fund of
India for
the year
1981-82.

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)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
2	Agriculture . . . Revenue	1,000	..	1,000
4	Animal Husbandry and Dairy Development . . . Revenue Capital	27,36,00,000 ..	52,50,000	27,36,00,000 52,50,000
5	Forest . . . Capital	..	2,08,25,000	2,08,25,000
6	Co-operation . . . Capital	10,02,00,000	..	10,02,00,000
7	Department of Food . . . Revenue	48,23,22,000	..	48,23,22,000
8	Department of Agricultural Research and Education . . . Revenue	1,09,000	..	1,09,000
11	Ministry of Commerce . . . Revenue	19,43,000	..	19,43,000
12	Foreign Trade and Export Production . . . Revenue Capital	1,000 125,00,00,000	..	1,000 125,00,00,000
13	Textiles, Handloom and Handicrafts . . . Revenue Capital	5,65,81,000 9,86,05,000	..	5,65,81,000 9,86,05,000
15	Overseas Communications Service . . . Capital	..	48,000	48,000
16	Posts and Telegraphs—Working Expenses . . . Revenue	84,48,76,000	7,05,000	84,55,81,000
18	Capital Outlay on Posts and Telegraphs . . . Capital	1,000	..	1,000
19	Ministry of Defence . . . Revenue	26,77,15,000	..	26,77,15,000
20	Defence Services—Army . . . Revenue	234,94,89,000	..	234,94,89,000
21	Defence Services—Navy . . . Revenue	13,98,70,000	30,000	13,99,00,000
22	Defence Services—Air Force . . . Revenue	77,80,10,000	90,000	77,81,00,000
23	Defence Services—Pensions . . . Revenue	40,14,35,000	1,25,000	40,15,60,000
24	Capital Outlay on Defence Services . . . Capital	56,92,99,000	1,50,00,000	58,42,99,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
25	Department of Education . . Revenue	6,60,000	..	6,60,000
26	Education . . Revenue Capital	2,000 2,33,74,000	..	2,000 2,33,74,000
27	Department of Culture . . Revenue	2,000	..	2,000
29	Department of Coal Revenue Capital	3,11,18,000 10,00,00,000	..	3,11,18,000 10,00,00,000
30	Department of Power Revenue	59,20,000	..	59,20,000
32	Ministry of Finance Revenue Capital	3,26,36,000 70,84,000	..	3,26,36,000 70,84,000
34	Union Excise Duties Revenue	2,38,53,000	..	2,38,53,000
35	Taxes on Income, Estate Duty, Wealth Tax and Gift Tax Revenue	5,89,71,000	..	5,89,71,000
37	Audit . . Revenue	4,40,82,000	11,93,000	4,52,75,000
38	Currency, Coinage and Mint . . Revenue	6,33,62,000	..	6,33,62,000
39	Pensions . . Revenue	15,64,00,000	20,00,000	15,84,00,000
40	Opium and Alkaloid Factories . . Revenue	5,54,96,000	..	5,54,96,000
41	Transfers to State Governments . . Revenue Capital	85,00,00,000 ..	178,22,00,000 91,00,00,000	263,22,00,000 91,00,00,000
	CHARGED—Interest Payments . . Revenue	..	76,19,65,000	76,19,65,000
42	Other Expenditure of the Ministry of Finance . . Revenue Capital	2,000 314,34,16,000	..	2,000 314,34,16,000
44	Ministry of Health and Family Welfare Revenue	1,80,000	..	1,80,000
45	Medical and Public Health . . Revenue	3,000	..	3,000
46	Family Welfare . . Revenue	14,00,00,000	..	14,00,00,000
47	Ministry of Home Affairs . . Revenue	39,82,000	..	39,82,000
48	Cabinet . . Revenue	2,33,87,000	..	2,33,87,000
49	Department of Personnel and Administrative Reforms Revenue	47,37,000	..	47,37,000
50	Police . . Revenue	25,35,80,000	62,000	25,36,42,000

No. of Vote	Services and purposes	Sums not exceeding			Total
		Voted by Parliament	Charged on the Consolidated Fund		
		Rs.	Rs.	Rs.	
52	Other Expenditure of the Ministry of Home Affairs . . . Revenue Capital	2,86,76,000 9,67,33,000	1,20,00,000 49,53,000	4,06,76,000 10,16,86,000	
53	Delhi . . . Revenue Capital	21,71,49,000 27,09,54,000	13,19,000 1,54,84,000	21,84,68,000 28,64,38,000	
54	Chandigarh . . . Revenue	3,56,87,000	7,39,000	3,64,26,000	
55	Andaman and Nicobar Islands . . . Revenue Capital	95,78,000 8,73,27,000	7,000 ..	95,85,000 8,73,27,000	
58	Ministry of Industry . . . Revenue	29,88,000	..	29,88,000	
61	Ministry of Informa- tion and Broad- casting . . . Revenue	6,62,000	..	6,62,000	
63	Broadcasting . . . Revenue Capital	3,53,23,000 5,15,000	3,53,23,000 5,15,000	
65	Ministry of Labour . . . Revenue	10,91,000	..	10,91,000	
67	Ministry of Law, Justice and Com- pany Affairs . . . Revenue	1,000	..	1,000	
68	Administration of Justice . . . Revenue	..	11,21,000	11,21,000	
69	Ministry of Petro- leum, Chemicals and Fertilizers . . . Revenue	21,32,000	..	21,32,000	
70	Petroleum and Petro-Chemicals Industries . . . Revenue Capital	62,15,00,000 16,20,00,000	..	62,15,00,000 16,20,00,000	
71	Chemicals and Ferti- lizers Industries . . . Capital	4,000	..	4,000	
75	Ministry of Rural Reconstruction . . . Revenue	1,000	..	1,000	
76	Ministry of Shipping and Transport . . . Revenue	11,16,000	..	11,16,000	
77	Roads . . . Revenue Capital	8,47,51,000 13,65,33,000	1,68,000 12,24,000	8,49,19,000 13,77,57,000	
78	Ports, Lighthouses and Shipping . . . Revenue	16,81,21,000	..	16,81,21,000	
79	Roads and Inland Water Transport . . . Capital	7,73,10,000	..	7,73,10,000	
81	Department of Steel . . . Revenue Capital	1,000 6,000	..	1,000 6,000	

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
82	Department of Mines Revenue Capital	5,47,30,000 4,000	..	5,47,30,000 4,000
83	Department of Supply . . Revenue	3,50,000	..	3,50,000
88	Aviation . . Revenue Capital	3,96,48,000 9,000	..	3,96,48,000 9,000
89	Tourism . . Capital	3,20,00,000	..	3,20,00,000
90	Ministry of Works and Housing . . Revenue	5,38,000	..	5,38,000
91	Public Works . . Revenue Capital	37,36,80,000 1,000	..	37,36,80,000 1,000
93	Housing and Urban Development . . Revenue Capital	5,07,51,000 1,000	4,78,000 ..	5,12,29,000 1,000
95	Department of Atomic Energy . . Revenue	2,30,000	..	2,30,000
102	Grants to Council of Scientific and Industrial Research Revenue	3,00,00,000	..	3,00,00,000
103	Department of Space . . Capital	1,75,80,000	8,12,000	1,83,92,000
105	Rajya Sabha . . Revenue	24,15,000	..	24,15,000
106	Department of Parliamentary Affairs . . Revenue	2,77,000	..	2,77,000
107	Secretariat of the Vice-President . . Revenue	1,20,000	..	1,20,000
	TOTAL .	1527,82,82,000	353,83,13,000	1881,65,95,000

THE APPROPRIATION (RAILWAYS) ACT, 1982

No. 7 of 1982

[28th March, 1982.]

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 1982-83 for the purposes of Railways.

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

Short title.

Issue of Rs. 7294, 80,60,000 out of the Consolidated Fund of India for the financial year 1982-83.

Appropriation.

1. This Act may be called the Appropriation (Railways) Act, 1982.
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 seven thousand two hundred and ninety-four crores, eighty lakhs and sixty thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1982-83, in respect of the services relating to railways specified in column 2 of the Schedule.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
1	Railway Board . . .	3,86,69,000	..	3,86,69,000
2	Miscellaneous Expenditure (General) . . .	27,88,11,000	..	27,88,11,000
3	General Superintendence and Services . . .	180,60,12,000	3,66,000	180,63,76,000
4	Repairs and Maintenance of Permanent Way and Works	340,87,96,000	4,36,000	340,92,32,000
5	Repairs and Maintenance of Motive Power . . .	297,01,95,000	1,79,000	297,03,74,000
6	Repairs and Maintenance of Carriages and Wagons .	410,41,01,000	1,75,000	410,42,76,000
7	Repairs and Maintenance of Plant and Equipment .	182,79,79,000	2,60,000	182,82,39,000
8	Operating Expenses—Rolling Stock and Equipment .	336,26,18,000	5,26,000	336,31,44,000
9	Operating Expenses—Traffic .	364,39,19,000	19,75,000	364,58,94,000
10	Operating Expenses—Fuel .	718,61,82,000	1,10,000	718,62,92,000
11	Staff Welfare and Amenities .	127,35,69,000	1,27,000	127,36,96,000
12	Miscellaneous Working Expenses .	175,60,57,000	5,37,46,000	180,98,03,000
13	Provident Fund, Pension and other Retirement Benefits .	151,87,31,000	1,10,000	151,88,41,000
14	Appropriation to Funds .	706,93,76,000	..	706,93,76,000
15	Dividend to General Revenues, Repayment of loan taken from General Revenues and Amortization of Over-Capitalization	479,33,20,000	..	479,33,20,000
16	Assets— Acquisition, Construction and Replacement Revenue	10,99,50,000	50,000	11,00,00,000
	Other Expenditure . . .	2773,57,65,000	59,50,000	2774,17,15,000
	TOTAL .	7288,40,50,000	6,40,10,000	7294,80,60,000

THE APPROPRIATION (RAILWAYS) NO. 2 ACT, 1982

No. 8 OF 1982

[28th March, 1982.]

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 1981-82 for the purposes of Railways.

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

Short title.

1. This Act may be called the Appropriation (Railways) No. 2 Act, 1982.

Issue of
Rs. 138,24,
17,000
out of
the con-
solidated
Fund of
India
for the
financial
year
1981-82.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one hundred and thirty-eight crores, twenty-four lakhs and seventeen thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1981-82, in respect of the services relating to Railways specified in column 2 of the Schedule.

Appropria-
tion.

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
1	Railway Board	24,05,000	..	24,05,000
2	Miscellaneous Expenditure (General)	13,000	13,000
3	General Superintendence and Services	5,63,74,000	..	5,63,74,000
4	Repairs and Maintenance of Permanent Way and Works	7,99,00,000	3,29,000	8,02,29,000
5	Repairs and Maintenance of Motive Power	7,72,21,000	..	7,72,21,000
6	Repairs and Maintenance of Carriages and Wagons	12,38,30,000	7,000	12,38,37,000
7	Repairs and Maintenance of Plant and Equipment	7,69,04,000	1,10,000	7,70,14,000
8	Operating Expenses—Rolling Stock and Equipment	11,02,32,000	..	11,02,32,000
9	Operating Expenses—Traffic	10,98,86,000	..	10,98,86,000
11	Staff Welfare and Amenities	1,84,69,000	..	1,84,69,000
12	Miscellaneous Working Expenses	4,69,63,000	76,17,000	5,45,80,000
13	Provident Fund, Pension and other Retirement Benefits	23,99,29,000	..	23,99,29,000
14	Appropriation to Funds	8,31,32,000	..	8,31,32,000
15	Dividend to General Revenues, Repayment of loan taken from General Revenues and Amortization of Over-Capitalization	16,24,99,000	..	16,24,99,000
16	Assets—Acquisition, Construction and Replacement			
	Other Expenditure	18,39,19,000	26,78,000	18,65,97,000
	TOTAL	137,16,63,000	1,07,54,000	138,24,17,000

THE KERALA APPROPRIATION (VOTE ON ACCOUNT)
ACT, 1982

No. 9 OF 1982

[31st March, 1982.]

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 1982-83.

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

Short title

1. This Act may be called the Kerala Appropriation (Vote on Account) Act, 1982.

With-
drawal of
Rs. 552,90,
54,500
from
and
out of
the con-
solidated
Fund
of the
State of
Kerala
for the
finan-
cial year
1982-83.

2. From and out of the Consolidated Fund of the State of Kerala there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of five hundred and fifty-two crores, ninety lakhs, fifty-four thousand and five hundred rupees towards defraying the several charges which will come in course of payment during the financial year 1982-83.

Appro-
priation.

3. The sums authorised to be withdrawn 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/ Appr- opria- tion	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
I	State Legislature . . Revenue	43,69,000	75,000	44,44,000
II	Heads of States, Minis- ters and Headquarters Staff . . . Revenue	3,32,67,300	62,91,300	3,95,58,600
III	Administration of Justice . . Revenue	3,29,94,400	36,03,400	3,65,97,800
IV	Elections . . . Revenue	24,32,100	..	24,32,100
V	Agricultural Income Tax and Sales Tax . . Revenue	2,38,45,300	17,500	2,38,62,800
VI	Land Revenue . . Revenue	6,01,02,500	82,700	6,01,85,200
VII	Stamps and Registration . . Revenue	2,01,86,800	..	2,01,86,800
VIII	Excise . . . Revenue	1,69,08,400	7,500	1,69,15,900
IX	Taxes on Vehicles . . Revenue	51,80,000	500	51,80,500
	Debt Charges . . Revenue	..	36,75,28,000	36,75,28,000
X	Treasury and Accounts . . Revenue	1,74,90,400	..	1,74,90,400
XI	District Administration and Miscellaneous . . Revenue	2,66,90,400	23,35,500	2,90,25,900
XII	Police . . . Revenue	22,39,16,600	5,000	22,39,21,600
XIII	Jails . . . Revenue	190,57,900	5,000	90,62,900
XIV	Stationery and Printing and Other Adminis- trative Services . . Revenue	3,05,81,900	..	3,05,81,900
XV	Public Works . . Revenue	19,51,06,600	4,00,000	19,55,06,600
	Capital	8,28,53,000	2,05,000	8,30,58,000
XVI	Pensions and Miscellane- ous . . . Revenue	21,76,57,400	12,23,200	21,88,80,600
XVII	Education, Art and Culture . . Revenue	135,03,32,500	3,00,500	135,06,33,000
	Capital	2,34,45,500	25,000	2,34,70,500
XVIII	Medical . . . Revenue	28,98,82,800	6,000	28,98,88,800
	Capital	1,84,07,500	50,000	1,84,57,500
XIX	Family Welfare . . . Revenue	3,96,47,800	..	3,96,47,800
	Capital	25,00,000	..	25,00,000
XX	Public Health . . . Revenue	4,07,65,000	500	4,07,65,500
XXI	Public Health Engineering . . Revenue	7,12,10,700	5,000	7,12,15,700
	Capital	9,38,99,200	3,65,000	9,42,64,200

1 No. of Vote/ Appri- opria- tion	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
XXII	Housing . . . Revenue Capital	1,87,60,600 1,87,77,500	50,000 1,50,000	1,88,10,600 1,89,27,500
XXIII	Urban Development . . Revenue Capital	1,45,95,800 36,37,500	..	1,45,05,800 36,37,500
XXIV	Information and Publicity . . Revenue	48,37,500	..	48,37,500
XXV	Labour and Employment Revenue Capital	8,86,97,700 4,50,000	500	8,86,98,200 4,50,000
XXVI	Social Welfare including Harijan Welfare Revenue Capital	26,66,56,500 50,79,600	3,500	26,66,60,000 50,79,600
XXVII	Relief on account of natural calamities . . Revenue	1,59,00,000	..	1,59,00,000
XXVIII	Co-operation . . Revenue Capital	3,39,88,300 6,76,63,900	5,000	3,39,93,300 6,76,63,900
XXIX	Miscellaneous Economic Services . . Revenue Capital	3,47,70,000 40,00,000	100	3,47,70,100 40,00,000
XXX	Agriculture . . Revenue Capital	22,70,84,600 5,28,18,300	50,000 1,05,000	22,71,34,600 5,29,23,300
XXXI	Food . . Revenue Capital	2,04,40,400 3,47,92,000	500 15,000	2,04,40,900 3,48,07,000
XXXII	Animal Husbandry . . Revenue Capital	4,81,14,300 18,90,000	500	4,81,14,800 18,90,000
XXXIII	Dairy . . Revenue Capital	84,65,600 32,75,000	..	84,65,600 32,75,000
XXXIV	Fisheries . . Revenue Capital	1,81,98,100 1,60,24,700	4,000	1,82,02,100 1,60,24,700
XXXV	Forest . . Revenue Capital	6,21,25,300 75,50,000	50,000	6,21,75,300 75,50,000
XXXVI	Community Development . . Revenue Capital	17,75,33,200 12,50,100	5,000	17,75,38,200 12,50,100
XXXVII	Industries . . Revenue Capital	5,06,93,500 11,15,40,500	..	5,06,93,500 11,15,40,500
XXXVIII	Irrigation . . Revenue Capital	9,31,07,700 25,38,48,500	1,005 24,78,003	9,31,08,700 25,63,26,500
XXXIX	Power . . Revenue Capital	13,00,000 20,00,000	..	13,00,000 20,00,000
XL	Ports . . Revenue Capital	51,70,400 44,69,000	55,000	51,70,400 45,24,000
XLI	Transport . . Revenue Capital	75,20,100 1,44,00,000	..	75,20,100 1,44,00,000
XLII	Tourism . . Revenue Capital	66,66,700 54,50,000	..	66,66,700 54,50,000

1 No. of Vote/ Approp- riation	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
XLIII	Compensation and Assignments . . . Revenue	Rs. 46,16,500	Rs. ..	Rs. 46,16,500
	Public Debt Repayment Capital	..	34,94,57,300	34,94,57,300
XLIV	Miscellaneous Loans and Advances . . . Capital	4,32,92,100	..	4,32,92,100
	TOTAL . . .	479,40,92,500	73,49,62,000	552,90,54,500

THE KERALA APPROPRIATION ACT, 1982

No. 10 of 1982

[31st March, 1982.]

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 1981-82.

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

Short title.

Issue of
Rs. 487, 94,
22,600
out of
the Con-
solidated
Fund
of the
State of
Kerala
for the
finan-
cial year
1981-82.

1. This Act may be called the Kerala Appropriation Act, 1982.
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 four hundred and eighty-seven crores, ninety-four lakhs, twenty-two thousand and six hundred rupees towards defraying the several charges which will come in course of payment during the financial year 1981-82, 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 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/ Appropri- ation	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Conso- lidated Fund	Total
I	State Legislature . . . Revenue	11,50,000	25,000	11,75,000
II	Heads of States, Ministers and Headquarters staff . . . Revenue	63,95,000	14,89,100	78,84,100
III	Administration of Justice . . . Revenue	50,20,500	4,66,000	54,86,500
V	Agricultural Income Tax and Sales Tax . . . Revenue	36,85,400	..	36,85,400
VI	Land Revenue . . . Revenue	1,52,79,000	..	1,52,79,000
VII	Stamps and Registration Fees . . . Revenue	2,00,000	..	2,00,000
VIII	Excise . . . Revenue	100	..	100
IX	Taxes on Vehicles . . . Revenue	3,34,300	..	3,34,300
	Debt Charges . . . Revenue	..	3,87,40,600	3,87,40,600
X	Treasury and Accounts . . . Revenue	25,34,000	..	25,34,000
XI	District Administration and Miscellaneous . . . Revenue	67,04,700	6,600	67,11,300
XIII	Jails . . . Revenue	11,03,400	..	11,03,400
XIV	Stationery and Printing and other Administrative Services . . . Revenue	32,89,900	..	32,89,900
XV	Public Works . . . Revenue Capital	4,86,84,100 2,09,35,900	.. 29,69,500	4,86,84,100 2,39,05,400
XVI	Pensions and Miscellaneous . . . Revenue	6,49,21,400	9,22,100	6,58,43,500
XVII	Education, Art and Culture . . . Revenue Capital	1,09,63,000 3,24,50,300	.. 50,000	1,09,63,000 3,25,00,300
XVIII	Medical . . . Revenue Capital	2,25,21,000 26,86,500	.. 3,58,000	2,25,21,000 30,44,500
XIX	Family Welfare . . . Capital	4,00,000	..	4,00,000
XX	Public Health . . . Revenue	18,00,000	..	18,00,000
XXI	Public Health Engineering . . . Revenue Capital	1,16,57,900 2,51,25,000	..	1,16,57,900 2,51,25,000
XXII	Housing . . . Revenue Capital	65,00,000 1,17,77,100	..	65,00,000 1,17,77,100
XXIII	Urban Development . . . Revenue	7,12,500	..	7,12,500
XXIV	Information and Publicity . . . Revenue	44,89,200	..	44,89,200
XXV	Labour and Employment . . . Revenue	44,72,000	3,000	44,75,000

1 No. of Vote/ Appropri- ation	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Conso- lidated Fund	Total
			Rs.	
XXVI	Social Welfare including Harijan Welfare . . . Revenue Capital	4,54,78,100 1,02,36,900	94,900 ..	4,55,73,000 1,02,36,900
XXVII	Famine . . . Revenue	19,86,800	..	19,86,800
XXVIII	Co-operation . . . Revenue Capital	26,00,100 2,82,54,400	..	26,00,100 2,82,54,400
XXIX	Miscellaneous Economic Services . . . Revenue	5,18,400	5,300	5,23,700
XXX	Agriculture . . . Revenue Capital	500 97,00,000	..	500 97,00,000
XXXII	Animal Husbandry . . . Revenue	70,20,000	2,300	70,22,300
XXXV	Forest . . . Revenue Capital	1,92,88,500 50,00,000	..	1,92,88,500 50,00,000
XXXVI	Community Development Revenue	80,98,700	25,500	81,24,200
XXXVII	Industries . . . Revenue Capital	84,01,200 91,85,500	..	84,01,200 91,85,500
XXXVIII	Irrigation . . . Revenue Capital	3,41,12,200 2,66,500	22,800 55,61,200	3,41,35,000 58,27,700
XXXIX	Power . . . Capital	51,54,000	..	51,54,000
XL	Ports . . . Revenue Capital	1,26,100 25,00,000	..	1,26,100 25,00,000
XLI	Transport . . . Revenue Capital	23,75,000 3,00,000	..	23,75,000 3,00,000
XLII	Tourism . . . Revenue Capital	13,08,200 22,00,000	93,000 ..	14,01,200 22,00,000
	Public Debt Repayment . . . Capital	..	430,86,84,400	430,86,84,400
	TOTAL . . .	51,99,03,300	435,95,19,300	487,94,22,600

THE ASSAM APPROPRIATION (VOTE ON ACCOUNT)
ACT, 1982

No. 11 OF 1982

[31st March, 1982.]

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State of Assam for the services of a part of the financial year 1982-83.

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

1. This Act may be called the Assam Appropriation (Vote on Account) Act, 1982.

2. From and out of the Consolidated Fund of the State of Assam there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of four hundred and seventy-nine crores, sixty-five lakhs and thirty-eight thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1982-83.

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

Short title.

With-
drawal
Rs. 479
38,000
from a
out of
Consol-
dated
Fund
of the
State
of Ass
for the
finan-
cial ye
1982-83

Appropria-

THE SCHEDULE
(See sections 2 and 3)

1 No. of Vote/ Appropriation	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	State Legislature . Revenue	28,96,000	69,000	29,65,000
	Head of State . Revenue	..	6,10,000	6,10,000
2	Council of Ministers Revenue	11,50,000	..	11,50,000
3	Administration of Justice . Revenue	97,43,000	31,79,000	1,29,22,000
4	Election . Revenue	2,49,91,000	..	2,49,91,000
5	Taxes on Income and Expenditure . Revenue	4,41,000	..	4,41,000
6	Land Revenue and Land Ceiling . Revenue	4,11,85,000	10,000	4,11,95,000
7	Stamps . Revenue	5,00,000	..	5,00,000
8	Registration . Revenue	15,54,000	..	15,54,000
9	State Excise . Revenue	39,70,000	..	39,70,000
10	Sales Tax and Other Taxes . Revenue	63,88,000	..	63,88,000
11	Transport Services . Revenue Capital	1,78,66,000 49,25,000	..	1,78,66,000 49,25,000
12	Electrical Inspectorate . Revenue	3,72,000	..	3,72,000
13	Small Savings . Revenue	1,62,000	..	1,62,000
14	Financial Inspection . Revenue	1,37,000	..	1,37,000
	Servicing of Debt . Revenue	..	26,48,14,000	26,48,14,000
	Public Service Commission . Revenue	..	7,47,000	7,47,000
15	Civil Secretariat and Attached Offices . Revenue	1,94,40,000	..	1,94,40,000
16	District Administration . Revenue	1,79,81,000	..	1,79,81,000
17	Treasury and Accounts Administration . Revenue	59,08,000	..	59,08,000
18	Police . Revenue Capital	18,73,84,000 50,000	5,000	18,73,89,000 50,000
19	Jails . Revenue	86,68,000	..	86,68,000
20	Stationery and Printing . Revenue	73,07,000	..	73,07,000

1 No. of Vote/ Appropriation	2 Services and purposes	3		
		Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
21	Administrative and Functional Buildings . . . Revenue Capital	3,27,21,000 6,00,48,000	25,000 ..	3,27,46,000 6,00,48,000
22	Fire Services . . . Revenue	51,56,000	..	51,56,000
23	Vigilance and Special Commissions . . . Revenue	6,58,000	..	6,58,000
24	Civil Defence and Home Guards . . . Revenue	1,26,26,000	..	1,26,26,000
25	Guest Houses, Government Hostels, etc. . . . Revenue	16,36,000	..	16,36,000
26	Administrative Training . . . Revenue	3,69,000	..	3,69,000
27	Vital Statistics, etc. . . . Revenue	5,10,000	..	5,10,000
28	Pensions and other Retirement Benefits . . . Revenue	1,81,60,000	74,000	1,82,34,000
29	Aid Materials . . . Revenue	1,22,00,000	..	1,22,00,000
30	State Lotteries and Others . . . Revenue	24,48,000	..	24,48,000
31	Education . . . Revenue Capital	57,23,67,000 1,00,000	57,23,67,000 1,00,000
32	Art and Culture . . . Revenue	52,28,000	..	52,28,000
33	State Archives . . . Revenue	1,10,000	..	1,10,000
34	Medical and Public Health . . . Revenue Capital	25,62,89,000 70,25,000	..	25,62,89,000 70,25,000
35	Sanitation and Sewerage . . . Revenue Capital	6,50,000 2,00,000	..	6,50,000 2,00,000
36	Housing Schemes . . . Revenue Capital	1,26,72,000 19,31,000	..	1,26,72,000 19,31,000
37	Residential Buildings . . . Revenue Capital	1,21,79,000 2,21,43,000	..	1,21,79,000 2,21,43,000
38	Urban Development . . . Revenue Capital	55,75,000 55,45,000	..	55,75,000 55,45,000
39	Information and Publicity . . . Revenue	33,75,000	..	33,75,000
40	Labour and Employment . . . Revenue	1,39,84,000	..	1,39,84,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
41	Civil Supplies . . Revenue	66,61,000	19,00	66,80,000
42	Relief and Rehabilitation . . Revenue	48,000	1,000	49,000
43	Welfare of Scheduled Castes/Scheduled Tribes and Others . . Revenue Capital	2,50,28,000 5,00,000	..	2,50,28,000 5,00,000
44	Social Welfare . . Revenue	1,55,70,000	..	1,55,70,000
45	Prohibition . . Revenue	25,18,000	..	25,18,000
46	Pensions to Freedom Fighters, Rajya Sainik Board, etc. . . Revenue Capital	20,36,000 14,87,000	..	20,36,000 14,87,000
47	Natural Calamities . . Revenue	3,46,00,000	..	3,46,00,000
48	Social and Community Services . . Revenue	2,50,000	..	2,50,000
49	Planning Board . . Revenue	16,35,000	..	16,35,000
50	Co-operation . . Revenue Capital	2,74,11,000 2,12,08,000	..	2,74,11,000 2,12,08,000
51	North Eastern Council Schemes . . Revenue Capital	81,34,000 1,89,32,000	..	81,34,000 1,89,32,000
52	Statistics . . Revenue	59,18,000	..	59,18,000
53	Weights and Measures . . Revenue	18,32,000	..	18,32,000
54	Trade Adviser . . Revenue	3,44,000	..	3,44,000
55	Agriculture . . Revenue	19,73,50,000	..	19,73,50,000
56	Irrigation . . Revenue Capital	2,43,96,000 13,04,38,000	..	2,43,96,000 13,04,38,000
57	Soil and Water Conservation . . Revenue Capital	1,95,74,000 60,00,000	..	1,95,74,000 60,00,000
58	Animal Husbandry and Veterinary . . Revenue	4,44,91,000	..	4,44,91,000
59	Dairy Development . . Revenue	72,00,000	..	72,00,000
60	Fisheries . . Revenue Capital	1,06,53,000 1,00,000	..	1,06,53,000 1,00,000
61	Forests . . Revenue	10,32,76,000	..	10,32,76,000
62	Community Development . . Revenue	4,18,42,000	1,000	4,18,43,000

1 No. of Vote/ Appropri- ation	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
63	Industries . . . Revenue Capital	21,70,000 2,64,73,000	21,70,000 2,64,73,000
64	Sericulture and Weaving . . . Revenue Capital	2,32,33,000 1,22,000	2,32,33,000 1,22,000
65	Cottage Industries . . . Revenue Capital	1,09,44,000 61,30,000	1,09,44,000 61,30,000
66	Mines, Minerals and Power . . . Revenue Capital	45,23,000 29,00,00,000	45,23,000 29,00,00,000
67	Flood Control . . . Revenue Capital	4,35,05,000 6,50,00,000	4,35,05,000 6,50,00,000
68	Roads and Bridges . . . Revenue Capital	13,71,33,000 11,95,00,000	13,71,33,000 11,95,00,000
69	Tourism . . . Revenue	18,38,000	18,38,000
70	Payment of Compensation and assignment to local bodies and Panchayati Raj Institutions . . . Revenue	1,96,35,000	1,96,35,000
71	Assam Capital Construction . . . Capital	20,63,000	20,63,000
	Internal Debt . . . Capital	127,57,51,000	127,57,51,000
	Repayment of Central Loan . . . Capital	27,93,09,000	27,93,09,000
72	Loans and Advances to Government Servants . . . Capital	3,12,50,000	3,12,50,000
	Inter State Settlement . . . Capital	50,000	50,000
	TOTAL . . .	297,18,74,000	182,46,64,000	479,65,38,000

THE ASSAM APPROPRIATION ACT, 1982

No. 12 OF 1982

[31st March, 1982.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Assam for the services of the financial year 1981-82.

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

Short title.

Issue of
Rs. 332,82,
91,000
out of the
Consoli-
dated
Fund
of the
State of
Assam
for the
finan-
cial
year
1981-82.

Approp-
riation.

1. This Act may be called the Assam Appropriation Act, 1982.
2. From and out of the Consolidated Fund of the State of Assam 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-two crores, eighty-two lakhs and ninety-one thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1981-82, 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 Assam 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/ Appropri- ation	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
	Head of State . . . Revenue	..	2,00,000	2,00,000
10	Sales Tax and Other Taxes . . . Revenue	15,18,000	..	15,18,000
11	Transport Services . . . Revenue	23,00,000	..	23,00,000
	Capital	1,15,32,000	..	1,15,32,000
	Servicing of Debt . . . Revenue	..	3,50,00,000	3,50,00,000
15	Civil Secretariat and At- tached Offices . . . Revenue	8,50,000	..	8,50,000
16	District Administration . . . Revenue	15,49,000	..	15,49,000
18	Police Revenue	8,00,00,000	..	8,00,00,000
21	Administrative and Func- tional Buildings . . . Revenue	4,00,000	..	4,00,000
	Capital	1,30,52,000	..	1,30,52,000
22	Fire Services Revenue	8,00,000	..	8,00,000
24	Civil Defence and Home Guards Revenue	2,79,000	..	2,79,000
25	Guest Houses, Govern- ment Hostels, etc. . . . Revenue	6,95,000	..	6,95,000
27	Vital Statistics, etc. . . . Revenue	2,73,000	..	2,73,000
31	Education Revenue	52,84,000	..	52,84,000
32	Art and Culture Revenue	3,00,000	..	3,00,000
33	State Archives Revenue	3,80,000	..	3,80,000
36	Housing Schemes . . . Capital	16,00,000	..	16,00,000
37	Residential Buildings . . . Capital	1,05,85,000	3,000	1,05,88,000
38	Urban Development . . . Revenue	1,00,000	..	1,00,000
	Capital	50,00,000	..	50,00,000
40	Labour and Employment . . . Revenue	5,000	..	5,000
43	Welfare of Scheduled Castes/ Scheduled Tribes and Others Revenue	19,00,000	..	19,00,000
44	Social Welfare Revenue	71,38,000	..	71,38,000
47	Natural Calamities Revenue	..	1,000	1,000
	Capital	14,10,000	..	14,10,000

1 No. of Vote/ Appropri- priation	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
54	Trade Adviser . . . Revenue	5,000	..	5,000
55	Agriculture . . . Revenue	15,63,000	..	15,63,000
	Capital	1,50,00,000	..	1,50,00,000
57	Soil and Water Conserva- tion . . . Revenue	1,07,000	..	1,07,000
58	Animal Husbandry and Veterinary . . . Revenue	11,87,000	1,44,000	13,31,000
59	Dairy Development . . . Revenue	1,65,000	..	1,65,000
61	Forests . . . Revenue	1,19,35,000	..	1,19,35,000
63	Industries . . . Capital	1,87,44,000	2,21,000	1,89,65,000
64	Sericulture and Weaving . . . Revenue	11,75,000	..	11,75,000
	Capital	11,25,000	..	11,25,000
67	Flood Control . . . Capital	10,00,000	2,000	10,02,000
68	Roads and Bridges . . . Revenue	1,23,34,000	..	1,23,34,000
	Capital	22,38,000	..	22,38,000
71	Assam Capital Construc- tion . . . Capital	7,18,000	..	7,18,000
	Internal Debt . . . Capital	..	300,00,00,000	300,00,00,000
	Repayment of Central Loans . . . Capital	..	7,33,00,000	7,33,00,000
72	Loans and Advances to Government Servants . . . Capital	51,74,000	..	51,74,000
	TOTAL . . .	21,94,20,000	310,88,71,000	332,82,91,000

THE CENTRAL SILK BOARD (AMENDMENT) ACT, 1982

No. 13 OF 1982

[14th April, 1982.]

An Act further to amend the Central Silk Board Act, 1948.

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

1. (1) This Act may be called the Central Silk Board (Amendment) Act, 1982.

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

61 of 1948.

2. In section 4 of the Central Silk Board Act, 1948 (hereinafter referred to as the principal Act), after sub-section (4), the following sub-sections shall be inserted, namely:—

“(5) Subject to the other provisions of this Act, the term of office of a member shall be such period, not exceeding three years, as may be prescribed.

(6) Notwithstanding anything contained in sub-section (5),—

(a) the Central Government may terminate the appointment of the Chairman after giving him notice for a period of not less than three months;

(b) the Chairman may resign his office by giving notice in writing for a period of not less than three months to the Central Government, and on such resignation being notified in the Official Gazette by that Government, the Chairman shall be deemed to have vacated his office.”

3. In section 13 of the principal Act, in sub-section (3), for the words “which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following”, the words “which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid,” shall be substituted.

Short title and commencement.

Amendment of section 4.

Amendment of section 13.

THE FINANCE ACT, 1982

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY

SECTIONS

1. Short title and commencement.

CHAPTER II

RATES OF INCOME-TAX

2. Income-tax.

CHAPTER III

DIRECT TAXES

Income-tax

3. Amendment of section 6.
4. Amendment of section 10.
5. Amendment of section 13.
6. Amendment of section 16.
7. Amendment of section 23.
8. Amendment of section 32A.
9. Insertion of new section 35CCB.
10. Amendment of section 36.
11. Amendment of section 54.
12. Insertion of new section 54F.
13. Amendment of section 80C.
14. Amendment of section 80CC.
15. Amendment of section 80G.
16. Amendment of section 80GG.
17. Amendment of section 80GGA.
18. Insertion of new section 80HHB.
19. Amendment of section 80L.
20. Amendment of section 80M.
21. Amendment of section 80T.
22. Insertion of new section 89A.
23. Amendment of section 155.
24. Amendment of section 193.
25. Amendment of section 194C.

SECTIONS

26. Insertion of new section 197A.
27. Amendment of section 245B.
28. Amendment of section 245D.
29. Amendment of section 272A.
30. Amendment of section 279.
31. Insertion of new Twelfth Schedule.
32. Consequential amendments to certain sections.

Wealth-tax

33. Amendment of section 2.
34. Amendment of section 5.
35. Amendment of section 6.
36. Amendment of section 22B.
37. Amendment of section 22D.

Gift-tax

38. Amendment of section 5.
39. Substitution of new section for section 18A.

Interest-tax

40. Amendment of Act 45 of 1974.

Hotel-receipts tax

41. Amendment of section 6.
42. Amendment of section 7.

CHAPTER IV

INDIRECT TAXES

Customs

43. Amendment of Act 51 of 1975.
44. Auxiliary duties of customs.
45. Amendment of Act 52 of 1962.

Excise

46. Amendment of section 3.
47. Amendment of section 4 and validation.
48. Amendment of section 37.
49. Amendment of the First Schedule.
50. Special duties of excise.
51. Retrospective effect for certain amendments to Central Excise Rules and validation.
52. Provisions as to duties of excise on matches in relation to a certain period and validation.
53. Amendment of Act 16 of 1955.

*Arrangement of Sections***CHAPTER V
MISCELLANEOUS****SECTIONS**

54. Amendment of Act 6 of 1898.
55. Amendment of Act 47 of 1961.
56. Amendment of Act 52 of 1963.
57. Bank of Bhutan to be exempt from liability to pay income-tax on certain income.

THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

THE THIRD SCHEDULE.

THE FOURTH SCHEDULE.

THE FINANCE ACT, 1982

No. 14 OF 1982

[11th May, 1982.]

An Act to give effect to the financial proposals of the Central Government for the financial year 1982-83.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Finance Act, 1982.

(2) Sections 2 to 29, sections 31 to 42 and sections 55 to 57 shall, save as otherwise provided in this Act, be deemed to have come into force on the 1st day of April, 1982, and section 30 shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

Short title
and
commence-
ment.

CHAPTER II

RATES OF INCOME-TAX

2. (1) Subject to the provisions of sub-sections (2) and (3), for the assessment year commencing on the 1st day of April, 1982, income-tax shall be charged at the rates specified in Part I of the First Schedule and shall be increased,—

Income-
tax.

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

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

calculated in each case in the manner provided therein.

¹ 1-7-1982 : vide notification No. G.S.R. 472 (E), dated 26-6-1982, Gazette of India, Extraordinary, Pt. II, Sec.3 (i).

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

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

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

then,—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) In the cases to which Sub-Paragraph I or Sub-Paragraph II of Paragraph A of Part III of the First Schedule applies, where the assessee has, in the previous year or, if by virtue of any provision of the Income-tax Act, income-tax is to be charged in respect of the income of a period

other than the previous year, in such other period, any net agricultural income exceeding six hundred rupees, in addition to total income and the total income exceeds,—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) "domestic company" means an Indian company, or any other company which, in respect of its income liable to income-tax under the Income-tax Act for the assessment year commencing on the 1st day of April, 1982, has made the prescribed arrangements for the declaration and payment within India of the dividends (including dividends on preference shares) payable out of such income in accordance with the provisions of section 194 of that Act;

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

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

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

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

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

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

CHAPTER III DIRECT TAXES *Income-tax*

Amend-
ment of
section 6.

3. In section 6 of the Income-tax Act, in clause (1), with effect from the 1st day of April, 1983,—

(i) sub-clause (b) shall be omitted;

(ii) for the *Explanation*, the following *Explanation* shall be substituted, namely:—

'Explanation.—In the case of an individual, being a citizen of India,—

(a) who leaves India in any previous year for the purposes of employment outside India, the provisions of sub-clause (c) shall apply in relation to that year as if for the words "sixty days", occurring therein, the words "one hundred and eighty-two days" had been substituted;

(b) who, being outside India, comes on a visit to India in any previous year, the provisions of sub-clause (c) shall apply in relation to that year as if for the words "sixty days", occurring therein, the words "ninety days" had been substituted.'

Amend-
ment of
section 10.

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

(a) for clause (4A), the following clause shall be substituted, namely:—

'(4A) in the case of a person resident outside India, any income from interest on moneys standing to his credit in a Non-resident (External) Account in any bank in India in accordance with the Foreign Exchange Regulation Act, 1973 and any rules made thereunder.'

Explanation.—In this clause, "person resident outside India" shall have the meaning assigned to it in clause (q) of section 2 of the Foreign Exchange Regulation Act, 1973;'

(b) after clause (4A), the following clause shall be inserted with effect from the 1st day of April, 1983, namely:—

'(4B) in the case of an individual, being a citizen of India or a person of Indian origin, who is a non-resident, any income from interest on such savings certificates issued by the Central Government as that Government may, by notification in the Official Gazette, specify in this behalf:

Provided that the individual has subscribed to such certificates in convertible foreign exchange remitted from a country outside India in accordance with the provisions of the

46 of 1973

46 of 1973

46 of 1973.

Foreign Exchange Regulation Act, 1973 and any rules made thereunder.

Explanation.—For the purposes of this clause,—

46 of 1973.

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

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

(c) after clause (10A), the following clause shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1978, namely:—

"(10AA) (i) any payment received by an employee of the Central Government or a State Government as the cash equivalent of the leave salary in respect of the period of earned leave at his credit at the time of his retirement on superannuation or otherwise;

(ii) any payment of the nature referred to in sub-clause (i) received by an employee, other than an employee of the Central Government or a State Government, in respect of so much of the period of earned leave at his credit at the time of his retirement on superannuation or otherwise as does not exceed six months, calculated on the basis of the average salary drawn by the employee during the period of ten months immediately preceding his retirement on superannuation or otherwise, or thirty thousand rupees, whichever is less:

Provided that where any such payments are received by an employee from more than one employer in the same previous year, the aggregate amount exempt from income-tax under this sub-clause shall not exceed thirty thousand rupees:

Provided further that where any such payment or payments was or were received in any one or more earlier previous years also and the whole or any part of the amount of such payment or payments was or were not included in the total income of the assessee of such previous year or years, the amount exempt from income-tax under this sub-clause shall not exceed thirty thousand rupees, as reduced by the amount or, as the case may be, the aggregate amount not included in the total income of any such previous year or years:

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

Provided also that in relation to an employee retiring on superannuation or otherwise before the 1st day of January, 1982, the proviso immediately preceding this proviso shall not apply

and the remaining provisions of this sub-clause shall have effect as if for the words "thirty thousand rupees", at the three places where they occur, the words "twenty-five thousand five hundred rupees" had been substituted.

*Explanation.—*For the purposes of sub-clause (ii),—

(i) the entitlement to earned leave of an employee shall not exceed thirty days for every year of actual service rendered by him as an employee of the employer from whose service he has retired;

(ii) "salary" shall have the meaning assigned to it in clause (h) of rule 2 of Part A of the Fourth Schedule; ;

(d) in clause (15), after sub-clause (ii), the following sub-clause shall be inserted with effect from the 1st day of April, 1983, namely:—

"(ii) Interest on such Capital Investment Bonds as the Central Government may, by notification in the Official Gazette, specify in this behalf;"

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

(a) in sub-section (1), in clause (d),—

(i) for the figures, letters and words "1st day of April, 1982", the figures, letters and words "1st day of April, 1983" shall be substituted;

(ii) for the figures, letters and words "1st day of April, 1981", the figures, letters and words "1st day of April, 1982" shall be substituted;

(b) in sub-section (5),—

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

'(ia) investment in immovable property.

Explanation.—"Immovable property" does not include any machinery or plant even though attached to, or permanently fastened to anything attached to, the earth;"

(ii) in clause (c), after the word, brackets and figure "sub-clause (i)", the words, brackets, figure and letter "sub-clause (ia)" shall be inserted.

**Amend.
ment of
section
16.** 6. In section 16 of the Income-tax Act, in clause (i), for the words "twenty per cent.", the words "twenty-five per cent." shall be substituted with effect from the 1st day of April, 1983.

**Amend.
ment of
section
23.** 7. In section 23 of the Income-tax Act, with effect from the 1st day of April, 1983,—

(a) in sub-section (1), in the second proviso,—

(i) in clause (c), for the words, figures and letters "completed after the 31st day of March, 1978", the words, figures and

letters "completed after the 31st day of March, 1978 but before the 1st day of April, 1982" shall be substituted;

(ii) for the words, brackets and letters "so, however, that the income in respect of any residential unit referred to in clause (a) or clause (b) or clause (c) is in no case a loss.", the following shall be substituted, namely:—

"(d) in the case of a building comprising one or more residential units, the erection of which is completed after the 31st day of March, 1982, for a period of five years from the date of completion of the building, be reduced by a sum equal to the aggregate of—

(i) in respect of any residential unit whose annual value as so determined does not exceed three thousand six hundred rupees, the amount of such annual value;

(ii) in respect of any residential unit whose annual value as so determined exceeds three thousand six hundred rupees, an amount of three thousand six hundred rupees,

so, however, that the income in respect of any residential unit referred to in clause (a) or clause (b) or clause (c) or clause (d) is in no case a loss.";

(b) in sub-section (2), in clause (i), for the words "one thousand and eight hundred rupees", the words "three thousand six hundred rupees" shall be substituted.

8. In section 32A of the Income-tax Act, in sub-section (2B), for the words, figures and letters "but before the 1st day of April, 1982", the words, figures and letters "but before the 1st day of April, 1987" shall be substituted.

9. In the Income-tax Act, after section 35CCA, the following section shall be inserted with effect from the 1st day of June, 1982, namely:—

"35CCB. (1) Where an assessee incurs any expenditure by way of payment of any sum to an association or institution, which has as its object the undertaking of any programme of conservation of natural resources, to be used for carrying out any programme of conservation of natural resources approved by the prescribed authority, the assessee shall, subject to the provisions of sub-section (2), be allowed a deduction of the amount of such expenditure incurred during the previous year.

(2) The deduction under sub-section (1) shall not be allowed with respect to expenditure by way of payment of any sum to any association or institution, unless such association or institution is for the time being approved in this behalf by the prescribed authority:

Provided that the prescribed authority shall not grant such approval for more than three years at a time.

(3) Where a deduction under this section is claimed and allowed for any assessment year in respect of any expenditure referred to

Amendment
of
section
32A.

Insertion
of new
section
35CCB.

Expenditure
by
way of
payment
to associa-
tions and
institu-
tions for
carrying out
pro-
grammes
of conser-
vation of
natural re-
sources.

in sub-section (1), deduction shall not be allowed in respect of such expenditure under any other provision of this Act for the same or any other assessment year.”.

**Amend-
ment of
section 36.**

10. In section 36 of the Income-tax Act, in sub-section (1), with effect from the 1st day of April, 1983,—

(a) in clause (viiia),—

(i) in the opening portion, for the words “scheduled bank”, the words “scheduled bank or a non-scheduled bank” shall be substituted;

(ii) in the *Explanation*,—

(1) clause (i) shall be renumbered as clause (ia) and before clause (ia) as so renumbered, the following clause shall be inserted, namely:—

(i) “non-scheduled bank” means a banking company as defined in clause (c) of section 5 of the Banking Regulation Act, 1949 which is not a scheduled bank; ;

(2) in clause (ia) as so renumbered, for the words “scheduled bank”, the words “scheduled bank or a non-scheduled bank” shall be substituted;

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

“(viiia) in respect of any special reserve created by a scheduled bank (other than a bank incorporated by or under the laws of a country outside India) which is engaged in banking operations outside India, an amount not exceeding forty per cent. of the total income (computed before making any deduction under Chapter VIA) carried to such reserve account:

Provided that, having regard to its capital structure, the extent of its banking operations outside India, its need for resources for such operations outside India and other relevant factors, the bank is, for the time being, approved by the Central Government for the purposes of this clause.

Explanation.—For the purposes of this clause, “scheduled bank” has the same meaning as in clause (ii) of the *Explanation* to clause (viiia); .

**Amend-
ment of
section
54.**

11. In section 54 of the Income-tax Act, with effect from the 1st day of April, 1983,—

(a) in sub-section (1),—

(i) for the portion beginning with the words “Where a capital gain arises from the transfer of a capital asset” and ending with the words “a house property for the purposes of his own residence then”, the following shall be substituted, namely:—

“Where, in the case of an assessee being an individual, the capital gain arises from the transfer of a long-term capital asset to which the provisions of section 53 are not

applicable, being buildings or lands appurtenant thereto, and being a residential house, the income of which is chargeable under the head "Income from house property" (hereafter in this section referred to as the original asset), and the assessee has within a period of one year before or after the date on which the transfer took place purchased, or has within a period of three years after that date constructed, a residential house, then;

(ii) in clause (i), for the words "the house property", the words "the residential house" shall be substituted;

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

'Explanation.—For the purposes of this sub-section, "long-term capital asset" means a capital asset which is not a short-term capital asset.'

(b) in sub-section (2), for the words "or has within a period of two years after that date constructed, a house property for the purposes of his own residence", the words "or has within a period of three years after that date constructed, a residential house" shall be substituted.

12. In the Income-tax Act, after section 54E, the following section shall be inserted with effect from the 1st day of April, 1983, namely:—

Insertion
of new
section
54F.

'54F. (1) Where, in the case of an assessee being an individual, the capital gain arises from the transfer of any long-term capital asset, not being a residential house (hereafter in this section referred to as the original asset), and the assessee has, within a period of one year before or after the date on which the transfer took place purchased, or has within a period of three years after that date constructed, a residential house (hereafter in this section referred to as the new asset), the capital gain shall be dealt with in accordance with the following provisions of this section, that is to say,—

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

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

Provided that nothing contained in this sub-section shall apply where the assessee owns on the date of the transfer of the original asset, or purchases, within the period of one year after such date, or constructs, within the period of three years after such date, any

Capital
gain on
transfer of
certain
capital
assets not
to be
charged in
case of
invest-
ment in
residen-
tial
house.

residential house, the income from which is chargeable under the head "Income from house property", other than the new asset.

Explanation.—For the purposes of this section,—

- (i) "long-term capital asset" means a capital asset which is not a short-term capital asset;
- (ii) "net consideration", in relation to the transfer of a capital asset, means the full value of the consideration received or accruing as a result of the transfer of the capital asset as reduced by any expenditure incurred wholly and exclusively in connection with such transfer.
- (2) Where the assessee purchases, within the period of one year after the date of the transfer of the original asset, or constructs, within the period of three years after such date, any residential house, the income from which is chargeable under the head "Income from house property", other than the new asset, the amount of capital gain arising from the transfer of the original asset not charged under section 45 on the basis of the cost of such new asset as provided in clause (a), or, as the case may be, clause (b), of sub-section (1), shall be deemed to be income chargeable under the head "Capital gains" relating to long-term capital assets of the previous year in which such residential house is purchased or constructed.
- (3) Where the new asset is transferred within a period of three years from the date of its purchase or, as the case may be, its construction, the amount of capital gain arising from the transfer of the original asset not charged under section 45 on the basis of the cost of such new asset as provided in clause (a) or, as the case may be, clause (b), of sub-section (1) shall be deemed to be income chargeable under the head "Capital gains" relating to long-term capital assets of the previous year in which such new asset is transferred.'

Amendment
of
section
80 C.

13. In section 80C of the Income-tax Act, with effect from the 1st day of April, 1983,—

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

"(1) In computing the total income of an assessee, there shall be deducted, in accordance with and subject to the provisions of this section, an amount calculated, with reference to the aggregate of the sums specified in sub-section (2), at the following rates, namely:—

(a) where such aggregate does not exceed Rs. 6,000 The whole of such aggregate;

(b) where such aggregate exceeds Rs. 6,000 but does not exceed Rs. 12,000 Rs. 6,000 plus 50 per cent. of the amount by which such aggregate exceeds Rs. 6,000;

(c) where such aggregate exceeds Rs. 12,000 Rs. 9,000 plus 40 per cent. of the amount by which such aggregate exceeds Rs. 12,000.";

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

“(h) where the assessee is an individual or a Hindu undivided family or an association of persons or a body of individuals consisting only of husband and wife governed by the system of community of property in force in the Union territories of Dadra and Nagar Haveli and Goa, Daman and Diu, any sums paid in the previous year by the assessee out of his or its income chargeable to tax, as subscription to any such security of the Central Government as that Government may, by notification in the Official Gazette, specify in this behalf.”;

(c) in sub-section (4), in clause (ii), clause (iii) and clause (iv), for the words “thirty thousand rupees”, the words “forty thousand rupees” shall be substituted;

(d) after sub-section (5) and the *Explanation thereto*, the following sub-section and *Explanations* shall be inserted, namely:—

“(6) If the assessee, being—

(a) an individual, has effected or kept in force an insurance on the life of the assessee or on the life of the wife or husband or any child of the assessee; or

(b) a Hindu undivided family, has effected or kept in force an insurance on the life of any member of the family; or

(c) an association of persons or a body of individuals referred to in clause (g) of sub-section (2), has effected or kept in force an insurance on the life of any member of such association or body or on the life of any child of any of the members of such association or body,

terminates the contract of insurance (by notice to that effect or where the contract ceases to be in force by reason of failure to pay any premiums, by not reviving the contract of insurance) before premiums have been paid for two years, then—

(i) no deduction shall be allowed to the assessee under this section in respect of the premiums, if any, paid in the previous year in which the policy is so terminated; and

(ii) the deduction allowed in respect of the premiums paid in the previous year or years preceding the previous year referred to in clause (i) shall be deemed to be the income of the assessee of such previous year or years and shall be chargeable to tax accordingly.

Explanation 1.—For the purposes of this sub-section, the deduction allowed under this section in respect of the premiums paid in any previous year shall be the amount by which the deduction allowed under this section for that year exceeds the deduction which would have been allowed for that year if no such premiums had been paid during that year.

Explanation 2.—In a case where an assessee terminates his participation in the Unit-linked Insurance Plan in any previous year and also terminates a contract of insurance in that year, the

deduction allowed under this section in respect of the contribution or premiums paid in any previous year shall, for the purposes of the *Explanation* to sub-section (5) and *Explanation* 1, be the amount by which the deduction allowed under this section for that year exceeds the deduction which would have been allowed for that year if no such contribution or premiums had been paid during that year.”.

Amend-
ment of
section
80CC.

14. In section 80CC of the Income-tax Act, in sub-section (2), for the words “ten thousand rupees”, at both the places where they occur, the words “twenty thousand rupees” shall be substituted with effect from the 1st day of April, 1983.

Amend-
ment of
section
80G.

15. In section 80G of the Income-tax Act, in sub-section (2), in clause (a), after sub-clause (iiia), the following sub-clause shall be inserted with effect from the 1st day of April, 1983, namely:—

“(iiib) the National Children’s Fund; or”.

Amend-
ment of
section
80GG.

16. In section 80GG of the Income-tax Act, in the opening portion, for the words “three hundred rupees”, the words “four hundred rupees” shall be substituted with effect from the 1st day of April, 1983.

Amend-
ment of
section
80GGA.

17. In section 80GGA of the Income-tax Act, in sub-section (2), after clause (b), the following clause shall be inserted with effect from the 1st day of June, 1982, namely:—

“(c) any sum paid by the assessee in the previous year to an association or institution, which has as its object the undertaking of any programme of conservation of natural resources, to be used for carrying out any programme of conservation of natural resources, approved for the purposes of section 35CCB:

Provided that the association or institution is for the time being approved for the purposes of sub-section (2) of section 35CCB.”

Insertion
of new
section
80 MMB.

18. In the Income-tax Act, after section 80HHA, the following section shall be inserted with effect from the 1st day of April, 1983, namely:—

Deduction
in respect
of profits
and gains
from pro-
jects out-
side India.

‘80HHB. (1) Where the gross total income of an assessee being an Indian company or a person (other than a company) who is resident in India includes any profits and gains derived from the business of—

(a) the execution of a foreign project undertaken by the assessee in pursuance of a contract entered into by him, or

(b) the execution of any work undertaken by him and forming part of a foreign project undertaken by any other person in pursuance of a contract entered into by such other person,

with the Government of a foreign State or any statutory or other public authority or agency in a foreign State, or a foreign enterprise, there shall, in accordance with and subject to the provisions of this section, be allowed, in computing the total income of the assessee.

a deduction from such profits and gains of an amount equal to twenty-five per cent. thereof:

Provided that the consideration for the execution of such project or, as the case may be, of such work is payable in convertible foreign exchange.

(2) For the purposes of this section,—

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

(b) "foreign project" means a project for—

(i) the construction of any building, road, dam, bridge or other structure outside India;

(ii) the assembly or installation of any machinery or plant outside India;

(iii) the execution of such other work (of whatever nature) as may be prescribed.

(3) The deduction under this section shall be allowed only if the following conditions are fulfilled, namely:—

(i) the assessee maintains separate accounts in respect of the profits and gains derived from the business of the execution of the foreign project, or, as the case may be, of the work forming part of the foreign project undertaken by him and, where the assessee is a person other than an Indian company or a co-operative society, such accounts have been audited by an accountant as defined in the *Explanation* below sub-section (2) of section 288 and the assessee furnishes, along with his return of income, the report of such audit in the prescribed form duly signed and verified by such accountant;

(ii) an amount equal to twenty-five per cent. of the profits and gains referred to in sub-section (1) is debited to the profit and loss account of the previous year in respect of which the deduction under this section is to be allowed and credited to a reserve account (to be called the "Foreign Projects Reserve Account") to be utilised by the assessee during a period of five years next following for the purposes of his business other than for distribution by way of dividends or profits;

(iii) an amount equal to twenty-five per cent. of the profits and gains referred to in sub-section (1) is brought by the assessee in convertible foreign exchange into India, in accordance with the provisions of the Foreign Exchange Regulation Act, 1973 and any rules made thereunder, within a period of six months from the end of the previous year referred to in clause (ii) or, where the Commissioner is satisfied (for reasons to be recorded in writing) that the assessee is, for reasons beyond his control, unable to do so within the said period of six months, within such further period as the Commissioner may allow in this behalf;

Provided that where the amount credited by the assessee to the Foreign Projects Reserve Account in pursuance of clause

(ii) or the amount brought into India by the assessee in pursuance of clause (iii) or each of the said amounts is less than twenty-five per cent. of the profits and gains referred to in sub-section (1), the deduction under that sub-section shall be limited to the amount so credited in pursuance of clause (ii) or the amount so brought into India in pursuance of clause (iii), whichever is less.

(4) If at any time before the expiry of five years from the end of the previous year in which the deduction under sub-section (1) is allowed, the assessee utilises the amount credited to the Foreign Projects Reserve Account for distribution by way of dividends or profits or for any other purpose which is not a purpose of the business of the assessee, the deduction originally allowed under sub-section (1) shall be deemed to have been wrongly allowed, and the Income-tax Officer may, notwithstanding anything contained in this Act, re-compute the total income of the assessee for the relevant previous year and make the necessary amendment; and the provisions of section 154 shall, so far as may be, apply thereto, the period of four years specified in sub-section (7) of that section being reckoned from the end of the previous year in which the money was so utilised.

(5) Notwithstanding anything contained in any other provision of this Chapter under the heading "C—Deductions in respect of certain incomes", no part of the consideration or of the income comprised in the consideration payable to the assessee for the execution of a foreign project referred to in clause (a) of sub-section (1) or of any work referred to in clause (b) of that sub-section shall qualify for deduction for any assessment year under any such other provision.'

19. In section 80L of the Income-tax Act, in sub-section (1), for the portion beginning with the words "a deduction as specified hereunder" and ending with the words "in any other case, three thousand rupees", the following shall be substituted with effect from the 1st day of April, 1983, namely:—

"a deduction as specified hereunder, namely:—

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

(2) in any other case, four thousand rupees:

Provided that where the gross total income of the assessee includes any income by way of interest on any security referred to in clause (i) or interest on any deposits referred to in clause (vi) (being deposits for a period of one year or more), there shall be allowed in computing the total income of the assessee a further deduction of an amount equal to so much of the income by way of such interest as has not been allowed by way of deduction under the foregoing provisions of this sub-section; so, however, that the amount of such further deduction shall not exceed two thousand rupees."

20. In section 80M of the Income-tax Act, in sub-section (1), in clause (a), for the figures and word "27, 29 and 33", the figures and word "27, 28, 29, 30 and 33" shall be substituted with effect from the 1st day of April, 1983.

Amend-
ment of
section
80L.

Amend-
ment of
section
80M.

21. In section 80T of the Income-tax Act, for clause (b), the following clause shall be substituted with effect from the 1st day of April, 1983, namely:—

“(b) in any other case, five thousand rupees as increased by a sum calculated—

(A) at such of the rates specified in column (2) in the Twelfth Schedule as is applicable, with reference to the amount by which the long-term capital gains relating to capital assets, being buildings or lands or any rights in buildings or lands, exceed five thousand rupees;

(B) at such of the rates specified in column (3) in the Twelfth Schedule as is applicable, with reference to the amount by which the long-term capital gains relating to any other capital assets exceed five thousand rupees:

Provided that where the long-term capital gains relate to—

- (i) buildings or lands or any rights in buildings or lands;
- (ii) gold, bullion or jewellery; and
- (iii) any other capital asset,

or to any two of the categories of capital assets mentioned in the foregoing clauses of this proviso (the assets falling under each clause being treated as a separate category), the deduction of five thousand rupees referred to in this clause shall be allowed in the following order, namely:—

(1) the deduction shall first be allowed against long-term capital gains relating to the assets mentioned in clause (i);

(2) next, where the amount of the long-term capital gains relating to the assets mentioned in clause (i) is less than five thousand rupees, a deduction equal to the amount of the difference between five thousand rupees and such capital gains shall be allowed against the long-term capital gains relating to the assets mentioned in clause (ii); and

(3) thereafter, the balance, if any, of the said five thousand rupees shall be allowed as a deduction against the long-term capital gains relating to the assets mentioned in clause (iii),

and the provisions of sub-clause (A) and sub-clause (B) of this clause shall apply as if the references to five thousand rupees therein were references to the amount of deduction allowed in accordance with clauses (1), (2) and (3) of this proviso:

Provided further that the aggregate amount of deduction under this section in relation to assets mentioned in clause (ii) of the preceding proviso shall, in no case, exceed fifty thousand rupees.”

Insertion
of new
section
89A.

Tax relief
in relation
to export
turnover.

22. In Chapter VIII of the Income-tax Act, after section 89, the following section shall be inserted with effect from the 1st day of June, 1982, namely:—

'89A. (1) Where the export turnover of an assessee, being—

(a) an Indian company, or

(b) a person (other than a company) who is resident in India,

during any previous year relevant to an assessment year in relation to which this section applies, exceeds by more than ten per cent. his export turnover during the corresponding base year, the assessee shall be entitled to a deduction from the amount of income-tax otherwise payable for that assessment year of an amount calculated at the rate specified under sub-section (3) on the amount of such excess.

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

(a) "corresponding base year" in relation to any previous year, means the previous year immediately preceding that previous year;

(b) "export turnover" means the sale proceeds of any goods or merchandise specified under sub-section (3) exported out of India, but does not include freight or insurance attributable to the transport of the goods or merchandise beyond the customs station as defined in the Customs Act, 1962.

(2) This section applies in relation to the assessment year commencing on the 1st day of April, 1983 and the four assessment years next following that year.

(3) The goods or merchandise referred to in the *Explanation* to sub-section (1) (including the destination of their export) and the rate at which the amount of deduction under that sub-section shall be calculated, shall be such as may be specified by the Central Government in this behalf by notification in the Official Gazette.

(4) In specifying under sub-section (3) any goods or merchandise (including the destination of their export) and the rate at which the amount of deduction under sub-section (1) is to be calculated, the Central Government shall have regard to the following factors, namely:—

(a) the cost of manufacture or production of such goods or merchandise and prices of similar goods or merchandise in the foreign markets;

(b) the need to develop foreign markets for such goods or merchandise;

(c) the need to earn foreign exchange;

(d) any other relevant factor.

(5) The deduction under sub-section (1) for any assessment year shall not exceed ten per cent. of the amount of income-tax otherwise payable by the assessee for that assessment year on the amount of profits and gains derived from the export of such goods or merchandise out of India.

Explanation.—For the purposes of this sub-section, the amount of income-tax otherwise payable by the assessee for an assessment year on the profits and gains derived from the export of such goods or merchandise out of India shall be—

(a) in a case where the total income for that assessment year consists only of such profits and gains, the amount of income-tax chargeable (without any deduction under this section) on the total income;

(b) in a case where the total income for that assessment year includes any other income, the amount which bears to the income-tax chargeable (without any deduction under this section) on the total income the same proportion as the amount of such profits and gains bears to the total income.

(6) For the purposes of sub-section (5), the amount of profits and gains derived from the export of any goods or merchandise out of India shall be computed in accordance with the rules made by the Board in this behalf.'

23. In section 155 of the Income-tax Act, with effect from the 1st day of April, 1983,—

(a) in sub-section (8), for the words "within two years from that date constructs, a house property for the purpose of his own residence", the words "within three years from that date constructs a residential house" shall be substituted;

(b) in sub-section (8A), for the words "within a period of two years after that date, a house property for the purposes of his own residence", the words "within a period of three years after that date, a residential house" shall be substituted;

(c) after sub-section (10B), the following sub-section shall be inserted, namely:—

"(10C) Where in the assessment for any year a capital gain arising from the transfer of any such capital asset as is referred to in section 54F is charged to tax and within a period of one year after the date of the transfer the assessee purchases, or within three years from that date constructs, a residential house, the Income-tax Officer shall amend the order of assessment so as to exclude the amount of the capital gain not chargeable to tax under the provisions of sub-section (1) of section 54F, and the provisions of section 154 shall, so far as may be, apply thereto, the period of four years specified in sub-section (7) of that section being reckoned from the date of the assessment".

24. In section 193 of the Income-tax Act, in the proviso, after clause (iii), the following clause shall be inserted with effect from the 1st day of June, 1982, namely:—

"(iiia) any interest payable on such securities of the Central Government or a State Government, to such class of persons, and subject to such conditions, as the Central Government may, by notification in the Official Gazette, specify in this behalf;"

Amendment of section 155.

Amendment of section 193.

Amendment of section 194C.

25. In section 194C of the Income-tax Act, in sub-section (3), in clause (i), for the words "five thousand rupees", the words "ten thousand rupees" shall be substituted with effect from the 1st day of June, 1982.

Insertion of new section 197A.

26. In the Income-tax Act, after section 197, the following section shall be inserted with effect from the 1st day of June, 1982, namely:—

No deduction to be made in certain cases.

"197A. (1) Notwithstanding anything contained in section 193 or section 194 or section 194A, no deduction of tax shall be made under any of the said sections in the case of an individual, who is resident in India, if such individual furnishes to the person responsible for paying any income of the nature referred to in section 193 or section 194 or, as the case may be, section 194A, a declaration in writing in duplicate in the prescribed form and verified in the prescribed manner to the effect that his estimated total income of the previous year in which such income is to be included in computing his total income will be less than the minimum liable to income-tax.

(2) The person responsible for paying any income of the nature referred to in sub-section (1) shall deliver or cause to be delivered to the Commissioner one copy of the declaration referred to in sub-section (1) on or before the seventh day of the month next following the month in which the declaration is furnished to him.”.

Amendment of section 245B.

27. In section 245B of the Income-tax Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) Notwithstanding anything contained in sub-section (2), when the post of one of the other members of the Settlement Commission is vacant for any reason, the Chairman and the other member of the Settlement Commission may function as, and exercise and discharge the powers and functions of, the Settlement Commission under this Chapter:

Provided that if in any case the Chairman and member so functioning differ on any point or points, they shall state the point or points on which they differ and refer the same, as soon as may be after the said vacancy is filled, to the member appointed to fill the vacancy for hearing on such point or points and such point or points shall be decided according to his opinion.”.

Amendment of section 245D.

28. In section 245D of the Income-tax Act, in sub-section (5), for the words "The materials brought on record", the words, brackets, figures and letters "Subject to the provisions of sub-section (2A) of section 245B, the materials brought on record" shall be substituted.

Amendment of section 272A.

29. In section 272A of the Income-tax Act, with effect from the 1st day of June, 1982,—

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

"(ba) to deliver or cause to be delivered in due time a copy of the declaration mentioned in section 197A; or";

(b) in sub-section (3),—

(i) in clause (a), the word "and" occurring at the end shall be omitted;

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

"(aa) in a case falling under clause (ba) of sub-section (2), by the Commissioner; and".

30. In section 279 of the Income-tax Act, in sub-section (1), after the word, figures and letter "section 276A," the word, figures and letters "section 276AA," shall be inserted.

Amendment of section 279.

31. In the Income-tax Act, after the Eleventh Schedule, the following Schedule shall be inserted with effect from the 1st day of April, 1983, namely:—

Insertion of new Twelfth Schedule.

"THE TWELFTH SCHEDULE

[See section 80T(b)]

The deduction in respect of long-term capital gains referred to in section 80T shall be allowed on the basis indicated hereunder, namely:—

Rate as percentage of the amount with reference to which the deduction is to be calculated under section 80T

(1)	(2)	(3)
Where the capital gains relate to buildings or lands or any rights therein	Where the capital gains relate to any other capital assets	
more than three years but not more than five years;	25%	40%
more than five years but not more than ten years;	28%	45%
more than ten years but not more than fifteen years;	33%	50%
more than fifteen years but not more than twenty years;	37%	55%
more than twenty years.	40%	60%".

32. The following amendments (being amendments of a consequential nature) shall be made in the Income-tax Act with effect from the 1st day of April, 1983, namely:—

(i) in sub-section (1) of section 45, for the figures, letters and word "54D and 54E", the figures, letters and word "54D, 54E and 54F" shall be substituted;

Consequential amendments to certain sections.

(ii) in sub-section (3) of section 80A, after the words, figures and letters "or section 80HHA", the words, figures and letters "or section 80HHB" shall be inserted;

(iii) in sub-section (3) of section 80P,—

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

(b) after the word, figures and letters "section 80HHA", the word, figures and letters "section 80HHB," shall be inserted;

(iv) in sub-section (1A) of section 139, in clause (c), for the words "three thousand rupees", the words "the maximum amount allowable as deduction in his case under that section" shall be substituted.

Wealth-tax

Amend-
ment of
section 2.

33. In the Wealth-tax Act, 1957 (hereinafter referred to as the Wealth-tax Act), in section 2, in clause (e), in sub-clause (2), with effect from the 1st day of April, 1983,—

27 of 195

(a) in the first proviso, for the words "or any subsequent assessment year", the words, figures and letters "and the assessment year commencing on the 1st day of April, 1982" shall be substituted;

(b) in the second proviso, for the words "Provided further that", the words "Provided also that" shall be substituted, and before the second proviso as so amended, the following proviso shall be inserted, namely:—

'Provided further that in relation to the assessment year commencing on the 1st day of April, 1983 or any subsequent assessment year, this sub-clause shall have effect subject to the modification that for item (i) thereof, the following item shall be substituted, namely:—

"(i) (a) agricultural land and growing crops (including fruits on trees), grass or standing trees on such land;

(b) one building or one group of buildings owned or occupied by a cultivator of, or receiver of rent or revenue out of, agricultural land:

Provided that such building or group of buildings is on or in the immediate vicinity of the land and is a building which the cultivator or the receiver of rent or revenue by reason of his connection with the land requires as storehouse or for keeping livestock;

(c) animals;':

Amend-
ment of
section 5.

34. In section 5 of the Wealth-tax Act, with effect from the 1st day of April, 1983,—

(a) in sub-section (1),—

(i) clauses (iva) and (ivb) shall be omitted;

(ii) in clause (viii), in the second proviso, for the words "thirty thousand rupees", the words "seventy-five thousand rupees" shall be substituted;

(iii) clauses (viiiia) and (viiiib) shall be omitted;

(iv) in clause (x), for the words "twenty thousand rupees", the words "fifty thousand rupees" shall be substituted;

(v) after clause (xvib), the following clauses shall be inserted, namely:—

(xvic) in the case of an individual, being a citizen of India or a person of Indian origin, who is not resident in India during the year ending on the valuation date, any such savings certificates issued by the Central Government as that Government may, by notification in the Official Gazette, specify in this behalf;

Provided that the individual has subscribed to such certificates in convertible foreign exchange remitted from a country outside India in accordance with the provisions of the Foreign Exchange Regulation Act, 1973 and any rules made thereunder.

46 of 1973

Explanation.—For the purposes of this clause,—

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

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

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

46 of 1973.

(xvid) such Capital Investment Bonds as the Central Government may, by notification in the Official Gazette, specify in this behalf;'

(b) in sub-section (1A),—

(i) for the words, brackets, figures and letter "in clauses (iva), (xv)", the words, brackets and figures "in clauses (xv)" shall be substituted;

(ii) for the words "one hundred and fifty thousand rupees", at both the places where they occur, the words "one hundred and sixty-five thousand rupees" shall be substituted;

(c) in sub-section (3),—

(i) in the opening portion, for the words, brackets and figures “in clauses (xv), (xvi)”, the words, brackets, figures and letter “in clauses (xv), (xvi), (xvid)” shall be substituted;

(ii) in clause (a), the word “and” occurring at the end shall be omitted;

(iii) after clause (a) as so amended, the following clause shall be inserted, namely:—

“(aa) in the case of Capital Investment Bonds referred to in clause (xvid) of sub-section (1), from the date on which the Bonds were subscribed to by the assessee, or for a period of at least six months ending with the relevant valuation date, whichever is shorter; and”;

(iv) in the *Explanation*, after the word, brackets and letter “clause (a)”, the words, brackets and letters “or clause (aa)” shall be inserted.

Amend-
ment of
section 6.

35. In section 6 of the Wealth-tax Act, after *Explanation 1*, the following *Explanation* shall be inserted, namely:—

“*Explanation 1A*.—Where in the case of an individual the value of an asset in India is represented by any debt owing to him, being any moneys to his credit in a Non-resident (External) Account, the interest payable on which is not to be included in his total income under clause (4A) of section 10 of the Income-tax Act, the provisions of this section shall, in relation to such asset, apply subject to the modification that the reference in this section to an individual not resident in India shall be construed as a reference to a person resident outside India as defined in clause (q) of section 2 of the Foreign Exchange Regulation Act, 1973.”

46 of 1973

Amend-
ment of
section
22B.

36. In section 22B of the Wealth-tax Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) Notwithstanding anything contained in sub-section (2), when the post of one of the other members of the Settlement Commission is vacant for any reason, the Chairman and the other member of the Settlement Commission may function as, and exercise and discharge the powers and functions of, the Settlement Commission under this Chapter:

Provided that if in any case the Chairman and member so functioning differ on any point or points, they shall state the point or points on which they differ and refer the same, as soon as may be after the said vacancy is filled, to the member appointed to fill the vacancy for hearing on such point or points and such point or points shall be decided according to his opinion.”

37. In section 22D of the Wealth-tax Act, in sub-section (5), for the words "The materials brought on record", the words, brackets, figures and letters "Subject to the provisions of sub-section (2A) of section 22B, the materials brought on record" shall be substituted.

Amendment of
section
22D.

Gift-tax

18 of 1958.

38. In section 5 of the Gift-tax Act, 1958 (hereinafter referred to as the Gift-tax Act), in sub-section (1), with effect from the 1st day of April, 1983,—

Amend-
ment of
section 5.

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

46 of 1973.

'(iib) being a person resident outside India, out of the moneys standing to his credit in a Non-resident (External) Account in any bank in India in accordance with the provisions of the Foreign Exchange Regulation Act, 1973 and any rules made thereunder.

46 of 1973.

Explanation.—For the purposes of this clause, "person resident outside India" has the meaning assigned to it in clause (q) of section 2 of the Foreign Exchange Regulation Act, 1973;

46 of 1973.

(iic) being a citizen of India, or a person of Indian origin, who is not resident in India, to any relative of such person in India, of convertible foreign exchange remitted from a country outside India in accordance with the provisions of the Foreign Exchange Regulation Act, 1973 and any rules made thereunder.

Explanation.—For the purposes of this clause and clause (iid),—

46 of 1973.

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

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

(c) "relative" has the meaning assigned to it in clause (41) of section 2 of the Income-tax Act;

(d) "resident in India" shall have the meaning assigned to it in the Income-tax Act;

(iid) being a citizen of India or a person of Indian origin, who is not resident in India, to any relative of such person in India of property in the form of savings certificates issued by the Central Government, which that Government may, by notification in the Official Gazette, specify in this behalf;

Provided that such person has subscribed to such certificates in convertible foreign exchange remitted from a country outside India in accordance with the provisions of the Foreign Exchange Regulation Act, 1973 and any rules made thereunder;

46 of 1973.

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

“(iiic) of property in the form of such Capital Investment Bonds as the Central Government may, by notification in the Official Gazette, specify in this behalf subject to a maximum of rupees ten lakhs in value in the aggregate in one or more previous years:

Provided that the exemption conferred by this clause shall be available only to a person who has initially subscribed to the said Bonds;”.

Substitution of new section for section 18A.

39. In the Gift-tax Act, for section 18A, the following section shall be substituted with effect from the 1st day of April, 1983, namely:—

Credit for stamp duty paid on instrument of gift.

“18A. Where any stamp duty has been paid under any law relating to stamp duty in force in any State on an instrument of gift of property, the assessee shall be entitled to a deduction from the gift-tax payable by him of an amount equal to the stamp duty so paid or one-half of the gift-tax payable, before making the deduction under this section, whichever is less.”

Interest-tax

Amendment of Act 45 of 1974.

40. In section 2 of the Interest-tax Act, 1974, in clause (7), after sub-clause (iii), the following sub-clauses shall be inserted with effect from the 1st day of April, 1983, namely:—

“(iv) interest on any deferred credit (that is to say, credit on the terms that the payment is to be deferred) sanctioned by a scheduled bank in connection with the export of capital plant and machinery outside India;

(v) interest on any loan in foreign currency sanctioned by any corporation or bank referred to in sub-clause (a) or sub-clause (b) or sub-clause (c) or sub-clause (d) of clause (9) for the import of capital plant and machinery from a country outside India;”

Hotel-receipts tax

Amendment of section 6.

54 of 1980.

41. In section 6 of the Hotel-Receipts Tax Act, 1980 (hereinafter referred to as the Hotel-Receipts Tax Act), in sub-section (1), after the words “including such charges from persons not provided with such accommodation”, the words and figures “but excluding such charges from persons within the purview of the Vienna Convention on Diplomatic Relations, 1961 or the Vienna Convention on Consular Relations, 1963” shall be inserted and shall be deemed always to have been inserted,

42. In section 7 of the Hotel-Receipts Tax Act, in sub-section (2), after the words "the end of the month in which this Act comes into force", the words, figures and letters "or after the 27th day of February, 1982" shall be inserted.

Amendment of section 7.

CHAPTER IV INDIRECT TAXES Customs

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

Amendment of Act 51 of 1975.

52 of 1962.

10 of 1897.

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

Auxiliary duties of customs.

(2) Sub-section (1) shall cease to have effect after the 31st day of March, 1983, except as respects things done or omitted to be done before such cesser; and section 6 of the General Clauses Act, 1897, shall apply upon such cesser as if the said sub-section had then been repealed by a Central Act.

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

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

45. In sub-section (1) of section 20 of the Customs Act, 1962,—

Amendment of Act 52 of 1962.

(a) in the proviso, after the words "such importation", the words "other than importation of goods produced or manufactured in a free trade zone," shall be inserted;

(b) the following *Explanations* shall be inserted at the end, namely:—

Explanation 1.—Where in respect of any goods produced or manufactured in a free trade zone, any duty leviable under this sub-section is leviable at different rates, then, such duty shall be leviable at the highest of those rates.

Explanation 2.—For the purposes of this sub-section, "free trade zone" has the same meaning as in *Explanation 2* to sub-section (1) of section 3 of the Central Excises and Salt Act, 1944.

1 of 1944.

**Amend-
ment of
section 3.**

46. In section 3 of the Central Excises and Salt Act, 1944 (hereinafter referred to as the Central Excises Act), after sub-section (1), the following proviso and *Explanations* shall be inserted, namely:—

1 of 1944.

'Provided that the duties of excise which shall be levied and collected on any excisable goods which are produced or manufactured in a free trade zone and brought to any other place in India shall be an amount equal to the aggregate of the duties of customs which would be leviable under section 12 of the Customs Act, 1962 on like goods produced or manufactured outside India if imported into India, and where the said duties of customs are chargeable by reference to their value, the value of such excisable goods shall, notwithstanding anything contained in any other provision of this Act, be determined in accordance with the provisions of the Customs Act, 1962 and the Customs Tariff Act, 1975.'

52 of 1962.

52 of 1962.
51 of 1975.

Explanation 1.—Where in respect of any such like goods, any duty of customs leviable under the said section 12 is leviable at different rates, then, such duty shall, for the purposes of this proviso, be deemed to be leviable under the said section 12 at the highest of those rates.

Explanation 2.—In this proviso, "free trade zone" means the Kandla Free Trade Zone and the Santa Cruz Electronics Export Processing Zone and includes any other free trade zone which the Central Government may, by notification in the Official Gazette, specify in this behalf.'

**Amend-
ment of
section 4
and vali-
dation.**

47. (1) In section 4 of the Central Excises Act, in clause (d) of sub-section (4), in sub-clause (ii), the following *Explanation* shall be inserted and shall be deemed to have been inserted with effect from the 1st day of October, 1975, namely:—

"*Explanation.*—For the purposes of this sub-clause, the amount of the duty of excise payable on any excisable goods shall be the sum total of—

(a) the effective duty of excise payable on such goods under this Act; and

(b) the aggregate of the effective duties of excise payable under other Central Acts, if any, providing for the levy of duties of excise on such goods,

and the effective duty of excise on such goods under each Act referred to in clause (a) or clause (b) shall be,—

(i) in a case where a notification or order providing for any exemption (not being an exemption for giving credit with respect to, or reduction of duty of excise on such goods equal to, any duty of excise already paid on the raw material or component parts used in the production or manufacture of such goods) from the duty of excise under such Act is for the time being in force, the duty of excise computed with reference to the rate specified in such Act in respect of such goods as reduced so as to give full and complete effect to such exemption; and

(ii) in any other case, the duty of excise computed with reference to the rate specified in such Act in respect of such goods.”.

(2) Any action or thing taken or done or purporting to have been taken or done at any time during the period commencing on the 1st day of October, 1975 and ending with the 27th day of February, 1982 (hereafter in this sub-section referred to as the said period) under the Central Excises Act, shall be deemed to be and to have always been, for all purposes, as validly and effectively taken or done as if the amendment made by sub-section (1) had been in force at all material times and, accordingly, notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority,—

(a) all duties of excise levied, assessed or collected during the said period on any excisable goods under the Central Excises Act, shall be deemed to be and shall be deemed always to have been, as validly levied, assessed or collected as if the amendment made by sub-section (1) had been in force at all material times;

(b) no suit or other proceeding shall be maintained or continued in any court for the refund of, and no enforcement shall be made by any court of any decree or order directing the refund of, any such duties of excise which have been collected and which would have been validly collected if the amendment made by sub-section (1) had been in force at all material times;

(c) refund shall be made of all such duties of excise which have been collected but which would not have been so collected if the amendment made by sub-section (1) had been in force at all material times;

(d) recovery shall be made of all such duties of excise which have not been collected or, as the case may be, which have been refunded but which would have been collected or, as the case may be, would not have been refunded, if the amendment made by sub-section (1) had been in force at all material times.

Explanation.—For the removal of doubts, it is hereby declared that no act or omission on the part of any person shall be punishable as an offence which would not have been so punishable if this section had not come into force.

48. In section 37 of the Central Excises Act, in sub-section (2), after clause (xvii), the following clause shall be inserted, namely:—

“(xviii) provide incentives for increased production or manufacture of any goods by way of remission of, or any concession with respect to, duty payable under this Act;”.

49. The First Schedule to the Central Excises Act shall be amended in the manner specified in the Third Schedule.

50. (1) In the case of goods chargeable with a duty of excise under the Central Excises Act, as amended from time to time, read with any notification for the time being in force issued by the Central Government in relation to the duty so chargeable, there shall be levied and

Amendment
of
section
37.

Special
duties
of ex-
cise,

collected a special duty of excise equal to ten per cent. of the amount so chargeable on such goods.

(2) Sub-section (1) shall cease to have effect after the 31st day of March, 1983, 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.

10 of 1897.

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

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

Retrospective effect for certain amendments to Central Excise Rules and validation.

51. (1) The amendments made in rules 9 and 49 of the Central Excise Rules, 1944, by the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. G.S.R. 74(E) dated the 20th day of February, 1982, shall be deemed to have, and to have always had, effect on and from the date on which the Central Excise Rules, 1944 came into force.

(2) Any action or thing taken or done or purporting to have been taken or done before the 20th day of February, 1982 under the Central Excises Act and the Central Excise Rules, 1944 shall be deemed to be, and to have always been, for all purposes, as validly and effectively taken or done as if the amendments referred to in sub-section (1) had been in force at all material times and, accordingly, notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority,—

(a) all duties of excise levied, assessed or collected or purporting to have been levied, assessed or collected before the 20th day of February, 1982 on any excisable goods under the Central Excises Act, shall be deemed to be, and shall be deemed to have always been, as validly levied, assessed or collected as if the amendments referred to in sub-section (1) had been in force at all material times;

(b) no suit or other proceeding shall be maintained or continued in any court for the refund of, and no enforcement shall be made by any court of any decree or order directing the refund of, any such duties of excise which have been collected and which would have been validly collected if the amendments referred to in sub-section (1) had been in force at all material times;

(c) refund shall be made of all such duties of excise which have been collected but which would not have been so collected if

the amendments referred to in sub-section (1) had been in force at all material times;

(d) recovery shall be made of all such duties of excise which have not been collected or, as the case may be, which have been refunded but which would have been collected or, as the case may be, would not have been refunded, if the amendments referred to in sub-section (1) had been in force at all material times.

Explanation.—For the removal of doubts, it is hereby declared that no act or omission on the part of any person shall be punishable as an offence which would not have been so punishable if this section had not come into force.

52. (1) The notification of the Government of India in the Ministry of Finance (Department of Revenue) No. G.S.R. 77(E) dated the 23rd day of February, 1982, which was issued in exercise of the powers conferred by sub-rule (1) of rule 8 of the Central Excise Rules, 1944 to provide for certain exemptions from duty in relation to matches shall, subject to the modifications specified in the Fourth Schedule—

(a) be deemed to have, and to have always had, effect on and from the 19th day of June, 1980; and

(b) be deemed to prevail, and to have always prevailed, over all notifications issued on or after the 19th day of June, 1980 but before the 23rd day of February, 1982 under sub-rule (1) of the said rule 8 in relation to matches.

Explanation.—For the purposes of this section, “matches” means matches falling under Item No. 38 of the First Schedule to the Central Excises Act.

(2) Any action or thing taken or done or purported to have been taken or done on or after the 19th day of June, 1980 and before the 23rd day of February, 1982 in relation to matches, under the Central Excises Act and the Central Excise Rules, 1944, read with notifications referred in clause (b) of sub-section (1), shall be deemed to be, and to have always been, for all purposes, as validly and effectively taken or done as if the provisions of sub-section (1) had been in force at all material times and such action or thing had been taken or done under the Central Excises Act and the Central Excise Rules, 1944, read with the notification dated the 23rd day of February, 1982, referred to in sub-section (1), and, accordingly, notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority,—

(a) all duties of excise levied, assessed or collected or purporting to have been levied, assessed or collected on or after the 19th day of June, 1980 and before the 23rd day of February, 1982 on matches, shall be deemed to be, and shall be deemed to have always been, as validly levied, assessed or collected as if the provisions of this section had been in force at all material times;

(b) no suit or other proceeding shall be maintained or continued in any court for the refund of, and no enforcement shall be

Provisions
as to
duties
of excise
on matches
in relation to
a certain
period
and
validation.

made by any court of any decree or order directing the refund of, any such duties of excise which have been collected and which would have been validly collected if the provisions of this section had been in force at all material times;

(c) refund shall be made of all such duties of excise, which have been collected but which would not have been so collected if the provisions of this section had been in force at all material times;

(d) recovery shall be made of all such duties of excise which have not been collected or, as the case may be, which have been refunded but which would have been collected or, as the case may be, would not have been refunded, if the provisions of this section had been in force at all material times.

Explanation.—For the removal of doubts, it is hereby declared that no act or omission on the part of any person shall be punishable as an offence which would not have been so punishable if this section had not come into force.

Amend-
ment of
Act 16
of 1955.

53. In the Schedule to the Medicinal and Toilet Preparations (Excise Duties) Act, 1955, in Item No. 4, for the entry in the third column, the entry "One hundred per cent. *ad valorem* or rupees thirteen and twenty paise per litre of pure alcohol content, whichever is higher." shall be substituted.

CHAPTER V

MISCELLANEOUS

Amend-
ment of
Act 6 of
1898.

54. In the First Schedule to the Indian Post Office Act, 1898,—

(a) for the sub-headings "Letters" and "Letter-cards" and the entries under those sub-headings, the following shall be substituted, namely:—

"Letters"

For a weight not exceeding ten grams	50 paise.
For every ten grams or fraction thereof, exceeding ten grams	20 paise.

Letter-cards

For a letter-card	35 paise."
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(b) for the sub-headings "Post cards containing printed communication", "Book, Pattern and Sample packets" and "Registered Newspapers" and the entries under those sub-headings, the following shall be substituted, namely:—

"Post cards containing printed communication"

For a post card	25 paise.
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Explanation.—A post card shall be deemed to contain a printed communication, if any matter (except the name and address of, and other particulars relating to, the sender and the place and date of despatch) is recorded by printing or by cyclostyling or by any other mechanical process, not being

typewriting, on any part of the post card except the righthand half of the address-side thereof

Book, Pattern and Sample packets

For the first fifty grams or fraction thereof 30 paise.

For every additional twenty-five grams or fraction thereof, in excess of fifty grams 15 paise.

Registered Newspapers

For a weight not exceeding fifty grams 5 paise.

For a weight exceeding fifty grams but not exceeding one hundred grams 15 paise.

For every additional one hundred grams or fraction thereof, exceeding one hundred grams 10 paise.

In the case of more than one copy of the same issue of a registered newspaper being carried in the same packet—

for a weight not exceeding one hundred grams 15 paise;

for every additional one hundred grams or fraction thereof, in excess of one hundred grams 10 paise:

Provided that such packet shall not be delivered at any addressee's residence but shall be given to a recognised agent at the Post Office.”

55. In section 30 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961, in sub-section (2), for the words “and for four accounting years following that year”, the words “, for that accounting year and for eight accounting years following that year” shall be substituted.

Amendment of
Act 47
of 1961.

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

(1) in sub-section (1), with effect from the 1st day of April, 1983,—

(a) in clause (b), for the words “two thousand rupees”, the words “three thousand rupees” shall be substituted;

(b) in clause (ba), for the words “twenty-five thousand rupees”, the words “thirty-five thousand rupees” shall be substituted;

(2) in sub-section (2), in clause (c), in sub-clauses (i) and (ii), for the words “five thousand rupees”, the words “seven thousand rupees” shall be substituted with effect from the 1st day of June, 1982.

Amendment of
Act 52
of 1963.

57. Notwithstanding anything contained in the Income-tax Act, the Bank of Bhutan constituted under the Royal Charter of the Bank of Bhutan, 1968, shall not be liable to pay any income-tax on the interest accruing during the period commencing on the 1st day of January, 1972 and ending with the 31st day of December, 1986, on the deposits made by that bank with the State Bank of India constituted under the State Bank of India Act, 1955.

Bank
of Bhu-
tan to be
exempt
from
liability
to pay
income-
tax on
certain
income.

THE FIRST SCHEDULE

(See section 2).

PART I

INCOME-TAX AND SURCHARGE ON INCOME-TAX

Paragraph A

Sub-Paragraph I

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

Rates of income-tax

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

Surcharge on income-tax

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

Sub-Paragraph II

In the case of every Hindu undivided family which at any time during the previous year has at least one member whose total income of the previous year relevant to the assessment year commencing on the 1st day of April, 1982 exceeds Rs. 15,000,—

Rates of income-tax

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

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

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

Surcharge on income-tax

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

Paragraph B

In the case of every co-operative society,—

Rates of income-tax

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

Surcharge on income-tax

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

Paragraph C**Sub-Paragraph I**

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

Rates of income-tax

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

Surcharge on income-tax

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

Sub-Paragraph II

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

Rates of income-tax

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

Surcharge on income-tax

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

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

Paragraph D

In the case of every local authority,—

Rate of income-tax

On the whole of the total income 50 per cent.

Surcharge on income-tax

The amount of income-tax computed at the rate hereinbefore specified shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax.

Paragraph E

In the case of a company,—

Rates of income-tax

I. In the case of a domestic company,—

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

(i) in a case where the total income does not exceed Rs. 1,00,000

45 per cent. of the total income;

(ii) in a case where the total income exceeds Rs. 1,00,000

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. of the total income;

(a) where the total income does not exceed Rs. 2,00,000

60 per cent. of the total income;

(b) where the total income exceeds Rs. 2,00,000

(ii) in any other case

65 per cent. of the total income:

Provided that—

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

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

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

- (b) eighty per cent. of the amount by which its total income exceeds Rs. 1,00,000;
- (ii) the income-tax payable by a domestic company, not being a company in which the public are substantially interested, which is an industrial company and the total income of which exceeds Rs. 2,00,000, shall not exceed the aggregate of—
 - (a) the income-tax which would have been payable by the company if its total income had been Rs. 2,00,000 (the income of Rs. 2,00,000 for this purpose being computed as if such income included income from various sources in the same proportion as the total income of the company); and
 - (b) eighty per cent. of the amount by which its total income exceeds Rs. 2,00,000.

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

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

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

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

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

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

50 per cent.

Surcharge on income-tax

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

PART II

Rates for deduction of tax at source in certain cases

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

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

	Income-tax	
	Rate of income-tax	Rate of surcharge
1. In the case of a person other than a company—		
(a) where the person is resident in India—		
(i) on income by way of interest other than "Interest on securities"	10 per cent.	Nil;
(ii) on income by way of winnings from lotteries and crossword puzzles	30 per cent.	3 per cent.;
(iii) on income by way of winnings from horse races	30 per cent.	3 per cent.;
(iv) on income by way of insurance commission	10 per cent.	Nil;
(v) on income by way of interest payable on	10 per cent.	Nil;
(A) any security, other than a tax-free security, of the Central or a State Government;		
(B) any debentures or other securities for money issued by or on behalf of any local authority or a corporation established by a Central, State or Provincial Act;		
(C) any debentures issued by a company where such debentures are listed in a recognised stock exchange in India in accordance with the Securities Contracts (Regulation) Act, 1956, and any rules made thereunder		
(vi) on any other income (excluding interest payable on a tax-free security)	20 per cent.	2 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 30 per cent. and surcharge at 3 per cent. of the amount of the income, or income-tax and surcharge on income-tax in respect of the income at the rates prescribed in

Income-tax

	Rate of income-tax	Rate of surcharge
	Sub-Paragraph I of Paragraph A of Part III of this Schedule, if such income had been the total income, whichever is higher;	
(ii) on income by way of interest payable on a tax-free security	15 per cent.	1.5 per cent.;
2. In the case of a company—		
(a) where the company is a domestic company—		
(i) on income by way of interest other than "Interest on securities"	20 per cent.	0.5 per cent.;
(ii) on any other income (excluding interest payable on a tax-free security)	21.5 per cent.	0.5 per cent.;
(b) where the company is not a domestic company—		
(i) on income by way of dividends payable by any domestic company	25 per cent.	Nil,
(ii) on income by way of royalty payable by an Indian concern in pursuance of an agreement made by it with the Indian concern after the 31st day of March, 1976, where such royalty is in consideration for the transfer of all or any rights (including the granting of a licence) in respect of copyright in any book on a subject referred to in the proviso to sub-section (1A) of section 115A of the Income-tax Act, to the Indian concern	40 per cent.	Nil;
(iii) on income by way of royalty [not being royalty of the nature referred to in sub-item (b) (ii)] payable by an Indian concern in pursuance of an agreement made by it with the Indian concern and which has been approved by the Central Government,—		
(A) where the agreement is made after the 31st day of March, 1961 but before the 1st day of April, 1976	50 per cent.	1.25 per cent.;

Income-tax	Rate of income-tax	Rate of surcharge
(B) where the agreement is made after the 31st day of March, 1976—		
(1) on so much of the amount of such income as consists of lump sum consideration for the transfer outside India of, or the imparting of information outside India in respect of, any data, documentation, drawing or specification relating to any patent, invention, model, design, secret formula or process, or trade mark or similar property	20 per cent.	Nil;
(2) on the balance, if any, of such income	40 per cent.	Nil;
(iv) on income by way of fees for technical services payable by an Indian concern in pursuance of an agreement made by it with the Indian concern and which has been approved by the Central Government—		
(A) where the agreement is made after the 29th day of February, 1964 but before the 1st day of April, 1976	50 per cent.	1.25 per cent.;
(B) where the agreement is made after the 31st day of March, 1976	40 per cent.	Nil;
(v) on income by way of interest payable on a tax-free security	44 per cent.	1.1 per cent.;
(vi) on any other income	70 per cent.	1.75 per cent.

PART III

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

In cases in which income-tax has to be calculated under the first proviso to sub-section (5) of section 132 of the Income-tax Act or charged under sub-section (4) of section 172 or sub-section (2) of section 174 or section 175 or sub-section (2) of section 176 of the said Act or deducted under section 192 of the said Act from income chargeable

under the head "Salaries" or deducted under sub-section (9) of section 80E of the said Act from any payment referred to in the said sub-section (9) or in which the "advance tax" payable under Chapter XVII-C of the said Act has to be computed, at the rate or rates in force, such income-tax or, as the case may be, "advance tax" (not being "advance tax" in respect of any income chargeable to tax under Chapter XII or section 164 or section 164A or section 167A of the Income-tax Act at the rates as specified in that Chapter or section), shall be so calculated charged, deducted or computed at the following rate or rates:—

Paragraph A

Sub-Paragraph I

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

Rates of income-tax

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

Surcharge on income-tax

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

Sub-Paragraph II

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

Rates of income-tax

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

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

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

Surcharge on income-tax

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

Paragraph B

In the case of every co-operative society,—

Rates of income-tax

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

Surcharge on income-tax

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

Paragraph C**Sub-Paragraph I**

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

Rates of income-tax

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

Surcharge on income-tax

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

Sub-Paragraph II

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

Rates of income-tax

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

Surcharge on income-tax

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

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

Paragraph D

In the case of every local authority,—

Rate of income-tax

On the whole of the total income 50 per cent.

Surcharge on income-tax

The amount of income-tax computed at the rate hereinbefore specified shall be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax.

Paragraph E

In the case of a company,—

Rates of income-tax

I. In the case of a domestic company,—

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

(i) in a case where the total income does not exceed Rs. 1,00,000	45 per cent. of the total income;
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(ii) in a case where the total income exceeds Rs. 1,00,000	55 per cent. of the total income;
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(2) where the company is not a company in which the public are substantially interested,—

(i) in the case of an industrial company,—	
--	--

(a) where the total income does not exceed Rs. 2,00,000	55 per cent. of the total income;
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(b) where the total income exceeds Rs. 2,00,000	60 per cent. of the total income;
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(ii) in any other case	65 per cent. of the total income:
------------------------	-----------------------------------

Provided that—

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

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

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

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

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

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

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

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

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

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

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

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

50 per cent.;

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

Surcharge on income-tax

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

PART IV

[See section 2(7)(e)]

RULES FOR COMPUTATION OF NET AGRICULTURAL INCOME

Rule 1.—Agricultural income of the nature referred to in sub-clause (a) of clause (1) of section 2 of the Income-tax Act shall be computed as if it were income chargeable to income-tax under that Act under the

head "Income from other sources" and the provisions of sections 57 to 59 of that Act shall, so far as may be, apply accordingly:

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

Rule 2.—Agricultural income of the nature referred to in sub-clause (b) or sub-clause (c) of clause (1) of section 2 of the Income-tax Act [other than income derived from any building required as a dwelling house by the receiver of the rent or revenue or the cultivator or the receiver of rent-in-kind referred to in the said sub-clause (c)] shall be computed as if it were income chargeable to income-tax under that Act under the head "Profits and gains of business or profession" and the provisions of sections 30, 31, 32, 34, 36, 37, 38, 40, 40A [other than sub-sections (3) and (4) thereof], 41, 43 and 48A of the Income-tax Act shall, so far as may be, apply accordingly.

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

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

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

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

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

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

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

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

Rule 9.—(1) Where the assessee has, in the previous year relevant to the assessment year commencing on the 1st day of April, 1982, any agricultural income and the net result of the computation of the agricultural income of the assessee for any one or more of the previous years relevant to the assessment years commencing on the 1st day of April, 1974 or the 1st day of April, 1975 or the 1st day of April, 1976 or the 1st day of April, 1977 or the 1st day of April, 1978 or the 1st day of April, 1979 or the 1st day of April, 1980 or the 1st day of April, 1981, is a loss, then, for the purposes of sub-section (2) of section 2 of this Act,—

(i) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1974, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1975 or the 1st day of April, 1976 or the 1st day of April, 1977 or the 1st day of April, 1978 or the 1st day of April, 1979 or the 1st day of April, 1980 or the 1st day of April, 1981,

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

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

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

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

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

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

(viii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1981,

shall be set off against the agricultural income of the assessee for the previous year relevant to the assessment year commencing on the 1st day of April, 1982.

(2) Where the assessee has, in the previous year relevant to the assessment year commencing on the 1st day of April, 1983 or, if by virtue of any provision of the Income-tax Act, income-tax is to be charged in respect of the income of a period other than that previous year, in such other period, any agricultural income and the net result of the computation of the agricultural income of the assessee for any one or more of the previous years relevant to the assessment years commencing on the 1st day of April, 1974 or the 1st day of April, 1975 or the 1st day of April, 1976 or the 1st day of April, 1977 or the 1st day of April, 1978 or the 1st day of April, 1979 or the 1st day of April, 1980 or the 1st day of April, 1981 or the 1st day of April, 1982, is a loss, then, for the purposes of sub-section (6) of section 2 of this Act,—

(i) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1974, to the extent, if any, such loss has not been set off against the agricultural

income for the previous year relevant to the assessment year commencing on the 1st day of April, 1975 or the 1st day of April, 1976 or the 1st day of April, 1977 or the 1st day of April, 1978 or the 1st day of April, 1979 or the 1st day of April, 1980 or the 1st day of April, 1981 or the 1st day of April, 1982,

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

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

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

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

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

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

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

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

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

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

20 of 1974.
25 of 1975.
66 of 1976.
29 of 1977.
19 of 1978.
21 of 1979.
44 of 1980.
16 of 1981.

(5) Notwithstanding anything contained in this rule, no loss which has not been determined by the Income-tax Officer under the provisions of these rules or the rules contained in Part IV of the First Schedule to the Finance Act, 1974, or of the First Schedule to the Finance Act, 1975, or of the First Schedule to the Finance Act, 1976, or of the First Schedule to the Finance (No. 2) Act, 1977, or of the Schedule to the Finance Act, 1978, or of the First Schedule to the Finance Act, 1979, or of the First Schedule to the Finance (No. 2) Act, 1980, or of the First Schedule to the Finance Act, 1981, shall be set off under sub-rule (1) or, as the case may be, sub-rule (2).

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

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

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

THE SECOND SCHEDULE

(See section 43)

PART I

In the First Schedule to the Customs Tariff Act,—

(i) in Chapter 27,—

(1) for Note 5, the following Note shall be substituted namely:—

“5. “Flash point” shall be determined in accordance with the tests prescribed in this behalf in the rules made under the Petroleum Act, 1934 (30 of 1934);

(2) after Note 6, the following Note shall be inserted, namely:—

7. "Carbon residue" and "colour comparison test" shall be determined or done in the manner prescribed in this behalf by the Central Government by notification in the Official Gazette;—

(3) in Heading No. 27.10,—

(a) in sub-heading No. (2), in column (2), for the words and figures "which has its flashing point below 24.4° Centigrade", the words and figures "which has its flash point below 25° Centrigrade" shall be substituted;

(b) in sub-heading No. (3), in column (2), for the words "which has a smoke point of twenty millimetres or more", the words "which has a smoke point of eighteen millimetres or more" shall be substituted;

(c) in sub-heading No. (5), in column (2),—

(1) the words "and vaporising oil" shall be omitted;

(2) for the words and figures "which has its flashing point at or above 24.4° Centigrade", the words and figures "which has its flash point at or above 25° Centigrade" shall be substituted;

(3) for clauses (i) and (ii), the following clauses shall be substituted, namely:—

"(i) the oil has a smoke point of 10 millimetres or more but less than 20 millimetres, or

(ii) the oil has a smoke point of less than 10 millimetres but has a viscosity of less than 50 seconds by Redwood I Viscometer at 37.8° Centigrade and satisfies the following conditions:

(a) leaves carbon residue of less than $\frac{1}{4}$ per cent. by weight when tested by Ramsbottom Carbon Residue Apparatus, and

(b) is lighter in colour than 0.04 Normal Iodine solution when tested by colour comparison test;"

(d) in sub-heading No. (6), in column (2),—

(1) for clauses (i) to (iii), the following clauses shall be substituted, namely:—

"(i) has its flash point at or above 66° Centigrade,

(ii) has a smoke point of less than 10 millimetres,

(iii) leaves carbon residue of not less than $\frac{1}{4}$ per cent. by weight when tested by Ramsbottom Carbon Residue Apparatus

(iv) is as dark as, or darker than, 0.04 Normal Iodine solution when tested by colour comparison test, and";

(2) clause (iv) shall be renumbered as clause (v);

(e) in sub-heading No. (7), in column (2),—

(1) for clauses (i) to (iii), the following clauses shall be substituted, namely:—

(i) has its flash point at or above 66° Centigrade;

(ii) has a smoke point of less than 10 millimetres;

(iii) leaves carbon residue of not less than $\frac{1}{4}$ per cent. by weight when tested by Ramsbottom Carbon Residue Apparatus;

(iv) is as dark as, or darker than, 0.04 Normal Iodine solution when tested by colour comparison test, and";

(2) clause (iv) shall be renumbered as clause (v);

(f) in sub-heading No. (8), in column (2), for the words "flashing point", the words "flash point" shall be substituted;

(g) in subheading No. (9), in column (2); for the words "flashing point", the words "flash point" shall be substituted;

(ii) in Heading No. 32.04/12,—

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

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

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

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

(5) in sub-heading No. (5), for the entry in column (3), the entry "100%" shall be substituted;

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

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

(iii) in Heading No. 39.01/06, for the entry in column (3), the entry "150%" shall be substituted;

(iv) in Heading No. 45.01/04, for the entry in column (3), the entry "60%" shall be substituted;

(v) in sub-heading No. (2) of Heading No. 48.01/21, for the entry in column (3), the entry "40% plus Rs. 1,000 per tonne" shall be substituted;

(vi) in Heading No. 73.03/05, for the entry in column (3), the entry "60%" shall be substituted;

(vii) in Heading No. 73.13,—

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

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

(viii) in sub-heading No. (2) of Heading No. 74.07/08, for the entry in column (3), the entry "100%" shall be substituted;

(ix) in sub-heading No. (2) of Heading No. 79.01, for the entry in column (3), the entry "60%" shall be substituted;

(x) in sub-heading No. (2) of Heading No. 84.51/55, for the entry in column (3), the entry "100%" shall be substituted;

(xi) in Heading No. 85.16, for the entry in column (3), the entry "100%" shall be substituted;

(xii) in Heading No. 85.17, for the entry in column (3), the entry "100%" shall be substituted;

(xiii) in Heading No. 85.28, for the entry in column (3), the entry "100%" shall be substituted;

(xiv) in sub-heading No. (1) of Heading No. 90.08, for the entry in column (3), the entry "100%" shall be substituted;

(xv) in Heading No. 90.13, for the entry in column (3), the entry "100%" shall be substituted;

(xvi) in sub-heading No. (2) of Heading No. 90.29, in column (2), for the words "similar semi-conductor devices or electronic microcircuits", the words "similar semi-conductor devices or light emitting diodes or electronic microcircuits" shall be substituted.

PART II

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

In the First Schedule to the Customs Tariff Act, in Heading No. 29.01/45, after sub-heading No. (21), the following sub-heading shall be inserted, namely:—

"(22) Aniline 100% .. .".
(aniline
oil)

PART III

In the Second Schedule to the Customs Tariff Act, in Heading No. 12 for each of the entries in column (3), the entry "10%" shall be substituted.

THE THIRD SCHEDULE
(See section 49)

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)
In the First Schedule to the Central Excises Act,—		
(i) In Item No. 6, in the entry in the second column,— <p style="margin-left: 2em;">(a) for the words "which has its flashing point below seventy-six degrees of Fahrenheit's thermometer", the words "which has its flash point below twenty-five degrees of Centigrade thermometer" shall be substituted;</p> <p style="margin-left: 2em;">(b) for <i>Explanation II</i>, the following <i>Explanation</i> shall be substituted, namely:—</p> <p style="margin-left: 3em;"><i>'Explanation II.—"Flash point"</i> shall be determined in accordance with the tests specified in this behalf in the rules made under the Petroleum Act, 1934 (30 of 1934).';</p>		
(ii) for Item No. 7, the following Item shall be substituted, namely:— <p style="margin-left: 2em;">7. KEROSENE (WHICH IS ORDINARILY USED AS AN ILLUMINANT IN OIL BURNING LAMPS), AND AVIATION TURBINE FUEL, that is to say, any mineral oil (excluding mineral colza oil and turpentine substitute) which has a smoke point of eighteen millimetres or more and has a final boiling point not exceeding three hundred degrees of Centigrade thermometer—</p> <p style="margin-left: 2em;">(i) Aviation Turbine Fuel.</p>		
<p style="margin-left: 2em;">(ii) Others.</p>		

Five hundred rupees per kilolitre at fifteen degrees of Centigrade thermometer.

Five hundred rupees per kilolitre at fifteen degrees of Centigrade thermometer.

Explanation I.—The expression "mineral oil" has the meaning assigned to it in *Explanation I* to Item No. 6.

Explanation II.—"Smoke point" shall be determined in the apparatus known as the Smoke Point Lamp in the manner specified in this behalf by the Central Government by notification in the Official Gazette.

Explanation III.—"Final boiling point" shall be determined in the manner specified

(1)	(2)	(3)
-----	-----	-----

in this behalf by the Central Government by notification in the Official Gazette.';

(iii) for Item No. 8, the following Item shall be substituted, namely:—

8. REFINED DIESEL OILS, that is to say, any mineral oil (excluding mineral colza oil and turpentine substitute), which has its flash point at or above twenty-five degrees of Centigrade thermometer, and satisfies either of the following requirements:—

(i) the oil has a smoke point of ten millimetres or more but less than twenty millimetres; or

(ii) the oil has a smoke point of less than ten millimetres but has a viscosity of less than fifty seconds by Redwood I Viscometer at 37.8 degrees of Centigrade thermometer and satisfies the following conditions:—

(a) the oil leaves carbon residue of less than $\frac{1}{4}$ per cent. by weight when tested by Ramsbottom Carbon Residue Apparatus, and

(b) the oil is lighter in colour than 0.04 Normal Iodine solution when tested by colour comparison test.

Explanation I.—The expressions "mineral oil" and "flash point" have the meanings respectively assigned to them in *Explanations I and II* to Item No. 6, and the expression "smoke point" has the meaning assigned to it in *Explanation II* to Item No. 7.

Explanation II.—"Carbon residue" and "colour comparison test" shall be determined or done in the manner specified in this behalf by the Central Government by notification in the Official Gazette.

Explanation III.—This Item does not include—

(a) base mineral oils (suitable for use in the manufacture of lubricating oils and greases), including mineral oils commonly known as Transformer oil base stock or Transformer oil feed stock; and

(b) lubricating oils including spindle oils, flushing oils and jute batching oils.';

One thousand rupees per kilolitre at fifteen degrees of Centigrade thermometer.

(1)

(2)

(3)

(iv) for Item No. 9, the following Item shall be substituted, namely:—

9. DIESEL OIL, NOT OTHERWISE SPECIFIED, that is to say, any mineral oil which—

(i) has a smoke point of less than ten millimetres,

(ii) possesses a viscosity of less than one hundred seconds by Redwood I Viscometer at 37.8 degrees of Centigrade thermometer,

(iii) leaves carbon residue of not less than $\frac{1}{4}$ per cent. by weight when tested by Ramsbottom Carbon Residue Apparatus, and

(iv) is as dark as, or darker than, 0.04 Normal Iodine solution when tested by colour comparison test.

Explanation.—The expressions "mineral oil" and "smoke point" have the meanings respectively assigned to them in *Explanation I* to Item No. 6 and *Explanation II* to Item No. 7, and the expressions "carbon residue" and "colour comparison test" have the meanings assigned to them in *Explanation II* to Item No. 8;

(v) for Item No. 10, the following Item shall be substituted, namely:—

10. FURNACE OIL, that is to say, any mineral oil which—

(i) has a smoke point of less than ten millimetres,

(ii) possesses a viscosity of one hundred seconds or more by Redwood I Viscometer at 37.8 degrees of Centigrade thermometer,

(iii) leaves carbon residue of not less than $\frac{1}{4}$ per cent. by weight when tested in Ramsbottom Carbon Residue Apparatus, and

(iv) is as dark as, or darker than, 0.04 Normal Iodine solution when tested by colour comparison test.

Explanation I.—The expressions "mineral oil" and "smoke point" have the meanings respectively assigned to them in *Explanation I*

Two hundred rupees per kilolitre at fifteen degrees of Centigrade thermometer.

One hundred and fifty rupees per kilolitre at fifteen degrees of Centigrade thermometer.

(1)

(2)

(3)

to Item No. 6 and *Explanation II* to Item No. 7, and the expressions "carbon residue" and "colour comparison test" have the meanings assigned to them in *Explanation II* to Item No. 8.

Explanation II.—This Item does not include—

(a) base mineral oils suitable for use in the manufacture of lubricating oils and greases; and

(b) lubricating oils including axle oil;—

(vi) for Item No. 11, the following Item shall be substituted, namely:—

"11. COAL (EXCLUDING LIGNITE) AND COKE ALL SORTS, INCLUDING CALCINED PETROLEUM COKE; ASPHALT, BITUMEN AND TAR—

(1) Coal and coke not elsewhere specified.

Ten rupees per metric tonne.

(2) Petroleum coke, other than calcined petroleum coke.

Twenty per cent. *ad valorem plus two thousand rupees per metric tonne.*

metric tonne.

(3) Calcined petroleum coke.

Twenty per cent. *ad valorem.*

(4) Asphalt and bitumen (including cut back bitumen and asphalt) natural or produced from petroleum or shale.

Two hundred rupees per metric tonne.

(5) Tar distilled from coal or lignite and other mineral tars, including partially distilled tars and blends of pitch with creosote oils or with other coal tar distillation products.

One hundred rupees per metric tonne.";

(vii) for Item No. 11A, the following Item shall be substituted, namely:—

"11A. ALL PRODUCTS DERIVED FROM REFINING OF CRUDE PETROLEUM OR SHALE (WHETHER LIQUID, SEMI-SOLID OR SOLID IN FORM), NOT OTHERWISE SPECIFIED, INCLUDING LUBRICATING OILS AND GREASES AND WAXES—

(1) Mineral turpentine oil.

Twenty per cent. *ad valorem plus four hundred rupees per metric tonne.*

(1)	(2)	(3)
	(2) Waxes.	
	(3) (a) Base mineral oils (suitable for use in the manufacture of lubricating oils and greases), including mineral oils commonly known as Transformer oil base stock or Transformer oil feed stock;	Twenty per cent. <i>ad valorem plus</i> six hundred rupees per metric tonne.
	(b) Lubricating oils (including spindle oils, flushing oils, jute batching oils and axle oil) and lubricating greases.	Three thousand and five hundred rupees per metric tonne.
	(4) Others.	Three thousand and five hundred rupees per metric tonne.
	(viii) after Item No. 11A, the following Item shall be inserted, namely:—	Twenty per cent. <i>ad valorem plus</i> two thousand rupees per metric tonne.”;
	“11AA. PETROLEUM GASES—	
	(1) Liquified petroleum gases.	Four hundred rupees per metric tonne.
	(2) Other petroleum gases and gaseous hydrocarbons derived from refining of crude petroleum or shale.	Twenty per cent. <i>ad valorem plus</i> two thousand rupees per metric tonne.”;
	(ix) Item No. 11C shall be omitted;	
	(x) Item No. 11D shall be omitted;	
	(xi) for Item No. 15A, the following Item shall be substituted, namely:—	
	‘15A. ARTIFICIAL OR SYNTHETIC RESINS AND PLASTIC MATERIALS; AND OTHER MATERIALS AND ARTICLES SPECIFIED BELOW—	
	(1) Condensation, polycondensation and polyaddition products, whether or not modified or polymerised, and whether or not linear (for example, pheno-plasts, amino-plasts, alkyds, polyallyl esters and other unsaturated polyesters, silicones); polymerisation and co-polymerisation products (for example, polyethylene, polytetrahaloethylenes, polyisobutylene, polystyrene, polyvinyl chloride, polyvinyl acetate, polyvinyl chloroacetate and other polyvinyl derivatives, polyacrylic and polymethacrylic derivatives, coumaroneindene resins); regenerated cellulose; cellulose nitrate, cellulose acetate	Fifty per cent. <i>ad valorem.</i>

(1)

(2)

(3)

and other cellulose esters, cellulose ethers and other chemical derivatives of cellulose, plasticised or not (for example, collodions, celluloid); vulcanised fibre; hardened proteins (for example, hardened casein and hardened gelatin); natural resins modified by fusion (run gums); artificial resins obtained by esterification of natural resins or of resinic acids (ester gums); chemical derivatives of natural rubber (for example, chlorinated rubber, rubber hydrochloride, oxidised rubber, cyclised rubber); other high polymers, artificial resins and artificial plastic materials, including alginic acid, its salts and esters; linoxyn.

(2) Articles of materials described in sub-Item (1), the following, namely:—

Boards, sheeting, sheets and films, whether lacquered or metallised or laminated or not; lay flat tubings not containing any textile material.

(3) Polyurethane foam.

(4) Articles made of polyurethane foam.

Explanation I.—Sub-Item (1) does not include,—

(i) polyurethane foam;

(ii) artificial waxes;

(iii) starches (including dextrin and other forms of modified starches).

Explanation II.—In sub-item (1), “condensation, polycondensation, polyaddition, polymerisation and co-polymerisation products” are to be taken to apply only to goods of a kind produced by chemical synthesis answering to one of the following descriptions:—

(a) artificial plastics, including artificial resins;

(b) silicones;

(c) resols, liquid polyisobutylene, and similar artificial polycondensation or polymerisation products.

Explanation III.—Sub-Item (1) is to be taken to apply to materials in the following forms only:—

(a) liquid or pasty (including emulsions, dispersions and solutions);

Fifty per cent.
ad valorem.

Seventy-five per cent.
ad valorem.

Seventy-five per cent.
ad valorem

(1)	(2)	(3)
	(b) blocks, lumps, powders (including moulding powders), granules, flakes and similar bulk forms;	
	(c) waste and scrap; ;	
	(xii) Item No. 15B shall be omitted;	
	(xiii) Item No. 15BB shall be omitted;	
	(xiv) in Item No. 16A, after sub-Item (1), the following Explanation shall be inserted, namely:—	
	“Explanation.—This sub-Item includes articles made of latex foam sponge;” ; .	
	(xv) for Item No. 16B, the following Item shall be substituted, namely:—	
16B. WOOD AND ARTICLES OF WOOD, THE FOLLOWING, NAMELY:—		Thirty per cent. <i>ad valorem.</i>

PLYWOOD, BLOCK BOARD (INCLUDING FLUSH DOORS), LAMIN-BOARD, BATTEN BOARD, HARD OR SOFT WALL BOARDS OR INSULATING BOARD AND VENEERED PANELS, WHETHER OR NOT CONTAINING ANY MATERIAL OTHER THAN WOOD; CEL-LULAR WOOD PANELS; BUILDING BOARDS OF WOOD PULP OR OF VEGETABLE FIBRE, WHETHER OR NOT BONDED WITH NATURAL OR ARTIFICIAL RESINS OR WITH SIMILAR BINDERS; ARTIFICIAL OR RECONSTITUTED WOOD BEING WOOD SHAVINGS, WOOD CHIPS, SAWDUST, WOOD FLOUR OR OTHER LIGNEOUS WASTE AGGLOMERATED WITH NATURAL OR ARTIFICIAL RESINS OR OTHER ORGANIC BINDING SUBSTANCES, IN SHEETS, BLOCKS, BOARDS OR THE LIKE; AND IMPROVED WOOD, ALL SORTS, WHETHER IN SHEETS, BLOCKS, OR IN ANY OTHER FORM, INCLUDING ARTICLES OF IMPROVED WOOD.

Explanation.—In this Item, “improved wood” means wood which has been subjected to chemical or physical treatment (being, in the case of layers bonded together, treatment in excess of that needed to ensure a good bond), and which has thereby acquired increased density or hardness together with improved mechanical strength or resistance to chemical or electrical agencies.’;

(1)

(2)

(3)

(xvi) for Item No. 17, the following Item shall be substituted, namely:—

"17. PAPER AND PAPER BOARD, ALL SORTS (including pasteboard, mill-board, strawboard, cardboard and corrugated board), AND ARTICLES THEREOF SPECIFIED BELOW, in or in relation to the manufacture of which any process is ordinarily carried on with the aid of power—

(1) Uncoated and coated printing and writing paper (other than poster paper).

Twenty-five per cent. *ad valorem.*

(2) Paper board and all other kinds of paper (including paper or paper boards which have been subjected to various treatments such as coating, impregnating, corrugation, creping and design printing), not elsewhere specified—

(a) All sorts of paper commonly known as kraft paper, including paper and paper board of the type known as Kraft liner or corrugating medium, of a substance equal to or exceeding 65 grams per square metre in each case.

Forty per cent. *ad valorem.*

(b) Others.

Thirty-two and a half per cent. *ad valorem.*

(3) Carbon and other copying papers (including duplicator stencils) and transfer papers, whether or not cut to size and whether or not put up in boxes.

Thirty-two and a half per cent. *ad valorem.*

(4) Boxes, cartons, bags and other packing containers (including flattened or folded boxes and flattened or folded cartons), whether or not printed and whether in assembled or un-assembled condition.

Thirty-two and a half per cent. *ad valorem.*;"

(xvii) in sub-Item III of Item No. 18, in the second column, for entries (i) and (ii), the following entries shall be substituted, namely:—

"(i) not containing any man-made fibres of non-cellulosic origin;

(ii) containing man-made fibres of non-cellulosic origin;"

(1)

(2)

(3)

(xviii) in Item No. 18A, in the second column, for entries (i) and (ii), the following entries shall be substituted, namely:—

"(i) not containing any man-made fibres of non-cellulosic origin;

(ii) containing man-made fibres of non-cellulosic origin.";

(xix) in Item No. 23, for the entry in the third column against sub-Item (1), the entry "Two hundred rupees per metric tonne." shall be substituted;

(xx) in Item No. 23A, for the entry in the third column against sub-Item (1), the entry "Thirty-five per cent. *ad valorem plus* five rupees and fifty paise per millimetre thickness per square metre." shall be substituted;

(xxi) in Item No. 26B, for the entries in the third column against sub-Items (1), (1a), (2), (2a) and (3), the entries "Three thousand two hundred and seventy-five rupees per metric tonne.", "Three thousand two hundred and seventy-five rupees per metric tonne.", "Three thousand eight hundred rupees per metric tonne.", "Four thousand seven hundred and fifty rupees per metric tonne." and "Forty-five per cent. *ad valorem.*" shall respectively be substituted;

(xxii) in Item No. 27, for each of the entries in the third column, the entry "Fifty per cent. *ad valorem plus* four thousand rupees per metric tonne." shall be substituted;

(xxiii) in Item No. 27A, for each of the entries in the third column against sub-Items (1) and (2), the entry "Eight hundred and forty rupees per metric tonne." shall be substituted;

(xxiv) in Item No. 30, after *Explanation II*, the following *Explanation* shall be inserted, namely:—

"Explanation III.—This Item includes motors equipped with gears or gear boxes.";

(xxv) after Item No. 37B, the following Item shall be inserted, namely:—

"37BB. TELEVISION IMAGE AND SOUND RECORDERS AND REPRODUCERS (INCLUDING VIDEO CASSETTE RECORDERS AND REPRODUCERS AND VIDEO CASSETTE DECKS), WHETHER OR NOT IN COMBINATION WITH ONE OR MORE OF THE FOLLOWING:—

Twenty-five per cent. *ad valorem.*";

(1)

(2)

(3)

(i) TELEVISION SETS,

(ii) RADIOS (INCLUDING TRANSISTOR SETS),

(iii) TELEVISION CAMERAS (INCLUDING VIDEO CAMERAS).

(xxvi) after Item No. 37C, the following Item shall be inserted, namely:—

“37CC. TELEVISION CAMERAS (INCLUDING VIDEO CAMERAS).

Twenty-five per cent. *ad valorem.*”;

(xxvii) for Item No. 39, the following Item shall be substituted, namely:—

“39. LIGHTERS, NOT ELSEWHERE SPECIFIED.

Three rupees per lighter.”;

“Lighter” means any mechanical, chemical, electrical or electronic (containing piezo-electric materials) contrivance for causing ignition, which is portable and which operates by producing a spark or flame whether by itself or when brought into contact with gas, and includes a lighter issued from a factory in an incomplete state or requiring for its completion the addition of a flint.

(xxviii) after Item No. 46, the following Item shall be inserted, namely:—

47. ELECTRONIC MACHINES FOR GAMES OF SKILL OR CHANCE (INCLUDING ELECTRONIC MACHINES USED FOR TELEVISION GAMES AND VIDEO GAMES).

Forty per cent. *ad valorem.*

Explanation.—“Electronic machines” means machines and apparatus containing thermionic valves or transistors or similar semi-conductor devices or light emitting diodes or electronic micro-circuits or capacitors other than paper capacitors.”;

(xxix) after Item No. 58, the following Item shall be inserted, namely:—

“59. ARTICLES OF A KIND USED FOR SOUND OR SOUND AND IMAGE

(1)

(2)

(3)

RECORDING, WHETHER RECORDED
OR NOT, NAMELY:—

- | | |
|---|---|
| (1) Magnetic tapes of width not exceeding 6.5 millimetres for sound recording, whether in spools or in reels. | Twenty-five per cent. <i>ad valorem</i> . |
| (2) Sound recorded magnetic tapes of width not exceeding 6.5 millimetres, whether in spools or in reels. | Twenty-five per cent. <i>ad valorem</i> . |
| (3) Cassette tapes for sound recording. | Twenty-five per cent. <i>ad valorem</i> . |
| (4) Sound recorded cassette tapes. | Twenty-five per cent. <i>ad valorem</i> . |
| (5) Prepared media for television image and sound recording such as video tapes and video discs. | Twenty-five per cent. <i>ad valorem</i> . |
| (6) Television image and sound recorded media such as video tapes and video discs. | Twenty-five per cent. <i>ad valorem</i> . |

THE FOURTH SCHEDULE

(See section 52)

Modifications to the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. G.S.R. 77(E), dated the 23rd day of February, 1982

- (1) The opening paragraph of the notification shall have effect as if—
 - (I) with respect to any period before the 1st day of April, 1981,—
 - (a) for the figures “120”, the figures “93.50” had been substituted, and
 - (b) for the figures “150” occurring for the first time, the figures “116.65” had been substituted; and
 - (II) with respect to any period before the 1st day of January, 1982, clause (i) had been omitted.
- (2) The first proviso to the notification shall not have effect with respect to any period before the 1st day of October, 1981 and the said notification shall have effect with respect to any period before the 1st day of

October, 1981 as if it contained the following proviso in place of the said first proviso, namely:—

"Provided that,—

(a) in the case of matches packed in boxes in which both the outer slide as well as the inner slide are made of card board, the amount of exemption shall be increased by sixty paise per gross of boxes;

(b) in the case of matches packed in boxes in which the inner slide alone is made of card board, the amount of exemption shall be increased by twenty-four paise per gross of boxes;

(c) the amount of exemption shall be increased, or further increased, as the case may be, by fifty paise per gross of boxes if bamboo is used for the splints or for both splints and veneers;

(d) if the splints of such matches are made of bamboo and the matches are packed in boxes of 40 matches, the rate of duty shall be four-fifths of the rate applicable to matches of identical description produced in the same factory but packed in boxes of 50 matches and if such packing in boxes of 50 matches is not done, it shall be four-fifths of the notionally determined rate for matches packed in boxes of 50 matches".

(3) The second proviso and clauses (f) and (g) of the *Explanation* to the notification shall not have effect with respect to any period before the 1st day of October, 1981.

(4) Clauses (c), (d) and (e) of the *Explanation* to the notification shall not have effect with respect to any period before the 1st day of April, 1981.

THE CUSTOMS TARIFF (AMENDMENT) ACT, 1982

No. 15 OF 1982

[11th May, 1982.]

An Act further to amend the Customs Tariff Act, 1975.

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

51 of 1975.

1. This Act may be called the Customs Tariff (Amendment) Act, 1982. Short title.
2. In the First Schedule to the Customs Tariff Act, 1975 (hereinafter referred to as the principal Act), in Chapter 73,—

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

Amend-
ment of
the First
Schedule.

(a) in Heading No. 73.15, for sub-headings (1) and (2), the following sub-headings shall be substituted, namely:—

"(1) Not elsewhere specified 300%

(2) Coils for re-rolling, bars (including bright bars), rods, wire rods, wire, circles, angles, shapes and sections, strips, sheets and plates of stainless steel 300%

(1)	(2)	(3)	(4)	(5)
(b) for Heading Nos. 73.16, 73.17/19, 73.20, 73.21 and 73.22/23, the following Headings shall be substituted, namely:—				

73.16	Railway and tramway track construction material of iron or steel, the following :			
	rails, check-rails, switch blades, crossings (or frogs), crossing pieces, point rods, rack rails, sleepers, fish plates, chairs, chair wedges, sole plates (base plates), rail clips, bedplates, ties and other material specialised for joining or fixing rails :			
73.17/19	(1) Not elsewhere specified 40%			
	(2) Of stainless steel 300%			
73.20	Tubes and pipes and blanks therefor of iron or steel :			
	(1) Other than of stainless steel: (i) Not elsewhere specified 60% (ii) Drilling tubes and pipes and blanks therefor 40% (iii) Tubes and pipes for boilers falling within Heading No. 84.01/02 and blanks therefor 40% (iv) Tubes and pipes sheathed or lined with corrosion-resisting material, such as glass, rubber and plastic 40%			
73.21	(2) Of stainless steel 300%			
	Tube and pipe fittings (for example, joints, elbows, unions and flanges), of iron or steel :			
73.22/23	(1) Not elsewhere specified 60% (2) Of stainless steel 300%			
	Structures and parts of structures (for example, hangers and other buildings, bridges and bridge-sections, lock-gates, towers, lattice masts, roofs, roofing frame-works, door and window frames, shutters, balustrades, pillars and columns), of iron or steel ; plates, strips, rods, angles, shapes, sections, tubes and the like, prepared for use in structures, of iron or steel :			
73.25	(1) Not elsewhere specified 40% (2) Of stainless steel 300%			
	Reservoirs, tanks, vats, casks, drums, cans, boxes and similar containers for any material (other than compressed or liquified gas), of iron or steel :			
73.26	(1) Not elsewhere specified 60% (2) Of stainless steel 300%			
	(c) for Heading Nos. 73.25, 73.26, 73.27/28 and 73.29, the following Headings shall be substituted, namely:—			
73.25	Stranded wire, cables, cordage, ropes, plaited bands, slings and the like, of iron or steel wire, but excluding insulated electric cables :			
	(1) Not elsewhere specified 60% (2) Of stainless steel 300%			
73.26	Barbed iron or steel wire; twisted hood or single flat wire, barbed or not, and loosely twisted double wire, of kinds used for fencing, of iron or steel :			
	(1) Not elsewhere specified 60% (2) Of stainless steel 300%			

(1)	(2)	(3)	(4)	(5)
73.27/28	Gauze, cloth, grill, netting, fencing, reinforcing fabric and similar materials, of iron or steel wire; expanded metal of iron or steel:			
	(1) Not elsewhere specified	60%
	(2) Of stainless steel	300%
73.29	Chain and parts thereof, of iron or steel:			
	(1) Other than of stainless steel:			
	(i) Not elsewhere specified	60%
	(ii) Mooring chains	40%
	(2) Of stainless steel	300%
	(d) for Heading No. 73.33/40, the following Heading shall be substituted, namely:—			
“73.33/40	Other articles of iron or steel :			
	(1) Not elsewhere specified	100%
	(2) Of stainless steel	300%

3. The amendment made by clause (a) of section 2 in Heading No. 73.15 of the First Schedule to the principal Act, in so far as it relates to the standard rate of duty on circles, angles, shapes and sections of stainless steel shall be deemed to have, and to have always had, effect on and from the 1st day of January, 1981, but during the period commencing from that day and ending with the date of introduction of the Customs Tariff (Amendment) Bill, 1982 in the House of the People—

(a) such circles, angles, shapes and sections shall be deemed to have been exempt from so much of the duty of customs leviable thereon under the said First Schedule as amended by the said amendment as is in excess of the rate of 220 per cent. *ad valorem*;

(b) the rate of auxiliary duty of customs chargeable on such circles, angles, shapes and sections shall be, and shall be deemed to have been, the same as that chargeable on sheets falling under sub-heading No. (2) of the said Heading No. 73.15.

Amendment with respect to certain stainless steel articles to have retrospective effect.

THE INDIAN RAILWAYS (AMENDMENT) ACT, 1982

No. 16 OF 1982

[11th May, 1982.]

An Act further to amend the Indian Railways Act, 1890.

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

Short title.

1. This Act may be called the Indian Railways (Amendment) Act, 1982.

Insertion of new section 114A.

2. In the Indian Railways Act, 1890 (hereinafter referred to as the principal Act), after section 114, the following section shall be inserted, namely:—

9 of 1890.

Penalty for unauthorised carrying on of business of procuring and supplying railway tickets.

"114A. (1) If a person, not being a railway servant or an agent authorised by the railway administration in this behalf,—

(a) carries on the business of procuring and supplying tickets for travel on a railway or for reserved accommodation for journey in a train; or

(b) purchases or sells or attempts to purchase or sell tickets with a view to carrying on any such business either by himself or by any other person,

he shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to one thousand rupees, and shall also forfeit the fare which he may have paid for any ticket and the ticket which he may have purchased, supplied or sold or attempted to supply or sell.

(2) Whoever abets any offence punishable under this section shall, whether or not such offence is committed, be punishable with the same punishment as is provided for the offence.”

Amend-
ment of
section
131,

3. In section 131 of the principal Act, in sub-section (1), after the figures "112," the figures and letter "114, 114A," shall be inserted.

THE MAJOR PORT TRUSTS (AMENDMENT) ACT, 1982

No. 17 OF 1982

[11th May, 1982.]

An Act further to amend the Major Port Trusts Act, 1963.

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

1. (1) This Act may be called the Major Port Trusts (Amendment) Act, 1982.

38 of 1963.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 2 of the Major Port Trusts Act, 1963 (hereinafter referred to as the principal Act),—

(a) in clause (e), for the words "the Deputy Chairman of a Board", the words "the Deputy Chairman, or, as the case may be, a deputy chairman of a Board" shall be substituted;

(b) in clause (p),—

(i) after the words "floating barge", the word ", transhipper" shall be inserted;

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

Explanation.—For the purposes of this clause, "transhipper" means a floating craft or vessel, whether dumb or self-propelled, on which gears are provided for discharging cargo from a barge or wharf and loading it into a ship;

3. In section 3 of the principal Act, in sub-section (1), for clause (b), the following clause shall be substituted, namely:—

"(b) one Deputy Chairman or more, as the Central Government may deem fit to appoint;".

4. After section 14 of the principal Act, the following section shall be inserted, namely:—

"14A. The Central Government may, pending the consideration of the question as to who may be appointed as Chairman or Deputy Chairman of a Board under section 3 or section 4, appoint a person

Short title and commen-cement.

Amend-ment of section 2.

Amend-ment of section 3.

Insertion of new section 14A.
Acting Chair-man or

¹31-5-1982 : vide Notification No. G.S.R-441 (E), dated 31-5-1982, Gazette of India, Extra-ordinary, 1982, p. II, section 3 (i).

Deputy
Chair-
man.

to be the acting Chairman or Deputy Chairman thereof and notify his name in the Official Gazette and the person so appointed shall, until the Central Government by notification in the Official Gazette otherwise directs, be deemed for the purposes of this Act to be the Chairman or Deputy Chairman of such Board appointed under section 3 or section 4, as the case may be.”.

Amend-
ment of
section
17.

5. In section 17 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Notwithstanding anything contained in sub-section (1) or any other provision of this Act, the Board may appoint a person who is not a Trustee to be a member of any committee constituted under that sub-section and a person so appointed shall, for the purpose of the discharge of his functions as such member, be deemed to be a Trustee.”.

Amend-
ment of
section
18.

6. Section 18 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) A member of a committee appointed under sub-section (1A) of section 17 shall be paid the same fees and allowances for attending the meetings of the committee and for attending to any other work of the Board as are payable to a trustee under sub-section (1):

Provided that the Board may, -with the prior approval of the Central Government, pay to any such member fees and allowances at a rate higher than that provided in the case of Trustees.”.

Amend-
ment of
section
24.

7. In section 24 of the principal Act, in sub-section (1),—

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

“(iii) the maximum of the pay scale of which (exclusive of allowances) exceeds such amount as the Central Government may, by notification in the Official Gazette, fix;”;

(b) in the proviso, for the words “at that port”, the words “at that or any other port” shall be substituted.

8. In section 25 of the principal Act,—

(a) in sub-section (1),—

(i) in the opening portion, after the word “reducing”, the words “compulsorily retiring,” shall be inserted;

(ii) in the proviso, after the words “reduction in rank”, the words “compulsory retirement,” shall be inserted;

(b) in sub-section (2), in the opening portion, after the words “reduction in rank”, the words “compulsory retirement,” shall be inserted.

Amend-
ment of
section
27.

9. In section 27 of the principal Act, in clause (a), for the words “exceeds two thousand rupees, be exercisable by the Central Government;”, the words “exceeds such amount as the Central Government may, by notification in the Official Gazette, fix, be exercisable by that Government;” shall be substituted.

10. In section 28 of the principal Act, in clause (a), after the word "suspension," the words "reduction in rank, compulsory retirement," shall be inserted.

Amend-
ment of
section
28.

11. In section 34 of the principal Act, in sub-section (1), after the words "the Chairman", the words "or by any such officer of the Board not below the rank of the Head of a department as the Chairman may, by general or special order, authorise in this behalf" shall be inserted.

Amend-
ment of
section
34.

12. In section 39 of the principal Act, for the words "the Board may charge in respect of such vessel such sum as it thinks fit, not exceeding one thousand rupees", the words "the Board may charge, by way of penalty, in respect of such vessel such sum as it thinks fit, not exceeding ten thousand rupees" shall be substituted.

Amend-
ment of
section
39.

13. In section 49 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

Amend-
ment of
section
49.

"(3) Notwithstanding anything contained in sub-section (1), the Board may, by auction or by inviting tenders, lease any land or shed belonging to it or in its possession or occupation at a rate higher than that provided under sub-section (1).".

14. In section 85 of the principal Act, in the proviso, in clause (b), for the words "such amount not exceeding ten lakhs of rupees, as the Central Government may fix in this behalf", the words "such amount as the Central Government may fix in this behalf and different amounts may be fixed with respect to different Boards" shall be substituted.

Amend-
ment of
section
85.

15. In section 96 of the principal Act,—

Amend-
ment of
section
96.

(a) in sub-section (1), for the proviso, the following proviso shall be substituted, namely:—

"Provided that no such approval of the Central Government shall be necessary where such irrecoverable amount or loss does not exceed, in any individual case and in the aggregate in any year, such amounts as the Central Government may, from time to time, by order, fix and different amounts may be fixed with respect to different Boards.";

(b) in sub-section (2), for the portion beginning with the words "such amount or loss does not exceed" and ending with the words "reasons for such sanction.", the following shall be substituted, namely:—

"such amount or loss does not exceed, in any individual case and in the aggregate in any year, such amounts as the Central Government may, from time to time, by order, fix and different amounts may be fixed with respect to different Boards.";

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) In every case in which the Chairman sanctions the writing off of any amount or loss under sub-section (2), he shall make a report to the Board giving reasons for such sanction."

Amend-
ment of
section
113.

16. In section 113 of the principal Act,—

- (a) for the words “one thousand rupees”, the words “ten thousand rupees” shall be substituted;
- (b) for the words “one hundred rupees”, the words “one thousand rupees” shall be substituted.

Amend-
ment of
section
114.

17. In section 114 of the principal Act,—

- (a) for the words “one thousand rupees”, the words “ten thousand rupees” shall be substituted;
- (b) for the words “one hundred rupees”, the words “one thousand rupees” shall be substituted.

Amend-
ment of
section
115.

18. In section 115 of the principal Act,—

- (a) for the word “twice”, the words “ten times” shall be substituted;
- (b) for the words “fifty rupees”, the words “five hundred rupees” shall be substituted.

Amend-
ment of
section
117.

19. In section 117 of the principal Act, for the words “two hundred rupees”, the words “two thousand rupees” shall be substituted.

Amend-
ment of
section
124.

20. In section 124 of the principal Act,—

- (a) in sub-section (2), after the words “such regulation”, the words “other than a regulation made under section 28,” shall be inserted;

(b) in sub-section (3),—

- (a) for the words “two hundred rupees”, the words “two thousand rupees” shall be substituted;

- (b) for the words “fifty rupees”, the words “five hundred rupees” shall be substituted;

- (c) after sub-section (3), the following sub-section shall be inserted, namely:—

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

short title and “workmen” and “trade union” and other words used throughout shall be construed as defined in section 2 of the Industrial Disputes Act, 1947.

THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) AMENDMENT ACT, 1982

Enacted by Parliament on the 11th May, 1982.

No. 18 OF 1982

Act No. 18 of 1982 [11th May, 1982.]

An Act further to amend the Industrial Employment (Standing Orders) Act, 1946.

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

1. (1) This Act may be called the Industrial Employment (Standing Orders) Amendment Act, 1982.
2. It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

20 of 1946. 2. In section 2 of the Industrial Employment (Standing Orders) Act, 1946 (hereinafter referred to as the principal Act),—

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

“Provided that where any question arises as to whether any industrial establishment is under the control of the Central Government, that Government may, either on a reference made to it by the employer or the workman or a trade union or other representative body of the workmen, or on its own motion and after giving the parties an opportunity of being heard, decide the question and such decision shall be final and binding on the parties.”;

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

(i) “wages” and “workman” have the meanings respectively assigned to them in clauses (rr) and (s) of section 2 of the Industrial Disputes Act, 1947.”

14 of 1947

3. In section 6 of the principal Act, in sub-section (1), for the words “Any person”, the words “Any employer, workman, trade union or other prescribed representatives of the workmen” shall be substituted.

Amendment of section 6.

4. In section 10 of the principal Act,—

(a) in sub-section (1), after the words “the workmen”, the words “or a trade union or other representative body of the workmen” shall be inserted;

Amendment of section 1.

¹ 1982: vide Notification No. S.O. 326 (E), dated 17-5-1982, Gazette of India, Extraordinary, 1982, pt. II, Section 3(ii).

(b) in sub-section (2),—

(i) after the words "or workmen", the words "or a trade union or other representative body of the workmen" shall be inserted;

(ii) after the words "and the workmen", the words "or a trade union or other representative body of the workmen" shall be inserted.

Insertion of new section 10A.

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

Payment of subsistence allowance.

"10A. (1) Where any workman is suspended by the employer pending investigation or inquiry into complaints or charges of misconduct against him, the employer shall pay to such workman subsistence allowance—

(a) at the rate of fifty per cent. of the wages which the workman was entitled to immediately preceding the date of such suspension, for the first ninety days of suspension; and

(b) at the rate of seventy-five per cent. of such wages for the remaining period of suspension if the delay in the completion of disciplinary proceedings against such workman is not directly attributable to the conduct of such workman.

(2) If any dispute arises regarding the subsistence allowance payable to a workman under sub-section (1), the workman or the employer concerned may refer the dispute to the Labour Court, constituted under the Industrial Disputes Act, 1947, within the local limits of whose jurisdiction the industrial establishment wherein such workman is employed is situate and the Labour Court to which the dispute is so referred shall, after giving the parties an opportunity of being heard, decide the dispute and such decision shall be final and binding on the parties.

14 of 1947.

(3) Notwithstanding anything contained in the foregoing provisions of this section, where provisions relating to payment of subsistence allowance under any other law for the time being in force in any State are more beneficial than the provisions of this section, the provisions of such other law shall be applicable to the payment of subsistence allowance in that State.".

Amendment of section 11.

6. In section 11 of the principal Act, in sub-section (1), for the words and figures "sections 480 and 482 of the Code of Criminal Procedure, 1898", the words and figures "sections 345 and 346 of the Code of Criminal Procedure, 1973" shall be substituted.

5 of 1898.
2 of 1974.

Amendment of section 13.

7. In section 13 of the principal Act, in sub-section (4), for the words "a Presidency Magistrate or Magistrate of the second class", the words "a Metropolitan Magistrate or Judicial Magistrate of the second class" shall be substituted.

8. In section 13A of the principal Act, after the words "or workman", the words "or a trade union or other representative body of the workmen" shall be inserted.

Amend-
ment of
section
13A.

9. In section 15 of the principal Act, in sub-section (3), for the words "in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following", the words "in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.

Amend-
ment of
section
15.

THE APPROPRIATION (No. 2) ACT, 1982

No. 19 OF 1982

[11th May, 1982.]

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 1982-83.

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

Short title.

Issue of Rs. 91934, 90,47,000 out of the Consolidated Fund of India for the year 1982-83.

Appropriation.

Construction of references to Ministries and Departments in the Schedule.

1. This Act may be called the Appropriation (No. 2) Act, 1982.

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, 1982] to the sum of ninety-one thousand nine hundred and thirty-four crores, ninety lakhs and forty-seven thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1982-83 in respect of the services specified in column 2 of the Schedule.

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.

4. References to Ministries or Departments in the Schedule are to such Ministries or Departments as existing immediately before the 18th day of February, 1982, and shall, on or after that date, be construed as references to the appropriate Ministries or Departments as reconstituted from time to time.

THE SCHEDULE

(See sections 2, 3 and 4)

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.
1	Department of Agriculture and Co-operation . . . Revenue	3,48,55,000	10,000	3,48,65,000
2	Agriculture . . . Revenue Capital	90,60,61,000 1192,71,82,000	200,00,40,000	90,60,61,000 1392,72,22,000
3	Fisheries . . . Revenue Capital	17,88,73,000 8,33,69,000	1,45,00,000	17,88,73,000 9,78,69,000
4	Animal Husbandry and Dairy Development . . . Revenue Capital	136,27,32,000 8,11,05,000	20,000 15,00,000	136,27,52,000 8,26,05,000
5	Forest . . . Revenue Capital	36,37,99,000 75,00,000	9,28,00,000	36,37,99,000 10,03,00,000
6	Co-operation . . . Revenue Capital	23,09,75,000 173,20,25,000	6,33,25,000	23,09,75,000 179,53,50,000
7	Department of Food . . . Revenue Capital	713,08,73,000 25,37,13,000	1,11,000 1,00,000	713,09,84,000 25,38,13,000
8	Department of Agricultural Research and Education . . . Revenue	80,83,000	..	80,83,000
9	Payments to Indian Council of Agricultural Research . . . Revenue	113,18,20,000	..	113,18,20,000
10	Ministry of Civil Supplies . . . Revenue Capital	4,27,07,000 8,19,75,000	3,68,50,000	4,27,07,000 11,88,25,000
11	Ministry of Commerce . . . Revenue	2,10,48,000	..	2,10,48,000
12	Foreign Trade and Export Production . . . Revenue Capital	593,59,72,000 109,00,57,000	..	593,59,72,000 109,00,57,000
13	Textiles, Handloom and Handicrafts . . . Revenue Capital	168,98,36,000 47,76,60,000	9,80,00,000	168,98,36,000 57,56,60,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
14	Ministry of Communications . . . Revenue Capital	3,24,57,000 37,73,00,000	..	3,24,57,000 37,73,00,000
15	Overseas Communications Service . . . Revenue Capital	27,99,23,000 9,00,00,000	..	27,99,23,000 9,00,00,000
16	Posts and Telegraphs—Working Expenses . . . Revenue	1090,43,57,000	1,00,000	1090,44,57,000
17	Posts and Telegraphs—Dividend to General Revenues, Appropriation to Reserve Funds and Repayment of Loans from General Revenues . . . Revenue	302,88,74,000	..	302,88,74,000
18	Capital Outlay on Posts and Telegraphs . . . Capital	547,33,50,000	1,00,000	547,34,50,000
19	Ministry of Defence . . . Revenue Capital	217,92,13,000 126,31,72,000	1,84,71,000	217,92,13,000 128,16,43,000
20	Defence Services—Army Revenue	2919,60,42,000	51,00,000	2920,11,42,000
21	Defence Services—Navy Revenue	400,89,90,000	2,10,000	400,92,00,000
22	Defence Services—Air Force . . . Revenue	1143,37,60,000	2,40,000	1143,40,00,000
23	Defence Services—Pensions . . . Revenue	372,41,00,000	1,00,000	372,42,00,000
24	Capital Outlay on Defence Services . . . Capital	498,50,00,000	3,00,00,000	501,50,00,000
25	Department of Education . . . Revenue	2,32,76,000	..	2,32,76,000
26	Education . . . Revenue Capital	315,56,15,000 6,47,50,000	4,60,00,000	315,56,15,000 10,47,50,000
27	Department of Culture . . . Revenue	15,66,79,000	..	15,66,79,000
28	Archaeology . . . Revenue	7,99,48,000	..	7,99,48,000
29	Department of Coal . . . Revenue Capital	113,87,57,000 981,03,05,000	..	113,87,57,000 981,03,05,000
30	Department of Power . . . Revenue Capital	123,04,40,000 719,95,88,000	6,74,87,000	123,04,40,000 726,70,75,000
31	Ministry of External Affairs . . . Revenue Capital	160,04,44,000 28,26,07,000	25,000	160,04,69,000 28,26,07,000
32	Ministry of Finance . . . Revenue Capital	47,31,72,000 2,85,91,000	25,000	47,31,97,000 2,85,91,000
33	Customs . . . Revenue Capital	44,68,80,000 31,00,00,000	45,000	44,69,25,000 31,00,00,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
34	Union Excise Duties . Revenue	65,00,13,000	4,01,000	65,04,14,000
35	Taxes on Income, Estate Duty, Wealth Tax and Gift Tax . Revenue	69,88,83,000	1,38,000	69,90,21,000
36	Stamps . . . Revenue Capital	33,67,62,000 2,81,00,000	50,000 ..	33,68,12,000 2,81,00,000
37	Audit . . . Revenue	79,66,03,000	1,53,23,000	81,19,26,000
38	Currency, Coinage and Mint . . . Revenue Capital	58,81,39,000 16,07,93,000	15,000 ..	58,81,54,000 16,07,93,000
39	Pensions . . . Revenue	99,32,19,000	67,81,000	100,00,00,000
40	Opium and Alkaloid Factories . . . Revenue Capital	41,60,09,000 1,56,78,000	1,000 ..	41,60,10,000 1,56,78,000
41	Transfers to State Governments . . . Revenue Capital	1378,58,86,000 ..	3923,64,00,000 3513,61,40,000	5302,22,86,000 3513,61,40,000
	CHARGED.—Interest Payments . . . Revenue	..	3800,00,00,000	3800,00,00,000
42	Other Expenditure of the Ministry of Finance . . . Revenue Capital	549,29,19,000 540,17,35,000	2,37,000 ..	549,31,56,000 540,17,35,000
43	Loans to Government Servants, etc. . . Capital	97,26,70,000	..	97,26,70,000
	CHARGED.—Repayment of Debt . . . Capital	..	55917,08,85,000	55917,08,85,000
44	Ministry of Health and Family Welfare . Revenue	1,31,84,000	..	1,31,84,000
45	Medical and Public Health . . . Revenue Capital	188,96,31,000 72,56,65,000	..	188,96,31,000 72,56,65,000
46	Family Welfare . . . Revenue Capital	268,08,93,000 1,00,000	..	268,08,93,000 1,00,000
47	Ministry of Home Affairs . . . Revenue	4,10,96,000	..	4,10,96,000
48	Cabinet . . . Revenue	3,91,90,000	..	3,91,90,000
49	Department of Per- sonnel and Admin- istrative Reforms . Revenue Capital	10,41,35,000 ..	5,000 2,00,00,000	10,41,40,000 2,00,00,000
50	Police . . . Revenue Capital	334,57,82,000 11,70,60,000	1,30,000 5,01,00,000	334,59,12,000 16,71,60,000
51	Census . . . Revenue	23,39,07,000	..	23,39,07,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total Rs.
		Rs.	Rs.	
52	Other Expenditure of the Ministry of Home Affairs . . .	Revenue Capital 403,81,30,000 146,33,50,000	115,63,33,000 1,68,35,000	519,44,63,000 148,01,85,000
53	Delhi . . .	Revenue Capital 251,87,05,000 165,10,86,000	92,17,000 4,50,00,000	252,79,22,000 169,60,86,000
54	Chandigarh . . .	Revenue Capital 41,46,10,000 19,50,83,000	1,14,87,000 1,13,00,000	42,60,97,000 20,63,83,000
55	Andaman and Nicobar Islands . . .	Revenue Capital 38,54,96,000 24,75,29,000	10,000 ..	38,55,06,000 24,75,29,000
56	Dadra and Nagar Haveli . . .	Revenue Capital 3,90,34,000 5,50,50,000	3,90,34,000 5,50,50,000
57	Lakshadweep . . .	Revenue Capital 10,82,97,000 2,57,65,000	10,82,97,000 2,57,65,000
58	Ministry of Industry . . .	Revenue 4,43,53,000	..	4,43,53,000
59	Industries . . .	Revenue Capital 36,20,98,000 377,66,77,000	36,20,98,000 377,66,77,000
60	Village and Small Industries . . .	Revenue Capital 89,12,85,000 86,14,50,000	5,00,00,000 8,53,00,000	94,12,85,000 94,67,50,000
61	Ministry of Information and Broadcasting . . .	Revenue 1,11,51,000	..	1,11,51,000
62	Information and Publicity . . .	Revenue Capital 32,28,26,000 1,20,03,000	32,28,26,000 1,20,03,000
63	Broadcasting . . .	Revenue Capital 102,50,47,000 64,54,10,000	1,00,000 5,00,000	102,51,47,000 64,59,10,000
64	Ministry of Irrigation . . .	Revenue Capital 85,46,22,000 13,00,00,000	.. 39,95,00,000	85,46,22,000 52,95,00,000
65	Ministry of Labour . . .	Revenue 1,11,14,000	..	1,11,14,000
66	Labour and Employment . . .	Revenue Capital 72,61,90,000 4,66,000	25,000 ..	72,62,15,000 4,66,000
67	Ministry of Law, Justice and Company Affairs . . .	Revenue Capital 30,97,48,000 1,00,000	30,97,48,000 1,00,000
68	Administration of Justice . . .	Revenue 1,17,84,000	1,29,18,000	2,47,02,000
69	Ministry of Petroleum, Chemicals and Fertilizers . . .	Revenue 1,32,47,000	..	1,32,47,000
70	Petroleum and Petro-Chemicals Industries . . .	Revenue Capital 122,79,57,000 258,11,55,000	122,79,57,000 258,11,55,000
71	Chemicals and Fertilizers Industries . . .	Revenue Capital 360,68,21,000 255,31,01,000	360,68,21,000 255,31,01,000
72	Ministry of Planning . . .	Revenue 5,01,000	..	5,01,000
73	Statistics . . .	Revenue 18,93,41,000	..	18,93,41,000
74	Planning Commission . . .	Revenue 6,05,95,000	..	6,05,95,000
75	Ministry of Rural Development . . .	Revenue Capital 450,22,93,000 49,20,000	6,000 ..	450,22,99,000 49,20,000

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
76	Ministry of Shipping and Transport . . Revenue	3,91,85,000	1,00,000	3,92,85,000
77	Roads . . . Revenue Capital	152,39,42,000 158,14,06,000	9,00,000 18,71,00,000	152,48,42,000 176,85,06,000
78	Ports, Lighthouses and Shipping . . Revenue Capital	77,73,42,000 153,16,72,000	3,000 1,00,00,000	77,73,45,000 154,16,72,000
79	Road and Inland Water Transport . . Revenue Capital	2,29,40,000 21,99,11,000	49,00,000	2,29,40,000 22,48,11,000
80	Ministry of Social Welfare . . Revenue Capital	54,90,58,000 1,33,08,000	..	54,90,58,000 1,33,08,000
81	Department of Steel . . Revenue Capital	3,74,77,000 549,98,75,000	1,60,50,000	3,74,77,000 551,59,25,000
82	Department of Mines . . Revenue Capital	83,85,21,000 202,05,00,000	5,00,000 ..	83,80,21,000 202,05,00,000
83	Department of Supply . . Revenue	32,69,000	..	32,69,000
84	Supplies and Disposals . . . Revenue	10,22,82,000	25,00,000	10,47,82,000
85	Department of Rehabilitation . . Revenue Capital	26,44,00,000 7,03,64,000	1,25,000 8,77,25,000	26,45,25,000 15,80,89,000
86	Ministry of Tourism and Civil Aviation . . Revenue	80,99,000	..	80,99,000
87	Meteorology . . . Revenue Capital	20,73,34,000 5,60,66,000	20,73,34,000 5,60,66,000
88	Aviation . . . Revenue Capital	37,09,26,000 68,35,00,000	20,000 2,00,000	37,09,46,000 68,37,00,000
89	Tourism . . . Revenue Capital	5,80,42,000 11,02,50,000	5,80,42,000 11,02,50,000
90	Ministry of Works and Housing . . Revenue	1,60,50,000	..	1,60,50,000
91	Public Works . . Revenue Capital	161,69,26,000 47,36,78,000	10,000 15,00,000	161,69,36,000 47,51,78,000
92	Water Supply and Sewerage . . Revenue	130,00,00,000	..	130,00,00,000
93	Housing and Urban Development . . Revenue Capital	32,75,78,000 64,99,09,000	1,11,91,000 21,04,80,900	33,87,69,000 86,03,89,000
94	Stationery and Printing . . . Revenue	49,77,57,000	4,000	49,77,61,000
95	Department of Atomic Energy . . . Revenue	77,95,000	..	77,95,000
96	Atomic Energy Research, Development and Industrial Projects . . Revenue Capital	127,69,78,000 138,61,18,000	..	127,69,78,000 138,61,18,000
97.	Nuclear Power Schemes . . Revenue Capital	100,63,85,000 96,98,56,000	..	100,63,85,000 96,98,56,000
98	Department of Electronics . . . Revenue Capital	16,35,06,000 24,18,50,000	..	16,35,06,000 24,18,50,000

I No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
99	Department of Environment . . . Revenue	11,33,36,000	..	11,33,36,000
100	Department of Ocean Development . . . Revenue	17,09,30,000	..	17,09,30,000
101	Department of Science and Technology . . . Revenue Capital	47,01,46,000 1,66,00,000	..	47,01,46,000 1,66,00,000
102	Survey of India . . . Revenue Capital	29,85,00,000 3,00,000	..	29,85,00,000 3,00,000
103	Grants to Council of Scientific and Industrial Research . . . Revenue	87,65,00,000	..	87,65,00,000
104	Department of Space . . . Revenue Capital	61,72,58,000 50,65,25,000	..	61,72,58,000 50,65,25,000
105	Lok Sabha . . . Revenue	8,68,10,000	4,33,000	8,72,43,000
106	Rajya Sabha . . . Revenue	2,92,05,000	1,15,000	2,93,20,000
107	Department of Parliamentary Affairs . . . Revenue	28,03,000	..	28,03,000
	CHARGED.—Staff, Household and Allowances of the President . . . Revenue	..	81,97,000	81,97,000
108	Secretariat of the Vice-President . . . Revenue	7,10,000	..	7,10,000
	CHARGED.—Union Public Service Commission . . . Revenue	..	3,27,68,000	3,27,68,000
	TOTAL . . .	24286,99,30,000	67647,91,17,000	91934,90,47,000

THE PENSIONS' (AMENDMENT) ACT, 1982

No. 20 of 1982

[18th May, 1982.]

An Act further to amend the Pensions' Act, 1871.

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

23 of 1871.

1. This Act may be called the Pensions' (Amendment) Act, 1982. Short title.
2. In section 1 of the Pensions' Act, 1871 (hereinafter referred to as the principal Act), for the words "It extends", the words "In so far as it relates to Union pensions, it extends to the whole of India and in so far as it relates to other pensions, it extends" shall be substituted. Amendment of section 1.
3. After section 12 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 12A.

"12A. Notwithstanding anything contained in section 12 or in any other law for the time being in force,—

(a) any person to whom any pension mentioned in section 11 is payable by the Government of India or out of the Consolidated Fund of India (such person being hereinafter referred to as the pensioner) may nominate any other person (hereinafter referred to as the nominee), in such manner and in such form as may be prescribed by the Central Government by rules, to receive after the death of the pensioner, all moneys payable to the pensioner on account of such pension at, before or after the date of such nomination and which remain unpaid immediately before the death of the pensioner; and

(b) the nominee shall be entitled, on the death of the pensioner, to receive, to the exclusion of all other persons, all such moneys which have so remained unpaid:

Provided that if the nominee predeceases the pensioner, the nomination shall, so far as it relates to the right conferred upon the said nominee, become void and of no effect:

Provided further that where provision has been duly made in the nomination, in accordance with the rules made by the Central Government, conferring upon some other person the right to receive

all such moneys, which have so remained unpaid, in the event of the nominee predeceasing the pensioner, such right shall, upon the decease as aforesaid of the nominee, pass to such other person.”.

**Insertion
of new
sections
15 and 16.**

**Power of
Central
Govern-
ment to
make
rules.**

**Laying of
Rules**

4. After section 14 of the principal Act, the following sections shall be inserted, namely:—

“15. The Central Government may, by notification in the Official Gazette, make rules to provide for all or any of the following matters, namely:—

(a) the manner and form in which any nomination may be made under section 12A and the manner and form in which such nomination may be cancelled or varied by another nomination;

(b) the manner in which provision may be made, for the purposes of the second proviso to section 12A, in any such nomination for conferring on some person other than the nominee the right to receive moneys payable to the nominee if such nominee predeceases the pensioner.

16. Every rule made by the Central Government under this Act and every rule made under section 14 by a Chief Controlling Revenue Authority with the consent of the Central Government, shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

THE ARCHITECTS (AMENDMENT) ACT, 1982

No. 21 OF 1982

[18th May, 1982.]

An Act to amend the Architects Act, 1972.

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

1. This Act may be called the Architects (Amendment) Act, 1982.

20 of 1972. 2. In section 45 of the Architects Act, 1972,—

(i) In sub-section (1), after the words "the Central Government," the words "by notification in the Official Gazette," shall be inserted;

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

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

Short title.

Amendment of section 45.

THE PHARMACY (AMENDMENT) ACT, 1982

No. 22 of 1982

[18th May, 1982.]

An Act further to amend the Pharmacy Act, 1948.

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

Short title and commencement.

1. (1) This Act may be called the Pharmacy (Amendment) Act, 1982.

(2) It shall be deemed to have come into force on the 1st day of September, 1981.

Amendment of section 42.

2. In section 42 of the Pharmacy Act, 1948, in the second proviso to sub-section (1), for the words "five years", the words "eight years" shall be substituted.

8 of 1948.

THE WILD LIFE (PROTECTION) AMENDMENT ACT, 1982

No. 23 OF 1982

[21st May, 1982.]

An Act to amend the Wild Life (Protection) Act, 1972.

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

1. This Act may be called the Wild Life (Protection) Amendment Act, 1982. Short title.

2. In section 12 of the Wild Life (Protection) Act, 1972 (hereinafter referred to as the principal Act),— Amendment of section 12.

(a) in the opening paragraph, the words “, with the previous permission of the State Government,” shall be omitted;

(b) for clause (b), the following clauses and *Explanation* shall be substituted, namely:—

‘(b) scientific research;

(bb) scientific management.

Explanation.—For the purposes of clause (bb), the expression “scientific management” means—

(i) translocation of any wild animals to an alternative suitable habitat; or

(ii) population management of wild life, without killing or poisoning or destroying any wild animals’;

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

“Provided that no such permit shall be granted—

(a) in respect of any wild animal specified in Schedule I, except with the previous permission of the Central Government, and

(b) in respect of any other wild animal, except with the previous permission of the State Government.”

3. In section 44 of the principal Act,— Amendment of Section 44.

(a) in sub-section (3), the words “, within fifteen days from the commencement of this Act,” shall be omitted;

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

“(b) No licence referred to in sub-section (1) shall be granted unless the Chief Wild Life Warden or the authorised officer having regard to the antecedents and previous experience

of the applicant, the implication which the grant of such licence would have on the status of wild life and to such other matters as may be prescribed in this behalf and after making such inquiry in respect of those matters as he may think fit, is satisfied that the licence should be granted.”

Amend-
ment of
section 63.

4. In section 63 of the principal Act, in sub-section (1), after clause (a), the following clause shall be inserted, namely:—

“(aa) the matters to be prescribed under clause (b) of sub-section (4) of section 44;”.

THE AIR CORPORATIONS (AMENDMENT) ACT, 1982

No. 24 OF 1982

[21st May, 1982.]

An Act further to amend the Air Corporations Act, 1953.

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

27. of 1953

1. This Act may be called the Air Corporations (Amendment) Act, 1982.

Short title.

2. In section 35 of the Air Corporations Act, 1953 (hereinafter referred to as the principal Act),—

Amend-
ment of
section
35.

(i) in clause (a), for the words "rupees forty lakhs", the words "such amount as the Central Government may, from time to time, by order, fix in this behalf" shall be substituted;

(ii) in clause (c), for the words "rupees ten lakhs", the words "such amount as the Central Government may, from time to time, by order, fix in this behalf" shall be substituted.

3. In section 44 of the principal Act, in sub-section (3), for the words "two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following", the words "two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid," shall be substituted.

Amend-
ment of
section
44.

4. In section 45 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

Amend-
ment of
section 45.

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

THE ASSAM STATE LEGISLATURE (DELEGATION OF POWERS) ACT, 1982

No. 25 OF 1982

[21st May, 1982.]

An Act to confer on the President the power of the Legislature of the State of Assam to make laws.

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

Short title.

1. This Act may be called the Assam State Legislature (Delegation of Powers) Act, 1982.

Definition.

2. In this Act, "Proclamation" means the Proclamation issued on the 19th day of March, 1982 under article 356 of the Constitution, by the President, and published with the notification of the Government of India in the Ministry of Home Affairs, No. G.S.R. 256(E) of the said date.

Conferment on the President of the power of the State Legislature to make laws.

3. (1) The power of the Legislature of the State of Assam 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 thirty members of the House of the People nominated by the Speaker and fifteen members of the Council of States nominated by the Chairman.

(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 thirty days from the date on which the Act has been laid before it under sub-section (3), which period may be comprised in one session or in two successive sessions, 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 PREVENTION OF CRUELTY TO ANIMALS
(AMENDMENT) ACT, 1982

NO. 26 OF 1982

[30th July, 1982.]

An Act to amend the Prevention of Cruelty to Animals Act, 1960.

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

Short title. 1. This Act may be called the Prevention of Cruelty to Animals (Amendment) Act, 1982.

**Amend-
ment of
section
2.** 2. In section 2 of the Prevention of Cruelty to Animals Act, 1960 (hereinafter referred to as the principal Act), for clause (b), the following clause shall be substituted, namely:—

‘(b) “Board” means the Board established under section 4, and as reconstituted from time to time under section 5A;’.

**Substitu-
tion of new
heading
for head-
ing of
Chap-
ter II.** 3. In the principal Act, in Chapter II, for the heading, the following heading shall be substituted, namely:—

“ANIMAL WELFARE BOARD OF INDIA”.

**Amend-
ment of
section 4.** 4. In section 4 of the principal Act, in sub-section (1), for the words “Animal Welfare Board”, the words “Animal Welfare Board of India” shall be substituted.

**Amend-
ment of
section 5.** 5. In section 5 of the principal Act,—

(a) in sub-section (1),—

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

“(ba) two persons to represent respectively the Ministries of the Central Government dealing with home affairs and education, to be appointed by the Central Government;

(bb) one person to represent the Indian Board for Wild Life, to be appointed by the Central Government;

(bc) three persons who, in the opinion of the Central Government, are or have been actively engaged in animal welfare work and are well-known humanitarians, to be nominated by the Central Government;”;

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

“(e) one person to represent each of such two municipal corporations as in the opinion of the Central Government ought to be represented on the Board, to be elected by each of the said corporations in the prescribed manner;”;

(b) in sub-section (2), for the word, brackets and letter “clause (b)”, the words, brackets and letters “clause (b) or clause (ba) or clause (bb)” shall be substituted;

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

“(3) The Central Government shall nominate one of the members of the Board to be its Chairman and another member of the Board to be its Vice-Chairman.”.

6. After section 5 of the principal Act, the following section shall be inserted, namely:—

“5A. (1) In order that the Chairman and other members of the Board hold office till the same date and that their terms of office come to an end on the same date, the Central Government may, by notification in the Official Gazette, reconstitute, as soon as may be after the Prevention of Cruelty to Animals (Amendment) Act, 1982 comes into force, the Board.

(2) The Board as reconstituted under sub-section (1) shall be reconstituted from time to time on the expiration of every third year from the date of its reconstitution under sub-section (1).

(3) There shall be included amongst the members of the Board reconstituted under sub-section (1), all persons who immediately before the date on which such reconstitution is to take effect, are members of the Board but such persons shall hold office only for the unexpired portion of the term for which they would have held office if such reconstitution had not been made and the vacancies arising as a result of their ceasing to be members of the Board shall be filled up as casual vacancies for the remaining period of the term of the Board as so reconstituted:

Provided that nothing in this sub-section shall apply in relation to any person who ceases to be a member of the Board by virtue of the amendment made in sub-section (1) of section 5 by sub-clause (ii) of clause (a) of section 5 of the Prevention of Cruelty to Animals (Amendment) Act, 1982.”

Insertion
of new
section
5A.

Reconsti-
tution
of the
Board.

Substitution of new section for section 6.

Term of office and conditions of service of members of the Board.

7. For section 6 of the principal Act, the following section shall be substituted, namely:—

"6. (1) The term for which the Board may be reconstituted under section 5A shall be three years from the date of the reconstitution and the Chairman and other members of the Board as so reconstituted shall hold office till the expiry of the term for which the Board has been so reconstituted.

(2) Notwithstanding anything contained in sub-section (1),—

(a) 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;

(b) the term of office of a member elected or chosen under clause (c), clause (e), clause (f), clause (g), clause (h) or clause (i) of section 5 to represent any body of persons shall come to an end as soon as he ceases to be a member of the body which elected him or in respect of which he was chosen;

(c) the term of office of a member appointed, nominated, elected or chosen to fill a casual vacancy shall continue for the remainder of the term of office of the member in whose place he is appointed, nominated, elected or chosen;

(d) the Central Government may, at any time, remove for reasons to be recorded in writing a member from office after giving him a reasonable opportunity of showing cause against the proposed removal and any vacancy caused by such removal shall be treated as casual vacancy for the purpose of clause (c).

(3) The members of the Board shall receive such allowances, if any, as the Board may, subject to the previous approval of the Central Government, provide by regulations made in this behalf.

(4) No act done or proceeding taken by the Board shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Board and in particular, and without prejudice to the generality of the foregoing, during the period intervening between the expiry of the term for which the Board has been reconstituted under section 5A and its further reconstitution under that section, the *ex officio* members of the Board shall discharge all the powers and functions of the Board."

Amendment of section 7.

8. In section 7 of the principal Act, in sub-section (1), the words "one of its officers to be" shall be omitted.

Amendment of section 9.

9. In section 9 of the principal Act,—

(a) in clause (d), for the words "ameliorating the condition of beasts of burden", the words "amelioration of animals" shall be substituted;

(b) in clause (g), for the words "the formation of pinjrapoles, sanctuaries and the like", the words "the formation or establishment of pinjrapoles, rescue homes, animal shelters, sanctuaries and the like" shall be substituted.

10. In section 11 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (b), for the words "employs in any work or labour any animal which, by reason of any disease", the words "employs in any work or labour or for any purpose any animal which, by reason of its age or any disease" shall be substituted;

(ii) in clause (c), for the words "any domestic or captive animal", at both the places where they occur, the words "any animal" shall be substituted;

(iii) in clause (h), for the words "any captive animal", the words "any animal" shall be substituted;

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

"(l) mutilates any animal or kills any animal (including stray dogs) by using the method of strychnine injections in the heart or in any other unnecessarily cruel manner; or";

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

"(m) solely with a view to providing entertainment—

(i) confines or causes to be confined any animal (including tying of an animal as a bait in a tiger or other sanctuary) so as to make it an object of prey for any other animal; or

(ii) incites any animal to fight or bait any other animal; or";

(vi) in clause (n), the words "for the purposes of his business," shall be omitted;

(vii) for the portion beginning with the words "in the case of a first offence" and ending with the words "or with both.", occurring at the end, the following shall be substituted, namely:—

"in the case of a first offence, with fine which shall not be less than ten rupees but which may extend to fifty rupees, and in the case of a second or subsequent offence committed within three years of the previous offence, with fine which shall not be less than twenty-five rupees but which may extend to one hundred rupees or with imprisonment for a term which may extend to three months, or with both.";

(b) in sub-section (3), in clause (b), for the words "by other methods with a minimum of suffering", the words "by such other methods as may be prescribed" shall be substituted.

156 Prevention of Cruelty to Animals (Amendment)

[ACT 26]

Amendment of section 12.

11. In section 12 of the principal Act, for the words "doom dev", the words and brackets "doom dev or any other operation (including injection of any substance) to improve lactation which is injurious to the health of the animal" shall be substituted.

Amendment of section 13.

12. In section 13 of the principal Act, in sub-section (3), the words "in such manner as may be prescribed" shall be inserted at the end.

Insertion of new section 15A.

13. After section 15 of the principal Act, the following section shall be inserted, namely:—

Sub-committees.

"15A. (1) The Committee may constitute as many sub-committees as it thinks fit for exercising any power or discharging any duty of the Committee or for inquiring into or reporting and advising on any matter which the Committee may refer.

(2) A sub-committee shall consist exclusively of the members of the Committee."

Amendment of section 17.

14. In section 17 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for the following matters, namely:—

(a) the registration of persons or institutions carrying on experiments on animals;

(b) the reports and other information which shall be forwarded to the Committee by persons and institutions carrying on experiments on animals."

Amendment of section 32.

15. In section 32 of the principal Act, in sub-section (2), for the words "doom dev", the words and figures "doom dev or any other operation of the nature referred to in section 12" shall be substituted.

Amendment of section 38.

16. In section 38 of the principal Act,—

(a) in sub-section (2),—

(i) in clause (a), the words "terms and" shall be omitted;

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

"(aa) the manner in which the persons to represent municipal corporations are to be elected under clause (e) of sub-section (1) of section 5;"

(iii) after clause (e), the following clauses shall be inserted, namely:—

"(ea) the other methods of destruction of stray dogs referred to in clause (b) of sub-section (3) of section 11;

(eb) the methods by which any animal which cannot be removed without cruelty may be destroyed under sub-section (3) of section 13;";

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

"(ja) the fees which may be charged by the Committee constituted under section 15 for the registration of persons or institutions carrying on experiments on animals or for any other purpose;";

(b) sub-section (4) shall be omitted.

17. After section 38 of the principal Act, the following section shall be inserted, namely:—

Insertion
of new
section
38A.

"38A. Every rule made by the Central Government or by the Committee constituted under section 15 and every regulation made by the Board shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, as the case may be, or both Houses agree that the rule or regulation, as the case may be, should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation."

Rules and
regulation,
to be laid
before
Parlia-
ment.

18. The change of name of the Animal Welfare Board by section 4 shall not affect any rights and obligations of that Board or render defective any legal proceedings by or against it and any legal proceedings which might have been continued or commenced by or against that Board by its former name may be continued or commenced by or against it by its new name.

Change of
name of
Animal
Welfare
Board
not to
affect any
rights or
obliga-
tions, etc.

THE PREVENTION OF BLACKMARKETING AND
MAINTENANCE OF SUPPLIES OF ESSENTIAL
COMMODITIES (AMENDMENT) ACT, 1982

No. 27 of 1982

[5th August, 1982.]

An Act further to amend the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act, 1980.

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

Short title.

1. This Act may be called the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities (Amendment) Act, 1982.

Amend-
ment of
section 7.

2. In section 7 of the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act, 1980, in sub-section (1),—

7 of 1980.

(a) for the words "appropriate Government", the words, brackets and figures "the appropriate Government or an officer mentioned in sub-section (2) of section 3, as the case may be," shall be substituted;

(b) after the words "that Government", the words "or officer" shall be inserted.

THE EAR DRUMS AND EAR BONES (AUTHORITY FOR
USE FOR THERAPEUTIC PURPOSES) ACT, 1982

No. 28 OF 1982

[7th August, 1982.]

An Act to provide for the use of ears of deceased persons for therapeutic purposes and for matters connected therewith.

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

1. (1) This Act may be called the Ear Drums and Ear Bones (Authority for Use for Therapeutic Purposes) Act, 1982.
Short title,
extent
and
com-
mence-
ment.
- (2) It extends to the whole of the Union territory of Delhi.
- (3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint.

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

(a) "Administrator" means the Administrator of the Union territory of Delhi appointed by the President under article 239 of the Constitution;

(b) "ear" includes ear drums and ear bones;

(c) "near relative", in relation to a deceased person, means any person related to him as spouse, parent, son, daughter, brother or sister and includes any other person who is related to him—

(i) by lineal consanguinity within three degrees or by collateral consanguinity within six degrees; or

(ii) by marriage with any of the relatives aforesaid.

Explanation.—The expression "lineal consanguinity" and "collateral consanguinity" shall have the meanings respectively assigned to them in the Indian Succession Act, 1925, and degrees of relationship shall be computed in the manner laid down in that Act;

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

(e) "registered medical practitioner" means a medical practitioner who possesses any recognised medical qualification as defined in clause (h) of section 2 of the Indian Medical Council Act, 1956, and who is enrolled on a State Medical Register as defined in clause (k) of that section.

102 of 1956

Authority for removal of ears of deceased persons.

3. (1) If any person had, either in writing or orally, in the presence of two or more witnesses (at least one of whom is a near relative of such person) unequivocally authorised, at any time before his death, the use of his ears, after his death, for therapeutic purposes (such person being hereafter in this sub-section referred to as the donor), the person lawfully in possession of the dead body of the donor shall, unless he has any reason to believe that the donor had subsequently revoked the authorisation aforesaid, grant to a registered medical practitioner, all reasonable facilities for the removal, for therapeutic purposes, of the ears from the dead body of the donor.

(2) Where no such authorisation as is referred to in sub-section (1) was made by any person before his death but no objection was also expressed by such person to his ears being used after his death for therapeutic purposes, the person lawfully in possession of the dead body of such person may, unless he has reason to believe that any near relative of the deceased person has objection to the deceased person's ears being used for therapeutic purposes, authorise the removal of the ears of the deceased person for their use for therapeutic purposes.

(3) The authority given under sub-section (1) or, as the case may be, under sub-section (2), shall be sufficient warrant for the removal, for therapeutic purposes, of the ears from the body of the deceased person; but no such removal shall be made by any person other than a registered medical practitioner, who had satisfied himself, before such removal, by a personal examination of the body from which ears are to be removed, that life is extinct in such body.

Removal of ears not to be authorised in certain cases.

4. (1) No facilities shall be granted under sub-section (1) of section 3 and no authority shall be given under sub-section (2) of that section for the removal of ears from the body of a deceased person, if the person required to grant such facilities, or empowered to give such authority, has reason to believe that an inquest may be required to be held in relation to such body in pursuance of the provisions of any law for the time being in force.

(2) No authority for the removal of ears from the body of a deceased person shall be given by a person to whom such body has been entrusted solely for the purpose of interment, cremation or other disposal.

Authority for removal of ears in case of unclaimed bodies in hospital or prison.

5. (1) In the case of a dead body lying in a hospital or prison and not claimed by any of the near relatives of the deceased person within sixteen hours from the time of the death of the concerned person, the authority for the removal of the ears from the dead body which so remains unclaimed may be given, in the prescribed form, by the person in charge, for the time being of the management or control of the hospital or prison or by an employee of such hospital or prison, authorised in this behalf by the person in charge of the management or control thereof.

(2) No authority shall be given under sub-section (1) if the person empowered to give such authority has reason to believe that any near relative of the deceased is likely to claim the dead body even though such near relative has not come forward to claim the body of the deceased within the time specified in sub-section (1).

Explanation.—For the purposes of this section, “hospital” includes a nursing home, medical or teaching institution for therapeutic purposes or other like institution.

6. Where the body of a person has been sent for postmortem examination—

(a) for medico-legal purposes by reason of the death of such person having been caused by accident or any other unnatural cause; or

(b) for pathological purposes,

the person competent under this Act to give authority for the removal of the ears from such dead body may, if he has reason to believe that the ears will not be required for the purpose for which such body has been sent for postmortem examination, authorise the removal for therapeutic purposes, of the ears of such deceased person provided that he is satisfied that the deceased person had not expressed, before his death, any objection to his ears being used for therapeutic purposes after his death or, where he had granted an authority for the use of his ears for therapeutic purposes after his death, such authority had not been revoked by him before his death.

7. After the removal of the ears from the body of the deceased person, the registered medical practitioner shall take such steps for the preservation of the ears so removed as may be prescribed.

Authority
for re-
moval of
ears
from bod-
ies sent
for post-
mortem
examina-
tion for
medico-
legal or
patholo-
gical
purposes.

Preserva-
tion of
ears
removed
from
dead
bodies.

**8. (1) Nothing in the foregoing provisions of this Act shall be con-
strued as rendering unlawful any dealing with the body or with any part
of the body of a deceased person if such dealing would have been lawful
if this Act had not been passed.**

(2) Neither the grant of any facility or authority for the removal of ears from the body of a deceased person in accordance with the provisions of this Act nor the removal of ears from the body of a deceased person in pursuance of such authority shall be deemed to be an offence punishable under section 297 of the Indian Penal Code.

45 of 1860.

**9. 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.**

Savings.

Protec-
tion of
action
taken in
good
faith.

Power
to make
rules.

10. (1) The Administrator may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form in which removal of ears from unclaimed bodies may be authorised, as required by section 5;

(b) the preservation of removed ears, as required by section 7;

(c) the publicity which may be given to the provisions and objects of this Act;

(d) any other matter which is required 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 or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE EYES (AUTHORITY FOR USE FOR THERAPEUTIC PURPOSES) ACT, 1982

No. 29 OF 1982

[7th August, 1982.]

An Act to provide for the use of eyes of deceased persons for therapeutic purposes and for matters connected therewith.

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

1. (1) This Act may be called the Eyes (Authority for Use for Therapeutic Purposes) Act, 1982.

(2) It extends to the whole of the Union territory of Delhi.

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

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

(a) "Administrator" means the Administrator of the Union territory of Delhi appointed by the President under article 239 of the Constitution;

(b) "near relative", in relation to a deceased person, means any person related to him as spouse, parent, son, daughter, brother or sister and includes any other person who is related to him—

(i) by lineal consanguinity within three degrees or by collateral consanguinity within six degrees; or

(ii) by marriage with any of the relatives aforesaid.

Explanation.—The expressions "lineal consanguinity" and "collateral consanguinity" shall have the meanings respectively assigned to them in the Indian Succession Act, 1925, and degrees of relationship shall be computed in the manner laid down in that Act;

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

Short title,
extent
and com-
mencement.

Defini-
tions.

(d) "registered medical practitioner (ophthalmic)" means a medical practitioner who possesses any recognised medical qualification as defined in clause (h) of section 2 of the Indian Medical Council Act, 1956, and possesses a post-graduate qualification in Ophthalmology or a certificate showing that he had received training in enucleation procedure in the Ophthalmic Department of a hospital or teaching institution for therapeutic purposes approved by the Administrator in this behalf and who is enrolled on a State Medical Register as defined in clause (k) of the said section.

102 of 1956

**Authority
for re-
moval of
eyes of
deceased
persons.**

3. (1) If any person had, either in writing or orally, in the presence of two or more witnesses (at least one of whom is a near relative of such person) unequivocally authorised, at any time before his death, the use of his eyes, after his death, for therapeutic purposes (such person being hereafter in this sub-section referred to as the donor), the person lawfully in possession of the dead body of the donor shall, unless he has any reason to believe that the donor had subsequently revoked the authorisation aforesaid, grant to a registered medical practitioner (ophthalmic) all reasonable facilities for the removal, for therapeutic purposes, of the eyes from the dead body of the donor.

(2) Where no such authorisation as is referred to in sub-section (1) was made by any person before his death but no objection was also expressed by such person to his eyes being used after his death for therapeutic purposes, the person lawfully in possession of the body of the deceased person may, unless he has reason to believe that any near relative of the deceased person has objection to the deceased person's eyes being used for therapeutic purposes, authorise the removal of the eyes of the deceased person for their use for therapeutic purposes.

(3) The authority given under sub-section (1), or, as the case may be, under sub-section (2), shall be sufficient warrant for the removal, for therapeutic purposes, of the eyes from the body of the deceased person; but no such removal shall be made by any person other than a registered medical practitioner (ophthalmic) who had satisfied himself, before such removal, by a personal examination of the body from which eyes are to be removed, that life is extinct in such body.

**Removal
of eyes
not to be
authorised
in certain
cases.**

4. (1) No facilities shall be granted under sub-section (1) of section 3 and no authority shall be given under sub-section (2) of that section for the removal of eyes from the body of a deceased person if the person required to grant such facilities, or empowered to give such authority, has reason to believe that an inquest may be required to be held in relation to such body in pursuance of the provisions of any law for the time being in force.

(2) No authority for the removal of eyes from the body of a deceased person shall be given by a person to whom such body has been entrusted solely for the purpose of interment, cremation or other disposal.

**Authority
for remo-
val of eyes
in case
of unclaim-
ed bodies
in hospital
or prison,**

5. (1) In the case of a dead body lying in a hospital or prison and not claimed by any of the near relatives of the deceased person, the authority for the removal of the eyes from the dead body which so remains unclaimed may be given, subject to the provisions of sub-section (2), in the prescribed form, by the person in charge, for the time being, of the management or control of the hospital or prison or by an employee of

such hospital or prison, authorised in this behalf by the person in charge of the management or control thereof.

(2) The authority referred to in sub-section (1) shall not be given except after the expiry of—

(i) half an hour from the time of the death of the concerned person, in cases where no facility for cold storage of the dead body is available in the hospital or prison; or

(ii) two hours from the time of the death of the concerned person, in cases where facility for cold storage of the dead body is available in the hospital or prison.

(3) No authority shall be given under sub-section (1) if the person empowered to give such authority has reason to believe that any near relative of the deceased is likely to claim the dead body even though such near relative has not come forward to claim the body of the deceased within the time specified in clause (i) or, as the case may be, clause (ii) of sub-section (2).

Explanation.—For the purposes of this section, “hospital” includes a nursing home, medical or teaching institution for therapeutic purposes or other like institution.

6. Where the body of a person has been sent for postmortem examination—

(a) for medico-legal purposes by reason of the death of such person having been caused by accident or any other unnatural cause; or

(b) for pathological purposes,

the person competent under this Act to give authority for the removal of the eyes from such dead body may, if he has reason to believe that the eyes will not be required for the purpose for which such body has been sent for postmortem examination, authorise the removal for therapeutic purposes, of the eyes of such deceased person provided that he is satisfied that the deceased person had not expressed, before his death, any objection to his eyes being used for therapeutic purposes after his death or, where he had granted an authority for the use of his eyes for therapeutic purposes after his death, such authority had not been revoked by him before his death.

7. After the removal of the eyes from the body of the deceased person, the registered medical practitioner (ophthalmic) shall take such steps for the preservation of the eyes so removed as may be prescribed.

8. (1) Nothing in the foregoing provisions of this Act shall be construed as rendering unlawful any dealing with the body or with any part of the body of a deceased person if such dealing would have been lawful if this Act had not been passed.

(2) Neither the grant of any facility or authority for the removal of eyes from the body of a deceased person in accordance with the provisions of this Act nor the removal of eyes from the body of a deceased person in pursuance of such authority shall be deemed to be an offence punishable under section 297 of the Indian Penal Code.

**Authority
for re-
moval of
eyes from
bodies
sent for
post-
mortem
examina-
tion for
medico-
legal or
patho-
logical
purposes.**

**Preserva-
tion of
eyes re-
moved
from
dead
bodies.**

Savings.

Protection of action taken in good faith.

Cessation of operation of Bombay Act 23 of 1957.

9. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

10. (1) On the commencement of this Act, the Bombay Corneal Grafting Act, 1957, as in force in the Union territory of Delhi, shall cease to be in force in the Union territory of Delhi:

Provided that such cesser shall not affect the previous operation of the enactment aforesaid and anything done or any action taken (including any authority granted, any direction or notice issued) under any provision of such enactment shall, in so far as it is not inconsistent with the provisions of this Act, continue to be in force unless and until superseded by anything done or any action taken under this Act.

(2) Any reference, in the enactment so ceasing to be in force, to any officer, authority or person entrusted with any functions thereunder, shall be construed, where necessary, as a reference to the corresponding officer, authority or person functioning under this Act.

Power to make rules.

11. (1) The Administrator may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form in which removal of eyes from unclaimed bodies may be authorised, as required by section 5;

(b) the preservation of removed eyes, as required by section 7;

(c) the publicity which may be given to the provisions and objects of this Act;

(d) any other matter which is required 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 or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE MONOPOLIES AND RESTRICTIVE TRADE PRACTICES
(AMENDMENT) ACT, 1982

No. 30 OF 1982

[7th August, 1982.]

An Act further to amend the Monopolies and Restrictive Trade Practices Act, 1969

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

1. (1) This Act may be called the Monopolies and Restrictive Trade Practices (Amendment) Act, 1982.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 2 of the Monopolies and Restrictive Trade Practices Act, 1969 (hereinafter referred to as the principal Act),—

(a) in clause (d),—

(i) for the portion beginning with the words “dominant undertaking” means’ and ending with the words “rendered in India or any substantial part thereof:”, the following shall be substituted, namely:—

“dominant undertaking” means—

(i) an undertaking which has all the following three features, that is to say,—

(ai) it is an undertaking within the purview of the Industries Act;

(bi) it has a licensed capacity for the production of goods of any description; and

(ci) its licensed capacity for the production of such goods or the aggregate of its licensed capacity and of the licensed capacity of inter-connected undertakings for the production of such goods is not less than one-fourth of the total installed capacity in India for the production of such goods; or

¹18-8-1982: vide notification No. S.O. 572 (E) dated 17-8-1982, Gazette of India, Extraordinary, Pt. II, Section 3(ii).

Short title and commencement.

Amendment of section 2.

(ii) an undertaking which has all the following three features, that is to say,—

(a) it is an undertaking within the purview of the Industries Act;

(b) it, by itself or along with inter-connected undertakings produces, supplies, distributes or otherwise controls not less than one-fourth of the total goods of any description that are produced, supplied or distributed in India or any substantial part thereof; and

(c) it has no licensed capacity for the production of such goods; or

(d) an undertaking which has both the following features, that is to say,—

(e) it is not an undertaking within the purview of the Industries Act; and

(f) it, by itself or along with inter-connected undertakings produces, supplies, distributes or otherwise controls not less than one-fourth of the total goods of any description that are produced, supplied or distributed in India or any substantial part thereof; or

(g) an undertaking which provides or otherwise controls not less than one-fourth of any services that are rendered in India or any substantial part thereof.;

(ii) in the proviso, for the words "this clause", the words, brackets and figures "sub-clauses (ii) and (iii) of this clause" shall be substituted;

(iii) in *Explanation I*, for the words "not less than one-third of", the words "the licensed capacity of inter-connected undertakings for the production of any goods is not less than one-fourth of the installed capacity for the production of such goods or not less than one-fourth of" shall be substituted, and for the words "any service", the words "any service, as the case may be," shall be substituted;

(iv) for *Explanation III*, the following *Explanation* shall be substituted, namely:—

"Explanation III.—The question as to whether any undertaking, either by itself or along with inter-connected undertakings, produces, supplies, distributes or controls one-fourth of any goods or provides or controls one-fourth of any services may be determined according to any of the following criteria, namely, value, cost, price, quantity or capacity of the goods or services.";

(v) in *Explanation IV*, for the words "In determining", the words, brackets and figures "In determining with reference to the features specified in sub-clause (ii), (iii) or (iv), as the case may be," shall be substituted;

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

‘(ee) “goods of any description” in relation to an undertaking within the purview of the Industries Act, means any article which falls under an item in the First Schedule to that Act;’;

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

65 of 1951.

‘(ff) “Industries Act” means the Industries (Development and Regulation) Act, 1951, and includes any rules, notifications or orders thereunder;

‘(fff) “installed capacity” means installed capacity as recognised under the Industries Act or any returns thereunder;’

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

‘(gg) “licensed capacity”, in relation to goods of any description and with respect to an undertaking within the purview of the Industries Act, means the licensed or productive capacity of such undertaking in relation to such goods, in accordance with the certificate of registration, licence, letter of intent or permission granted to it under the Industries Act and includes any increase in such capacity as may be approved by Government under that Act;’;

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

‘(ll) “produce” includes manufacture and all its grammatical variations and cognate expressions shall be construed accordingly;’;

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

‘(vv) “undertaking within the purview of the Industries Act” means an undertaking pertaining to a scheduled industry as defined in that Act;’.

3. In section 21 of the principal Act,—

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

*Explanation.—*For the purposes of this section, an undertaking shall be deemed to expand substantially in any manner if, as a result of such expansion,—

(a) in the case of an undertaking within the purview of the Industries Act and having a licensed capacity for the production of goods of any description, there would be an increase of such licensed capacity by not less than twenty-five per cent. thereof;

(b) in the case of an undertaking to which clause (b) of section 20 applies but to which clause (a) of this *Explanation* does not apply, the production, marketing, supply, distribution or control of any goods or the provision of any

services would increase by not less than twenty-five per cent. of the goods produced, marketed, supplied, distributed or controlled, or services provided, by it immediately before such expansion;

(c) in the case of any other undertaking,—

(i) it would have additional assets of a value of not less than twenty-five per cent. of the value of its assets immediately before such expansion; or

(ii) the production, marketing, supply, distribution or control of any goods or the provision of any services would increase by not less than twenty-five per cent. of the goods produced, marketed, supplied, distributed or controlled, or services provided, by it immediately before such expansion.”;

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

‘(4) Nothing in this section shall apply to any undertaking in so far as the expansion is effected by the replacement, renovation or modernisation of the whole or any part of the machinery or other equipment of the undertaking or by the installation of any balancing equipment.

Explanation.—For the purposes of this sub-section “balancing equipment” means any equipment or device needed for removing any production bottle-neck, and includes the installation of any equipment or device in the tool room, ancillary services or inspection department where such installation has a bearing on the quantum and quality of production to be achieved.’

Amend-
ment of
section 22.

4. In section 22 of the principal Act, in sub-section (1), for the words, brackets, letter and figures “to which clause (a) of section 20 applies”, the words “to which this Part applies” shall be substituted.

Insertion
of new
section
22A.

5. After section 22 of the principal Act, the following section shall be inserted, namely:—

Power to
exempt.

‘22A. (1) The Central Government may, by notification in the Official Gazette, direct that subject to such terms and conditions as may be specified in the notification all or any of the provisions of section 21 or section 22 shall not apply to any proposal—

(a) in respect of an industry or service specified in the notification:

Provided that no industry or service shall be so specified unless the Central Government is satisfied having regard to all relevant factors that it is of high national priority;

(b) for the increase in the production of and goods or the provision of any services which are meant exclusively for export outside India; or

43 of 1961.

(c) which relates to an undertaking established or proposed to be established in a free trade zone.

Explanation.—In this sub-section, “free trade zone” has the same meaning as in clause (i) of the *Explanation* to section 10A of the Income-tax Act, 1961.

(2) Every notification issued under sub-section (1) shall have effect for such period not exceeding five years at a time as may be specified in the notification.

(3) Every notification issued under sub-section (1) shall be laid, as soon as may be after it is issued, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or both Houses agree that the notification should not be made, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.’

THE ESTATE DUTY (AMENDMENT) ACT, 1982

No. 31 OF 1982

[10th August, 1982.]

An Act further to amend the Estate Duty Act, 1953.

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

Short title.
Amendment of section 5A.

1. This Act may be called the Estate Duty (Amendment) Act, 1982.
2. In section 5A of the Estate Duty Act, 1953 (hereinafter referred to as the principal Act), after sub-section (2A), the following sub-section shall be inserted, namely:—

“(2B) The amendments made to this Act by sections 3 to 6 of the Estate Duty (Amendment) Act, 1982, shall apply, and shall be deemed to have applied, on and from the 1st day of March, 1981, to estate duty in respect of agricultural lands situate in the territories comprised in—

(a) the States of Bihar, Gujarat, Haryana, Himachal Pradesh, Madhya Pradesh, Maharashtra, Orissa and Tamil Nadu; and

(b) any other States which the Central Government may, by notification in the Official Gazette, specify in this behalf after resolutions have been passed by the Legislatures of those States adopting the proposals with respect to such amendments or the said amendments, as the case may be, under clause (1) of article 252 of the Constitution.”

Insertion of new section 16A.

3. After section 16 of the principal Act and before the heading “*Special provisions relating to transfers to companies*”, the following section shall be inserted and shall be deemed to have been inserted with effect from the 1st day of March, 1981, namely:—

Interest of the deceased in building allotted or leased to him by a co-operative society.

“16A. Where at the time of his death, the deceased was a member of a co-operative society, being a co-operative housing society, and a building or part thereof allotted or leased to him under a house building scheme of the society, continued to remain allotted or leased to him at the time of his death, he shall, notwithstanding anything contained in this Act or any other law for the time being in force, be deemed to be the owner of such building or part at the time of his death and such building or part shall be deemed to pass on his death and, in determining the value of such building or part,

34 of 1953

the value of any outstanding instalments of the amount payable under such scheme by the deceased at the time of his death to the society towards the cost of such building or part and the land appurtenant thereto shall, whether the amount so payable is described as such or in any other manner in such scheme, be allowed as a debt owed by him in relation to such building or part.

2 of 1912.

Explanation.—For the purposes of this section and section 33, “co-operative society” means a co-operative society registered under the Co-operative Societies Act, 1912 or under any other law for the time being in force in any State for the registration of co-operative societies.

4. In section 33 of the principal Act, in sub-section (1), after clause (n), the following clause shall be inserted and shall be deemed to have been inserted with effect from the 1st day of March, 1981, namely:—

“(nn) any deposits with a co-operative society, being a co-operative housing society, made by the deceased who was a member of the society to whom a building or part thereof was allotted or leased under a house building scheme of the society, where such deposits had been made under such scheme;”.

5. In section 36 of the principal Act, after sub-section (2), the following sub-section shall be inserted and shall be deemed to have been inserted with effect from the 1st day of March, 1981, namely:—

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the principal value of one residential house or part thereof belonging to the deceased (which the accountable person may at his option specify in writing in this behalf) shall be,—

27 of 1957.

(a) where the value of such house or part is included in computing the net wealth of the deceased for the purposes of making an assessment under the Wealth-tax Act, 1957 (hereafter in this sub-section referred to as the Wealth-tax Act) in respect of his net wealth on the valuation date immediately preceding the date of his death, the value as taken by the Wealth-tax Officer for the purposes of such assessment; and

(b) in any other case, the value of such house or part,—

(i) on the said valuation date; or

(ii) where such house or part was constructed, acquired or otherwise became the property of the deceased after the said valuation date, on the date of his death,

as determined by the Controller in accordance with the provisions of the Wealth-tax Act and the rules made thereunder; and, for this purpose, in a case where the provisions of sub-section (4) of section 7 of that Act apply, the provisions of that sub-section shall have effect as if the words “throughout the period of twelve months immediately preceding the valuation date”, occurring therein, had been omitted and as if the references therein to the option of the assessee had been references to the option of the accountable person.

Amendment of section 33.

Amendment of section 36.

Explanation 1.—Where the value adopted to be the value of a house or part in accordance with the provisions of clause (a) of this sub-section is subsequently varied by an order in any proceeding under the Wealth-tax Act, the value as so adopted shall be deemed to be a mistake apparent from the record within the meaning of section 61 and the Controller shall rectify the order, if any, passed by him, by substituting for the value as so adopted the value as so varied and the provisions of the said section shall apply accordingly, the period of five years specified in that section being reckoned from the date of the order under the Wealth-tax Act varying the value of the house or part.

Explanation 2.—For the purposes of this sub-section, the expressions "net wealth", "valuation date" and "Wealth-tax Officer" shall have the same meanings as in the Wealth-tax Act.

Amend-
ment of
Second
Schedule.

6. In the Second Schedule to the principal Act, for Part I, the following Part shall be substituted and shall be deemed to have been substituted with effect from the 1st day of March, 1981, 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. 1,50,000	Nil;
(2) where the principal value of the estate exceeds Rs. 1,50,000 but does not exceed Rs. 2,00,000	10 per cent. of the amount by which the principal value of the estate exceeds Rs. 1,50,000;
(3) where the principal value of the estate exceeds Rs. 2,00,000 but does not exceed Rs. 3,50,000	Rs. 5,000 plus 15 per cent. of the amount by which the principal value of the estate exceeds Rs. 2,00,000;
(4) where the principal value of the estate exceeds Rs. 3,50,000 but does not exceed Rs. 5,00,000	Rs. 27,500 plus 25 per cent. of the amount by which the principal value of the estate exceeds Rs. 3,50,000;
(5) where the principal value of the estate exceeds Rs. 5,00,000 but does not exceed Rs. 10,00,000	Rs. 65,000 plus 30 per cent. of the amount by which the principal value of the estate exceeds Rs. 5,00,000;
(6) where the principal value of the estate exceeds Rs. 10,00,000 but does not exceed Rs. 15,00,000	Rs. 2,15,000 plus 40 per cent. of the amount by which the principal value of the estate exceeds Rs. 10,00,000;
(7) where the principal value of the estate exceeds Rs. 15,00,000 but does not exceed Rs. 20,00,000	Rs. 4,15,000 plus 50 per cent. of the amount by which the principal value of the estate exceeds Rs. 15,00,000;
(8) where the principal value of the estate exceeds Rs. 20,00,000	Rs. 6,65,000 plus 85 per cent. of the amount by which the principal value of the estate exceeds Rs. 20,00,000.

THE APPROPRIATION (RAILWAYS) NO. 3 ACT, 1982

No. 32 OF 1982

[10th August, 1982.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1982-83 for the purposes of Railways.

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

1. This Act may be called the Appropriation (Railways) No. 3 Act, 1982. Short title.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of two hundred crores and fifty two lakhs rupees towards defraying the several charges which will come in course of payment during the financial year 1982-83, in respect of the services relating to Railways specified in column 2 of the Schedule. Issue of Rs. 200,52,00,000 out of the Consolidated Fund of India for the financial year 1982-83.

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

THE SCHEDULE
(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Par- liament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
2	Miscellaneous Expenditure (General)	2,00,000	..	2,00,000
16	Assets— Acquisition, Construction and Replacement— Other Expenditure	290,50,00,000	..	290,50,00,000
	TOTAL	290,52,00,000	..	290,52,00,000

THE APPROPRIATION (No.3) ACT, 1982

No. 33 of 1982

[10th August, 1982.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1982-83.

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

1. This Act may be called the Appropriation (No. 3) Act, 1982.

Short title.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of two thousand two hundred and sixty-two crores, sixty-one lakhs and twenty-one thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1982-83, in respect of the services specified in column 2 of the Schedule.

Issue of
Rs. 2262,
61,21,000
out of the
Con-
solidated
Fund of
India for
the year
1982-83.

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

Appro-
priation.

THE SCHEDULE

(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
5	Forest Capital		2,25,00,000	2,25,00,000
12	Foreign Trade and Export Production Capital	480,00,00,000	..	480,00,00,000
13	Textiles, Handloom and Handicrafts Capital	11,70,00,000	..	11,70,00,000
26	Education Capital	1,60,90,000	..	1,60,90,000
30	Department of Power Revenue Capital	1,000 7,00,00,000	1,000 7,00,00,000
41	Transfers to State Governments Capital	..	1743,46,00,000	1743,46,00,000
42	Other Expenditure of the Ministry of Finance Revenue	1,000	..	1,000
45	Medical and Public Health Capital	..	4,10,000	4,10,000
52	Other Expenditure of the Ministry of Home Affairs Revenue	5,83,000	7,000	5,90,000
63	Broadcasting Capital	1,000	..	1,000
78	Ports, Lighthouses and Shipping Revenue Capital	2,50,00,000 1,000	2,50,00,000 1,000
79	Road and Inland Water Transport Capital	8,00,00,000	..	8,00,00,000
100	Department of Ocean Development Revenue	5,99,00,000	..	5,99,00,000
104	Department of Space Revenue Capital	7,000 20,000	7,000 20,000
TOTAL .		516,85,77,000	1745,75,44,000	2262,61,21,000

THE SPECIAL COURTS (REPEAL) ACT, 1982

No. 34 OF 1982

[17th August, 1982.]

An Act to repeal the Special Courts Act, 1979.

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

1. This Act may be called the Special Courts (Repeal) Act, 1982.

Short title.

2. The Special Courts Act, 1979, is hereby repealed.

Repeal of
Act 22 of
1979.

THE SALARY, ALLOWANCES AND PENSION OF MEMBERS
OF PARLIAMENT (AMENDMENT) ACT, 1982

No. 35 OF 1982

[17th August, 1982.]

An Act further to amend the Salary, Allowances and Pension of Members of Parliament Act, 1954.

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

1. This Act may be called the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1982.

2. In section 8A of the Salary, Allowances and Pension of Members of Parliament Act, 1954, in sub-section (3), the following proviso shall be inserted at the end, namely:—

“Provided that any pension (whether known as *Swatantrata Sainik Samman* pension or by any other name) received by such person as a freedom fighter shall not be taken into account for the purposes of this sub-section and such person shall be entitled to receive such pension in addition to the pension to which he is entitled under sub-section (1).”

THE CHAPARMUKH-SILGHAT RAILWAY LINE AND
THE KATAKHAL-LALABAZAR RAILWAY LINE
(NATIONALISATION) ACT, 1982

No. 36 OF 1982

[17th August, 1982.]

Act to provide for the acquisition of the undertakings of the Chaparmukh-Silghat Railway Company Limited in relation to the Chaparmukh-Silghat Railway Line and the undertakings of the Katakhal-Lalabazar Railway Company Limited in relation to the Katakhal-Lalabazar Railway Line with a view to securing the efficient operation of the said Railway lines so as to subserve the needs of the north-eastern areas of India and to protect the links of communication between the said areas and the rest of the country and for matters connected therewith or incidental thereto.

WHEREAS the Chaparmukh-Silghat Railway Line owned by the Chaparmukh-Silghat Railway Company Limited and the Katakhal-Lalabazar Railway Line owned by the Katakhal-Lalabazar Railway Company Limited, are vital communication links between the north-eastern areas of India and the rest of the country;

AND WHEREAS the said Railway Lines are integrated with the metre gauge system of the contiguous North-East Frontier Railway;

AND WHEREAS the condition of assets of the aforesaid companies has reached such a stage that it may not be possible to operate train services for long on the railway lines owned by them;

AND WHEREAS it is necessary to secure the efficient operation of the said Railway lines;

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

CHAPTER I
PRELIMINARY

1. This Act may be called the Chaparmukh-Silghat Railway Line and the Katakhal-Lalabazar Railway Line (Nationalisation) Act, 1982. Short title.

Defini-
tions.

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

(a) "appointed day" means the day on which this Act comes into force;

(b) "notification" means a notification published in the Official Gazette;

(c) "specified company" means a company specified in clause (d);

(d) "two specified companies" means,—

(i) the Chaparmukh-Silghat Railway Company Limited, being a company as defined in the Companies Act, 1956 and having its registered office at 12, Mission Row, Calcutta; and

(ii) the Katakhal-Lalabazar Railway Company Limited, being a company as defined in the Companies Act, 1956 and having its registered office at Mcleod House, 3, Netaji Subhash Road, Calcutta;

(e) "undertakings" means,—

(i) in relation to the Chaparmukh-Silghat Railway Company Limited, the Chaparmukh-Silghat Railway Line and all other undertakings of that company relating to that Railway line;

(ii) in relation to the Katakhal-Lalabazar Railway Company Limited, the Katakhal-Lalabazar Railway line and all other undertakings of that company relating to that Railway line;

(f) words and expressions used herein and not defined but defined in the Companies Act, 1956 shall have the meanings respectively assigned to them in that Act.

1 of 1956.

1 of 1956.

1 of 1956.

CHAPTER II

ACQUISITION OF THE UNDERTAKINGS OF THE TWO SPECIFIED COMPANIES

Transfer
to, and
vesting in,
the
Central
Govern-
ment of
the
under-
takings of
the two
specified
com-
panies.

3. On the appointed day, the undertakings of each of the two specified companies and the right, title and interest of each of the two specified companies in relation to such undertakings shall, by virtue of this Act, stand transferred to, and vest in, the Central Government.

4. (1) The undertakings of each specified company shall be deemed to include all assets, rights, lease-holds, powers, authorities and privileges, and all property, movable and immovable, including lands, buildings, workshops, stores, instruments, machinery and equipment, cash balances, cash on hand, cheques, demand drafts, reserve funds, investments, book debts and all other rights and interests in, or arising out of, such property as were immediately before the appointed day in the ownership, possession, power or control of the specified company, whether within or outside India, and all books of account, registers and all other documents of whatever nature relating thereto.

General effect of vesting.

(2) All properties as aforesaid which have vested in the Central Government under section 3 shall, by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien and all other encumbrances affecting them, and any attachment, injunction, decree or order of any court restricting the use of such properties in any manner or appointing any receiver in respect of the whole or any part of such properties shall be deemed to have been withdrawn.

(3) For the removal of doubts, it is hereby declared that the mortgagee of any property referred to in sub-section (2), or any other person holding any charge, lien or other interest in, or in relation to, any such property shall be entitled to claim, in accordance with his rights and interests, payment of the mortgage money or other dues, in whole or in part, out of the amounts payable under sections 6 and 7 to the specified company owning such property, but no such mortgage, charge, lien or other interest shall be enforceable against any property which has vested in the Central Government.

(4) Any licence or other instrument granted to a specified company in relation to any undertaking which has vested in the Central Government under section 3 at any time before the appointed day and in force immediately before that day shall continue to be in force on and after such day in accordance with its tenor in relation to and for the purposes of such undertaking, and, on and from the date of vesting of such undertaking under section 3 in the Central Government, that Government shall be deemed to be substituted in such licence or other instrument as if such licence or other instrument had been granted to that Government and that Government shall hold it for the remainder of the period for which the specified company would have held it under the terms thereof.

5. (1) Every liability of a specified company in respect of any period prior to the appointed day, shall be the liability of the specified company and shall be enforceable against it and not against the Central Government.

Owners of the two specified companies to be liable for certain prior liabilities

(2) For the removal of doubts, it is hereby declared that,—

(a) no liability of either of the two specified companies in relation to its undertakings in respect of any period prior to the appointed day, shall be enforceable against the Central Government;

(b) no award, decree or order of any court, tribunal or other authority in relation to the undertakings of either of the two specified companies passed on or after the appointed day, in respect of any matter, claim or dispute, which arose before that day, shall be enforceable against the Central Government;

(c) no liability incurred by a specified company before the appointed day, for the contravention of any provision of law for the time being in force, shall be enforceable against the Central Government.

CHAPTER III

PAYMENT OF AMOUNT

Payment
of
amount.

6. (1) For the transfer to, and vesting in, the Central Government, under section 3, of the right, title and interest of each of the two specified companies in relating to its undertakings, there shall be paid in cash by the Central Government, before the expiry of a period of three months from the appointed day,—

(i) to the Chaparmukh-Silghat Railway Company Limited, an aggregate amount of rupees ten lakhs and fifty thousand; and

(ii) to the Katakhal-Lalabazar Railway Company Limited, an aggregate amount of rupees nine lakhs.

(2) Notwithstanding anything contained in sub-section (1), out of the amount referred to in clause (i) of that sub-section, the Central Government shall deduct, in the first instance, any amount due from the Chaparmukh-Silghat Railway Company Limited to that Government and the liability of that company shall, to the extent of such deduction, stand discharged and such deduction shall have priority over all other debts, secured or unsecured.

(3) Notwithstanding anything contained in sub-section (1), out of the amount referred to in clause (ii) of that sub-section, the Central Government shall deduct, in the first instance, the amount due from the Katakhal-Lalabazar Railway Company Limited in respect of the secured debentures issued by that company and shall pay the sums so deducted for the redemption of such debentures and the liability of that company in relation to the said debentures shall, to the extent of such deduction, stand discharged and such deduction shall have priority over all other debts, secured or unsecured.

Interest.

7. The amount referred to in clause (i) or clause (ii) of sub-section (1) of section 6 as reduced by the deduction under that section, shall, if not paid to the company concerned before the expiry of the period specified in the said sub-section, carry simple interest at the rate of four per cent. per annum for the period commencing on the appointed day and ending on the date on which payment of such amount as so reduced is made by the Central Government to that company:

Provided that if the amount as so reduced is tendered to the specified company but not accepted by it, no interest shall run from the date of such tender.

CHAPTER IV

DUTY OF PERSONS IN CHARGE OF MANAGEMENT OF THE UNDERTAKINGS OF THE TWO SPECIFIED COMPANIES TO DELIVER ALL ASSETS, ETC.

8. On the vesting of the undertakings of the two specified companies in the Central Government, all persons in charge of the management of the undertakings immediately before such vesting, shall be bound to deliver to the Central Government all assets, books of account, registers or other documents in their custody relating to the undertakings.

Duty of persons in charge of management of the undertakings of the two specified companies to deliver all assets, etc.

9. (1) Any person who has, on the appointed day, in his possession or under his control any assets, books, documents or other papers relating to any undertaking owned by a specified company which have vested in the Central Government and which belong to the specified company, or would have so belonged, if the undertakings owned by the specified company had not vested in the Central Government, shall be liable to account for the said assets, books, documents and other papers to the Central Government and shall deliver them up to the Central Government or to such person or persons as the Central Government may specify in this behalf.

Duty of persons to account for assets, etc., in their possession.

(2) The Central Government may take or cause to be taken all necessary steps for securing possession of the undertakings of the two specified companies which have vested in the Central Government under this Act.

(3) The two specified companies shall within such period as the Central Government may allow in this behalf, furnish to that Government a complete inventory of all their properties and assets, as on the appointed day, pertaining to the undertakings which have vested in the Central Government under section 3 and, for this purpose, the Central Government shall afford to the two specified companies all reasonable facilities.

CHAPTER V

MISCELLANEOUS

10. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any instrument having effect by virtue of any law, other

Act to have overriding effect.

than this Act, or in any decree or order of any court, tribunal or other authority.

Penalties.

11. Any person who,—

- (a) having in his possession, custody or control any property forming part of any undertaking of either of the two specified companies, wrongfully withholds such property from the Central Government; or
- (b) wrongfully obtains possession of, or retains any property forming part of any undertaking of either of the two specified companies; or
- (c) wilfully withholds or fails to furnish to the Central Government or any person or persons specified by that Government any document relating to such undertaking, which may be in his possession, custody or control; or
- (d) fails to deliver to the Central Government or any person or persons specified by that Government, any assets, books of account, registers or other documents in his possession, custody or control, relating to the undertakings of either of the two specified companies; or
- (e) wrongfully removes or destroys any property forming part of any undertaking of either of the two specified companies or prefers any claim which he knows or has reason to believe to be false or grossly inaccurate,

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

Offences
by com-
panies.

12. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

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

Explanation.—For the purposes of this section,—

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

13. (1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any officer or other employee of that Government or any officer or other person authorised by that Government for anything which is in good faith done or intended to be done under this Act.

Protection of action taken in good faith.

(2) No suit or other legal proceeding shall lie against the Central Government or any officer or other employee of that Government or any officer or other person authorised by that Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

14. (1) The Central Government may, by notification, direct that all or any of the powers exercisable by it under this Act, other than the powers conferred by this section and sections 15 and 16 may also be exercised by such person or persons as may be specified in the said notification.

Delegation of powers.

(2) Whenever any delegation of power is made under sub-section (1), the person to whom such power has been delegated shall act under the direction, control and supervision of the Central Government.

15. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

Power to make rules.

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

16. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of a period of two years from the appointed day.

THE ASSAM APPROPRIATION (No. 2) ACT, 1982.

No. 37 OF 1982

[18th August, 1982.]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Assam for the services of the financial year 1982-83.

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

Short title.

Issue of
Rs. 977,14,
91,000
out of
the Con-
solidated
Fund of
the State
of Assam
for the
year
1982-83.

Appro-
priation

1. This Act may be called the Assam Appropriation (No. 2) Act, 1982.
2. From and out of the Consolidated Fund of the State of Assam 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 Assam Appropriation (Vote on Account) Act, 1982] to the sum of nine hundred seventy-seven crores, fourteen lakhs and ninety-one thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1982-83, in respect of the services specified in column 2 of the Schedule.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Assam by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

11 of 19

THE SCHEDULE

(See sections 2 and 3)

1 No. of Vote/ Appropria- tion	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Conso- lidated Fund	Total
		Rs.	Rs.	Rs.
1	State Legislature . . . Revenue	49,80,000	1,39,000	51,19,000
	Head of State . . . Revenue	..	12,20,000	12,20,000
2	Council of Ministers . . . Revenue	12,50,000	..	12,50,000
3	Administration of Justice . . . Revenue	1,98,86,000	63,57,000	2,62,43,000
4	Elections . . . Revenue	4,99,83,000	..	4,99,83,000
5	Taxes on Income and Expenditure . . . Revenue	6,82,000	..	8,82,000
6	Land Revenue and Land Ceiling . . . Revenue	8,47,70,000	20,000	8,47,90,000
7	Stamps . . . Revenue	9,99,000	..	9,99,000
8	Registration . . . Revenue	31,07,000	..	31,07,000
9	State Excise . . . Revenue	82,03,000	..	82,03,000
10	Sales Tax and Other Taxes . . . Revenue	1,27,76,000	..	1,27,76,000
11	Transport Services . . . Revenue	2,93,68,000	..	2,93,68,000
		Capital	1,77,15,000	1,77,15,000
12	Electrical Inspectorate . . . Revenue	7,43,000	..	7,43,000
13	Small Savings . . . Revenue	3,25,000	..	3,25,000
14	Financial Inspection . . . Revenue	2,75,000	..	2,75,000
		Servicing of Debt . . . Revenue	..	50,96,28,000
		Public Service Commission . . . Revenue	..	14,95,000
15	Civil Secretariat and Attached Offices . . . Revenue	3,88,80,000	..	3,88,80,000
16	District Administration . . . Revenue	3,60,61,000	..	3,60,61,000
17	Treasury and Accounts Administration . . . Revenue	1,18,17,000	..	1,18,17,000
18	Police . . . Revenue	37,47,67,000	22,000	37,47,89,000
		Capital	1,00,000	1,00,000
19	Jails . . . Revenue	1,73,36,000	..	1,73,36,000
20	Stationery and Printing . . . Revenue	1,50,14,000	..	1,50,14,000

1 No. of Vote/ Appropri- ation	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
21	Administrative and Functional Buildings . . . Revenue	5,63,58,000	50,000	5,64,08,000
	Capital	12,25,93,000	..	12,25,93,000
22	Fire Services . . . Revenue	1,66,12,000	..	1,66,12,000
23	Vigilance and Special Commissions . . . Revenue	13,16,000	..	13,16,000
24	Civil Defence and Home Guards . . . Revenue	2,52,53,000	..	2,52,53,000
25	Guest Houses, Government Hostels, etc. . . Revenue	40,13,000	..	40,13,000
26	Administrative Training . . . Revenue	7,37,000	..	7,37,000
27	Vital Statistics, etc. . . . Revenue	10,20,000	..	10,20,000
28	Pensions and other Retirement Benefits . . . Revenue	3,63,21,000	1,48,000	3,64,69,000
29	Aid Materials . . . Revenue	2,44,00,000	..	2,44,00,000
30	State Lotteries and Others . . . Revenue	49,96,000	..	49,96,000
31	Education Revenue	124,65,93,000	..	124,65,93,000
	Capital	2,00,000	..	2,00,000
32	Art and Culture . . . Revenue	99,96,000	..	99,96,000
33	State Archives . . . Revenue	2,20,000	..	2,20,000
34	Medical and Public Health . . . Revenue	52,00,77,000	4,000	52,00,81,000
	Capital	1,40,50,000	..	1,40,50,000
35	Sanitation and Sewerage . . Revenue	19,00,000	..	19,00,000
	Capital	4,00,000	..	4,00,000
36	Housing Schemes . . . Revenue	2,41,46,000	..	2,41,46,000
	Capital	50,61,000	..	50,61,000
37	Residential Buildings . . Revenue	2,43,59,000	..	2,43,59,000
	Capital	5,38,93,000	..	5,38,93,000
38	Urban Development . . Revenue	1,11,50,000	..	1,11,50,000
	Capital	1,10,90,000	..	1,10,90,000
39	Information and Publicity . . Revenue	67,50,000	..	67,50,000
40	Labour and Employment . . Revenue	2,79,67,000	..	2,79,67,000
41	Civil Supplies . . . Revenue	1,33,23,000	40,000	1,33,63,000
42	Relief and Rehabilitation . . Revenue	95,000	1,000	96,000

1 No. of Vote/ Appropria- tion	2 Services and purpose	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
43	Welfare of Scheduled Castes/ Scheduled Tribes and Others Revenue	6,10,05,000	..	6,10,05,000
	Capital	10,00,000	..	10,00,000
44	Social Welfare Revenue	3,98,14,000	..	3,98,14,000
45	Prohibition Revenue	50,35,000	..	50,35,000
46	Pensions to Freedom Fighters, Rajya Sainik Board, etc. Revenue	42,01,000	..	42,01,000
	Capital	29,74,000	..	29,74,000
47	Natural Calamities Revenue	8,92,00,000	..	8,92,00,000
48	Social and Community Services Revenue	5,00,000	..	5,00,000
49	Planning Board Revenue	32,70,000	..	32,70,000
50	Co-operation Revenue	5,95,97,000	..	5,95,97,000
	Capital	8,39,95,000	..	8,39,95,000
51	North Eastern Council Schemes Revenue	1,64,26,000	..	1,64,26,000
	Capital	3,77,06,000	..	3,77,06,000
52	Statistics Revenue	1,31,00,000	..	1,31,00,000
53	Weights and Measures Revenue	36,64,000	..	36,64,000
54	Trade Adviser Revenue	6,88,000	..	6,88,000
55	Agriculture Revenue	40,01,16,000	..	40,01,16,000
	Capital	5,50,00,000	..	5,50,00,000
56	Irrigation Revenue	4,87,93,000	..	4,87,93,000
	Capital	26,16,59,000	..	26,16,59,000
57	Soil and Water Conserva- tion Revenue	3,66,97,000	..	3,66,97,000
	Capital	1,20,00,000	..	1,20,00,000
58	Animal Husbandry and Veterinary Revenue	8,99,42,000	..	8,99,42,000
59	Dairy Development Revenue	1,74,01,000	..	1,74,01,000
60	Fisheries Revenue	2,15,07,000	..	2,15,07,000
	Capital	2,00,000	..	2,00,000
61	Forests Revenue	21,00,51,000	..	21,00,51,000
62	Community Development Revenue	8,36,84,000	2,000	8,36,86,000
63	Industries Revenue	43,41,000	..	43,41,000
	Capital	6,85,69,000	..	6,85,69,000

1 No. of Vote/ Appropri- ation	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
64	Sericulture and Weaving	Revenue	4,59,86,000	..
		Capital	2,11,000	..
65	Cottage Industries	Revenue	2,51,53,000	..
		Capital	93,95,000	..
66	Mines, Minerals and Power	Revenue	90,45,000	..
		Capital	51,67,00,000	..
67	Flood Control	Revenue	8,70,10,000	..
		Capital	13,00,00,000	1,23,000
68	Roads and Bridges	Revenue	28,33,50,000	..
		Capital	24,65,01,000	..
69	Tourism	Revenue	36,76,000	..
70	Payment of Compensation and assignment to Local Bodies and Panchayati Raj Institutions	Revenue	3,92,70,000	..
71	Assam Capital Construc- tion	Capital	1,02,41,000	24,000
	Internal Debt	Capital	..	2,55,15,02,000
	Repayment of Central Loan	Capital	..	50,53,17,000
72	Loans and Advances to Government Servants	Capital	6,25,00,000	..
	Inter State Settlement	Capital	..	1,00,000
		Total	619,52,99,000	357,61,92,000
				977,14,91,000

THE PAYMENT OF WAGES (AMENDMENT) ACT, 1982

No. 38 OF 1982

[18th August, 1982.]

An Act further to amend the Payment of Wages Act, 1936.

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

1. (1) This Act may be called the Payment of Wages (Amendment) Act, 1982.

Short title and commencement.

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

4 of 1936.

2. In the Payment of Wages Act, 1936 (hereinafter referred to as the principal Act), in the long title and in the preamble for the words "persons employed in industry", the words "employed persons" shall be substituted.

Amendment of long tit and preamble.

3. In section 1 of the principal Act,—

(a) in sub-section (4),—

(i) for the words "factory and to persons", the words "factory, to persons" shall be substituted;

(ii) after the words "contract with a railway administration", the words, brackets, letters and figures ", and to persons employed in an industrial or other establishment specified in sub-clauses (a) to (g) of clause (ii) of section 2" shall be inserted;

(b) in sub-section (5),—

(i) for the words "any industrial establishment or in any class or group of industrial establishments", the words, brackets, letter and figures "any establishment or class of establishments specified by the Central Government or a State Government under sub-clause (h) of clause (ii) of section 2" shall be substituted;

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

"Provided that in relation to any such establishment

(except S.13)/15-10-1982/vide Notification G.S.R. 612 (E), dated 15-10-1982; Gazette of India, Extraordinary, 1982, Pt II, Section 3 (i).

Amend-
ment of
section 2.

owned by the Central Government, no such notification shall be issued except with the concurrence of that Government.”;

(c) in sub-section (6), for the words “one thousand rupees”, the words “one thousand six hundred rupees” shall be substituted.

4. In section 2 of the principal Act, in clause (ii),—

(a) in the opening portion, for the words “industrial establishment” means, the words “industrial or other establishment” means shall be substituted;

(b) after sub-clause (g), the following sub-clause shall be inserted, namely:—

“(h) any other establishment or class of establishments which the Central Government or a State Government may, having regard to the nature thereof, the need for protection of persons employed therein and other relevant circumstances, specify, by notification in the Official Gazette.”.

Amend-
ment of
section 3.

5 In section 3 of the principal Act, in the proviso, for clause (b), the following clause shall be substituted, namely:—

“(b) in industrial or other establishments, if there is a person responsible to the employer for the supervision and control of the industrial or other establishments;”.

Amend-
ment of
section 5.

6. In section 5 of the principal Act, in clauses (a) and (b) of sub-section (1), for the words “industrial establishment”, the words “industrial or other establishment” shall be substituted.

Amend-
ment of
section 7.

7. In section 7 of the principal Act, in sub-section (2), after clause (k), the following clauses shall be inserted, namely:—

“(kk) deductions made, with the written authorisation of the employed person, for the payment of his contribution to any fund constituted by the employer or a trade union registered under the Trade Unions Act, 1926 for the welfare of the employed persons or the members of their families, or both, and approved by the State Government or any officer specified by it in this behalf, during the continuance of such approval;

(kkk) deductions made, with the written authorisation of the employed person, for payment of the fees payable by him for the membership of any trade union registered under the Trade Unions Act, 1926;”.

Amend-
ment of
section 8.

8. In section 8 of the principal Act,—

(a) in sub-section (4), for the words “half-an-anna in the rupee”, the words “three per cent.” shall be substituted;

(b) in the *Explanation*, for the words “industrial establishment”, the words “industrial or other establishment” shall be substituted.

Amend-
ment of
section 14.

9. In section 14 of the principal Act,—

(a) in sub-section (3), for the words “industrial establishments”, the words “industrial or other establishments” shall be substituted;

16 of 1926.

16 of 1926.

5 of 1898.
2 of 1974.

(b) in sub-section (4), in clauses (b) and (c), for the words "industrial establishment", the words "industrial or other establishment" shall be substituted;

(c) in sub-section (4A),—

(i) for the words and figures "Code of Criminal Procedure, 1898", the words and figures "Code of Criminal Procedure, 1973" shall be substituted;

(ii) for the word and figures "section 98", the word and figures "section 94" shall be substituted.

10. In section 18 of the principal Act, for the words and figures "Chapter XXXV of the Code of Criminal Procedure, 1898", the words and figures "Chapter XXVI of the Code of Criminal Procedure, 1973" shall be substituted.

11. In section 20 of the principal Act,—

(a) in sub-section (1), for the words "which may extend to five hundred rupees", the words "which shall not be less than two hundred rupees but which may extend to one thousand rupees" shall be substituted;

(b) in sub-section (2), for the words "two hundred rupees", the words "five hundred rupees" shall be substituted;

(c) in sub-section (3), for the words "which may extend to five hundred rupees", the words "which shall not be less than two hundred rupees but which may extend to one thousand rupees" shall be substituted;

(d) in sub-section (4),—

(i) in clause (b), for the words "industrial establishment", the words "industrial or other establishment" shall be substituted;

(ii) for the words "which may extend to five hundred rupees", occurring at the end, the words "which shall not be less than two hundred rupees but which may extend to one thousand rupees" shall be substituted;

(e) in sub-section (5), for the words "which may extend to three months, or with fine which may extend to one thousand rupees, or with both", the words "which shall not be less than one month but which may extend to six months and with fine which shall not be less than five hundred rupees but which may extend to three thousand rupees" shall be substituted;

(f) in sub-section (6), for the words "fifty rupees", the words "one hundred rupees" shall be substituted.

12. In section 25 of the principal Act,—

(a) for the words "employed in a factory", the words "employed in a factory or an industrial or other establishment" shall be substituted;

(b) for the words "displayed in such factory", the words "displayed in such factory or industrial or other establishment" shall be substituted;

Amend-
ment of
section 18.

Amend-
ment of
section 20.

Amend-
ment of
section 25.

(c) for the words "in the factory", the words "in the factory or industrial or other establishment" shall be substituted.

**Insertion
of new
section
25A.**

**Payment
of un-
disbursed
wages in
cases of
death of
employed
person.**

13. After section 25 of the principal Act, the following section shall be inserted, namely:—

"25A. (1) Subject to the other provisions of the Act, all amounts payable to an employed person as wages shall, if such amounts could not or cannot be paid on account of his death before payment or on account of his whereabouts not being known,—

(a) be paid to the person nominated by him in this behalf in accordance with the rules made under this Act; or

(b) where no such nomination has been made or where for any reasons such amounts cannot be paid to the person so nominated, be deposited with the prescribed authority who shall deal with the amounts so deposited in such manner as may be prescribed.

(2) Where, in accordance with the provisions of sub-section (1), all amounts payable to an employed person as wages—

(a) are paid by the employer to the person nominated by the employed person; or

(b) are deposited by the employer with the prescribed authority,

the employer shall be discharged of his liability to pay those wages."

**Amend-
ment of
section
26.**

14. In section 26 of the principal Act,—

(a) in sub-section (3),—

(i) in clause (l), the word "and", occurring at the end, shall be omitted;

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

"(la) prescribe the form and manner in which nominations may be made for the purposes of sub-section (1) of section 25A, the cancellation or variation of any such nomination, or the making of any fresh nomination in the event of the nominee predeceasing the person making nomination, and other matters connected with such nominations;

(lb) specify the authority with whom amounts required to be deposited under clause (b) of sub-section (1) of section 25A shall be deposited, and the manner in which such authority shall deal with the amounts deposited with it under that clause;"

(b) in sub-section (6),—

(i) for the words "two successive sessions", the words "two or more successive sessions" shall be substituted;

(ii) for the words "in which it is so laid or the session immediately following", the words "immediately following the session or the successive sessions aforesaid" shall be substituted.

THE PUBLIC WAKFS (EXTENSION OF LIMITATION)
(DELHI AMENDMENT) ACT, 1982

No. 39 OF 1982

[19th August, 1982.]

An Act further to amend the Public Wakfs (Extension of Limitation) Act, 1959, as in force in the Union territory of Delhi.

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

1. (1) This Act may be called the Public Wakfs (Extension of Limitation) (Delhi Amendment) Act, 1982.
Short title, extent and commencement
- (2) It extends to the whole of the Union territory of Delhi.
- (3) It shall be deemed to have effect from the 1st day of January, 1981.
2. In section 3 of the Public Wakfs (Extension of Limitation) Act, 1959, as in force in the Union territory of Delhi, for the words, figures and letters "the 31st day of December, 1980", the words, figures and letters "the 31st day of December, 1985" shall be substituted.

Amendment of section 3 of Act 29 of 1959.

THE CHIT FUNDS ACT, 1982

ARRANGEMENT OF SECTIONS

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THE SCHEDULE

THE CHIT FUNDS ACT, 1982

No. 40 OF 1982

[19th August, 1982.]

An Act to provide for the regulation of chit funds and for matters connected therewith.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Chit Funds Act, 1982.

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

(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 States.

Short title, extent and commencement.

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

(a) "approved bank" means the State Bank of India constituted under section 3 of the State Bank of India Act, 1955, or a subsidiary bank constituted under section 3 of the State Bank of India (Subsidiary Banks) Act, 1959, or a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, or a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976, or a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, or a banking company as defined under clause (e) of section 5 of the Banking Regulation Act, 1949, or a banking institution notified by the Central Government under section 51 of that Act or such other banking institution as the State Government may, in

Definitions.

23 of 1955.

38 of 1959

5 of 1970.

21 of 1976.

40 of 1980.

10 of 1949.

The provisions of this Act shall come into force in the States of West Bengal on 2.4.1984 and in Tamil Nadu on 13.4.1984 vide Notifn. No. S.O. 143(E), dated 1.3.1984 and S.O. 281(E), dated 12.4.1984, respectively.

(b) "chit" means a transaction whether called chit, chit fund, chitty, kuri or by any other name by or under which a person enters into an agreement with a specified number of persons that every one of them shall subscribe a certain sum of money (or a certain quantity of grain instead) by way of periodical instalments over a definite period and that each such subscriber shall, in his turn, as determined by lot or by auction or by tender or in such other manner as may be specified in the chit agreement, be entitled to the prize amount.

Explanation.—A transaction is not a chit within the meaning of this clause, if in such transaction,—

(i) some alone, but not all, of the subscribers get the prize amount without any liability to pay future subscriptions; or

(ii) all the subscribers get the chit amount by turns with a liability to pay future subscriptions;

(c) "chit agreement" means the document containing the articles of agreement between the foreman and the subscribers relating to the chit;

(d) "chit amount" means the sum-total of the subscriptions payable by all the subscribers for any instalment of a chit without any deduction of discount or otherwise;

(e) "chit business" means the business of conducting a chit;

(f) "defaulting subscriber" means a subscriber who has defaulted in the payment of subscriptions due in accordance with the terms of the chit agreement;

(g) "discount" means the sum of money or the quantity of grain which a prized subscriber is, under the terms of the chit agreement, required to forego and which is set apart under the said agreement to meet the expenses of running the chit or for distribution among the subscribers or for both;

(h) "dividend" means the share of the subscriber in the amount of discount available under the chit agreement for rateable distribution among the subscribers at each instalment of the chit;

(i) "draw" means the manner specified in the chit agreement for the purpose of ascertaining the prized subscriber at any instalment of the chit;

(j) "foreman" means the person who under the chit agreement is responsible for the conduct of the chit and includes any person discharging the functions of the foreman under section 39;

(k) "non-prized subscriber" does not include a defaulting subscriber;

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

2 of 1934.

- (m) "prize amount" means the difference between the chit amount and the discount, and in the case of a fraction of a ticket means the difference between the chit amount and the discount proportionate to the fraction of the ticket, and when the prize amount is payable otherwise than in cash, the value of the prize amount shall be the value at the time when it becomes payable;
- (n) "prized subscriber" means a subscriber who has either received or is entitled to receive the prize amount;
- (o) "Registrar" means the Registrar of Chits appointed under section 61, and includes an Additional, a Joint, Deputy or an Assistant Registrar appointed under that section;
- (p) "Reserve Bank" means the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934;
- (q) "State Government", in relation to a Union territory, means the administrator of that Union territory appointed by the President under article 239 of the Constitution;
- (r) "subscriber" includes a person who holds a fraction of a ticket and also a transferee of a ticket or fraction thereof by assignment in writing or by operation of law;
- (s) "ticket" means the share of a subscriber in a chit.

3. Save as otherwise expressly provided in this Act,—

- (a) the provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force or in the memorandum or articles of association or bye-laws or in any agreement or resolution whether the same be registered, executed or passed, as the case may be, before or after the commencement of this Act; and
- (b) any provision contained in the memorandum, articles, bye-laws, agreement or resolution aforesaid, shall, to the extent to which it is repugnant to the provisions of this Act, become or be void, as the case may be.

Act to
override
other
laws, memo-
randum,
articles, etc.

CHAPTER II

REGISTRATION OF CHITS, COMMENCEMENT AND CONDUCT OF CHIT-BUSINESS

4. (1) No chit shall be commenced or conducted without obtaining the previous sanction of the State Government within whose jurisdiction the chit is to be commenced or conducted or of such officer as may be empowered by that Government in this behalf, and unless the chit is registered in that State in accordance with the provisions of this Act:

prohibition
of chits
not sanc-
tioned or
registered
under the
Act.

Provided that a sanction obtained under this sub-section shall lapse if the chit is not registered within twelve months from the date of such sanction or within such further period or periods not exceeding six months in the aggregate as the State Government may, on application made to it in this behalf, allow.

- (2) An application for the purpose of obtaining a sanction under sub-section (1) shall be made by the foreman in such form and in such manner as may be prescribed.

(3) The previous sanction referred to in sub-section (1) may be refused, if the foreman,—

(a) had been convicted of any offence under this Act or under any other Act regulating chit business and sentenced to imprisonment for any such offence; or

(b) had defaulted in the payment of fees or the filing of any statement or record required to be paid or filed under this Act or had violated any of the provisions of this Act or the rules made thereunder; or

(c) had been convicted of any offence involving moral turpitude and sentenced to imprisonment for any such offence unless a period of five years has elapsed since his release:

Provided that before refusing any such sanction, the foreman shall be given a reasonable opportunity of being heard.

(4) The order of the State Government, and, subject to the provisions of sub-section (5), the order of the officer empowered under sub-section (1), issuing or refusing previous sanction under this section shall be final.

(5) Any person aggrieved by the refusal to issue previous sanction by an officer empowered under sub-section (1) may appeal to the State Government within thirty days of the date of communication to him of such refusal and the decision of that Government on such appeal shall be final.

**Prohibition
of invitation for
subscriptions
except
under
certain
conditions.**

**Form of
chit
agreement.**

5. No person shall issue or cause to be issued any notice, circular, prospectus, proposal or other document inviting the public to subscribe for tickets in any chit unless such notice, circular, prospectus, proposal or document contains a statement that the previous sanction required under section 4 has been obtained and the particulars of such sanction.

6. (1) Every chit agreement shall be in duplicate and shall be signed by each of the subscribers or by any person authorised by him in writing and the foreman and attested by at least two witnesses and it shall contain the following particulars, namely:—

(a) full name and residential address of every subscriber;

(b) the number of tickets including the fraction of a ticket held by each subscriber;

(c) the number of instalments, the amount payable for each ticket at every instalment and the interest or penalty, if any, payable on any default in the payment of such instalments;

(d) the probable date of commencement and the duration of the chit;

(e) the manner of ascertaining the prized subscriber at each instalment;

(f) the maximum amount of discount which the prized subscriber has to forego at any instalment;

(g) the mode and proportion in which the discount is distributable by way of dividend, foreman's commission or remuneration or expenses for running the chit, as the case may be;

- (h) the date, time and place at which the chit is to be drawn;
- (i) the instalment at which the foreman is to get the chit amount;
- (j) the name of the approved bank in which chit moneys shall be deposited by the foreman under the provisions of this Act;
- (k) where the foreman is an individual, the manner in which a chit shall be continued when such individual dies or becomes of unsound mind or is otherwise incapacitated;
- (l) the consequences to which a non-prized or prized subscriber or the foreman shall be liable in case of violation of any of the provisions of the chit agreement;
- (m) the conditions under which a subscriber shall be treated as a defaulting subscriber;
- (n) the nature and particulars of the security to be offered by the foreman;
- (o) the dates on which and time during which the foreman shall, subject to the provisions contained in section 44, allow inspection of chit records to non-prized and unpaid prized subscribers;
- (p) the names of the nominees of each subscriber, that is to say, the names of the persons to whom the benefits accruing to the subscriber under the chit may be paid in the case of the death of the subscriber or when he is otherwise incapable of making an agreement;
- (q) any other particulars that may, from time to time, be prescribed.

Explanation.—For the purposes of this sub-section, it shall be sufficient if the signature of each subscriber is obtained in separate copies of the agreement.

(2) The duration of a chit shall not extend beyond a period of five years from the date of its commencement:

Provided that the State Government may permit the duration of a chit up to a period of ten years if it is satisfied that it is necessary so to do, having regard to,—

- (a) the financial condition of the foreman;
- (b) his methods of operation;
- (c) the interests of prospective subscribers;
- (d) the requirements as to security; and
- (e) such other factors as the circumstances of the case may require.

(3) The amount of discount referred to in clause (f) of sub-section (1) shall not exceed thirty per cent. of the chit amount.

(4) Where the prized subscriber at any instalment of the chit is required to be determined by auction and more than one person offer the maximum discount, the prized subscriber shall be determined by lot.

7. (1) Every chit agreement shall be filed in duplicate by the foreman with the Registrar.

Filing
of chit
agreement.

(2) The Registrar shall retain one copy of the chit agreement and return the duplicate to the foreman with an endorsement that the chit agreement has been registered:

Provided that the Registrar may refuse to register the chit agreement on any one or more of the following grounds, namely:—

(a) that the security offered by the foreman under section 20 is insufficient;

(b) that the foreman had been convicted of any offence under this Act or under any other Act regulating chit business and sentenced to imprisonment for any such offence;

(c) that the foreman had defaulted in the payment of fees or the filing of any statement or record required to be paid or filed under this Act or had violated any of the provisions of this Act or the rules made thereunder;

(d) that the foreman had been convicted of any offence involving moral turpitude and sentenced to imprisonment for any such offence unless a period of five years has elapsed since his release:

Provided further that before refusing to register a chit under the first proviso, the foreman shall be given a reasonable opportunity of being heard.

(3) Every endorsement made under sub-section (2) shall be conclusive evidence that the chit is duly registered under this Act and the registration of a chit shall lapse if the declaration by the foreman under sub-section (1) of section 9 is not filed within three months from the date of such endorsement or within such further period or periods not exceeding three months in the aggregate as the Registrar may, on application made to him in this behalf, allow.

Minimum capital requirements for the commencement, etc., of a chit, and creation of a reserve fund by a company. 8. (1) Notwithstanding anything contained in the Companies Act, 1956, but subject to the provisions of this Act, a company shall not commence or carry on chit business unless it has a paid-up capital of not less than rupees one lakh.

(2) Every company having a paid-up capital of less than rupees one lakh and carrying on chit business on the commencement of this Act, shall, before the expiry of a period of three years from such commencement, increase its paid-up capital to not less than rupees one lakh:

Provided that the State Government may, if it considers it necessary in the public interest or for avoiding any hardship, extend the said period of three years in respect of any company by such further period or periods not exceeding two years in the aggregate:

Provided further that no such company shall commence any new chit the duration of which would extend beyond the said period of three years or such extended period or periods under the first proviso unless it increases its paid-up capital to not less than rupees one lakh.

(3) Every company carrying on chit business shall create and maintain a reserve fund and shall, out of the balance of profit of each year as disclosed in its profit and loss account and before any dividend on its shares is declared, transfer to such reserve fund, a sum equal to not less than ten per cent. of such profit.

(4) No company shall appropriate any sum or sums from the reserve fund except with the prior approval of the Registrar and, for the purpose

of obtaining such approval, it shall make an application in the prescribed form to the Registrar explaining the circumstances relating to such appropriation.

9. (1) Every foreman shall, after all the tickets specified in the chit agreement are fully subscribed, file a declaration to that effect with the Registrar.

(2) As soon as may be after a declaration is filed under sub-section (1), the Registrar shall, after satisfying himself that all the requirements relating to sanction, registration of chit and other matters have been duly complied with, grant a certificate of commencement to the foreman.

(3) No foreman shall commence any auction or the draw of any chit or appropriate any chit amount unless a certificate of commencement referred to in sub-section (2) is obtained by him.

10. (1) A foreman shall, as soon as may be after he has obtained the certificate of commencement under sub-section (2) of section 9, but not later than the date of the first draw of the chit, furnish to every subscriber, a copy of the chit agreement certified to be a true copy.

(2) A foreman shall, within fifteen days after the close of the month in which the draw for the first instalment of the chit is held, file with the Registrar, a certificate to the effect that the provisions of sub-section (1) have been complied with.

11. (1) No person shall carry on chit business unless he uses as part of his name any of the words "chit", "chit fund", "chitty" or "kuri" and no person other than a person carrying on chit business shall use as part of his name any such word.

(2) Where at the commencement of this Act,—

(a) any person is carrying on chit business without using as part of his name any of the words specified in sub-section (1); or

(b) any person not carrying on chit business is using any such word as part of his name,

he shall, within a period of one year from such commencement, add as part of his name any such word or, as the case may be, delete such word from his name:

Provided that the State Government may, if it considers it necessary in the public interest or for avoiding any hardship, extend the said period of one year by such further period or periods not exceeding one year in the aggregate.

12. (1) Except with the general or special permission of the State Government, no company carrying on chit business shall conduct any other business.

(2) Where at the commencement of this Act, any company is carrying on any business in addition to chit business, it shall wind up such other business before the expiry of a period of three years from such commencement:

Provided that the State Government may, if it considers it necessary in the public interest or for avoiding any hardship, extend the said period of three years by such further period or periods not exceeding two years in the aggregate.

Com-mence-
ment of
chit.

Copies
of
chit
agree-
ment to
be given
to subs-
cribers.

Use of the
words
"chit",
"chit
fund",
"chitty"
or "kurt".

Prohibi-
tion of
transac-
ting
business
other
than chit
business
by a com-
pany.

Aggregate amount of chits.

13. (1) No foreman, other than a firm or other association of individuals or a company or co-operative society, shall commence or conduct chits, the aggregate chit amount of which at any time exceeds twenty-five thousand rupees.

(2) Where the foreman is a firm or other association of individuals, the aggregate chit amount of the chits conducted by the firm or other association shall not at any time exceed,—

(a) where the number of partners of the firm or the individuals constituting the association is not less than four, a sum of rupees one lakh;

(b) in any other case, a sum calculated on the basis of twenty-five thousand rupees with respect to each such partner or individual.

(3) Where the foreman is a company or co-operative society, the aggregate chit amount of the chits conducted by it shall not at any time exceed ten times the net owned funds of the company or the co-operative society, as the case may be.

Explanation.—For the purposes of this sub-section, "net owned funds" shall mean the aggregate of the paid-up capital and free reserves as disclosed in the last audited balance sheet of the company or co-operative society, as reduced by the amount of accumulated balance of loss, deferred revenue, expenditure and other intangible assets, if any, as disclosed in the said balance sheet.

Utilisation of funds.

14. (1) No person carrying on chit business shall utilise the moneys collected in respect of such business (other than commission or remuneration payable to such person or interest or penalty, if any, received from a defaulting subscriber), except for—

(a) carrying on chit business; or

(b) giving loans and advances to non-prized subscribers on the security of subscriptions paid by them; or

(c) investing in trustee securities within the meaning of section 20 of the Indian Trusts Act, 1882; or

(d) making deposits with approved banks mentioned in the chit agreement.

(2) Where any person carrying on chit business has utilised the moneys collected in respect of such business before the commencement of this Act, otherwise than for the purposes specified in sub-section (1), he shall secure that so much of such moneys as have not been realised before such commencement are realised before the expiry of a period of three years from such commencement:

Provided that the State Government may, if it considers it necessary in the public interest or for avoiding any hardship, extend the said period of three years by such further period or periods not exceeding one year in the aggregate.

Alteration of chit agreement.

15. A chit agreement shall not be altered, added to or cancelled except with the consent in writing of the foreman and all the subscribers to the chit,

16. (1) Every draw in a chit shall be held on the date, at the time and place mentioned in the chit agreement and a notice therefor in such form and in such manner as may be prescribed shall be issued by the foreman to all the subscribers.

Date, time
and place
of conduct-
ing chits.

(2) Every such draw shall be conducted in accordance with the provisions of the chit agreement and in the presence of not less than two subscribers.

(3) Where any draw was not conducted on the ground that two subscribers required to be present at a draw under sub-section (2) were not present or on any other ground, the Registrar may, on his own motion or on an application made by the foreman or any of the subscribers, direct that the draw shall be conducted in his presence or in the presence of any person deputed by him.

17. (1) The minutes of the proceedings of every draw shall be prepared and entered in a book to be kept for that purpose immediately after the closure of the draw and shall be signed by the foreman, the prized subscribers, if present, or their authorised agents, and at least two other subscribers who are present, and where a direction has been made under sub-section (3) of section 16, also by the Registrar or the person deputed by him under that sub-section.

Minutes
of proceed-
ings.

(2) The minutes referred to in sub-section (1) shall state clearly—

- (a) the date and hour when proceedings began and ended and the place where the draw was held;
- (b) the number of the instalment of the chit to which the proceedings relate;
- (c) the names of the subscribers present;
- (d) the person or persons who become entitled to the prize amount in the instalment;
- (e) the amount of discount;
- (f) full particulars regarding the disposal of the unpaid prize amount, if any, in respect of any previous instalment; and
- (g) any other particulars that may be prescribed.

18. A true copy of the minutes of the proceedings of every draw certified as such by the foreman shall be filed by the foreman with the Registrar within twenty-one days from the date of the draw to which it relates.

Copies of
minutes
to be filed
with
Registrar.

19. (1) No person carrying on chit business shall open a new place of business without obtaining the prior approval of the Registrar within whose territorial jurisdiction his registered office or, as the case may be, the place or the principal place of business is situated.

Restriction
on opening
of new
place of
business.

(2) Before granting approval under sub-section (1), the Registrar shall consult the Registrar of the State within whose territorial jurisdiction the new place of business is proposed to be opened and shall also keep in view the financial condition and methods of operation of the foreman, the extent to which public interest will be served by the opening of the new place of business and such other matters as may be prescribed.

(3) Where a person carrying on chit business opens a new place of business in a State other than the State (hereinafter referred to as the State of origin) in which his registered office or the place or the principal place of his business is situated, the Registrar of the State in which such new place of business is opened may also exercise and perform any of the

powers and functions which the Registrar of the State of origin may exercise and perform in respect of the chit business carried on at such new place of business.

(4) For the purposes of this section, "place of business" shall include any branch office, sub-office, or any place of business where the chit business may be conducted by such person.

CHAPTER III

RIGHTS AND DUTIES OF FOREMAN

**Security
to be given
by fore-
man.**

20. (1) For the proper conduct of the chit, every foreman shall, before applying for a previous sanction under section 4,—

(a) deposit in an approved bank an amount equal to the chit amount in the name of the Registrar; or

(b) transfer Government securities of the face value or market value (whichever is less) of not less than one and a half times the chit amount in favour of the Registrar; or

(c) transfer in favour of the Registrar such other securities, being securities in which a trustee may invest money under section 20 of the Indian Trusts Act, 1882, of such value, as may be prescribed by the State Government from time to time:

Provided that the value of the securities referred to in clause (c) shall not, in any case, be less than one and a half times the value of the chit amount.

(2) Where a foreman conducts more than one chit, he shall furnish security in accordance with the provisions of sub-section (1) in respect of each chit.

(3) The Registrar may, at any time during the currency of the chit, permit the substitution of the security:

Provided that the face value or market value (whichever is less) of the substituted security shall not be less than the value of the security given by the foreman under sub-section (1).

(4) The security given by the foreman under sub-section (1), or any security substituted under sub-section (3), shall not be liable to be attached in execution of a decree or otherwise until the chit is terminated and the claims of all the subscribers are fully satisfied.

(5) Where the chit is terminated and the Registrar has satisfied himself that the claims of all the subscribers have been fully satisfied, he shall order the release of the security furnished by the foreman under sub-section (1), or the security substituted under sub-section (3), as the case may be, and in doing so, he shall follow such procedure as may be prescribed.

(6) Notwithstanding anything to the contrary contained in any other law for the time being in force, the security furnished under this section shall not be dealt with by the foreman during the currency of the chit to which it relates and any dealing by the foreman with respect thereto by way of transfer or other encumbrances shall be null and void.

**Rights of
foreman.**

21. (1) The foreman shall be entitled,—

(a) in the absence of any provision in the chit agreement to the contrary, to obtain the chit amount at the first instalment without

deduction of the discount specified in the chit agreement, subject to the condition that he shall subscribe to a ticket in the chit:

Provided that in a case where the foreman has subscribed to more than one ticket, he shall not be eligible to obtain more than one chit amount in a chit without discount;

(b) to such amount not exceeding five per cent. of the chit amount as may be fixed in the chit agreement, by way of commission, remuneration or for meeting the expenses of running the chit;

(c) to interest and penalty, if any, payable on any default in the payment of instalments and to such other amounts as may be payable to him under the provisions of the chit agreement;

(d) to receive and realise all subscriptions from the subscribers and to distribute the prize amounts to the prized subscribers;

(e) to demand sufficient security from any prized subscriber for the due payment of future subscriptions payable by him.

Explanation.—A security shall be deemed to be sufficient for the purposes of this clause if its value exceeds by one-third, or if it consists of immovable properties, the value of which exceeds by one-half, of the amount due from the prized subscriber;

(f) to substitute subscribers in place of defaulting subscribers; and

(g) to do all other acts that may be necessary for the due and proper conduct of the chit.

(2) Where any dispute arises with regard to the value of the property offered as security under clause (e) of sub-section (1), it shall be referred to the Registrar for arbitration under section 64.

22. (1) The foreman shall, on the prized subscriber furnishing sufficient security for the due payment of future subscriptions, be bound to pay him the prize amount:

Provided that the prized subscriber shall be entitled to the payment of the prize amount without any security whatsoever if he agrees to the deduction therefrom of the amount of all future subscriptions and in such a case, the foreman shall pay the prize amount to the prized subscriber within seven days after the date of the draw or before the date of the next succeeding instalment, whichever is earlier:

Provided further that where the prize amount has been paid to the prized subscriber under the first proviso, the amount deducted shall be deposited by the foreman in an approved bank mentioned in the chit agreement and he shall not withdraw the amount so deposited except for the payment of future subscriptions.

(2) If, owing to the default of the prized subscriber, the prize amount due in respect of any draw remains unpaid until the date of the next succeeding instalment, the foreman shall deposit the prize amount forthwith in a separate account in an approved bank mentioned in the chit agreement and intimate in writing the fact of such deposit and the reasons therefor to the prized subscriber and the Registrar:

Duties of foreman

Provided that where any prized subscriber does not collect the prize amount in respect of any instalment of a chit within a period of two months from the date of the draw, it shall be open to the foreman to hold another draw in respect of such instalment.

(3) Every payment of the prize amount or the amount of future subscriptions under sub-section (1), and the deposit of the prize amount under sub-section (2), shall be intimated to the subscribers at the next succeeding draw and the particulars of such payment or deposit shall be entered in the minutes of the proceedings of that draw.

(4) The foreman shall not appropriate to himself any amount in excess of what he is entitled to under clause (b) or clause (c) of sub-section (1) of section 21:

Provided that where the foreman is himself a prized subscriber, he shall be entitled to appropriate to himself the prize amount subject to his complying with the provisions of section 31:

Provided further that the foreman may appropriate to himself the interest accruing on the amount deposited under the second proviso to sub-section (1).

(5) The foreman shall not admit any person as a subscriber to a chit, if, by such admission, the total number of tickets mentioned in the chit agreement is increased.

(6) The foreman shall distribute among the subscribers, in accordance with the chit agreement, the dividend either in cash, grain or by way of adjustment towards the subscriptions payable for the next instalment, if any.

**Books,
records,
etc., to be
kept by
foreman.**

23. The foreman shall maintain in his registered office, or, as the case may be, in the place or the principal place of his business, or, where the foreman has any branch office, sub-office or any place of business for the conduct of chit business in a State other than the State in which his registered office or the principal place of his business is situated, in such branch office, sub-office or place of business in respect of the business conducted in that State—

(a) a register containing—

(i) the names and full particulars of the subscribers in each chit together with the number of tickets held by each subscriber;

(ii) the dates on which the subscribers signed the chit agreement; and

(iii) in the case of an assignment of a ticket by a subscriber, the name and full address of the assignee with the date of assignment and the date on which the assignment had been recognised by the foreman;

(b) a book containing the minutes of the proceedings of each draw;

(c) a ledger containing—

(i) the amounts paid by the subscribers in each chit and the dates of such payments;

(ii) the amounts paid to the prized subscribers and the dates of such payments; and

- (iii) in the case of any deposit in an approved bank mentioned in the chit agreement, the date and the amount of such deposit;
- (d) a register in the prescribed form showing the amounts deposited in approved banks as required under the provisions of this Act in respect of all chits conducted by the foreman at his office; and
- (e) such other registers and books in such form as may be prescribed by the State Government within whose jurisdiction the chit is conducted.

24. Without prejudice to the provisions of the Companies Act, 1956, every foreman shall prepare and file with the Registrar within such time as may be prescribed, a balance sheet as on the last date of each calendar year, or, as the case may be, the financial year of the foreman, and a profit and loss account relating to the year of account, in the forms set out in Parts I and II of the Schedule, or as near thereto as circumstances admit, in respect of the chit business and audited by auditors qualified to act as auditors under the Companies Act, 1956, or by a chit auditor appointed under section 61:

Provided that where a balance sheet is audited by an auditor qualified to act as auditor under the Companies Act, 1956, a chit auditor appointed under section 61 shall have the right to audit the balance sheet at any time if so authorised by the Registrar in this behalf.

25. (1) Every foreman shall be liable to account to the subscribers for the amounts due to them.

(2) Where there are more than one foreman in a chit, each one of them jointly and severally and, if the foreman is a firm or other association of individuals, each one of the partners or individuals thereof jointly and severally and, if the foreman is a company, the company as such, shall be liable to the subscribers in respect of the obligations arising out of the chit.

26. (1) No foreman, or where there are more than one foreman in a chit, none of them shall withdraw from the chit until its termination unless such withdrawal is assented to in writing by all the non-prized and unpaid prized subscribers and a copy of such assent has been filed with the Registrar under section 41.

(2) The withdrawal from a chit of any one of the foreman shall not affect the security given by him under section 20 or section 31.

Balance sheet.

Liability of foreman to subscribers.

With-
drawal
of fore-
man.

Non-
prized
subscri-
bers
to pay
subscrip-
tions
and
obtain
receipts.

CHAPTER IV

RIGHTS AND DUTIES OF NON-PRIZED SUBSCRIBERS

27. Every non-prized subscriber shall pay his subscription due in respect of every instalment on the dates and times and at the places mentioned in the chit agreement and shall, on such payment, be entitled to obtain a receipt from the foreman.

Removal
of
defaulting
sub-
scribers.

28. (1) A non-prized subscriber who defaults in paying his subscription in accordance with the terms of the chit agreement shall be liable to have his name removed from the list of subscribers and a written notice of such removal shall be given by the foreman to the defaulting subscriber within fourteen days of the date of such removal:

Provided that if the defaulter pays the defaulted instalment with interest at such rate as may be prescribed within seven days of the date of receipt of such notice, his name shall be re-entered in the list of such subscribers:

(2) Every such removal under sub-section (1) shall with the date thereof be entered in the relevant book maintained by the foreman.

(3) A true copy of the entry referred to in sub-section (2) shall be filed by the foreman with the Registrar within fourteen days from the date of removal.

(4) Any defaulting subscriber aggrieved by the removal of his name from the list of subscribers may, within seven days of the date of receipt of the notice of removal refer the matter to the Registrar for arbitration under section 64.

Substitu-
tion
of subs-
scribers.

29. (1) A foreman may substitute in the list of subscribers any person (hereafter in this Chapter referred to as the substituted subscriber) in place of the defaulting subscriber whose name has been removed under sub-section (1) of section 28.

(2) Every substitution referred to in sub-section (1) shall, with the date thereof, be entered in the relevant book maintained by the foreman and a true copy of every such entry shall be filed by the foreman with the Registrar within fourteen days from the date of substitution.

Amounts
due to
default-
ing sub-
scribers.

30. (1) A foreman shall, out of the amounts payable by and realized from the substituted subscriber towards the instalments relatable to the period before the date of the substitution (including the arrears due from the defaulting subscriber), deposit, before the date of the next succeeding instalment, in a separate identifiable account in an approved bank mentioned in the chit agreement, an amount equal to the contributions made by the defaulting subscriber less such deductions as may be provided for in the chit agreement, and shall inform the defaulting subscriber as well as the Registrar of the fact of such deposit and shall not withdraw the amount so deposited except for payment to the defaulting subscriber.

(2) The amount so deposited under sub-section (1) shall be paid to the defaulting subscriber as and when he claims the amount and the amount so deposited shall not be withdrawn by the foreman for any purpose other than for such payment.

(3) The contributions of any defaulting subscriber who has not been substituted till the termination of the chit shall be paid to him within fifteen days from the date of termination of the chit subject to such deductions as may be provided for in the chit agreement.

CHAPTER V

RIGHTS AND DUTIES OF PRIZED SUBSCRIBERS

31. Every prized subscriber shall, if he has not offered to deduct the amount of all future subscriptions from the prize amount due to him, furnish, and a foreman shall take, sufficient security for the due payment of all future subscriptions and, if the foreman is a prized subscriber, he shall give security for the due payment of all the future subscriptions to the satisfaction of the Registrar.

32. Every prized subscriber shall pay his subscriptions regularly on the dates and times and at the place mentioned in the chit agreement and, on his failure to do so, he shall be liable to make a consolidated payment of all the future subscriptions forthwith.

33. (1) A foreman shall not be entitled to claim a consolidated payment from a defaulting prized subscriber under section 32 unless he makes a demand to that effect in writing.

(2) Where a dispute is raised under this Act by a foreman for a consolidated payment of future subscriptions from a defaulting prized subscriber and if the subscriber pays to the foreman on or before the date to which the dispute is posted for hearing the arrears of subscriptions till that date together with the interest thereon at the rate provided for in the chit agreement and the cost of adjudication of the dispute, the Registrar or his nominee hearing the dispute shall, notwithstanding any contract to the contrary, make an order directing the subscriber to pay to the foreman the future subscriptions on or before the dates on which they fall due, and that, in case of any default of such payments by the subscriber, the foreman shall be at liberty to realise, in execution of that order, all future subscriptions and interest together with the costs, if any, less the amount, if any, already paid by the subscriber in respect thereof:

Provided that if any such dispute is on a promissory note, no order shall be passed under this sub-section unless such promissory note expressly states that the amount due under the promissory note is towards the payment of subscriptions to the chit.

(3) Any person who holds any interest in the property furnished as security or part thereof, shall be entitled to make the payment under sub-section (2).

(4) All consolidated payments of future subscriptions realised by a foreman shall be deposited by him in an approved bank mentioned in the chit agreement before the date of the succeeding instalment and the amount so deposited shall not be withdrawn except for payment of future subscriptions.

(5) Where any property is obtained as security in lieu of the consolidated payment of future subscriptions, it shall remain as security for the due payment of future subscriptions.

CHAPTER VI

TRANSFERS

34. (1) No transfer of the rights of a foreman to receive subscriptions from the prized subscribers shall be made without the previous sanction in writing of the Registrar.

Prized subscriber to furnish security.

Prized subscriber to pay subs-criptions regularly. Foreman to demand future subscrip-tions by written notice.

Restrictions on transfer of rights of foreman.

(2) Any transfer of the rights of a foreman to receive subscriptions from the prized subscribers shall, if it is likely to defeat or delay the interests of a non-prized or unpaid prized subscriber, be voidable at the instance of such subscriber.

(3) When under sub-section (2), a transfer is disputed by a subscriber, the burden of proving that the foreman was in solvent circumstances at the time of the transfer and that the transfer does not defeat or delay the interests of such subscriber is on the transferee.

Transfer
of non-
prized
subscri-
ber's
rights to be
in writing.

35. Every transfer by a non-prized subscriber of his rights in the chit shall be in writing duly attested by at least two witnesses and shall be filed with the foreman.

Recog-
nition
of trans-
fer by
foreman.

36. Every transfer under section 35 shall, within a period of fourteen days from the date of receipt of the proposal for transfer by the foreman, be recognised by him unless the transferee is not solvent or the transfer was effected with a view to defeating the provisions of any law including this Act and the decision of the foreman to recognise the transfer or not shall forthwith be communicated to the parties concerned.

Entry of
trans-
feree's
name
in the
books.

37. Every transfer under section 34 or section 35 shall be entered by the foreman in the books of the chit forthwith and a true copy of such entry shall be filed by the foreman with the Registrar within fourteen days from the date of making such entry.

Meetings
of
general
body of
sub-
scribers.

38. (1) The foreman may, on his own motion, convene a special meeting of the general body of subscribers for considering any proposal to pass a special resolution.

(2) The foreman shall convene such a meeting on the requisition in writing of not less than twenty-five per cent. of the number of non-prized and unpaid prized subscribers, and the meeting so convened shall be held within thirty days of the date of receipt of the requisition and if the foreman refuses or fails to call such a meeting within fourteen days of the date of receipt of such requisition, not less than twenty-five per cent. of the number of non-prized and unpaid prized subscribers may give notice of the fact to the Registrar.

(3) The Registrar shall, within twenty-one days of the receipt of the notice under sub-section (2), convene or direct the convening of a special meeting of the general body of the subscribers and on receipt of such a direction, it shall be the duty of the foreman to comply with such direction.

(4) Notice of not less than fourteen days shall be given to all the subscribers of a meeting under this section specifying the object, date, hour and place of meeting and a copy of the special resolution shall also be sent along with the notice of the meeting.

Explanation.—For the purposes of this section and section 39, "special resolution" means a resolution which is passed at a meeting of the general body of the subscribers specially convened for the

purpose, by a majority of not less than two-thirds of the subscribers to the chit present at the meeting in person or by proxy and representing not less than three-fourths of the amount or, as the case may be, the value of the grain, subscribed by all the non-prized and unpaid prized subscribers, if any.

CHAPTER VIII

TERMINATION OF CHITS

39. (1) Where a foreman dies or becomes of unsound mind or is otherwise incapacitated, the chit may continue in accordance with the provisions of the chit agreement.

(2) Where a foreman is adjudicated as insolvent, or withdraws from the chit under section 26, or fails to conduct the chit at any instalment or on any other date before the next succeeding instalment as may have been agreed upon by a special resolution, any one or more of such subscribers authorised by such resolution may, in the absence of any provision in the chit agreement for the future conduct of the chit, take the place of the foreman and continue the chit or make other arrangements for the further conduct of the chit.

40. A chit shall be deemed to have terminated,—

(a) when the period specified therefor in the chit agreement has expired provided the payment of dues to all the subscribers has been completed; or

(b) when all the non-prized and unpaid prized subscribers and the foreman consent in writing to the termination of the chit and a copy of such consent is filed with the Registrar as required under section 41; or

(c) where a foreman dies or becomes of unsound mind or is otherwise incapacitated and the chit is not continued in accordance with the provisions of the chit agreement:

Provided that, in a case where the foreman is a firm, if a partner thereof dies or becomes of unsound mind or is otherwise incapacitated, the chit shall not be deemed to have terminated and the surviving partner or partners shall conduct the chit in the absence of any provision to the contrary in the chit agreement.

41. A true copy of every assent referred to in section 26 and of every consent referred to in clause (b) of section 40 with their dates shall be filed by the foreman or by the surviving partner or partners, as the case may be, with the Registrar within fourteen days from the date of such assent or consent.

42. Except in the cases referred to in clauses (a) and (b) of section 40,—

(a) every non-prized subscriber shall, unless otherwise provided for in this Act or in the chit agreement, be entitled to get back his subscriptions at the termination of the chit without any deduction for dividend, if any, earned by him:

Provided that, any person to whom the rights of a non-prized subscriber are transferred in accordance with the provisions of section 35, shall, in addition to his own subscriptions, be entitled to

Provision
for
continua-
tion of
chits in
certain
cases.

Termina-
tion of
chits.

Copy of
assent or
consent
to be
filed with
Registrar.

Refund of
non-prized
subscri-
bers'
subscrip-
tions.

get back the subscriptions paid by such non-prized subscriber, subject to the conditions specified in this section;

(b) if a chit terminates on a date earlier than the date originally fixed in the chit agreement, the non-prized subscriber's claim shall be deemed to have arisen on the date on which he has notice thereof.

43. Any amount due to the subscriber from a foreman in relation to the chit business shall be a first charge on the chit assets.

Subscribers' dues to be first charge on chit assets.

Foreman to allow certain subscribers to inspect chit records.

Preservation of chit records by foreman.

Inspection of chit books and records by Registrar.

Power of Reserve Bank to inspect chit books and records.

CHAPTER IX

INSPECTION OF DOCUMENTS

44. Every foreman shall, on payment of such fee not exceeding five rupees as may be specified in the chit agreement, allow the non-prized subscribers and unpaid prized subscribers reasonable facilities on all the dates of draw or on such other dates and within such hours as may be provided for in the chit agreement, for the inspection of security bonds and documents, receipts and other records taken from the prized subscribers or furnished by the foreman as a subscriber and all chit records, including books of account, pass books, balance sheet and profit and loss accounts and such other records as may show the actual financial position of the chit.

45. All the records pertaining to a chit shall be kept by the foreman for a period of eight years from the date of termination of the chit.

46. (1) Without prejudice to the provisions of sections 209 and 209A of the Companies Act, 1956, the Registrar or an officer authorised by the State Government in this behalf may inspect chit books and all the records of a chit during working hours on any working day at the premises of the foreman with or without giving notice and it shall be the duty of every foreman to produce to the Registrar or the officer so authorised, all such books and records as are in his custody or power and to furnish him with any statement or information relating to the chits as he may require from the foreman within such time as he may specify.

(2) The Registrar or an officer authorised by the State Government in this behalf may, after giving seven days' notice in writing to the foreman, direct him to produce before him for inspection such chit books and records as he may require at the time and place mentioned in the notice.

(3) If on an inspection made under sub-section (1) or sub-section (2), any defects are found, the Registrar may bring such defects to the notice of the foreman and may also make an order directing the foreman to take such action as may be specified in the order to remedy the defects within the time specified therein.

(4) Every foreman shall be bound to comply with the directions contained in an order made under sub-section (3).

47. (1) Nothing in section 46 shall be deemed to affect the power of the Reserve Bank to inspect the books and records of any foreman under the provisions of section 45N of the Reserve Bank of India Act, 1934.

(2) The Reserve Bank may, if it considers necessary, forward a copy of its report or of any part of its report on the inspection of the books and records of a foreman to the foreman for taking necessary action.

1 of 1956.

2 of 1934.

(3) Every foreman shall, on receipt of the report or part thereof under sub-section (2), be bound to comply with the directions, if any, given by the Reserve Bank in this behalf and shall, if so required, submit periodical reports in regard to the action taken by him.

(4) The Reserve Bank may also forward a copy of the report on the inspection of the books and records of a foreman to the State Government within whose jurisdiction the registered office of the company, if the foreman is a company, or the place or the principal place of business of the foreman in any other case, is situated for such action as may be considered necessary.

CHAPTER X

WINDING UP OF CHITS

48. A chit may be wound up by the Registrar within whose territorial jurisdiction the chit has been registered, either on his own motion or on an application made by any non-prized or unpaid prized subscriber,—

- (a) if the chit has terminated under clause (c) of section 40; or
- (b) if the foreman commits any such act in respect of the security specified in section 20 as is calculated to impair materially the nature of the security or the value thereof; or
- (c) if he fails to deposit any amount required to be deposited under any of the provisions of this Act; or
- (d) if it is proved to the satisfaction of the Registrar that the foreman is unable to pay the amounts due to the subscribers; or
- (e) if the execution or other process issued on an order passed by the Registrar in favour of any subscriber in respect of amounts due to him from the foreman in relation to the chit business is returned unsatisfied in whole or in part; or
- (f) if it is proved that there has been a fraud or collusion on the part of the foreman in the matter of taking securities from any prized subscriber; or
- (g) if the foreman has appropriated the prize amount in his capacity as a subscriber without furnishing sufficient security for future subscriptions; or
- (h) if the Registrar is satisfied that the affairs of the chit are being conducted in a manner prejudicial to the interests of the subscribers; or
- (i) if it is just and equitable that the chit should be wound up.

Explanation.—For the purposes of clause (d), in determining whether the foreman is unable to pay the amounts due to the subscribers, the Registrar shall take into account his contingent and future liabilities in respect of the chit.

49. An application for the winding up of a chit shall be made by a petition presented by any non-prized or unpaid prized subscriber to the Registrar signed and verified in the manner laid down by the Code of Civil Procedure, 1908, and shall contain such particulars as may be prescribed;

Circumstances under which chits may be wound up.

Application for winding up.

Provided that no application for the winding up of a chit under clause (d) or clause (i) of section 48 shall lie unless such application is presented,—

(a) by non-prized and unpaid prized subscribers representing not less than twenty-five per cent. of the amount or, as the case may be, the value of the grain subscribed by all the non-prized and unpaid prized subscribers, if any; or

(b) with the previous sanction of the State Government within whose jurisdiction the chit is commenced or conducted.

Explanation.—For the purposes of clause (a), of the proviso, a subscriber of a fraction of a ticket shall be deemed to be a subscriber only to the extent of such fraction.

Bar to winding up proceedings.

50. Notwithstanding anything contained in sections 48 and 49, no petition for the winding up of a chit shall be entertained by the Registrar,—

(a) if proceedings relating to insolvency are pending against the foreman; or

(b) where the foreman is a firm, if proceedings relating to insolvency are pending against all the partners or all the partners except one thereof, or proceedings for the dissolution of the firm are pending; or

(c) where the foreman is a company or co-operative society, if proceedings for the winding up of such company or co-operative society are pending.

Commencement and effect of winding up order.

51. An order for the winding up of a chit shall operate in favour of all the subscribers to whom amounts are due from the foreman and it shall be deemed to have commenced from the date of the presentation of the application for the winding up.

Injunction order.

52. The Registrar may, on the application of the foreman or of any subscriber to whom amounts are due in respect of a chit, at any time after the presentation of the application for the winding up of the chit under this Act and before the making of an order for the appointment of an interim receiver or for the winding up of the chit, restrain any other proceedings instituted against the foreman for the realisation of amounts due from him on such terms as the Registrar thinks fit.

Powers of Registrar.

53. The Registrar may, after hearing an application under this Chapter, dismiss it with or without costs, or adjourn the hearing conditionally or unconditionally or make an interim or any other order that he deems fit.

Vesting of chit assets in Registrar or other persons. Suits, etc. to be stayed on winding up order.

54. On the making of an order for the winding up of a chit, all the chit assets pertaining to such chit shall vest in the Registrar or in any person appointed by him for distribution amongst the subscribers to whom amounts are due in respect of the chit.

55. When a winding up order has been made or a receiver has been appointed, no suit or other legal proceedings shall be continued or commenced against the foreman by a subscriber for the realisation of amounts due to him in respect of the chit except with the leave of the Registrar winding up the chit and on such terms as he may impose.

56. On the making of a winding up order, the Registrar shall make an entry in his book relating to the chit and shall notify in the Official Gazette that the order has been made.

57. Where during the pendency of the proceedings for the winding up of a chit, the foreman is adjudicated an insolvent, or where the foreman is a firm, all the partners or all the partners except one thereof are adjudicated insolvents, or where the foreman is a company, the company has been ordered to be wound up by the Court, the winding up proceedings under this Chapter shall cease and the distribution of the chit assets shall, subject to the provisions of sections 43 and 52, be made by the insolvency court or the court winding up the company, as the case may be.

Notification of winding up order.

Cessation of winding up proceedings on insolvency of foreman, etc., or the winding up of the company and transfer of such proceedings.

58. (1) Where an application for the winding up of a chit is dismissed and the Registrar is satisfied that the petition is frivolous or vexatious, he may, on the application of the foreman, award against the petitioner such amount, not exceeding one thousand rupees, as he deems reasonable as compensation to the foreman for the expenses or injury caused to him by the presentation of the application and the proceedings thereon, and such amount may be realised as if the award were a decree of a Civil Court.

(2) On the making of an award under sub-section (1), no suit for compensation in respect of an application for any winding up of the chit shall be entertained.

Award of compensation to foreman.

59. The foreman or any subscriber or any other person aggrieved by a decision or order of the Registrar in any proceedings for the winding up of a chit may, within sixty days from the date of such decision or order, appeal to the State Government.

Right to appeal.

60. (1) Where an order refusing to wind up a chit has been made under this Act, the chit shall be deemed to have been under suspension from the date of presentation of the application to the date of such order in respect of non-prized subscribers; and, notwithstanding anything contained in the chit agreement, no non-prized subscriber who was not a defaulter on the date of the presentation of the petition for winding up, shall be deemed to be a defaulter on the date of such order.

Limitation.

(2) Where an order refusing to wind up a chit has been made under this Act, in computing the period of limitation prescribed for any suit

or other legal proceedings (other than a suit or application in respect of which the leave of the court has been obtained) which might have been brought or instituted, but for the presentation of the application for the winding up of the chit, the period from the date of the presentation of the application to the date of the order refusing to wind up a chit shall be excluded.

(3) Nothing contained in this Chapter shall affect the rights of a subscriber to proceed against the foreman personally for the balance, if any, of the amount due to him after the declaration of the final dividend in the proceedings for the winding up of the chit and in computing the period of limitation prescribed for any such proceedings, the period from the date of the presentation of the application for the winding up of the chit to the date of the declaration of the final dividend shall be excluded.

CHAPTER XI

APPOINTMENT OF OFFICERS AND LEVY OF FEES

Appointment of Registrar and other officers.

61. (1) The State Government may, by notification in the Official Gazette, appoint a Registrar of Chits and as many Additional, Joint, Deputy and Assistant Registrars as may be necessary for the purpose of discharging the duties imposed upon the Registrar by or under this Act.

(2) The Registrar may appoint as many inspectors of chits and chit auditors as may be necessary for the purpose of discharging the duties imposed on the inspectors of chits or chit auditors by or under this Act..

(3) All inspectors of chits and chit auditors shall discharge the duties imposed upon them by or under this Act under the general superintendence and control of the Registrar.

(4) If the Registrar is of the opinion that the accounts of any chit are not properly maintained and that such accounts should be audited, it shall be lawful for him to have such accounts audited by a chit auditor.

(5) It shall be the duty of the foreman of the chit whose accounts are to be audited by a chit auditor under sub-section (4) to produce before the chit auditor, all accounts, books and other records relating to the chit, to furnish him with such information as may be required and afford him all such assistance and facilities as may be necessary and reasonable in regard to the audit of the accounts of the chit.

(6) The foreman shall pay to the chit auditor such fees as may be prescribed for the audit of the accounts of the chit under sub-section (4):

Provided that different scales of fees may be prescribed for different chits depending on the quantum of the chit amount.

Inspection of documents in Registrar's office.

62. The foreman of a chit or any subscriber in a chit or the heirs or legal representatives of any foreman or subscriber may, on payment of such fees as may be prescribed,—

(a) inspect the documents of the concerned chit kept by the Registrar; or

(b) obtain a certified copy or an extract of any such document or record.

63. (1) There shall be paid to the Registrar such fees as the State Levy of Government may, from time to time, prescribe for,—

- (a) the issue of previous sanction under section 4;
- (b) the filing of the chit agreement with the Registrar and the registration of the chit under section 7;
- (c) the filing of a declaration with the Registrar and the grant of a certificate of commencement under section 9;
- (d) the filing of copies of documents under any of the provisions of this Act;
- (e) the audit of the accounts of the foreman under section 61;
- (f) the inspection of documents under section 62;
- (g) the obtaining of certified copies or extracts of documents and records under section 62; and
- (h) such other matters as may appear necessary to the State Government.

(2) A table of fees prescribed under sub-section (1) shall be exhibited on a notice board in the office of the Registrar.

CHAPTER XII

DISPUTES AND ARBITRATION

64. (1) Notwithstanding anything contained in any other law for the time being in force, any dispute touching the management of a chit business shall be referred by any of the parties to the dispute, to the Registrar for arbitration if each party thereto is one or the other of the following, namely:—

Disputes relating to chit business.

(a) a foreman, a prized subscriber or a non-prized subscriber, including a defaulting subscriber, past subscriber or a person claiming through a subscriber, or a deceased subscriber to a chit;

(b) a surety of a subscriber, past subscriber, or a deceased subscriber.

Explanation.—For the purposes of this sub-section, a dispute touching the management of a chit business shall include—

(i) a claim by or against a foreman for any debt or demand due to him from a subscriber, or due from him to a subscriber, past subscriber or the nominee, heir or legal representative of a deceased subscriber whether such debt or demand is admitted or not;

(ii) a claim by a surety for any sum or demand due to him from the principal borrower in respect of a loan by a foreman and recovered from the surety owing to the default of the principal borrower, whether such sum or demand is admitted or not; and

(iii) a refusal or failure by a subscriber, past subscriber or the nominee, heir or legal representative of a deceased subscriber

to deliver possession to a foreman of land or any other asset resumed by him for breach of conditions of the assignment.

(2) Where any question arises as to whether any matter referred to for the award of the Registrar is a dispute or not for the purposes of sub-section (1), the same shall be decided by the Registrar whose decision thereon shall be final.

(3) No Civil Court shall have jurisdiction to entertain any suit or other proceedings in respect of any dispute referred to in sub-section (1).

Period of limitation.

65. (1) Notwithstanding anything contained in the Limitation Act, 1963, but subject to the specific provisions contained in this Act, the period of limitation in the case of a dispute referred to the Registrar under section 64, shall—

36 of 1963.

(a) if the dispute relates to the recovery of any sum, including interest thereon, due to a foreman from a deceased subscriber, be three years, computed from the date on which such subscriber dies or ceases to be a subscriber; or

(b) if the dispute is between a foreman and a subscriber or a past subscriber, or the nominee, heir or legal representative of a deceased subscriber, and the dispute relates to any act or omission on the part of either party to the dispute, be three years from the date on which the act or omission with reference to which the dispute arose, took place.

(2) The period of limitation in the case of any dispute other than those referred to in sub-section (1) which are required to be referred to the Registrar under section 64 shall be regulated by the provisions of the Limitation Act, 1963, as if the dispute were a suit, and the Registrar, a Civil Court.

36 of 1963

(3) Notwithstanding anything contained in sub-sections (1) and (2), the Registrar may admit a dispute after the expiry of the period of limitation specified therein, if the applicant satisfies the Registrar that he had sufficient cause for not referring the dispute within such period.

Settle-
ment of
disputes.

66. (1) If the Registrar is satisfied that any matter referred to him or brought to his notice is a dispute within the meaning of section 64, he shall, subject to such rules as may be prescribed, settle the dispute himself, or refer it for disposal to a person appointed by him (hereafter in this Chapter referred to as the nominee).

(2) Where any dispute is referred under sub-section (1) for settlement to the nominee, the Registrar may, at any time for reasons to be recorded in writing, withdraw such dispute from the nominee and may settle the dispute himself, or refer it again for settlement to any other nominee appointed by him.

67. (1) The Registrar or the nominee hearing a dispute under section 66, shall, in addition to the powers conferred on him under that section, have the same powers as are vested in a Civil Court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of persons and examining them on oath;
- (b) requiring the discovery and inspection of documents;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copies thereof from any court or office;
- (e) issuing commissions for the examination of witnesses or documents; and
- (f) any other matter which may be prescribed.

(2) Except with the permission of the Registrar or the nominee, no party shall be represented at the hearing of a dispute by a legal practitioner.

(3) (a) If the Registrar or the nominee is satisfied that any person, whether he is a subscriber or not, has acquired any interest in the property of a person who is a party to a dispute, he may order that the person who has acquired the interest in the property may be joined as a party to the dispute, and any decision that may be given by the Registrar or the nominee on the dispute shall be binding on the party so joined, in the same manner as if he were an original party to the dispute.

(b) Where a dispute has been referred in the name of a wrong person, or where all the necessary parties have not been included, the Registrar or the nominee may, if he is satisfied that it was due to a genuine mistake, order any other person to be substituted or added as parties to the dispute at any stage of hearing of the dispute on such terms as he thinks just.

(c) The Registrar or the nominee may, at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Registrar or the nominee to be just, order that the name of any party improperly joined be struck off.

(d) Any person who is a party to the dispute and entitled to more than one relief in respect of the same cause of action may claim all or any such reliefs, but if he omits to claim any such relief, he shall not be entitled to claim that relief, except with the leave of the Registrar or the nominee.

68. (1) Where a dispute has been referred under section 64 and the Registrar or the nominee hearing the dispute is satisfied on enquiry or otherwise that a party to such dispute, with intent to defeat or obstruct the execution of any award or the carrying out of any order that may be made,—

- (a) is about to dispose of the whole or any part of his property; or

(b) is about to remove the whole or any part of the property from the jurisdiction of the Registrar,

he may, unless adequate security is furnished, direct conditional attachment of the said property, and such attachment shall have the same effect as if it is made by a competent Civil Court.

(2) Where the Registrar or the nominee directs the attachment of any property under sub-section (1), he shall issue a notice calling upon the person whose property is so attached to furnish such security as he thinks adequate within a specified period, and if the person fails to provide such security, the Registrar or the nominee may confirm the order, and may, after the decision in the dispute, direct the disposal of the property so attached towards the claim, if awarded.

(3) Any attachment made under this section shall not affect the rights, subsisting prior to the attachment of the property, of persons who are not parties to the dispute, or bar any person holding a decree against the person whose property is so attached from applying for the sale of the property under the attachment of such decree.

(4) The Registrar or the nominee may, in order to prevent the ends of justice being defeated, make such interlocutory orders pending the award in a dispute referred to in sub-section (1) as may appear to be just and convenient.

Decision
of Re-
gistrar or
nomi-
nee.

69. When a dispute is referred to arbitration under this Chapter, the Registrar or the nominee, may, after giving a reasonable opportunity to the parties to the dispute to be heard, make an award on the dispute, on the expenses incurred by the parties to the dispute in connection with the proceedings and the fees and expenses payable to the Registrar or the nominee, and such an award shall not be invalid merely on the ground that it was made after the expiry of the period, if any, fixed for deciding the dispute by the Registrar, and shall, subject to appeal under section 70, be final and binding on the parties to the dispute.

Appeal
against
decision
of Re-
gistrar or
nomi-
nee.

Money
how re-
covered

70. Any party aggrieved by any order passed by the Registrar or the nominee or the award of the Registrar or the nominee under section 69, may, within two months from the date of the order or award, appeal to the State Government.

71. Every order passed by the Registrar or the nominee under section 68 or section 69 and every order passed by the State Government in appeal under section 70 for payment of any money shall, if not carried out,—

(a) on a certificate issued by the Registrar, be deemed to be a decree of a Civil Court, and shall be executed in the same manner as a decree of such Court, or

(b) be executed in accordance with the provisions of any law for the time being in force for the recovery of amounts as arrears of land revenue:

Provided that no application for execution under clause (b) shall be made after the expiry of three years from the date fixed in the order, and if no such date is fixed, from the date of the order.

72. Any private transfer or delivery of, or encumbrance or charge on, property made or created after the issue of the certificate by the Registrar under section 71 shall be null and void against the foreman on whose application the said certificate was issued.

Private
transfer
of prop-
erty
after
made
issue of
certificate
void
against
man.
fore-

CHAPTER XIII

MISCELLANEOUS

73. The Reserve Bank may tender to any State Government such advice on questions of policy with respect to this Act as it thinks fit either on its own motion or on a request made by the State Government.

Advisory
role of
Reserve
Bank.

74. (1) Any foreman aggrieved by the decision of the Registrar,—
- (a) refusing to register the chit agreement under section 7;
 - (b) refusing to grant a certificate of commencement under sub-section (2) of section 9;
 - (c) refusing to accept any security under sub-section (1) of section 20 or under section 31; or
 - (d) refusing to release the security charged under section 20 or section 31,

Appeals.

may, within thirty days of the communication to him of such decision, appeal to the State Government or to such officer or authority as may be empowered by notification in the Official Gazette by the State Government in that behalf.

(2) Any foreman or other person aggrieved by the order of the Registrar under sub-section (1) of section 34 may, within thirty days of the communication to him of such decision, appeal to the State Government or to such officer or authority as may be empowered by notification in the Official Gazette by the State Government in that behalf.

(3) The State Government or such officer or authority aforesaid may, after giving the appellant an opportunity of making his representation, pass such order on the appeal as it or he thinks fit and such order shall be final.

75. The Registrar may, in his discretion and upon an application in writing by a foreman made within the period specified for the filing of documents, under sub-section (3) of section 28, sub-section (2) of section 29, section 37 or section 41, allow the foreman further time not exceeding fifteen days to file copies of such documents.

Powers
of Re-
gistrar
to give
extension
of time
for filing
docu-
ments.

Penal-
ties.

76. (1) Whoever contravenes or abets the contravention of any of the provisions of sections 4, 5, 8, 9, 11, 12, 13, 14, 19, 20, 22, 24, 30, 31, sub-section (4) of section 33, sections 46, 47, or sub-section (5) of section 61 shall, on conviction, be punishable with imprisonment for a term which may extend to two years or with fine which may extend to five thousand rupees or with both.

(2) Any foreman,—

(a) who fails to file any document required to be filed under this Act within the period specified therefor or within such further time as may be allowed; or

(b) who fails to comply with the requirements of the chit agreement regarding the date, time and place at which the chit is to be drawn or who fails to comply with the requirements of any direction given under sub-section (3) of section 38; or

(c) who contravenes or fails to comply with any other requirement under this Act,

shall, on conviction, be punishable with fine which may extend to three thousand rupees.

(3) Whoever wilfully makes a statement in any document required to be filed under this Act which is false in any material particular shall, on conviction, be punishable with imprisonment for a term which may extend to two years or with fine which may extend to five thousand rupees or with both.

Penalty
for
second
and
subsequent
convic-
tions.

77. If any person convicted of an offence under sub-section (1) or sub-section (3) of section 76 is again convicted of an offence under any of the said sub-sections he shall be punishable for the second and for every subsequent offence with imprisonment for a term which may extend to two years and shall also be liable to fine.

Applica-
tion
of fine.

78. A court imposing any fine under this Act may direct that the whole or any part thereof shall be applied in, or towards payment of, the cost of the proceedings.

Offences
by
com-
panies.

79. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he 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.

80. (1) All offences under section 11 shall be cognizable.

(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try an offence punishable under this Act.

Cognizance of offences.

81. (1) Subject to such conditions as may be prescribed, any officer empowered by the State Government in this behalf may, either before or after the institution of criminal proceedings under this Act, accept from the person who has committed or is reasonably suspected to have committed an offence under this Act, by way of composition of such offence, a sum of money not exceeding such amount as may be prescribed.

Power to compound offences.

(2) Where an offence has been compounded under sub-section (1), the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence.

82. (1) If the Registrar or any other officer authorised by him in this behalf, has reason to suspect that any person conducts, or is responsible for the conduct of, a chit in any place in contravention of the provisions of this Act, he may, for reasons to be recorded in writing and at any reasonable time, enter into and search such place, and may seize such books, registers, accounts or documents as may be necessary.

Power to enter and search any place and to seize any documents.

(2) The Registrar or officer authorised by him in this behalf, may apply for assistance to an officer in charge of a police station and take police officers to accompany and assist him in discharging his duties under sub-section (1).

(3) All searches under sub-section (1) shall be made in accordance with the provisions of the Code of Criminal Procedure, 1973.

2 of 1974.

83. The Registrar and all officers appointed by the State Government to perform any functions under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Officers to be public servants.

Power to delegate.

84. The State Government may, by notification in the Official Gazette, direct that any power (other than the power to hear appeals or to make rules) exercisable by it under this Act or the rules made thereunder may be exercised also by any officer of the State Government subject to such terms and conditions, if any, as may be specified therein.

Act not to apply to certain chits.

85. Nothing in this Act shall apply in respect of—

- (a) any chit started before the commencement of this Act; or
- (b) any chit the amount of which, or where two or more chits were started or conducted simultaneously by the same foreman, the aggregate amount of which does not exceed one hundred rupees.

Banks not to conduct chit business.

86. (1) Notwithstanding anything contained in this Act, no bank shall commence or carry on chit business after the commencement of this Act.

(2) Where a chit had been started by any bank before such commencement, such chit may be continued after such commencement until it is completed, and the provisions of the chit agreement and such laws, if any, as were applicable to it immediately before the commencement of this Act shall apply to such chit.

Explanation.—For the purposes of this section “bank” means an approved bank or a co-operative bank as defined in clause (bii) of section 2 of the Reserve Bank of India Act, 1934.

2 of 1934.

Power to exempt.

87. The State Government may, in consultation with the Reserve Bank, by notification in the Official Gazette, and subject to such conditions as may be specified in the notification, exempt any person or class of persons or any chit or class of chits from all or any of the provisions of this Act.

Protection of action taken under the Act.

88. No suit, prosecution or other legal proceeding shall lie against the State Government, the Registrar or other officers of the State Government or of the Reserve Bank or any of its officers exercising any powers or discharging any functions under this Act in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

Power to make rules.

89. (1) The State Government may, in consultation with the Reserve Bank, by notification in the Official Gazette, make rules for giving 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 form and manner in which an application for obtaining the previous sanction may be made under sub-section (2) of section 4;
- (b) the additional particulars that a chit agreement may contain under clause (q) of sub-section (1) of section 6;
- (c) the particulars that may be included in the minutes of the proceedings of a draw under section 17;

- (d) the method of valuation by the Registrar in a grain chit for the purpose of furnishing security under section 20;
- (e) the procedure that may be followed by the Registrar in releasing the security furnished by the foreman under section 20;
- (f) the registers and books and the form in which such registers and books may be maintained by the foreman under section 23;
- (g) the time within which the balance sheet and the profit and loss account in respect of a chit business shall be filed under section 24;
- (h) the rate at which interest shall be payable on the defaulted instalments by a defaulted subscriber under section 28;
- (i) the particulars that may be included in an application for the winding up of chits under section 49;
- (j) the procedure to be followed for the winding up of chits under Chapter X;
- (k) the fees payable under section 63;
- (l) the auditing of balance sheets and the profit and loss accounts of chit business and the issue of audit certificates;
- (m) the form and manner in which a dispute shall be referred to the Registrar under section 64;
- (n) the procedure to be followed by the Registrar or his nominee for settling the disputes referred to him under section 64;
- (o) the matters referred to in clause (f) of sub-section (1) of section 67;
- (p) the conditions subject to which and the amount on the payment of which composition of offences may be made under section 81;
- (q) the form and manner in which an appeal may be preferred under this Act and the fees payable for such appeal;
- (r) the issue and service of notices or other process under this Act;
- (s) the procedure for, and the manner of, receiving any sum payable under this Act;
- (t) any other matter which is required 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 the State Legislature where it consists of two Houses, or, where such Legislature consists of one House, before that House.

Repeal and saving.

90. (1) The Andhra Pradesh Chit Funds Act, 1971, the Kerala Chitties Act, 1975, the Maharashtra Chit Funds Act, 1974, the Tamil Nadu Chit Funds Act, 1961, as in force in the State of Tamil Nadu and in the Union territories of Chandigarh and Delhi, the Uttar Pradesh Chit Funds Act, 1975, the Goa, Daman and Diu Chit Funds Act, 1973 and the Pondicherry Chit Funds Act, 1966, are hereby repealed and the provisions of section 6 of the General Clauses Act, 1897, shall apply to such repeal as if each such Act so repealed were a Central Act.

(2) Notwithstanding such repeal, the Acts mentioned in sub-section (1) shall continue to apply to chits in operation on the commencement of this Act, in the same manner as they applied to such chits before such commencement.

Andhra
Pradesh
Act 9 of
1971.
Kerala
Act 23
of 1975.
Maharash-
tra Act LV
of 1974.
Tamil
Nadu
Act 24 of
1961.
Uttar
Pradesh
Act 53 of
1975.
Goa,
Daman
and Diu
Act 16 of
1973.
Pondi-
cherry
Act 18 of
1966.
10 of 1897.

THE SCHEDULE
(See section 24)
PART I.—FORM OF BALANCE SHEET

Liabilities			Assets		
1. Capital Authorised Issued Paid-up	Rs. Rs. Rs.	Rs. Rs. Rs.	1. Cash Balances with banks: 2. (a) Current account (b) Deposit account 3. Investments: (a) In chits (b) In Government securities (c) Others 4. Share amount due from prized subscribers: 5. Arrears due from prized subscribers: (a) Secured (b) Unsecured 6. Amount due in terminated chits: (a) Secured (b) Unsecured 7. Chit prize amount paid earlier 8. Loans and advances to subscribers 9. Litigation expenses 10. Premises 11. Furniture and fixture 12. Stamps in stock 13. Other assets 14. Profit and loss account	Rs. Rs. Rs.	Rs. Rs. Rs.
2. Reserve Fund	Rs.	Rs.			
3. Deposits	Rs.	Rs.			
4. Borrowings	Rs.	Rs.			
5. Foreman's liability in tickets prized	Rs.	Rs.			
6. Prize amount payable	Rs.	Rs.			
7. Defaulted subscribers' amount payable	Rs.	Rs.			
8. Advance subscription received	Rs.	Rs.			
9. Liability to non-prized subscribers (Arrears from non-prized subscribers to be indicated)	Rs.	Rs.			
10. Amount payable in terminated chits	Rs.	Rs.			
11. Auction profit payable to non-prized subscri- bers	Rs.	Rs.			
12. Other liabilities	Rs.	Rs.			
13. Profit and loss account	Rs.	Rs.			
	TOTAL	Rs.			
			Total	Rs.	

Total chit amounts of the chits in force, i.e.,
running chits.

Particulars to be specified in respect of amounts shown against 4, 5 and 6.

- (i) Amounts due from directors or officers of the company or any of them either jointly or severally with any other person.
- (ii) Amounts due by companies or firms in which the directors of the company are interested as directors, partners or in the case of private companies, as mem- bers.

PART II.— FORM OF PROFIT AND LOSS ACCOUNT

Expenditure	Income
1. To interest paid on deposits, borrowings, etc.	1. By foreman's commission Rs.
2. To salaries, allowances, bonus and provi- dent fund	2. By bonus Rs.
3. To directors' sitting fees	3. By interest Rs.
4. To rent, taxes, insurance, lighting	4. By indivisible income in auction profit Rs.
5. To law charges	5. By rent Rs.
6. To postages, telegrams and stamps	6. By net profit on sale of investments Rs.
7. To auditors' fees	7. By other receipts Rs.
8. To filing fees	8. By loss Rs.
9. To depreciation and repairs	
10. To stationery, printing and advertisement	
11. To other expenditure	
12. To balance of profit	
	TOTAL Rs.

THE METRO RAILWAYS (CONSTRUCTION OF WORKS)
AMENDMENT ACT, 1982

No. 41 of 1982

[21st August, 1982.]

An Act to amend the Metro Railways (Construction of Works) Act, 1978.

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

1. (1) This Act may be called the Metro Railways (Construction of Works) Amendment Act, 1982.

Short title
and com-
mence-
ment.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

2. Throughout the Metro Railways (Construction of Works) Act, 1978 (hereinafter referred to as the principal Act), for the word "arbitrator", wherever it occurs, the words "appellate authority" shall be substituted.

Substitu-
tion of
"arbitrator"
by
"appellate
authority".

3. In sub-section (1) of section 2 of the principal Act, for clause (e), the following clause shall be substituted, namely:—

Amend-
ment of
section 2.

(e) "competent authority" means the competent authority appointed under section 16;

4. In section 9 of the principal Act,—

Amend-
ment of
section 9.

(a) in sub-section (1),—

(i) for the words, brackets and figures "date of publication of the notification under sub-section (1) of section 7", the words, brackets and figures "date of publication under sub-section (3) of section 7 of the substance of the notification under sub-section (1) of that section" shall be substituted;

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

"Explanation.—For the purposes of this sub-section, where the substance of the notification under sub-section (1)

¹15-5-1983 :vide notification No. S.O. 2129, dated 6-5-1983; Gazette of India, Pt. II Sec. 3. (ii), p. 2140.

of section 7 is published on different dates at different places, the last of such dates shall be deemed to be the date on which substance of the notification has been published.”;

(b) in sub-section (2), after the words “either in person or”, the words “by an agent or” shall be inserted.

Amend-
ment of
section 11.

5. In sub-section (1) of section 11 of the principal Act, for the words, figures and brackets “Subject to the provisions of section 14, where any land, building, street, road or passage has vested under sub-section (2) of section 10”, the words, brackets and figures “Where any land, building, street, road or passage has vested under sub-section (2) of section 10 and the amount determined by the competent authority under section 13 with respect to such land, building, street, road or passage has been deposited, under sub-section (1) of section 14, with the competent authority by the Central Government” shall be substituted.

Amend-
ment of
section 13.

6. In section 13 of the principal Act,—

(a) in sub-section (1), for the words “by the competent authority”, the words “by an order of the competent authority” shall be substituted;

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

“(2A) Before proceeding to determine the amount under sub-section (1) or sub-section (2), the competent authority shall give a public notice published in the prescribed manner inviting claims from all persons interested in the land, building, street, road or passage, or the right of user or the right in the nature of easement therein to be acquired.

(2B) Such notice shall state the particulars of the land, building, street, road or passage acquired, or the right of user or the right in the nature of easement therein acquired and shall require all persons interested in such land, building, street, road or passage or right of user or right in the nature of easement therein, to appear in person, or by an agent or by a legal practitioner referred to in sub-section (2) of section 9, before the competent authority, at a time and place therein mentioned (such time not being earlier than fifteen days after the date of the publication of the notice) and to state the nature of their respective interests in such land, building, street, road or passage or right of user or right in the nature of easement therein.”;

(c) in sub-section (3), for the words “on an application by either of the parties, to the arbitrator, be determined by the arbitrator”, the words “on an appeal preferred by either of the parties to the appellate authority, within a period of sixty days from the date of the order appealed against, be determined by an order of the appellate authority” shall be substituted.

Amend-
ment of
section 14.

7. In section 14 of the principal Act,—

(a) in sub-section (1),—

(i) the words “by the competent authority” shall be omitted;

(ii) for the words "before taking possession of the land, building, street, road or passage", the words "within such time as may be fixed by that authority" shall be substituted;

(b) to sub-section (2), the following proviso shall be added, namely:—

"Provided that where an appeal has been or is likely to be preferred under section 13 against the order by which such amount was determined and the competent authority is satisfied for reasons to be recorded in writing that it is necessary or expedient so to do, he may by order in writing—

(a) require the person claiming payment of such amount to furnish as a condition of receiving such payment such security as may be specified in the order; or

(b) if such person fails to furnish such security, withhold the payment of the whole or any part of such amount for such period as may be specified in the order.".

8. After section 15 of the principal Act, the following section shall be inserted, namely:—

Insertion
of new
section
15A.

Power to
inspect
property
under
acquisi-
tion.

"15A. The competent authority may, with or without assistants or workmen, enter into or upon any land, building, street, road or passage, for the purpose of performing his functions under this Act and make such enquiry, inspection, measurement and take such photographs and prepare such memorandum thereof as he may consider necessary:

Provided that—

(i) no such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to—

(a) the owner of, or the person interested in, the land, building, street, road or passage; or

(b) the person whose right of user in or right in the nature of easement on the land, building, street, road or passage is acquired; or

(c) the person who sustains any loss or damage to the land, building, street, road or passage in consequence of any direction given by the Central Government or any power exercised by the metro railway administration under this Act;

(ii) sufficient opportunity shall in every instance be given to enable women, if any, to withdraw from such land, building, street, road or passage;

(iii) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usage of the person to whom notice as aforesaid is given;

(iv) the competent authority making the entry shall cause as little damage or injury as possible, to the land, building, street, road or passage.".

Substitution of section 16. 9. For section 16 of the principal Act, the following section shall be substituted, namely:—

Competent authority and appellate authority.

16. (1) For every metro railway, the Central Government shall, for the purposes of this Act, by notification in the Official Gazette, appoint—

- (i) a competent authority; and
- (ii) an appellate authority,

for such area as may be specified in the notification.

(2) A person shall not be qualified for appointment as a competent authority unless he is holding, or has held, a judicial office, not lower in rank than that of a subordinate judge.

(3) A person shall not be qualified for appointment as an appellate authority unless he is holding, or has held, a judicial office, not lower in rank than that of a district judge.

Explanation.—For the purpose of this section,—

(a) “district judge” includes an additional district judge;

(b) “subordinate judge” means subordinate judge in the judicial service of West Bengal, and includes any judicial officer (by whatever name called) of an equivalent rank in the judicial service of any other State.’

Insertion of new sections 16A, 16B and 16C.

Powers of the appellate authority.

10. After section 16 of the principal Act, the following sections shall be inserted, namely:—

“16A. (1) The appellate authority may admit an appeal filed after the expiry of the period referred to in section 13 or section 22 or section 25, as the case may be, if he is satisfied that there was sufficient cause for not presenting it within that period.

(2) For the disposal of an appeal under this Act, the appellate authority shall have the same powers (including the powers under sections 15 and 15A), and shall, subject to the provisions of this section, perform as nearly as may be the same duties as are conferred or imposed by this Act on the competent authority in respect of the matters under Chapter III and Chapter IV.

(3) The appellate authority may, if he thinks it expedient so to do, call in his aid one or more assessors and hear the appeal wholly or partly with the aid of such assessors.

(4) For the purpose of determining the amount under any appeal before him, the appellate authority may, after making such further enquiry or after taking such additional evidence, as may be necessary, pass such order as he thinks fit, determining the amount, by confirming, modifying or annulling the order appealed against.

(5) An order of the appellate authority determining the amount under this Act shall be final.

5 of 1908.

16B. The competent authority and the appellate authority may exercise powers of the nature referred to in section 151 of the Code of Civil Procedure, 1908 to the same extent and for the same purposes as such powers are exercisable by civil courts.

Competent authority, etc., to have certain inherent powers.

16C. (1) Any order made by the competent authority or the appellate authority determining any amount payable under this Act may be enforced in the same manner as if such order were a decree made by a civil court in a suit pending therein, and it shall be lawful for such authority to send, in the case of his inability to execute, such order, to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the order was made.

Enforcement of the orders of the competent authority and appellate authority.

(2) Where any order under sub-section (1) is required to be enforced by the principal civil court of original jurisdiction, a certified copy of the order shall be produced to the proper officer of the court required to enforce the order.

(3) The production of such certified copy shall be sufficient evidence of the order.

(4) Upon the production of such certified copy, the principal civil court of original jurisdiction shall take the requisite steps for enforcing the order, in the same manner as if it had been a decree made by itself."

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

Amend-
ment of
section 19.

(a) in the opening portion, for the words "constructing any metro railway or any other work connected therewith", the words and figures "performing its functions under section 18" shall be substituted;

(b) in clause (c), for the words "to open or divert", the words "to open, divert or temporarily close" shall be substituted.

12. In section 21 of the principal Act, in sub-section (1), in clause (a), for the words "ten metres", the words "twenty metres" shall be substituted.

Amend-
ment of
section 21.

13. In section 22 of the principal Act,—

Amend-
ment of
section 22.

(a) in sub-section (1), for the words "by the competent authority", the words "by an order of the competent authority" shall be substituted;

(b) in sub-section (2), for the words "on an application by either of the parties to the arbitrator, be determined by the arbitrator", the words "on an appeal preferred by either of the parties, within sixty days from the date of the order of the competent authority, to the appellate authority, be determined by an order of the appellate authority" shall be substituted.

14. In section 25 of the principal Act,—

Amend-
ment of
section 25.

(a) in sub-section (2), for the words "on application by either of the parties to the arbitrator, be determined by the arbitrator", the words "on an appeal preferred by either of the parties, within sixty

days from the date of the order of the competent authority, to the appellate authority, be determined by an order of the appellate authority" shall be substituted;

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) The procedure and the manner of deposit and payment of the amount payable for acquiring any land, building, street, road or passage or any right of user in or any right in the nature of easement on any land, building, street, road or passage shall be followed in the case of the procedure and the manner of deposit and payment of the amount determined by the competent authority or the appellate authority under this section.".

Amend-
ment of
section 36.

15. In section 36 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) Without prejudice to the provisions of sub-section (1), if any person fails to vacate temporarily any building together with any movable property or animal that may be in his custody, control or possession in pursuance of any direction contained in any notification issued under section 21 within the period specified in the notification, the competent authority may enforce the direction of temporary evacuation physically by taking such police help, as may be considered by him necessary, and for this purpose the provisions of sub-section (2) of section 11 shall, as far as may be, apply.".

Amend-
ment of
the
Schedule.

16. In the Schedule to the principal Act, the word and figures "SCALE:—1:50000" shall be omitted.

Transfer
of applica-
tions
pending
before
arbitrator
under the
principal
Act.

17. Every application under sub-section (3) of section 13 of the principal Act as it stood immediately before the commencement of this Act, which is pending before an arbitrator referred to therein shall, on such commencement, stand transferred to the appellate authority to whom an appeal could have been preferred under the principal Act as amended by this Act if the amount to which such application relates had been determined by the competent authority under sub-section (1) or sub-section (2) of the said section after the commencement of this Act, and such appellate authority may deal with such application from the stage at which it stood transferred to it as if it were an appeal pending with him:

Provided that either of the parties to the case may demand that before proceeding further, the previous proceeding or any part thereof be reopened or that he be re-heard.

THE EAST PUNJAB URBAN RENT RESTRICTION
(CHANDIGARH AMENDMENT) ACT, 1982

No. 42 OF 1982

[21st August, 1982.]

An Act further to amend the East Punjab Urban Rent Restriction Act, 1949, as in force in the Union territory of Chandigarh.

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

East
Punjab
Act III
of 1949.

1. This Act may be called the East Punjab Urban Rent Restriction (Chandigarh Amendment) Act, 1982.

Short-
title

2. In the East Punjab Urban Rent Restriction Act, 1949, as in force in the Union territory of Chandigarh (hereinafter referred to as the principal Act), in section 1, in sub-section (1), for the words "East Punjab", the word "Punjab" shall be substituted.

Amend-
ment of
section 1.

3. In section 2 of the principal Act, for clause (d), the following clause shall be substituted, namely:—

Amend-
ment of
sec-
tion 2.

'(d) "non-residential building" means—

(i) a building being used solely for the purpose of business or trade;

(ii) a building let under a single tenancy for use for the purpose of business or trade and also for the purpose of residence.

Explanation.—For the purposes of this clause, residence in a building only for the purpose of guarding it, shall not be deemed to convert a "non-residential building" to a "residential building".

4. The provisions of the principal Act, as amended by this Act, shall apply to and in relation to every case, under the principal Act, for eviction of a tenant from a building let under a single tenancy for use for the purpose of business or trade and also for the purpose of residence which is pending immediately before the commencement of this Act, and any order made in such case before such commencement by any authority, shall, on an application made in this behalf to such authority, be modified so as to be in conformity with the provisions of the principal Act as amended by this Act.

Special
provi-
sion as
to pend-
ing cases.

Explanation.—For the purposes of this section, a case relating to eviction of a tenant shall be deemed to be pending—

(a) if no order has been made in such case for the eviction or otherwise of the tenant; or

(b) if an order has been made in such case for the eviction of the tenant and such order remains to be executed.

THE GOVERNORS (EMOLUMENTS, ALLOWANCES AND
PRIVILEGES) ACT, 1982

No. 43 OF 1982

[28th August, 1982.]

An Act to determine the emoluments, allowances and privileges
of Governors.

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

Short
title, extent
and com-
mencement.

1. (1) This Act may be called the Governors (Emoluments, Allowances and Privileges) Act, 1982.
(2) It extends to the whole of India except the State of Jammu and Kashmir.
(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) "Governor" means the Governor, or any person discharging the functions of the Governor, of any State or of two or more States;

(b) "maintenance",—

(i) in relation to official residences, includes the provision of electricity, gas and water;

(ii) in relation to motor vehicles, includes the pay and allowances of chauffeurs and the provision of oil and petrol or other fuel;

(c) "members of the family", in relation to a Governor, means the spouse and the dependent children of the Governor;

(d) "official residences", in relation to a Governor, means such residences as may be specified by the President, by notification in the Official Gazette, as the official residences of the Governor and includes the staff quarters and other buildings appurtenant thereto and the gardens thereof;

(e) "rules" means rules made under this Act;

(f) "State" does not include a Union territory.

3. There shall be paid to every Governor emoluments at the rate of rupees five thousand five hundred per mensem:

Provided that if a Governor, at the time of his appointment,—

(a) is in receipt of a pension (other than disability or wound pension) in respect of any previous service under the Government of India or any of its predecessor Governments or under the Government of a State or any of its predecessor Governments his emoluments shall be reduced,—

(i) by the amount of that pension; and

(ii) if he has, before such appointment, received in lieu of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of that portion of the pension; and

(iii) if he has, before such appointment, received a retirement gratuity in respect of such previous service, by the pension equivalent of that gratuity; or

(b) is in receipt of any benefit by way of contributory provident fund, his emoluments shall be reduced by the pension equivalent of such benefit.

4. (1) Subject to any rules made in this behalf, the President shall grant such leave to a Governor as he may consider necessary.

(2) Where a Governor is granted leave by the President, he shall, during the period of such leave, be paid leave allowance at such rate as the President may by order determine:

Provided that such leave allowance shall be reduced to the extent, if any, to which the emoluments of the Governor are liable to be reduced under the proviso to section 3.

5. A Governor shall be entitled, without payment of rent, to the use of his official residences throughout his term of office and no charge shall fall on the Governor personally in respect of the furnishing or the maintenance of such residences.

6. Subject to any rules made in this behalf, no charge shall fall on a Governor personally in respect of pay, allowances or pension or other emoluments paid to, or facilities provided for, the members of the household establishment provided to the Governor.

7. Subject to any rules made in this behalf, a Governor and the members of his family shall be entitled during the term of his office and thereafter also, to free medical attendance, accommodation and treatment in the hospitals maintained by the Central Government or the Government of any State.

Emoluments

Leave allow-
ance..

Use and
main-
ten-
ance of
official
resi-
dences.

House-
hold
estab-
lish-
ment.

Medical
treat-
ment.

Convey-
ance.

8. (1) A Governor shall be entitled to use without payment of rent or hire, such number of motor vehicles as the President may by order determine.

(2) No charge shall fall on a Governor personally in respect of the maintenance of the motor vehicles referred to in sub-section (1).

(3) The use of the motor vehicles referred to in sub-section (1) by the members of the family of a Governor shall be regulated by rules made in this behalf.

Travel-
ling
allow-
ance on
assump-
tion or
vacation
of office.

9. Subject to any rules made in this behalf, a Governor shall be entitled to travelling allowance for himself and the members of his family and for the transport of his and his family's effects—

(a) in respect of the journey for assuming office from the place where he is ordinarily residing to the place of his duty; and

(b) in respect of the journey on relinquishing office from the place of his duty to the place where he would ordinarily reside thereafter or if he is to take up any other office under the Government (including the office of the Governor of another State) after such relinquishment, to the place of duty with respect to such other office.

Allow-
ances for
renew-
ing furni-
shings and
for main-
tenance of
official
resi-
dences.

10. Subject to any rules made in this behalf, a Governor shall be entitled to such allowances for renewing the furnishings and for the maintenance of the official residences, as the President may by order determine.

Other
privileges
and
allow-
ances.

11. For the purpose of enabling a Governor to discharge conveniently and with dignity the duties of his office, he shall be—

(i) entitled to such other privileges as may be prescribed by rules made in this behalf, and

(ii) paid, subject to any rules made in this behalf, such amount, as the President may, by general or special order, determine by way of the following, namely:—

(a) entertainment allowance;

(b) hospitality grant;

(c) household establishment expenses;

(d) office expenses;

(e) contract allowance, i.e., an allowance for miscellaneous expenses;

(f) tour expenses; and

(g) such other allowances or expenses as may be provided for by rules.

12. (1) Where, in the case of any Governor, the President is satisfied that the amount authorised under this Act by way of any allowances or for meeting any expenses with respect to any matter requires to be increased or that a need has arisen to sanction expenses with respect to any matter for which provision, though permissible, has not been made in the rules made under this Act, he may by special order increase such amount or sanction such expenses to such extent as may be specified in such order.

Additional expenses.

(2) An order may be made under sub-section (1) so as to have retrospective effect.

(3) Every order made under this section shall be laid, as soon as may be after it is made, before both Houses of Parliament.

13. (1) The President may, by notification in the Official Gazette, make rules for the purpose of giving effect to the provisions of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) grant of leave to a Governor under section 4;

(b) matters relating to the household establishment provided to a Governor under section 6;

(c) medical attendance, accommodation and treatment of a Governor and the members of his family under section 7;

(d) the use of motor vehicles by the members of the family of a Governor under sub-section (3) of section 8;

(e) the travelling allowance on assumption or vacation of office of a Governor under section 9;

(f) allowances for renewing the furnishings and for the maintenance of the official residences under section 10;

(g) the privileges to which a Governor is entitled and the allowances or expenses payable to a Governor under section 11.

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

Valida-
tion.

14. (1) Every special order issued, before the commencement of this Act, by the President in regard to the allowances, expenses (including medical expenses) or privileges of any Governor (other than the Governor of Nagaland) shall, notwithstanding that such order was made with retrospective effect, or is inconsistent with any general order issued under any law with respect to those matters, be as valid and effective as if such special order formed part of this sub-section and this sub-section had been in force at all material times.

(2) Every general or special order issued, before the commencement of this Act, by the President in regard to the allowances, expenses (including medical expenses) or privileges of the Governor of Nagaland shall, notwithstanding that such order was made with retrospective effect, be as valid and effective as if it formed part of this sub-section and this sub-section had been in force at all material times.

Saving.

15. Nothing contained in this Act or the rules made thereunder shall have effect so as to diminish the emoluments and allowances of any Governor during his term of office.

THE IRON ORE MINES AND MANGANESE ORE MINES LABOUR WELFARE CESS (AMENDMENT) ACT, 1982

No. 44 OF 1982

[28th August, 1982.]

An Act to amend the Iron Ore Mines and Manganese Ore Mines Labour Welfare Cess Act, 1976.

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

1. (1) This Act may be called the Iron Ore Mines and Manganese Ore Mines Labour Welfare Cess (Amendment) Act, 1982.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

55 of 1976.

2. In the Iron Ore Mines and Manganese Ore Mines Labour Welfare Cess Act, 1976 (hereinafter referred to as the principal Act), in the long title,—

(a) for the words "and manganese ore", the words ", manganese ore and chrome ore" shall be substituted;

(b) for the words "and manganese ore mines", the words ", manganese ore mines and chrome ore mines" shall be substituted.

3. In section 1 of the principal Act,—

(a) in sub-section (1), for the words "and Manganese Ore Mines Labour Welfare", the words ", Manganese Ore Mines and Chrome Ore Mines Labour Welfare" shall be substituted;

(b) in sub-section (3), in the proviso,—

(i) after the words "only to manganese ore mines", the words "or only to chrome ore mines," shall be inserted;

(ii) for the words "and manganese ore mines", the words ", manganese ore mines and chrome ore mines" shall be substituted.

¹1-7-1983. vide Notification No. G.S.R. 31(E), dated 28-6-1983, Gazette of India, Extra-ordinary, 1983, Pt. (II). Sec. 3(i).

Short title and commen- cement.

Amend- ment of long title.

Amend- ment of section 1. []

Amend-
ment of
section
2.

4. In section 2 of the principal Act, for the words "and Manganese Ore Mines Labour Welfare", wherever they occur, the words "Manganese Ore Mines and Chrome Ore Mines Labour Welfare" shall be substituted.

Amend-
ment of
section
3.

5. In section 3 of the principal Act,—

(a) in the opening portion, for the words "and Manganese Ore Mines Labour Welfare", the words "Manganese Ore Mines and Chrome Ore Mines Labour Welfare" shall be substituted;

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

"(iii) on all chrome ore produced in any mine,—

(a) a duty of customs, where such chrome ore is exported; or

(b) a duty of excise, where such chrome ore is sold or otherwise disposed of to the occupier of any metallurgical factory, or to any person who in turn sells it to a metallurgical factory, or is used by the owner of the mine in any metallurgical factory,

at such rate not exceeding six rupees per metric tonne of chrome ore as the Central Government may, from time to time fix, by notification in the Official Gazette.";

(c) in the *Explanation*,—

(i) after the words "or manganese ore mine", the words "or chrome ore mine" shall be inserted;

(ii) for the words, brackets, letters and figures "or sub-clause (b) of clause (ii), all the iron ore or manganese ore", the words, brackets, letters and figures "or sub-clause (b) of clause (ii) or sub-clause (b) of clause (iii), all the iron ore or manganese ore or chrome ore," shall be substituted.

Amend-
ment of
section 4.

6. In section 4 of the principal Act,—

(a) in sub-section (1),—

(i) after the words "or manganese ore", the words "or chrome ore" shall be inserted;

(ii) for the words "as the case may be, manganese ore", the words "manganese ore, or chrome ore, as the case may be," shall be substituted;

(b) in sub-section (2),—

(i) in the opening portion and in clause (a), after the words "or manganese ore", the words "or chrome ore" shall be inserted;

(ii) in clause (b), after the words "or manganese ore mine", the words "or chrome ore mine" and after the words "iron ore

or manganese ore", the words "or chrome ore" shall be inserted.

7. In section 6 of the principal Act, after the words "or manganese ore", the words "or chrome ore" shall be inserted.

Amend-
ment of
section
6.

8. In section 7 of the principal Act, after the words "or a manganese ore mine", the words "or a chrome ore mine" shall be inserted.

Amend-
ment of
section
7.

9. In section 8 of the principal Act, after the words "or manganese ore mine", in both the places where they occur, the words "or chrome ore mine" shall be inserted.

Amend-
ment of
section
8.

10. In section 9 of the principal Act, after the words "or a manganese ore mine", the words "or a chrome ore mine" shall be inserted.

Amend-
ment of
section
9.

11. In section 14 of the principal Act, in sub-section (2),—

Amend-
ment of
section
14.

(a) in clause (c), after the words "or manganese ore", the words "or chrome ore" shall be inserted;

(b) in clause (d), after the words "or manganese ore mine", the words "or chrome ore mine" shall be inserted.

THE IRON ORE MINES AND MANGANESE ORE MINES
LABOUR WELFARE FUND (AMENDMENT) ACT, 1982

No. 45 OF 1982

[28th August, 1982.]

An Act to amend the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Act, 1976.

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

Short title and commencement.

1. (1) This Act may be called the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund (Amendment) Act, 1982.

Amend. ment of long title.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

2. In the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Act, 1976 (hereinafter referred to as the principal Act), in the long title, for the words "and manganese ore mines", the words "manganese ore mines and chrome ore mines" shall be substituted.

Amend. ment of section 1.

3. In section 1 of the principal Act,—

(a) in sub-section (1), for the words "and Manganese Ore Mines Labour Welfare", the words "Manganese Ore Mines and Chrome Ore Mines Labour Welfare" shall be substituted;

(b) in sub-section (3), in the proviso,—

(i) after the words "only to manganese ore mines", the words "or only to chrome ore mines" shall be inserted;

(ii) for the words "and manganese ore mines", the words "manganese ore mines and chrome ore mines" shall be substituted.

Amend. ment of section 2.

4. In section 2 of the principal Act,—

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

'(aa) "chrome ore" includes ferro-chrome;'

¹1-7-1983. vide notification No. G.S.R. 534(E), dated 28-6-1983; Gazatted of India Extraordinary, 1983, Pt. II, Sec. 3(i).

61 of 1976.

(b) in clause (d), for the words "and Manganese Ore Mines Labour Welfare", the words ", Manganese Ore Mines and Chrome Ore Mines Labour Welfare" shall be substituted;

(c) in clause (g),—

(i) in sub-clause (i), after the words "or manganese", the words "or chrome" shall be inserted;

(ii) in sub-clause (ii), after the words "manganese ore", the words "or chrome ore" shall be inserted;

(d) in clause (h),—

(i) in the opening portion, after the words "or manganese ore mine", the words "or chrome ore mine" shall be inserted;

(ii) in sub-clause (1) and sub-clause (2), after the words "or manganese ore", wherever they occur, the words "or chrome ore" shall be inserted.

5. In section 3 of the principal Act, for the words "and Manganese Ore Mines Labour Welfare", in both the places where they occur, the words ", Manganese Ore Mines and Chrome Ore Mines Labour Welfare" shall be substituted.

6. In section 4 of the principal Act,—

(a) in the opening portion, for the words "and manganese ore mines", the words ", manganese ore mines and chrome ore mines" shall be substituted;

(b) in clause (a), in the opening portion, after the words "or manganese ore mines", the words "or chrome ore mines" shall be inserted;

(c) in clause (b),—

(i) after the words "or of a manganese ore mine", the words "or of a chrome ore mine" shall be inserted;

(ii) after the words "or of a manganese ore mine", the words "or chrome ore mines" shall be inserted;

(d) in clause (c),—

(i) after the words "or manganese ore mines", the words "or chrome ore mines" shall be inserted;

(ii) in the proviso, after the words "or of a manganese ore mine", the words "or of a chrome ore mine" shall be inserted.

7. In section 5 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (a), after the words "or manganese ore", the words "or chrome ore" shall be inserted;

(ii) in clause (b), for the words "both iron ore and manganese ore", the words "any two of or all such ores" and for the words "iron ore only or manganese ore only, or in respect of

Amend-
ment of
section 3.

Amend-
ment of
section 4.

Amend-
ment of
section 5.

both", the words "any one of such ores only, or in respect of any two of such ores only, or in respect of all such ores" shall be substituted;

(b) in sub-section (2), in the proviso, for the words "and manganese ore mines"; in both the places where they occur, the words ", manganese ore mines and chrome ore mines" shall be substituted.

Amend-
ment of
section 6.

8. In section 6 of the principal Act, in sub-section (2), in the proviso, for the words "and manganese ore mines", in both the places where they occur, the words ", manganese ore mines and chrome ore mines" shall be substituted.

Amend-
ment of
section 8.

9. In section 8 of the principal Act, in sub-section (1) and sub-section (2), for the words "and Manganese Ore Mines Labour Welfare", the words ", Manganese Ore Mines and Chrome Ore Mines Labour Welfare" shall be substituted.

Amend-
ment of
section 9.

10. In section 9 of the principal Act, after the words "manganese ore mines", the words "or chrome ore mines" shall be inserted.

Amend-
ment of
section 11.

11. In section 11 of the principal Act, after the words "of a manganese ore mine", the words "or of a chrome ore mine" shall be inserted.

Amend-
ment of
section 12.

12. In section 12 of the principal Act, in sub-section (2),—

(a) in clause (c), after the words "manganese ore mines", the words "or chrome ore mines" shall be inserted;

(b) in clause (h), after the words "of manganese ore mines", the words "or of chrome ore mines" shall be inserted.

THE INDUSTRIAL DISPUTES (AMENDMENT) ACT, 1982

No. 46 OF 1982

[31st August, 1982.]

An Act further to amend the Industrial Disputes Act, 1947.

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

14 of 1947.

1. (1) This Act may be called the Industrial Disputes (Amendment) Act, 1982.

Short title and commen-
tation.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, ^{and different} ~~and different~~ ^{dates may be appointed for different provisions of this Act} ~~dates may be appointed for different provisions of this Act~~

21 of 1976.

2. In section 2 of the Industrial Disputes Act, 1947 (hereinafter referred to as the principal Act),—

Amend-
ment of
section 2.

(a) in clause (a), in sub-clause (i), for the portion beginning with the words "the Industrial Finance Corporation of India" and ending with the words and figures "the Regional Rural Banks Act, 1976", the following shall be substituted, namely:—

9 of 1948.

'a Dock Labour Board established under section 5A of the Dock Workers (Regulation of Employment) Act, 1948, or the Industrial Finance Corporation of India established under section

15 of 1948.

3 of the Industrial Finance Corporation Act, 1948, or the Employees' State Insurance Corporation established under section

34 of 1948.

3 of the Employees' State Insurance Act, 1948, or the Board of Trustees constituted under section 3A of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948, or the Central

46 of 1948.

Board of Trustees and the State Boards of Trustees constituted under section 5A and section 5B, respectively, of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952, or the

19 of 1952.

"Indian Airlines" and "Air India" Corporations established under section 3 of the Air Corporations Act, 1953, or the Life Insurance Corporation of India established under section 3 of the Life Insurance Corporation Act, 1956, or the Oil and Natural Gas Commission established under section 3 of the Oil and Natural Gas Commission Act, 1956.

27 of 1953.

Commission established under section 3 of the Oil and Natural Gas Commission Act, 1956.

31 of 1956.

Commission established under section 3 of the Oil and Natural Gas Commission Act, 1956.

43 of 2

The clauses (a), (b) and (d) to (k) of section 2 and sections 3, 4, 5, 6, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21 and 23 of this Act shall come into force w.e.f. 21.8.1984: vide Notifn. No. S.O. 606(E), dated 21.8.1984

Guarantee Corporation established under section 3 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961, or the Central Warehousing Corporation established under section 3 of the Warehousing Corporations Act, 1962, or the Unit Trust of India established under section 3 of the Unit Trust of India Act, 1963, or the Food Corporation of India established under section 3, or a Board of Management established for two or more contiguous States under section 16, of the Food Corporations Act, 1964, or the International Airports Authority of India constituted under section 3 of the International Airports Authority of India Act, 1971, or a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976, or the Export Credit and Guarantee Corporation Limited or the Industrial Reconstruction Corporation of India Limited';

47 of 1961.

58 of 1962.

52 of 1963.

37 of 1964.

43 of 1971.

21 of 1976.

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

'(cc) "closure" means the permanent closing down of a place of employment or part thereof;'

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

'(j) "industry" means any systematic activity carried on by co-operation between an employer and his workmen (whether such workmen are employed by such employer directly or by or through any agency, including a contractor) for the production, supply or distribution of goods or services with a view to satisfy human wants or wishes (not being wants or wishes which are merely spiritual or religious in nature), whether or not,—

(i) any capital has been invested for the purpose of carrying on such activity; or

(ii) such activity is carried on with a motive to make any gain or profit,

and includes—

(a) any activity of the Dock Labour Board established under section 5A of the Dock Workers (Regulation of Employment) Act, 1948;

9 of 1948.

(b) any activity relating to the promotion of sales or business or both carried on by an establishment,

but does not include—

(1) any agricultural operation except where such agricultural operation is carried on in an integrated manner with any other activity (being any such activity as is referred to in the foregoing provisions of this clause) and such other activity is the predominant one,

69 of 1951.

Explanation.—For the purposes of this sub-clause, “agricultural operation” does not include any activity carried on in a plantation as defined in clause (f) of section 2 of the Plantations Labour Act, 1951; or

- (2) hospitals or dispensaries; or
- (3) educational, scientific, research or training institutions; or
- (4) institutions owned or managed by organisations wholly or substantially engaged in any charitable, social or philanthropic service; or
- (5) khadi or village industries; or
- (6) any activity of the Government relatable to the sovereign functions of the Government including all the activities carried on by the departments of the Central Government dealing with defence research, atomic energy and space; or
- (7) any domestic service; or
- (8) any activity, being a profession practised by an individual or body of individuals, if the number of persons employed by the individual or body of individuals in relation to such profession is less than ten; or
- (9) any activity, being an activity carried on by a co-operative society or a club or any other like body of individuals, if the number of persons employed by the co-operative society, club or other like body of individuals in relation to such activity is less than ten; ;

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

‘(ka) “industrial establishment or undertaking” means an establishment or undertaking in which any industry is carried on:

Provided that where several activities are carried on in an establishment or undertaking and only one or some of such activities is or are an industry or industries, then,—

(a) if any unit of such establishment or undertaking carrying on any activity, being an industry, is severable from the other unit or units of such establishment or undertaking, such unit shall be deemed to be a separate industrial establishment or undertaking;

(b) if the predominant activity or each of the predominant activities carried on in such establishment or undertaking or any unit thereof is an industry and the other activity or each of the other activities carried on in such establishment or undertaking or unit thereof is not severable from and is, for the purpose of carrying on, or aiding the carrying on of, such predominant activity or activities, the entire establishment or undertaking or, as the case may be, unit thereof shall be deemed to be an industrial establishment or undertaking;’;

(e) clause (kka) shall be relettered as clause (kkb) and before the clause as so relettered, the following clause shall be inserted, namely:—

61 of 1956.

‘(kka) “khadi” has the meaning assigned to it in clause (d) of section 2 of the Khadi and Village Industries Commission Act, 1956;’;

(f) in clause (kkk), for the words “or for any other reason”, the words “or natural calamity or for any other connected reason” shall be substituted;

(g) in clause (l), for the words “closing of a place of employment”, the words “temporary closing of a place of employment” shall be substituted;

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

16 of 1926

‘(qq) “trade union” means a trade union registered under the Trade Unions Act, 1926;’;

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

‘(ra) “unfair labour practice” means any of the practices specified in the Fifth Schedule;

61 of 1956.

‘(rb) “village industries” has the meaning assigned to it in clause (h) of section 2 of the Khadi and Village Industries Commission Act, 1956;’;

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

“(iv) any commission payable on the promotion of sales or business or both;”;

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

‘(s) “workman” means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person—

45 of 1956
46 of 1956
62 of 1956

(i) who is subject to the Air Force Act, 1950, or the Army Act, 1950, or the Navy Act, 1957; or

(ii) who is employed in the police service or as an officer or other employee of a prison; or

(iii) who is employed mainly in a managerial or administrative capacity; or

(iv) who, being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercises, either by the nature of the duties

attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature'.

3. In section 7 of the principal Act, in sub-section (3), clause (c) shall be omitted.

4. In section 7A of the principal Act,—

(a) in sub-section (1), after the words "the Third Schedule", the words "and for performing such other functions as may be assigned to them under this Act" shall be inserted;

(b) in sub-section (3),—

(i) in clause (aa), the word "or" at the end shall be omitted;

(ii) clause (b) shall be omitted.

5. In section 7B of the principal Act, in sub-section (3), for the portion beginning with the word "unless" and ending with the words "not less than two years", the words "unless he is, or has been, a Judge of a High Court" shall be substituted.

6. In the proviso to section 9A of the principal Act, in clause (a), for the words, brackets and figures "settlement, award or decision of the Appellate Tribunal constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950", the words "settlement or award" shall be substituted.

7. After section 9B of the principal Act, the following Chapter shall be inserted, namely:—

"CHAPTER IIB

REFERENCE OF CERTAIN INDIVIDUAL DISPUTES TO GRIEVANCE SETTLEMENT AUTHORITIES

9C. (1) The employer in relation to every industrial establishment in which fifty or more workmen are employed or have been employed on any day in the preceding twelve months, shall provide for, in accordance with the rules made in that behalf under this Act, a Grievance Settlement Authority for the settlement of industrial disputes connected with an individual workman employed in the establishment.

(2) Where an industrial dispute connected with an individual workman arises in an establishment referred to in sub-section (1), a workman or any trade union of workmen of which such workman is a member, refer, in such manner as may be prescribed, such dispute to the Grievance Settlement Authority provided for by the employer under that sub-section for settlement.

(3) The Grievance Settlement Authority referred to in sub-section (1) shall follow such procedure and complete its proceedings within such period as may be prescribed.

(4) No reference shall be made under Chapter III with respect to any dispute referred to in this section unless such dispute has been referred to the Grievance Settlement Authority concerned and the decision of the Grievance Settlement Authority is not acceptable to any of the parties to the dispute."

Amend-
ment of
section 7.

Amend-
ment of
section
7A.

Amend-
ment of
section 7B.

Amend-
ment of
section 9A.

Insertion
of new
Chapter
IIB.

Setting
up of Grie-
vance
Settle-
ment
Authori-
ties and
reference
of certain
indi-
vid-
ual dis-
putes to
such
authori-
ties.

Amend-
ment of
section 10.

8. In section 10 of the principal Act,—

(a) in sub-section (1), after the second proviso, the following proviso shall be inserted, namely:—

“Provided also that where the dispute in relation to which the Central Government is the appropriate Government, it shall be competent for that Government to refer the dispute to a Labour Court or an Industrial Tribunal, as the case may be, constituted by the State Government:”;

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) An order referring an industrial dispute to a Labour Court, Tribunal or National Tribunal under this section shall specify the period within which such Labour Court, Tribunal or National Tribunal shall submit its award on such dispute to the appropriate Government:

Provided that where such industrial dispute is connected with an individual workman, no such period shall exceed three months:

Provided further that where the parties to an industrial dispute apply in the prescribed manner, whether jointly or separately, to the Labour Court, Tribunal or National Tribunal for extension of such period or for any other reason, and the presiding officer of such Labour Court, Tribunal or National Tribunal considers it necessary or expedient to extend such period, he may for reasons to be recorded in writing, extend such period by such further period as he may think fit:

Provided also that in computing any period specified in this sub-section, the period, if any, for which the proceedings before the Labour Court, Tribunal or National Tribunal had been stayed by any injunction or order of a Civil Court shall be excluded:

Provided also that no proceedings before a Labour Court, Tribunal or National Tribunal shall lapse merely on the ground that any period specified under this sub-section had expired without such proceedings being completed.”;

(c) after sub-section (7), the following sub-section shall be inserted, namely:—

“(8) No proceedings pending before a Labour Court, Tribunal or National Tribunal in relation to an industrial dispute shall lapse merely by reason of the death of any of the parties to the dispute being a workman, and such Labour Court, Tribunal or National Tribunal shall complete such proceedings and submit its award to the appropriate Government.”

Amend-
ment of
section 11.

9. In section 11 of the principal Act,—

(a) in sub-section (4),—

(i) for the words “may call for”, the words “may enforce the attendance of any person for the purpose of examination of such person or call for” shall be substituted;

5 of 1898
2 of 1974.

(ii) for the words "in respect of compelling the production of documents", the words "in respect of enforcing the attendance of any person and examining him or of compelling the production of documents" shall be substituted;

(b) in sub-section (8), for the words and figures "sections 480, 482 and 484 of the Code of Criminal Procedure, 1898", the words and figures "sections 345, 346 and 348 of the Code of Criminal Procedure, 1973" shall be substituted.

10. In section 15 of the principal Act, for the words "as soon as it is practicable on the conclusion thereof", the words, brackets, figures and letter "within the period specified in the order referring such industrial dispute or the further period extended under the second proviso to sub-section (2A) of section 10" shall be substituted.

11. After section 17A of the principal Act, the following section shall be inserted, namely:—

"17B. Where in any case, a Labour Court, Tribunal or National Tribunal by its award directs reinstatement of any workman and the employer prefers any proceedings against such award in a High Court or the Supreme Court, the employer shall be liable to pay such workman, during the period of pendency of such proceedings in the High Court or the Supreme Court, full wages last drawn by him, inclusive of any maintenance allowance admissible to him under any rule if the workman had not been employed in any establishment during such period and an affidavit by such workman had been filed to that effect in such Court:

Provided that where it is proved to the satisfaction of the High Court or the Supreme Court that such workman had been employed and had been receiving adequate remuneration during any such period or part thereof, the Court shall order that no wages shall be payable under this section for such period or part, as the case may be."

12. In section 25K of the principal Act, in sub-section (1), for the words "three hundred", the words "one hundred" shall be substituted.

↳ x x x) 13. In section 25M of the principal Act,

(a) in sub-section (1), after the words "or to natural calamity", the words ", and in the case of a mine, such lay-off is due also to fire, flood, excess of inflammable gas or explosion" shall be inserted;

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) Where the workmen (other than badli workmen or casual workmen) of an industrial establishment being a mine have been laid-off under sub-section (1) for reasons of fire, flood or excess of inflammable gas or explosion, the employer in relation to such establishment shall, within a period of thirty days from the date of commencement of such lay-off, apply to the authority specified under sub-section (1) for permission to continue the lay-off.";

Amend-
ment of
section
15.

Insert-
tion of
new section
17B.

Payment
of full
wages
to work-
man
pending
pro-
ceedings
in higher
courts.

Amend-
ment of
section
25K.

Amend-
ment of
section
25M.

(c) in sub-sections (3), (4) and (5), after the words, brackets and figure "under sub-section (8)", the words, brackets, figure and letter "or sub-section (24)" shall be inserted.

Substitution of new section for section 25-O.

Procedure for closing down an undertaking.

14. For section 25-O of the principal Act, the following section shall be substituted, namely:—

"25-O. (1) An employer who intends to close down an undertaking of an industrial establishment to which this Chapter applies shall, in the prescribed manner, apply, for prior permission at least ninety days before the date on which the intended closure is to become effective, to the appropriate Government, stating clearly the reasons for the intended closure of the undertaking and a copy of such application shall also be served simultaneously on the representatives of the workmen in the prescribed manner:

Provided that nothing in this sub-section shall apply to an undertaking set up for the construction of buildings, bridges, roads, canals, dams or for other construction work.

(2) Where an application for permission has been made under sub-section (1), the appropriate Government, after making such enquiry as it thinks fit and after giving a reasonable opportunity of being heard to the employer, the workmen and the persons interested in such closure may, having regard to the genuineness and adequacy of the reasons stated by the employer, the interests of the general public and all other relevant factors, by order and for reasons to be recorded in writing, grant or refuse to grant such permission and a copy of such order shall be communicated to the employer and the workmen.

(3) Where an application has been made under sub-section (1) and the appropriate Government does not communicate the order granting or refusing to grant permission to the employer within a period of sixty days from the date on which such application is made, the permission applied for shall be deemed to have been granted on the expiration of the said period of sixty days.

(4) An order of the appropriate Government granting or refusing to grant permission shall, subject to the provisions of sub-section (5), be final and binding on all the parties and shall remain in force for one year from the date of such order.

(5) The appropriate Government may, either on its own motion or on the application made by the employer or any workman, review its order granting or refusing to grant permission under sub-section (2) or refer the matter to a Tribunal for adjudication:

Provided that where a reference has been made to a Tribunal under this sub-section, it shall pass an award within a period of thirty days from the date of such reference.

(6) Where no application for permission under sub-section (1) is made within the period specified therein, or where the permission for

closure has been refused, the closure of the undertaking shall be deemed to be illegal from the date of closure and the workmen shall be entitled to all the benefits under any law for the time being in force as if the undertaking had not been closed down.

(7) Notwithstanding anything contained in the foregoing provisions of this section, the appropriate Government may, if it is satisfied that owing to such exceptional circumstances as accident in the undertaking or death of the employer or the like it is necessary so to do, by order, direct that the provisions of sub-section (1) shall not apply in relation to such undertaking for such period as may be specified in the order.

(8) Where an undertaking is permitted to be closed down under sub-section (2) or where permission for closure is deemed to be granted under sub-section (3), every workman who is employed in that undertaking immediately before the date of application for permission under this section, shall be entitled to receive compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months."

15. In section 25R of the principal Act,—

(a) in sub-section (2), for the words, brackets, figures and letters "a direction given under sub-section (2) of section 25-O or section 25P", the words, brackets, figures and letters "an order refusing to grant permission to close down an undertaking under sub-section (2) of section 25-O or a direction given under section 25P" shall be substituted;

(b) sub-section (3) shall be omitted.

16. After Chapter VB of the principal Act, the following Chapter shall be inserted, namely:—

Amend-
ment of
section
25R.

Insertion
of new
Chapter
VC.

"CHAPTER VC

UNFAIR LABOUR PRACTICES

16 of 1926,

25T. No employer or workman or a trade union, whether registered under the Trade Unions Act, 1926, or not, shall commit any unfair labour practice.

Prohibi-
tion of
unfair
labour
practice.

25U. Any person who commits any unfair labour practice 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."

Penalty
for com-
mitting
unfair
labour
practices.

17. In section 33 of the principal Act, in sub-section (5),—

(a) for the words "as expeditiously as possible", the words "within a period of three months from the date of receipt of such application" shall be substituted;

Amend-
ment of
section
33.

(b) the following provisos shall be inserted, namely:—

"Provided that where any such authority considers it necessary or expedient so to do, it may, for reasons to be recorded in

writing, extend such period by such further period as it may think fit:

Provided further that no proceedings before any such authority shall lapse merely on the ground that any period specified in this sub-section had expired without such proceedings being completed.”.

Amend-
ment of
section
33A.

18. In section 33A of the principal Act,—

(a) for the words “before a Labour Court, Tribunal or National Tribunal”, the words “before a conciliation officer, Board, an arbitrator, a Labour Court, Tribunal or National Tribunal” shall be substituted;

(b) for the portion beginning with the words “in the prescribed manner to such Labour Court” and ending with the words “apply accordingly.”, the following shall be substituted, namely:—

“in the prescribed manner,—

(a) to such conciliation officer or Board, and the conciliation officer or Board shall take such complaint into account in mediating in, and promoting the settlement of, such industrial dispute; and

(b) to such arbitrator, Labour Court, Tribunal or National Tribunal and on receipt of such complaint, the arbitrator, Labour Court, Tribunal or National Tribunal, as the case may be, shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act and shall submit his or its award to the appropriate Government and the provisions of this Act shall apply accordingly.”.

Amend-
ment of
section
33C.

19. In section 33C of the principal Act, in sub-section (2),—

(a) after the words “the appropriate Government”, the words “within a period not exceeding three months” shall be inserted;

(b) the following proviso shall be added at the end, namely:—

“Provided that where the presiding officer of a Labour Court considers it necessary or expedient so to do, he may, for reasons to be recorded in writing, extend such period by such further period as he may think fit.”.

Amend-
ment of
section 34.

20. In sub-section (2) of section 34 of the principal Act, for the words “a Presidency Magistrate or a Magistrate of the first class”, the words “a Metropolitan Magistrate or a Judicial Magistrate of the first class” shall be substituted.

Insertion
of new
section
36B.

Power to
exempt.

21. After section 36A of the principal Act, the following section shall be inserted, namely:—

“36B. Where the appropriate Government is satisfied in relation to any industrial establishment or undertaking or any class of industrial establishments or undertakings carried on by a department of that Government that adequate provisions exist for the investigation

and settlement of industrial disputes in respect of workmen employed in such establishment or undertaking or class of establishments or undertakings, it may, by notification in the Official Gazette, exempt, conditionally or unconditionally such establishment or undertaking or class of establishments or undertakings from all or any of the provisions of this Act.”.

22. In sub-section (2) of section 38 of the principal Act, after clause (aaa), the following clause shall be inserted, namely:—

“(ab) the constitution of Grievance Settlement Authorities referred to in section 9C, the manner in which industrial disputes may be referred to such authorities for settlement, the procedure to be followed by such authorities in the proceedings in relation to disputes referred to them and the period within which such proceedings shall be completed;”.

23. After the Fourth Schedule to the principal Act, the following Schedule shall be inserted, namely:—

Amend-
ment of
section
38.

Insertion
of new
Fifth
Schedule.

THE FIFTH SCHEDULE

[See section 2(ra)]

UNFAIR LABOUR PRACTICES

I.—On the part of employers and trade unions of employers

1. To interfere with, restrain from, or coerce, workmen in the exercise of their right to organise, form, join or assist a trade union or to engage in concerted activities for the purposes of collective bargaining or other mutual aid or protection, that is to say—

- (a) threatening workmen with discharge or dismissal, if they join a trade union;
- (b) threatening a lock-out or closure, if a trade union is organised;
- (c) granting wage increase to workmen at crucial periods of trade union organisation, with a view to undermining the efforts of the trade union at organisation.

2. To dominate, interfere with or contribute support, financial or otherwise, to any trade union, that is to say:—

- (a) an employer taking an active interest in organising a trade union of his workmen; and
- (b) an employer showing partiality or granting favour to one of several trade unions attempting to organise his workmen or to its members, where such a trade union is not a recognised trade union.

3. To establish employer sponsored trade unions of workmen.

4. To encourage or discourage membership in any trade union by discriminating against any workman, that is to say:—

- (a) discharging or punishing a workman, because he urged other workmen to join or organise a trade union;

- (b) discharging or dismissing a workman for taking part in any strike (not being a strike which is deemed to be an illegal strike under this Act);
- (c) changing seniority rating of workmen because of trade union activities;
- (d) refusing to promote workmen to higher posts on account of their trade union activities;
- (e) giving unmerited promotions to certain workmen with a view to creating discord amongst other workmen, or to undermine the strength of their trade union;
- (f) discharging office-bearers or active members of the trade union on account of their trade union activities.

5. To discharge or dismiss workmen—

- (a) by way of victimisation;
- (b) not in good faith, but in the colourable exercise of the employer's rights;
- (c) by falsely implicating a workman in a criminal case on false evidence or on concocted evidence;
- (d) for patently false reasons;
- (e) on untrue or trumped up allegations of absence without leave;
- (f) in utter disregard of the principles of natural justice in the conduct of domestic enquiry or with undue haste;
- (g) for misconduct of a minor or technical character, without having any regard to the nature of the particular misconduct or the past record or service of the workman, thereby leading to a disproportionate punishment.

6. To abolish the work of a regular nature being done by workmen, and to give such work to contractors as a measure of breaking a strike.

7. To transfer a workman *mala fide* from one place to another, under the guise of following management policy.

8. To insist upon individual workmen, who are on a legal strike to sign a good conduct bond, as a pre-condition to allowing them to resume work.

9. To show favouritism or partiality to one set of workers regardless of merit.

10. To employ workmen as "badlis", casuals or temporaries and to continue them as such for years, with the object of depriving them of the status and privileges of permanent workmen.

11. To discharge or discriminate against any workman for filing charges or testifying against an employer in any enquiry or proceeding relating to any industrial dispute.

12. To recruit workmen during a strike which is not an illegal strike.

13. Failure to implement award, settlement or agreement.

14. To indulge in acts of force or violence.
15. To refuse to bargain collectively, in good faith with the recognised trade unions.
16. Proposing or continuing a lock-out deemed to be illegal under this Act.

II. On the part of workmen and trade unions of workmen

1. To advise or actively support or instigate any strike deemed to be illegal under this Act.
2. To coerce workmen in the exercise of their right to self-organisation or to join a trade union or refrain from joining any trade union, that is to say—
 - (a) for a trade union or its members to picketing in such a manner that non-striking workmen are physically debarred from entering the work places;
 - (b) to indulge in acts of force or violence or to hold out threats of intimidation in connection with a strike against non-striking workmen or against managerial staff.
3. For a recognised union to refuse to bargain collectively in good faith with the employer.
4. To indulge in coercive activities against certification of a bargaining representative.
5. To stage, encourage or instigate such forms of coercive actions as wilful "go slow", squatting on the work premises after working hours or "gherao" of any of the members of the managerial or other staff.
6. To stage demonstrations at the residences of the employers or the managerial staff members.
7. To incite or indulge in wilful damage to employer's property connected with the industry.
8. To indulge in acts of force or violence or to hold out threats of intimidation against any workman with a view to prevent him from attending work.'

24. In section 6 of the Sales Promotion Employees (Conditions of Service) Act, 1976, sub-section (2) shall be omitted.

Amend-
ment of
Act 11 of
1976.

THE MOTOR VEHICLES (AMENDMENT) ACT, 1982

No. 47 OF 1982

[31st August, 1982.]

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

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

1. (1) This Act may be called the Motor Vehicles (Amendment) Act, 1982.

Short title
and com-
mence-
ment.

(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.

Amend-
ment of
section 7.

2. In section 7 of the Motor Vehicles Act, 1939. (hereinafter referred to as the principal Act),—^{4 of 1939}

(a) in sub-section (2), for the words “and shall contain the information required by the form”, the words “shall contain the information required by the form and shall be accompanied by three clear copies of a recent photograph of the applicant” shall be substituted;

(b) sub-section (4) shall be omitted.

Amend-
ment of
section 8.

3. In section 8 of the principal Act, in sub-section (1), for the words, brackets and figures “and, in the case of a driving licence to drive as a paid employee or to drive a transport vehicle, one of the photographs referred to in sub-section (4) of section 7”, the words, brackets and figures “and one of the photographs referred to in sub-section (2) of section 7” shall be substituted.

Amend-
ment of
section 8A.

4. In section 8A of the principal Act, in sub-section (2),—

(a) in the opening portion, for the words and figure “provisions of section 7”, the words, figure and brackets “provisions of section 7 (except the provision requiring the application thereunder to be accompanied by three clear copies of a recent photograph of the applicant)” shall be substituted;

¹Sections 2 to 7 and Sections 10 to 27 on 1-10-1982 vide notification No. S.O. 669 (E), dated 15-9-1982 and Sections 8 and 9 on 10-12-1982 vide notification No. S.O. 869(E) dated 31-12-1982.

(b) in the proviso, for the words, brackets and figures "sub-sections (3) and (4)", the word, brackets and figure "sub-section (3)" shall be substituted.

5. After section 11 of the principal Act, the following section shall be inserted, namely:—

Insertion
of new
section
11A.

'11A. (1) Every person whose application for the issue or renewal of a driving licence to drive other than as a paid employee or to drive a vehicle other than a transport vehicle is pending before any licensing authority immediately before the appointed day, shall, on or as soon as may be after the appointed day, forward three clear copies of his recent photograph to such licensing authority along with an application in writing for the affixation of such photograph on the driving licence.

Special
provision
as to
affixation
of photo-
graph
in certain
cases on
driving
licences.

(2) A driving licence to drive other than as a paid employee or to drive a vehicle other than a transport vehicle, issued or renewed under this Act before the appointed day shall cease to be effective on the expiry of six months from the appointed day, if it does not cease to be effective otherwise earlier, unless the holder of such licence makes, before the expiry of the said period of six months, an application to any licensing authority for the affixation of his photograph on the driving licence.

(3) An application under sub-section (2) shall give particulars relating to the name of the holder of the driving licence, his temporary and permanent addresses, number and date of issue of the driving licence and the name of the licensing authority by whom the licence was issued and shall be accompanied by the driving licence and three clear copies of a recent photograph of the holder.

(4) No fee shall be chargeable with respect to any application made under this section.

(5) Where the authority to whom an application is made under sub-section (2) in respect of a driving licence is not the authority which issued the driving licence, it shall intimate the fact of affixation of the photograph on the driving licence to the authority which issued the driving licence.

Explanation.—For the purposes of this section, "appointed day" means the date of commencement of section 5 of the Motor Vehicles (Amendment) Act, 1982.'

6. In section 24 of the principal Act, in sub-section (3), in the proviso, for the words "the letters and figures aforesaid shall be shown", the words "the figures aforesaid shall be shown in Arabic numerals and the letters and figures aforesaid shall be shown" shall be substituted.

Amend-
ment of
section 24.

7. In section 36 of the principal Act,—

Amend-
ment of
section 36.

(a) in sub-section (1), for the words "a State Government may, with the approval of the Central Government", the words "the Central Government may" shall be substituted;

(b) in sub-section (3), in the proviso, for the words "a State Government" and for the words "the State Government", the words "the Central Government" shall be substituted.

**Insertion
of new
section 69B.**

**Power of
Central
Govern-
ment
to make
rules.**

**Amend-
ment of
section 70.**

**Amend-
ment of
section 86.**

8. After section 69A of the principal Act, the following section shall be inserted, namely:—

"69B. (1) The Central Government may make rules regulating the construction, equipment and maintenance of motor vehicles and trailers with respect to any of the following matters, namely:—

(a) the width, height, length and overhang of vehicles and of the loads carried;

(b) the size, nature and condition of tyres.

(2) Rules may be made under sub-section (1) governing the matters mentioned therein either generally in respect of motor vehicles or trailers or in respect of motor vehicles or trailers of a particular class or in particular circumstances.”.

9. In section 70 of the principal Act,—

(a) in sub-section (1), after the words "and trailers", the words "with respect to all matters other than the matters referred to in clause (a) or clause (b) of sub-section (1) of section 69B" shall be inserted;

(b) in sub-section (2), clauses (a) and (c) shall be omitted.

10. In section 86 of the principal Act,—

(a) for sub-section (1), the following sub-sections shall be substituted, namely:—

"(1) The driver of a motor vehicle in any public place shall, on demand by any police officer in uniform, produce his licence for examination:

Provided that the driver may, if his licence has been submitted to, or has been seized by, any officer or authority under this or any other Act, produce in lieu of the licence a receipt or other acknowledgment issued by such officer or authority in respect thereof and thereafter produce the licence within ten days at any police station in India which he specifies to the police officer making the demand.

(1A) The conductor, if any, of a motor vehicle in any public place shall, on demand by any police officer in uniform, produce his licence for examination.”;

(b) in sub-section (3),—

(i) in the opening portion, for the words "licence or certificates, as the case may be," the words, brackets, figures and letter "licence referred to in sub-section (1A) or the certificates referred to in sub-section (2), as the case may be," shall be substituted;

(ii) in the proviso, the words "to a driver driving as a paid employee, or to the driver of a transport vehicle or" shall be omitted.

11. After Chapter VII of the principal Act, the following Chapter shall be inserted, namely:—

Insertion
of new
Chapter
VIIA.

"CHAPTER VIIA"

LIABILITY WITHOUT FAULT IN CERTAIN CASES

92A. (1) Where the death or permanent disablement of any person has resulted from an accident arising out of the use of a motor vehicle or motor vehicles, the owner of the vehicle shall, or, as the case may be, the owners of the vehicles shall, jointly and severally, be liable to pay compensation in respect of such death or disablement in accordance with the provisions of this section.

Liability to
pay com-
pensation
in certain
cases
on the
principle
of no
fault.

(2) The amount of compensation which shall be payable under sub-section (1) in respect of the death of any person shall be a fixed sum of fifteen thousand rupees and the amount of compensation payable under that sub-section in respect of the permanent disablement of any person shall be a fixed sum of seven thousand five hundred rupees.

(3) In any claim for compensation under sub-section (1), the claimant shall not be required to plead and establish that the death or permanent disablement in respect of which the claim has been made was due to any wrongful act, neglect or default of the owner or owners of the vehicle or vehicles concerned or of any other person.

(4) A claim for compensation under sub-section (1) shall not be defeated by reason of any wrongful act, neglect or default of the person in respect of whose death or permanent disablement the claim has been made nor shall the quantum of compensation recoverable in respect of such death or permanent disablement be reduced on the basis of the share of such person in the responsibility for such death or permanent disablement.

92B. (1) The right to claim compensation under section 92A in respect of death or permanent disablement of any person shall be in addition to any other right (hereafter in this section referred to as the right on the principle of fault) to claim compensation in respect thereof under any other provision of this Act or of any other law for the time being in force.

Provisions
as to
other
right to
claim
compensa-
tion for
death or
permanent
disabili-
ment.

(2) A claim for compensation under section 92A in respect of death or permanent disablement of any person shall be disposed of as expeditiously as possible and where compensation is claimed in respect of such death or permanent disablement under section 92A and also in pursuance of any right on the principle of fault, the claim for compensation under section 92A shall be disposed of as aforesaid in the first place.

(3) Notwithstanding anything contained in sub-section (1), where in respect of the death or permanent disablement of any person, the person liable to pay compensation under section 92A is also liable to pay compensation in accordance with the right on the principle of fault, the person so liable shall pay the first-mentioned compensation and—

(a) if the amount of the first-mentioned compensation is less than the amount of the second-mentioned compensation, he shall be liable to pay (in addition to the first-mentioned compensation) only so much of the second-mentioned compensation as is equal to the amount by which it exceeds the first-mentioned compensation;

(b) if the amount of the first-mentioned compensation is equal to or less than the amount of the second-mentioned compensation, he shall not be liable to pay the second-mentioned compensation.

**Permanent
dis-
ablement.**

92C. For the purposes of this Chapter, permanent disablement of a person shall be deemed to have resulted from an accident of the nature referred to in sub-section (1) of section 92A if such person has suffered by reason of the accident any injury or injuries involving—

(a) permanent privation of the sight of either eye or the hearing of either ear, or privation of any member or joint; or

(b) destruction or permanent impairing of the powers of any member or joint; or

(c) permanent disfigurement of the head or face.

**Applicabil-
ity of
Chapter
to certain
claims
under
Act 8 of
1923.**

92D. The provisions of this Chapter shall also apply in relation to any claim for compensation in respect of death or permanent disablement of any person under the Workmen's Compensation Act, 1923 resulting from an accident of the nature referred to in sub-section (1) of section 92A and for this purpose, the said provisions shall, with necessary modifications, be deemed to form part of that Act.

**Over-
riding
effect.**

92E. The provisions of this Chapter shall have effect notwithstanding anything contained in any other provision of this Act or of any other law for the time being in force.”

**Amend-
ment of
section 93.**

12. In section 93 of the principal Act, after clause (b), the following clause shall be inserted, namely:—

'(ba) "liability" wherever used in relation to the death of or bodily injury to any person includes liability in respect thereof under section 92A;'

**Amend-
ment of
section 95.**

13. In section 95 of the principal Act, in sub-section (2),—

(a) in clause (a), for the words "fifty thousand rupees", the words "one lakh and fifty thousand rupees" shall be substituted;

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

"(ii) in respect of passengers, a limit of fifteen thousand rupees for each individual passenger;"

(c) in clause (d), for the words "two thousand", the words "six thousand" shall be substituted.

14. After section 109 of the principal Act, the following sections shall be inserted, namely:—

45 of 1860.

'109A. (1) For the purposes of this section, section 109B and section 109C,—

(a) "grievous hurt" shall have the same meaning as in the Indian Penal Code;

(b) "hit and run motor accident" means an accident arising out of the use of a motor vehicle or motor vehicles the identity whereof cannot be ascertained in spite of reasonable efforts for the purpose;

(c) "scheme" means the scheme framed under section 109C;

(d) "Solatium Fund" means the Fund established under sub-section (2).

(2) The Central Government may, by notification in the Official Gazette, establish a Fund to be known as the Solatium Fund.

(3) The Solatium Fund shall be utilised for paying, in accordance with the provisions of this Act and the scheme, compensation in respect of the death of, or grievous hurt to, persons resulting from hit and run motor accidents.

57 of 1972.

(4) Notwithstanding anything contained in the General Insurance Business (Nationalisation) Act, 1972 or any other law for the time being in force or any instrument having the force of law, the General Insurance Corporation of India formed under section 9 of the said Act and the insurance companies for the time being carrying on general insurance business in India shall make to the Solatium Fund such contributions as the Central Government may from time to time by order in writing specify, and in addition to such contributions, the said Fund shall consist of—

(a) such sums as the Central Government may, after due appropriation made by Parliament by law in this behalf, provide from time to time;

(b) such sums as the State Governments may from time to time contribute; and

(c) such other sums as may be received (whether by way of refund, gift, donation or in any other manner) for being credited to the Fund.

(5) Subject to the provisions of this Act and the scheme, there shall be paid as compensation out of the Solatium Fund,—

(a) in respect of the death of any person resulting from a hit and run motor accident, a fixed sum of five thousand rupees;

(b) in respect of grievous hurt to any person resulting from a hit and run motor accident, a fixed sum of one thousand rupees:

Insertion
of new
sections
109A,
109B and
109C.

Special
provisions
as to
compensa-
tion in
cases of
hit and
run
motor
accidents.

Provided that where the sum standing to the credit of the Solatium Fund is not adequate for meeting any claim for compensation under this section, such claim may be kept pending for payment till such time as the sum necessary for meeting it becomes available in the Fund.

(6) The provisions of sub-section (1) of section 110A shall apply for the purpose of making applications for compensation under this section as they apply for the purpose of making applications for compensation referred to in that sub-section.

Refund
in certain
cases of
compen-
sation
paid under
section
109A.

109B. (1) The payment of compensation in respect of the death of, or grievous hurt to, any person under section 109A shall be subject to the condition that if any compensation (hereafter in this sub-section referred to as the other compensation) or other amount in lieu of or by way of satisfaction of a claim for compensation is awarded or paid in respect of such death or grievous hurt under any other provision of this Act or any other law or otherwise, so much of the other compensation or other amount aforesaid as is equal to the compensation paid under section 109A shall be credited to the Solatium Fund by way of refund.

(2) Before awarding compensation in respect of an accident involving the death of, or bodily injury to, any person arising out of the use of a motor vehicle or motor vehicles under any provision of this Act (other than section 109A) or any other law, the tribunal, court or other authority awarding such compensation shall verify as to whether in respect of such death or bodily injury compensation has already been paid under section 109A or an application for payment of compensation is pending under that section, and such tribunal, court or other authority shall,—

(a) if compensation has already been paid under section 109A, direct the person liable to pay the compensation awarded by it to pay into the Solatium Fund so much thereof as is required to be credited to that Fund in accordance with the provisions of sub-section (1);

(b) if an application for payment of compensation is pending under section 109A, forward the particulars as to the compensation awarded by it to the authority in which the Solatium Fund vests.

Explanation.—For the purposes of this sub-section, an application for compensation under section 109A shall be deemed to be pending—

(i) if such application has been rejected, till the date of the rejection of the application, and

(ii) in any other case, till the date of payment of compensation in pursuance of the application.

Scheme
for the
adminis-
tration
of the
Solatium
Fund.

109C. (1) The Central Government may, by notification in the Official Gazette, make a scheme specifying the authority in which the Solatium Fund shall vest, the manner in which the Fund shall be administered, the form, manner and the time within which applications for compensation from the Fund may be made, the officers or authorities to whom such applications may be made, the procedure to be followed by such officers or authorities for considering

and passing orders on such applications, and all other matters connected with, or incidental to, the administration of the Fund and the payment of compensation therefrom.

(2) A scheme made under sub-section (1) may provide that—

(a) a contravention of any provision thereof shall be punishable with imprisonment for such term as may be specified but in no case exceeding three months, or with fine which may extend to such amount as may be specified but in no case exceeding five hundred rupees or with both;

(b) the powers, functions or duties conferred or imposed on any officer or authority by such scheme may be delegated, with the prior approval in writing of the Central Government, by such officer or authority to any other officer or authority;

(c) any provision of such scheme may operate with retrospective effect from a date not earlier than the date of establishment of the Solatium Fund:

Provided that no such retrospective effect shall be given so as to prejudicially affect the interests of any person who may be governed by such provision.

(3) Every scheme made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the scheme or both Houses agree that the scheme should not be made, 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 scheme.'

15. In section 110 of the principal Act, in sub-section (1), the following *Explanation* shall be inserted at the end, namely:—

Explanation.—For the removal of doubts, it is hereby declared that the expression "claims for compensation in respect of accidents involving the death of, or bodily injury to, persons arising out of the use of motor vehicles" includes claims for compensation under section 92A.'

Amend-
ment of
section
110.

16. In section 110A of the principal Act,—

(a) in sub-section (2), the following proviso shall be inserted at the end, namely:—

"Provided that where any claim for compensation under section 92A is made in such application, the application shall contain a separate statement to that effect immediately before the signature of the applicant";

(b) in sub-section (3), for the words "compensation under this section", the words "such compensation" shall be substituted.

Amend-
ment of
section
110A.

Amend-
ment of
section
110AA.

17. In section 110AA of the principal Act, for the words "may claim such compensation", the words, figures and letter "may, without prejudice to the provisions of Chapter VIIA, claim such compensation" shall be substituted.

Amend-
ment of
section
110B.

18. In section 110B of the principal Act,—

(a) for the words "hold an inquiry into the claim and may make an award", the words "hold an inquiry into the claim or, as the case may be, each of the claims and, subject to the provisions of section 109B, may make an award" shall be substituted;

(b) the following proviso shall be inserted at the end, namely:—

"Provided that where such application makes a claim for compensation under section 92A in respect of the death or permanent disablement of any person, such claim and any other claim (whether made in such application or otherwise) for compensation in respect of such death or permanent disablement shall be disposed of in accordance with the provisions of Chapter VIIA.".

Amend-
ment of
section
110CC.

19. In section 110CC of the principal Act, for the word "Chapter", the word "Act" shall be substituted.

Amend-
ment of
section
113A.

20. In section 113A of the principal Act, for the words "five hundred rupees", the words "one thousand rupees" shall be substituted.

Insertion
of new
section
113B.

21. After section 113A of the principal Act, the following section shall be inserted, namely:—

Driving
vehicles
in contra-
vention
of section
3 or
section 4.

"113B. Whoever drives a motor vehicle in contravention of section 3 or section 4 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.".

Amend-
ment of
section
115.

22. In section 115 of the principal Act, in sub-section (1),—

(i) for the words "two hundred rupees", the words "four hundred rupees" shall be substituted;

(ii) for the words "five hundred rupees", the words "one thousand rupees" shall be substituted.

Amend-
ment of
section
116.

23. In section 116 of the principal Act,—

(a) for the words "five hundred rupees", the words "one thousand rupees" shall be substituted;

(b) for the words "one thousand rupees", the words "two thousand rupees" shall be substituted.

24. In section 120 of the principal Act, for the words "three hundred rupees", the words "five hundred rupees" shall be substituted.

Amend-
ment of
section
120.

25. In section 123 of the principal Act, in sub-section (1),—

Amend-
ment of
section
123.

(i) for the words "one thousand rupees", the words "two thousand rupees" shall be substituted;

(ii) for the words "two thousand rupees", the words "three thousand rupees" shall be substituted.

26. After section 127A of the principal Act, the following section shall be inserted, namely:—

Insertion
of new
section
127B.

"127B. (1) Any offence [whether committed before or after the commencement of section 26 of the Motor Vehicles (Amendment) Act, 1982] punishable under section 112, section 113, section 113A, section 113B, section 114, sub-sections (1) and (2) of section 115, section 116, section 118, section 120, section 122, section 123, section 124, section 125 or section 127 may, either before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the Official Gazette, specify in this behalf.

Composi-
tion of
certain
offences.

(2) Where an offence has been compounded under sub-section (1), the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence."

27. In the First Schedule to the principal Act,—

Amend-
ment of
the First
Schedule.

(a) in Form A, in Section I, after item (g), the following shall be inserted, namely:—

"I enclose three copies of a recent photograph.";

(b) in Form AA, the brackets, letter and words "(b) three copies of a recent photograph." shall be omitted;

(c) in Form D, for the words "Photograph if necessary", the word "Photograph" shall be substituted,

THE NAVY (AMENDMENT) ACT, 1982

No. 48 OF 1982

[16th October, 1982.]

An Act further to amend the Navy Act, 1957.

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

Short title.

Amendment of section 55A.

Amend-
ment of
section
81.

Amend-
ment of
section
82.

1. This Act may be called the Navy (Amendment) Act, 1982.

2. In section 55A of the Navy Act, 1957 (hereinafter referred to as the principal Act), in clause (a), after the words "fourteen years", the words "or such other punishment as is hereinafter mentioned" shall be inserted. 62 of 1957.

3. In section 81 of the principal Act, in sub-section (1),—

(a) in clause (f), after the word "officers", the words "and master chief petty officers" shall be inserted;

(b) in clause (g), for the words "subordinate officers", the words "officers below the rank of commander and master chief petty officers" shall be substituted;

(c) in clause (i), for the words "disrating" and "subordinate and petty officers", the words "reduction in rank" and "petty officers" shall respectively be substituted.

4. In section 82 of the principal Act,—

(a) in sub-section (9), for the words "disrating" and "rate", the words "reduction in rank" and "rank" shall respectively be substituted;

(b) after sub-section (12), the following sub-section shall be inserted, namely:—

"(12A) No master chief petty officer shall be subject to the punishment of forfeiture of seniority of more than twelve months.";

(c) after sub-section (13), the following sub-section shall be inserted, namely:—

“(13A) No master chief petty officer shall be subject to the punishment of forfeiture of time for promotion of more than twelve months.”;

(d) in sub-section (14), for the words “disrated” and “rating”, the words “reduced in rank” and “rank” shall respectively be substituted.

5. In section 94 of the principal Act,—

(a) in sub-sections (1) and (2), for the words “any subordinate officer”, the words “any officer below the rank of commander” shall be substituted;

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) The Flag Officer Commanding-in-Chief of a naval command may, subject to regulations made under this Act, impose on any officer below the rank of commander one or more of the following punishments, namely:—

(a) forfeiture of seniority in rank of not more than three months;

(b) forfeiture of time for promotion of not more than three months;

(c) severe reprimand or reprimand.”;

(c) in sub-section (4), for the word, brackets and figure “and (2)”, the brackets, figures, word and letter “, (2) and (2A)” shall be substituted;

(d) in sub-section (5), for the words “training ship”, the word “ship” shall be substituted.

6. In section 97 of the principal Act, in clause (b) of the proviso to sub-section (10), after the figures “55”, the figures and letters “, 55A, 55C” shall be inserted.

7. In section 135 of the principal Act,—

(a) in sub-section (1), for the words “any district magistrate or magistrate of the first class”, the words “any metropolitan magistrate or judicial magistrate of the first class” shall be substituted;

(b) in sub-section (3), for the words and figures “district magistrate or magistrate of the first class or an authority exercising in that place powers equivalent to those of a magistrate of the first class under the Code of Criminal Procedure, 1898”, the words and figures “metropolitan magistrate or judicial magistrate of the first class or an authority exercising the powers equivalent to those of a judicial magistrate of the first class under the Code of Criminal Procedure, 1973” shall be substituted;

Amend-
ment of
section
94.

Amend-
ment of
section
97.

Amend-
ment of
section
135.

(c) in sub-section (4),—

(i) for the words "if he is a district magistrate he or such magistrate of the first class as is appointed by him in this behalf", the words "if he is a Chief Metropolitan Magistrate or Chief Judicial Magistrate, he or such metropolitan magistrate or judicial magistrate of the first class as is appointed by him in this behalf" shall be substituted;

(ii) for the words and figures "Code of Criminal Procedure, 1898", the words and figures "Code of Criminal Procedure, 1973" shall be substituted.

Amend-
ment of
section
141.

8. In section 141 of the principal Act, for the words and figures "under section 476 of the Code of Criminal Procedure, 1898", the words and figures "under section 340 of the Code of Criminal Procedure, 1973" shall be substituted.

Amend-
ment of
section
142.

9. In section 142 of the principal Act, for the words and figures "sections 480 and 482 of the Code of Criminal Procedure, 1898", the words and figures "sections 345 and 346 of the Code of Criminal Procedure, 1973" shall be substituted.

Amend-
ment of
section
158.

10. In section 158 of the principal Act, for the words and figures "Code of Criminal Procedure, 1898", the words and figures "Code of Criminal Procedure, 1973" shall be substituted.

Insertion
of new
section
184A.

11. After section 184 of the principal Act, the following section shall be inserted, namely:—

Power
to make
regula-
tions
with
retrospec-
tive
effect.

"184A. The power to make regulations conferred by this Act shall include the power to give retrospective effect, from a date not earlier than the date of commencement of this Act, to the regulations or any of them, but no retrospective effect shall be given to any regulation so as to prejudicially affect the interests of any person to whom such regulation may be applicable."

5 of 1898.
2 of 1974.

THE NATIONAL WATERWAY (ALLAHABAD-HALDIA
STRETCH OF THE GANGA-BHAGIRATHI-HOOGHLY
RIVER) ACT, 1982

No. 49 of 1982

[18th October, 1982.]

An Act to provide for the declaration of the Allahabad-Haldia Stretch of the Ganga-Bhagirathi-Hooghly river to be a national waterway and also to provide for the regulation and development of that river for purposes of shipping and navigation on the said waterway and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the National Waterway (Allahabad-Haldia Stretch of the Ganga-Bhagirathi-Hooghly River) Act, 1982.
Short title and commencement.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. The Allahabad-Haldia Stretch of the Ganga-Bhagirathi-Hooghly river, the limits of which are specified in the Schedule, is hereby declared to be a national waterway.
Declaration of a certain stretch of Ganga-Bhagirathi-Hooghly river to be national waterway.
3. It is hereby declared that it is expedient in the public interest that the Central Government should take under its control the regulation and development of Ganga-Bhagirathi-Hooghly river for purposes of shipping and navigation on the national waterway to the extent hereinafter provided.
Declaration as to expediency of control by the Union of Ganga-Bhagirathi-Hooghly river for certain purposes.

Definitions.

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

- (a) "Advisory Committee" means an Advisory Committee constituted under section 8;
- (b) "appurtenant land" means all lands appurtenant to the national waterway, whether demarcated or not;
- (c) "channel" means any waterway, whether natural or artificial;
- (d) "conservancy" includes dredging, training, closure, diversion or abandoning channels;
- (e) "conservancy measures" means measures for purposes of conservancy, but does not include measures for protection of banks against floods or for restoring banks which have become eroded mainly on account of reasons not connected with shipping and navigation;
- (f) "infrastructure" includes structures such as docks, wharves, jetties, landing stages, locks, buoys, inland ports, cargo handling equipment, road and rail access and cargo storage spaces, and the expression "infrastructural facilities" shall be construed accordingly;
- (g) "national waterway" means the waterway declared by section 2 to be a national waterway;
- (h) "navigable channel" means a channel navigable during the whole or a part of the year;
- (i) "prescribed" means prescribed by rules made under this Act;
- (j) "rules" means rules made by the Central Government under this Act.

Responsibility for regulation and development of national waterway.

5. (1) It shall be the responsibility of the Central Government to regulate and develop the national waterway and to secure the efficient utilisation of the waterway for shipping and navigation.

(2) In particular and without prejudice to the generality of the foregoing provision, the Central Government may—

- (a) carry out surveys and investigations for the development, maintenance and better utilisation of the national waterway and the appurtenant land for shipping and navigation, and prepare plans in this behalf;
- (b) make and open new navigable channels;
- (c) clear, widen, deepen or divert or otherwise improve the channels;
- (d) provide or permit setting up of infrastructural facilities;
- (e) carry out conservancy measures and training works and do all other acts necessary for the safety and convenience of shipping and navigation and improvement of the national waterway;
- (f) control activities such as throwing rubbish, dumping or removal of material, in or from the bed of the national waterway and appurtenant land, in so far as they may affect safe and efficient shipping and navigation, maintenance of navigable channels, river training and conservancy measures;

- (g) remove or alter any obstruction or impediment in the national waterway and the appurtenant land which may impede the safe navigation or endanger safety of infrastructural facilities or conservancy measures where such obstruction or impediment has been lawfully made or has become lawful by reason of long continuance of such obstruction or impediment or otherwise, after making compensation to person suffering damage by such removal or alteration;
- (h) provide for the regulation of navigation and traffic (including the rule of the road) on the national waterway;
- (i) regulate the construction or alteration of structures on, across or under the national waterway;
- (j) perform such other functions as may be necessary to carry out the purposes of this Act.

(3) Any dispute arising out of or concerning the compensation referred to in clause (g) of sub-section (2) shall be determined according to the law relating to like disputes in the case of land required for public purposes.

6. (1) The Central Government may, if it considers it necessary or expedient so to do for the purposes of this Act, particularly for the purpose of discharging its responsibility under section 5, exercise any jurisdiction, right or power with respect to the national waterway or any lands or infrastructure appurtenant thereto which it could have exercised if the national waterway and the lands and infrastructure appurtenant thereto had been vested in that Government by this sub-section.

(2) If any dispute arises as to whether any land or structure is a land or infrastructure appurtenant to the national waterway, the Central Government and the other party or parties to the dispute shall endeavour to resolve the dispute by negotiations or conciliation in such manner as may be prescribed.

(3) Notwithstanding anything contained in sub-section (2), if the Central Government considers whether before initiating action for resolving a dispute by negotiations or conciliation or at any stage after initiating such action, that the dispute is of such a nature that it is necessary or expedient to refer it to arbitration, the Central Government shall, in such form and in such manner as may be prescribed, refer the matter in dispute to an arbitrator who shall be appointed by the Chief Justice of India.

(4) The arbitrator may appoint two or more persons as assessors to assist him in the proceedings before him.

(5) The decision of the arbitrator shall be final and binding on the parties to the dispute and shall be given effect to by them.

(6) Nothing in the Arbitration Act, 1940 shall apply to any arbitration under this section.

7. (1) The provisions of this Act shall be in addition to the provisions of the Major Port Trusts Act, 1963 and in particular nothing in this Act shall affect any jurisdiction, functions, powers or duties required to be exercised, performed or discharged under the Major Port Trusts Act, 1963 by the Board of Trustees for the major port of Calcutta or by any officer or authority in, or in relation to, the portion of the national waterway falling within the limits of the said port.

Rights,
etc., of
Central
Govern-
ment with
respect
to nation-
al water-
way, lands
and in-
frastruc-
ture ap-
purtenant
thereto.

Appli-
cation, etc.,
of
certain
laws.

(2) Nothing in this Act shall affect the operation of the Inland Vessels Act, 1917 or any other Central Act (other than the Major Port Trusts Act, 1963) or any State or Provincial Act in force immediately before the commencement of this Act with respect to shipping and navigation on the waterway declared by section 2 to be a national waterway but any jurisdiction, functions, powers or duties required to be exercised, performed or discharged by a State Government or any officer or authority subordinate to a State Government under any such Act in so far as such jurisdiction, functions, powers or duties relates or relate to shipping and navigation on the said waterway or any matter incidental thereto or otherwise connected therewith, shall after such commencement be exercised, performed or discharged by the Central Government.

(3) The Central Government may, by notification in the Official Gazette, direct that any jurisdiction, functions, powers or duties which it may exercise, perform or discharge by virtue of the provisions of sub-section (2) under any Act referred to in that sub-section shall, subject to such conditions, if any, as may be specified in the notification, be exercised, performed or discharged also by—

(a) such officer or authority subordinate to the Central Government, or

(b) such State Government or officer or authority subordinate to a State Government,

as may be specified in the notification.

Advisory Committees.

8. (1) Subject to any rules made in this behalf, the Central Government may from time to time constitute one or more Advisory Committees to advise the Central Government on matters concerning the administration of this Act.

(2) The Advisory Committee or the Advisory Committees referred to in sub-section (1) shall consist of such number of persons to represent the interests connected with shipping and navigation and allied aspects as the Central Government may deem fit.

Fees for services or benefits rendered in the national waterway.

9. (1) The Central Government may, by notification in the Official Gazette, levy fees at such rates as may be laid down by rules made in this behalf for services or benefits rendered in relation to the use of the national waterway for the purposes of navigation, infrastructural facilities, including facilities for passengers and facilities relating to berthing of vessels, handling of cargoes and storage of cargoes.

(2) The fees levied under sub-section (1) shall be collected in such manner as may be prescribed.

Power to enter.

10. Subject to any rules made in this behalf, any officer subordinate to the Central Government or to a State Government or to any authority subordinate to the Central Government or a State Government who is authorised in this behalf by the Central Government by notification in the Official Gazette may, whenever it is necessary so to do for any of the purposes of this Act, at all reasonable times, enter upon any land or premises and—

(a) make any inspection, survey, measurement, valuation or inquiry,

(b) take levels,

(c) dig or bore into sub-soil,

- (d) set out boundaries and intended lines of work,
- (e) mark such level boundaries and lines by placing marks and cutting trenches, or
- (f) do such other acts or things as may be prescribed:

Provided that no such officer shall enter any building or any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least twenty-four hours' notice in writing of his intention to do so.

11. Whoever—

Penalties.

- (a) destroys, pulls down, removes, injures or defaces any pillar, post or stake or marks fixed on the national waterway and the appurtenant land, or any notice or other matter put up, inscribed or placed under this Act, or
- (b) obstructs any person from exercising his powers and performing his functions under this Act, or
- (c) damages any works or property belonging to the Central Government, or
- (d) fails to furnish any information required for the purposes of this Act,

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.

12. The Central Government may, by notification in the Official Gazette, direct that any function, power (except the powers under sections 14 and 15) or duty which it may perform, exercise or discharge under this Act shall, subject to such conditions, if any, as may be specified in the notification, be performed, exercised or discharged also by—

Power to delegate.

- (a) such officer or authority subordinate to the Central Government, or
- (b) such State Government or officer or authority subordinate to a State Government,

as may be specified in the notification.

13. No suit, prosecution or other legal proceeding shall lie against the Central Government or a State Government or an authority subordinate to such Government or an officer subordinate to such Government or authority for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

Protection of action taken in good faith.

14. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) 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 in which, and the conditions subject to which, any function in relation to the matters referred to in section 5 may be performed;
- (b) the rule of the road on the national waterway;

(c) the safe, efficient and convenient use, management and control of the infrastructures and infrastructural facilities;

(d) the reception, portage, storage and removal of goods brought on the national waterway, and the procedure to be followed for taking charge of goods which may have been damaged before landing, or may be alleged to have been so damaged;

(e) regulating, declaring and defining the docks, wharves, jetties, landing stages on which goods shall be landed from vessels and shipped on board vessels;

(f) regulating the manner in which, and the conditions under which, the loading and unloading of vessels on the national waterway shall be carried out;

(g) the exclusion from the national waterway of disorderly or other undesirable persons and of trespassers;

(h) the manner in which the Central Government shall endeavour to resolve, under sub-section (2) of section 6, the disputes referred to therein, the form and manner in which such disputes may be referred, under sub-section (3) of that section to arbitration and the procedure to be followed in such arbitration proceedings;

(i) the composition of the Advisory Committees, the term of office of members of such committees, the allowances, if any, payable to them, and the manner in which the Advisory Committees shall conduct their business;

(j) the rates at which fees for services and benefits referred to in section 9 may be levied and the manner in which such fees shall be collected;

(k) the conditions and restrictions with respect to the exercise of the power to enter under section 10 and the matters referred to in clause (f) of that section;

(l) the periodical inspection of the national waterway and the submission of the inspection reports to the Central Government;

(m) the reports on works carried out on the national waterway;

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

(3) Any rules made under this Act may provide that a breach thereof shall be punishable with fine which may extend to one thousand rupees and where the breach is a continuing one with further fine which may extend to one hundred rupees for every day after the first during which such breach continues.

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

Removal
of diffi-
culties.

15. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary for removing the difficulty.

Provided that no order shall be made under this section after the expiry of three years from the commencement of this Act.

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

THE SCHEDULE

(See section 2)

LIMITS OF THE NATIONAL WATERWAY (ALLAHABAD-HALDIA STRETCH OF THE GANGA-BHAGIRATHI-HOOGHLY RIVER)

From road bridge at Allahabad across the river Ganga, about 2 kms. upstream of the confluence of the rivers Ganga and Yamuna at Triveni to the inland waterway limit on the tidal waters of the river Hooghly from a line drawn between No. 1 Refuge house at the entrance to Baratola river commonly called channel creek, to a position 2.5 kms. due south of Saugor lighthouse, and then connected to the right or south bank at the entrance to the Hijili or Russulpore river, through river Ganga, lock canal and feeder canal at Farakka, river Bhagirathi and river Hooghly.

THE AMRITSAR OIL WORKS (ACQUISITION AND TRANSFER OF
UNDERTAKINGS) ACT, 1982

ARRANGEMENT OF SECTIONS

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SECTIONS

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THE AMRITSAR OIL WORKS (ACQUISITION AND
TRANSFER OF UNDERTAKINGS) ACT, 1982

No. 50 OF 1982

[19th October, 1982.]

An Act to provide for the acquisition and transfer of the right, title and interest of the undertakings of the Amritsar Sugar Mills Company in relation to the Amritsar Oil Works with a view to sustaining and strengthening the nucleus of public owned or controlled units required for ensuring supply of wholesome vanaspati and refined edible oils to the public at reasonable prices and thereby to give effect to the policy of the State towards securing the principles specified in clauses (b) and (c) of article 39 of the Constitution.

WHEREAS the Amritsar Sugar Mills Company has through its undertakings, namely the factory known as the Amritsar Oil Works, Amritsar been engaged in the manufacture and production of certain commodities, namely, vanaspati and refined edible oils, which are essential to the needs of the community;

AND WHEREAS the management of the said Amritsar Oil Works was taken over by the Central Government under the Industries (Development and Regulation) Act, 1951;

65 of 1951

AND WHEREAS it is necessary to acquire the undertakings of the Amritsar Sugar Mills Company in relation to the said Amritsar Oil Works for sustaining and strengthening the nucleus of public owned or controlled units required for ensuring supply of wholesome vanaspati and refined edible oils to the public at reasonable prices;

AND WHEREAS such acquisition is for giving effect to the policy of the State towards securing the principles specified in clauses (b) and (c) of article 39 of the Constitution;

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

CHAPTER I
PRELIMINARY

Short
title.

1. This Act may be called the Amritsar Oil Works (Acquisition and Transfer of Undertakings) Act, 1982.

1 of 1956.

65 of 1951.

1 of 1956.

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

Definitions.

(a) "Amritsar Oil Works" means the undertakings of the Amritsar Sugar Mills Company which are engaged in the manufacture, production and marketing of vanaspati and refined edible oils;

(b) "Amritsar Sugar Mills Company" means the Amritsar Sugar Mills Company Limited, Amritsar, a company within the meaning of the Companies Act, 1956, and having its registered office at P.O. Rayon Mills, Chheharta, Amritsar, in the State of Punjab;

(c) "appointed day" means the date of commencement of this Act;

(d) "Commissioner" means the Commissioner of Payments appointed under section 14;

(e) "date of taking over" means the date on which the management of the Amritsar Oil Works of the Amritsar Sugar Mills Company was taken over by the Board of Management by virtue of the Order of the Government of India in the late Ministry of Industrial Development, No. S.O. 542(E) |18AA|IDRA|74, dated the 13th September, 1974, made under sub-section (1) of section 18AA of the Industries (Development and Regulation) Act, 1951;

(f) "notification" means a notification published in the Official Gazette;

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

(h) "specified date", in relation to any provision of this Act, means such date as the Central Government may, by notification, specify for the purpose of that provision and different dates may be specified for different provisions of this Act;

(i) "the Government company" means the Government company in which the Amritsar Oil Works are directed to vest under sub-section (1) of section 5;

(j) words and expressions used herein and not defined but defined in the Companies Act, 1956, have the meanings, respectively, assigned to them in that Act.

CHAPTER II

ACQUISITION AND TRANSFER OF AMRITSAR OIL WORKS

3. On the appointed day, the Amritsar Oil Works and the right, title and interest of the Amritsar Sugar Mills Company in relation to the Amritsar Oil Works shall, by virtue of this Act, stand transferred to, and shall vest in, the Central Government.

Transfer to, and vesting in, the Central Government of Amritsar Oil Works.

General
effect
of
vesting.

4. (1) The Amritsar Oil Works shall be deemed to include all assets, rights, lease-holds, powers, authorities and privileges and all property, movable and immovable, including lands, buildings, workshops, stores, instruments, machinery and equipment, cash balances, cash in hand, reserve funds, investments and book debts pertaining to the Amritsar Oil Works, and all other rights and interests in, or arising out of, such property as were immediately before the appointed day in the ownership, possession, power or control of the Amritsar Sugar Mills Company, in relation to the Amritsar Oil Works, whether within or outside India, and all books of account, registers and other documents of whatever nature relating thereto.

(2) All properties as aforesaid which have vested in the Central Government under section 3 shall, by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien and all other incumbrances affecting them, and any attachment, injunction or decree or order of any court or other authority, restricting the use of such properties in any manner or appointing any receiver in respect of the whole or any part of such properties shall be deemed to have been withdrawn.

(3) Every mortgagee of any property which has vested under this Act in the Central Government and every person holding any charge, lien or other interest in, or in relation to, any such property shall give, within such time and in such manner as may be prescribed, an intimation to the Commissioner of such mortgage, charge, lien or other interest.

(4) For the removal of doubts, it is hereby declared that the mortgagee of any property referred to in sub-section (3) or any other person holding any charge, lien or other interest in, or in relation to, any such property shall be entitled to claim, in accordance with his rights and interests, payment of the mortgage money or other dues, in whole or in part, out of amounts specified in section 7, but no such mortgage, charge, lien or other interest shall be enforceable against any property which has vested in the Central Government.

(5) Any licence or other instrument granted to the Amritsar Sugar Mills Company in relation to the Amritsar Oil Works which has vested in the Central Government under section 3 at any time before the appointed day and in force immediately before that day shall continue to be in force on and after such day in accordance with its tenor in relation to, and for the purposes of, the Amritsar Oil Works, and, on and from the date of vesting of the Amritsar Oil Works under section 5 in a Government company, that Government company shall be deemed to be substituted in such licence or other instrument as if such licence or other instrument had been granted to that Government company and that Government company shall hold it for the remainder of the period for which the Amritsar Sugar Mills Company to which it was granted would have held it under the terms thereof.

(6) If, on the appointed day any suit, appeal or other proceeding of whatever nature instituted or preferred by or against the Amritsar Sugar Mills Company in relation to the Amritsar Oil Works, is pending, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of the transfer of the Amritsar Oil Works or of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted or enforced by or against the Central Govern-

ment or where the Amritsar Oil Works are directed to vest in a Government company under section 5, by or against the Government company.

5. (1) Notwithstanding anything contained in sections 3 and 4, the Central Government may, if it is satisfied that a Government company is willing to comply, or has complied, with such terms and conditions as that Government may think fit to impose, direct, by notification, that the Amritsar Oil Works and the right, title and interest of the Amritsar Sugar Mills Company in relation to the Amritsar Oil Works which have vested in the Central Government under section 3, shall, instead of continuing to vest in the Central Government, vest in that Government company either on the date of the notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification.

(2) Where the right, title and interest in relation to the Amritsar Oil Works vest in a Government company under sub-section (1), the Government company shall, on and from the date of such vesting, be deemed to have become the owner of the Amritsar Oil Works and all the rights and liabilities of the Central Government in relation to the Amritsar Oil Works shall, on and from the date of such vesting, be deemed to have been the rights and liabilities, respectively, of the Government company.

6. (1) Every liability, other than the liability specified under sub-section (2), of the Amritsar Sugar Mills Company in relation to the Amritsar Oil Works in respect of any period prior to the appointed day shall be the liability of the Amritsar Sugar Mills Company and shall be enforceable against it and not against the Central Government or where the Amritsar Oil Works vest in a Government company, against the Government company.

(2) Any liability in respect of the amount advanced after the date of taking over to the Amritsar Sugar Mills Company in relation to the Amritsar Oil Works together with interest due thereon and the wages, salaries and other dues of persons employed in the Amritsar Oil Works in respect of any period after the date of taking over shall, on and from the appointed day, be the liability of the Central Government and shall be discharged by the Central Government or, for and on behalf of that Government, by the Government company as and when repayment of such amount becomes due or as and when such wages, salaries and other dues become due and payable.

(3) For the removal of doubts, it is hereby declared that,—

(a) save as otherwise expressly provided in this section or in any other section of this Act, no liability, other than the liability specified in sub-section (2), of the Amritsar Sugar Mills Company in relation to the Amritsar Oil Works in respect of a period prior to the appointed day shall be enforceable against the Central Government or the Government company, as the case may be;

(b) no award, decree or order of any court, tribunal or other authority in relation to the Amritsar Oil Works, passed after the appointed day, in respect of any matter, claim or dispute in relation to any matter, not being a matter referred to in sub-section (2),

Power of
Central
Govern-
ment to
direct
vesting
of the
Amritsar
Oil
Works
in a
Govern-
ment
company.

The
Amritsar
Sugar
Mills
Company
to be
liable for
certain
prior
liabilities.

which arose before that date shall be enforceable against the Central Government or the Government company, as the case may be;

(c) no liability incurred by the Amritsar Sugar Mills Company before the appointed day, for the contravention, in relation to the Amritsar Oil Works, of any provision of law for the time being in force, shall be enforceable against the Central Government or the Government company, as the case may be.

CHAPTER III

PAYMENT OF AMOUNT

Payment
of
amount.

7. (1) For the transfer to, and vesting in, the Central Government, under section 3 of the Amritsar Oil Works and the right, title and interest of the Amritsar Sugar Mills Company in relation to that Works, there shall be given by the Central Government to the Amritsar Sugar Mills Company, in cash and in the manner specified in Chapter VI, an amount equal to a sum of sixty-four lakhs, forty-eight thousand, nine hundred and forty-four rupees and sixty-five paise.

(2) In addition to the amount specified in sub-section (1), there shall also be given to the Amritsar Sugar Mills Company by the Central Government an amount calculated at the rate of ten thousand rupees per annum for the deprivation of the Amritsar Sugar Mills Company of the management of its Amritsar Oil Works for the period commencing on the date of taking over and ending with the appointed day.

(3) The amount specified in sub-section (1) and the amount calculated in accordance with the provisions of sub-section (2) shall carry simple interest at the rate of four per cent. per annum for the period commencing on the appointed day and ending on the date on which payment of such amount is made by the Central Government to the Commissioner.

CHAPTER IV

MANAGEMENT, ETC., OF AMRITSAR OIL WORKS

Manage-
ment, etc.,
of Amritsar
Oil Works.

8. (1) On the appointed day, the general superintendence, direction, control and management of the affairs and business of the Amritsar Oil Works shall,—

(a) where a direction has been made by the Central Government under sub-section (1) of section 5, vest in the Government company specified in such direction; or

(b) where no such direction has been made by the Central Government, vest in one or more Custodians appointed by the Central Government under sub-section (2),

and thereupon the Government company so specified or the Custodian or Custodians so appointed, as the case may be, shall be entitled to exercise, to the exclusion of all other persons, all such powers and do all such things as the Amritsar Sugar Mills Company is authorised to exercise and do in relation to its Amritsar Oil Works.

(2) The Central Government may appoint one or more individuals or a Government company as the Custodian or Custodians of the Amritsar Oil Works in relation to which no direction has been made by it under sub-section (1) of section 5.

(3) The Custodian or Custodians so appointed shall receive, from the funds of the Amritsar Oil Works, such remuneration as the Central Government may fix and shall hold office during the pleasure of the Central Government.

(4) The Custodian or Custodians of the Amritsar Oil Works shall maintain an account of the Amritsar Oil Works in such form and manner and under such conditions as may be prescribed and the provisions of the Companies Act, 1956, shall apply to the audit of the accounts so maintained as they apply to the audit of the accounts of a company.

1 of 1956

9. On the vesting in the Central Government or a Government company of the Amritsar Oil Works, all persons in charge of the management of the Amritsar Oil Works immediately before the date of such vesting, shall be bound to deliver to the Central Government or the Government company or to such person or body of persons as the Central Government or the Government company may specify in this behalf, all assets, books of account, registers or other documents in their custody relating to the Amritsar Oil Works.

Duty of persons in charge of management of Amritsar Oil Works to deliver assets, etc.

10. (1) Every person who has, on the appointed day, in his possession or under his control any assets, books, documents or other papers relating to the Amritsar Oil Works which has vested in the Central Government or a Government company under this Act, and which belongs to the Amritsar Sugar Mills Company or would have so belonged if the Amritsar Oil Works had not vested in the Central Government or the Government company, shall be liable to account for the said assets, books, documents and other papers to the Central Government or the Government company, as the case may be, and shall deliver them up to the Central Government or the Government company or to such person or body of persons as the Central Government or the Government company may specify in this behalf.

Duty of persons to account for assets, etc.

(2) The Central Government may take or cause to be taken all necessary steps for securing possession of the Amritsar Oil Works which has vested in it under section 3.

11. The Amritsar Sugar Mills Company shall, within such period as the Central Government may allow in this behalf, furnish to that Government a complete inventory of all its properties and assets as on the appointed day, pertaining to the Amritsar Oil Works which has vested in the Central Government under section 3, and for this purpose the Central Government or the Government company shall afford the Amritsar Sugar Mills Company all reasonable facilities.

Duty of Amritsar Sugar Mills Company to furnish particulars.

Continuance
of
employees.

CHAPTER V

PROVISIONS RELATING TO EMPLOYEES OF AMRITSAR OIL WORKS

12. (1) Every person who has been, immediately before the appointed day, employed by the Amritsar Sugar Mills Company in connection with the Amritsar Oil Works shall become,—

(a) on and from the appointed day, an employee of the Central Government; and

(b) where the Amritsar Oil Works is directed, under sub-section (1) of section 5, to vest in a Government company, an employee of that company on and from the date of such vesting,

and shall hold office or service under the Central Government or the Government company, as the case may be, with the same rights and privileges as to pension, gratuity and other like matters as would have been admissible to him if there had been no such vesting and shall continue to do so unless and until his employment under the Central Government or the Government company, as the case may be, is duly terminated or until his remuneration or other conditions of service are duly altered by the Central Government or the Government company, as the case may be.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947, or in any other law for the time being in force, the transfer of the services of any officer or other person employed in the Amritsar Oil Works to the Central Government or the Government company shall not entitle such officer or other employee to any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

14 of 1947.

Provident fund
and
other
funds.

13. (1) Where the Amritsar Sugar Mills Company has established a provident fund, superannuation fund, welfare fund or other fund for the benefit of persons employed in the Amritsar Oil Works, the monies relatable to the officers and other employees, whose services have become transferred by or under this Act to the Central Government or the Government company shall, out of the monies standing, on the appointed day, to the credit of such provident fund, superannuation fund, welfare fund or other fund, stand transferred to, and vest in, the Central Government or the Government company, as the case may be.

(2) The monies which stand transferred under sub-section (1) to the Central Government or the Government company, as the case may be, shall be dealt with by that Government or the Government company in such manner as may be prescribed.

CHAPTER VI

COMMISSIONER OF PAYMENTS

Appointment
of
Commissioner
of Pay-
ments.

14. (1) The Central Government shall, for the purpose of disbursing the amounts payable under section 7 to the Amritsar Sugar Mills Company, by notification, appoint a Commissioner of Payments.

(2) The Central Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons also to exercise all or any of the powers exercisable by him under this Act, and different persons may be authorised to exercise different powers.

(3) Any person authorised by the Commissioner to exercise any of the powers exercisable by the Commissioner may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Act and not by way of authorisation.

(4) The salaries and allowances of the Commissioner and other persons appointed under this section shall be defrayed out of the Consolidated Fund of India.

15. (1) The Central Government shall, within thirty days from the specified date, pay, in cash, to the Commissioner, for payment to the Amritsar Sugar Mills Company, an amount equal to the amounts specified in section 7.

(2) A deposit account shall be opened by the Central Government in favour of the Commissioner in the Public Account of India, and every amount paid under this Act to the Commissioner shall be deposited by him to the credit of the said deposit account, and thereafter the said deposit account shall be operated by the Commissioner.

(3) Interest accruing on the amount standing to the credit of the deposit account referred to in sub-section (2) shall enure to the benefit of the Amritsar Sugar Mills Company.

16. (1) Every secured debt due from the Amritsar Sugar Mills Company shall have priority over all other debts and shall be paid in accordance with the rights and interests of the secured creditors:

Provided that where the secured debts are due to different creditors by reason of the hypothecation of different assets to them, such debts shall be repaid in full in accordance with the rights and interests of such creditors.

(2) Notwithstanding anything contained in any other law for the time being in force, there shall be paid in priority to all other unsecured debts,—

(a) all revenues, taxes, cesses, rates and any other dues payable immediately before the appointed day, to the Central Government, State Governments, local authorities and State Electricity Boards in relation to the Amritsar Oil Works, as the case may be;

(b) all amounts due in respect of any compensation or liability for compensation under the Workmen's Compensation Act, 1923, in respect of the death or disablement of any employee of the Amritsar Sugar Mills Company in relation to the Amritsar Oil Works, unless the said Company has, under such a contract with insurers as is mentioned in section 14 of the said Act, rights capable of being transferred to and vested in the workmen;

8 of 1923.

4253. 1984 : Vide Notifn. No. S.O. 186 (E), dated 22-3-1984,
Gaz. of India Exgy. pt. II, Sec. 3(II).

Payment
by the
Central
Govern-
ment to
the
Commis-
sioner.

Priority
in
relation
to
claims.

(c) all sums deducted by the Amritsar Sugar Mills Company from the salary or wages of any employee of the Amritsar Sugar Mills Company in relation to the Amritsar Oil Works for credit to any provident fund or any other fund established for the welfare of the employees but not deposited to the credit of such funds.

(3) The debts specified in sub-section (2) shall rank equally among themselves and be paid in full, unless the balance of the amount left after meeting the liabilities referred to in sub-section (1) is insufficient to meet them, in which case they shall abate in equal proportions and be paid accordingly.

Claims
to be
made
to the
Commissioner.

17. Every person having a claim against the Amritsar Sugar Mills Company in relation to the Amritsar Oil Works shall prefer such claim before the Commissioner within thirty days from the specified date:

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the said period of thirty days, he may entertain the claim within a further period of thirty days, but not thereafter.

Proof of
claims.

18. (1) The Commissioner shall fix a date on or before which every claimant shall file the proof of his claim failing which he will be excluded from the benefit of the disbursements made by the Commissioner.

(2) Not less than fourteen days' notice of the date so fixed shall be given by advertisement in one issue of any daily newspaper in the English language having circulation in the major part of the country and in one issue of any daily newspaper in such regional language as the Commissioner may consider suitable, and every such notice shall call upon the claimant to file the proof of his claim with the Commissioner within the period specified in the advertisement.

(3) Every claimant who fails to file the proof of his claim within the period specified by the Commissioner shall be excluded from the disbursements made by the Commissioner.

(4) The Commissioner shall, after such investigation as may, in his opinion, be necessary and after giving the Amritsar Sugar Mills Company an opportunity of refuting the claim and after giving the claimant a reasonable opportunity of being heard, by order, in writing, admit or reject the claim in whole or in part.

(5) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge of his functions, including the place or places at which he will hold his sittings and shall, for the purpose of making any investigation under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:—

(a) the summoning and enforcing the attendance of any witness and examining him on oath;

(b) the discovery and production of any document or other material object producible as evidence;

(c) the reception of evidence on affidavits;

(d) the issuing of any commission for the examination of witnesses.

(6) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the

45 of 1860. Indian Penal Code and the Commissioner shall be deemed to be a civil court for the purpose of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

2 of 1974. (7) A claimant, who is dissatisfied with the decision of the Commissioner, may prefer an appeal against the decision to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the Amritsar Oil Works is situated:

Provided that where a person who is a Judge of a High Court is appointed to be the Commissioner, such appeal shall lie to the High Court of Punjab and Haryana and such appeal shall be heard and disposed of by not less than two Judges of that High Court.

19. Where, after meeting the claims admitted by him of secured creditors, and unsecured creditors having priority under sub-section (2) of section 16, the total amount of the claims of other unsecured creditors admitted by the Commissioner does not exceed the balance of the amount left after meeting the liabilities referred to in sub-sections (1) and (2) of section 16, every admitted claim of such other unsecured creditors, shall rank equally among themselves and be paid in full, and the balance, if any, shall be paid to the Amritsar Sugar Mills Company; but where such amount is insufficient to meet in full the total amount of such admitted claims, all such claims shall abate in equal proportions and be paid accordingly.

20. Any money paid to the Commissioner which remains undisbursed or unclaimed on the date immediately preceding the date on which the office of the Commissioner is finally wound up, shall be paid by the Commissioner, before his office is finally wound up to the general revenue account of the Central Government; but a claim to any money so transferred may be preferred to the Central Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, and the order, if any, for payment of the claim being treated as an order for the refund of the revenue.

CHAPTER VII MISCELLANEOUS

21. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law, other than this Act, or in any decree or order of any court, tribunal or other authority.

22. Every contract, entered into by the Amritsar Sugar Mills Company in relation to the Amritsar Oil Works which has vested in the Central Government under section 3, for any service, sale or supply and in force immediately before the appointed day, shall, on and from the expiry of a period of thirty days from the appointed day, cease to have effect unless such contract is, before the expiry of that period, ratified, in writing, by the Central Government or the Government company and in ratifying such contract the Central Government or the Government company may make such alteration or modification therein as it may think fit:

Disburse-
ment of
money
by the
Commissi-
oner to
clai-
mants.

Undis-
bursed or
unclaimed
amount
to be
deposited
to the
general
revenue
account.

Act to
have
over-
riding
effect.

Contracts
to
cease
to
have
effect
unless
ratified
by the
Central
Govern-
ment or
Govern-
ment
company.

Provided that the Central Government or the Government company shall not omit to ratify a contract and shall not make any alteration or modification in a contract—

(a) unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith or is detrimental to the interest of the Central Government or the Government company; and

(b) except after giving the parties to the contract a reasonable opportunity of being heard and except after recording in writing its reasons for refusal to ratify the contract or for making any alteration or modification therein.

Penalties.

23. Any person who,—

(a) having in his possession, custody or control any property forming part of the Amritsar Oil Works, wrongfully withholds such property from the Central Government or the Government company; or

(b) wrongfully obtains possession of, or retains, any property forming part of, the Amritsar Oil Works; or

(c) wilfully withholdts or fails to furnish to the Central Government or the Government company or any person or body of persons specified by that Government or the Government company, as the case may be, any document relating to the Amritsar Oil Works which may be in his possession, custody or control; or

(d) wilfully fails to deliver to the Central Government any inventory of property and asset forming part of the Amritsar Oil Works; or

(e) fails to deliver to the Central Government or the Government company or any person or body of persons specified by that Government or the Government company, any assets, books of account, registers or other documents in his possession, custody or control relating to the Amritsar Oil Works; or

(f) wrongfully removes or destroys any property forming part of the Amritsar Oil Works or prefers any claim under this Act which he knows or has reason to believe to be false or grossly inaccurate,

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

**Offences
by
com-
panies.**

24. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

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

Explanation.—For the purposes of this section,—

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

25. (1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any officer of that Government or the Government company or other person authorised by that Government or the Government company for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or any of its officers or other employees or the Government company or any officer or other person authorised by that company for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

26. (1) The Central Government may, by notification, direct that all or any of the powers exercisable by it under this Act, other than the powers conferred by sections 27 and 28, may also be exercised by such person or persons as may be specified in the notification.

(2) Whenever any delegation of power is made under sub-section (1), the person to whom such power has been delegated shall act under the direction, control and supervision of the Central Government.

27. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) the time within which, and the manner in which, an intimation referred to in sub-section (3) of section 4 shall be given;

(b) the form and manner in which, and the conditions under which, the Custodian or Custodians shall maintain accounts as required by sub-section (4) of section 8;

(c) the manner in which the monies in any provident fund or other fund, referred to in sub-section (2) of section 13 shall be dealt with;

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

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parlia-

Protection
of action
taken
in good
faith.

Delega-
tion of
powers.

Power to
make
rules.

ment, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to
remove
difficulties.

28. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the appointed day.

THE CONTINGENCY FUND OF INDIA
(AMENDMENT) ACT, 1982

No. 51 OF 1982

[21st October, 1982.]

An Act further to amend the Contingency Fund of India Act, 1950.

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

1. This Act may be called the Contingency Fund of India (Amendment) Act, 1982.

49 of 1950. 2. In the Contingency Fund of India Act, 1950, section 4 shall be numbered as sub-section (1) thereof, and—

(a) in sub-section (1), as so numbered, after the words "Central Government may", the words "by notification in the Official Gazette," shall be inserted; and

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

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

Short title:
Contingency Fund of India (Amendment) Act, 1982.

Amendment of section 4.

THE CUSTOMS TARIFF (SECOND AMENDMENT) ACT, 1982

No. 52 OF 1982

[21st October, 1982.]

An Act further to amend the Customs Tariff Act, 1975.

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

Short title and commencement.

1. (1) This Act may be called the Customs Tariff (Second Amendment) Act, 1982.

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

Amendment of section 9.

2. In section 9 of the Customs Tariff Act, 1975 (hereinafter referred to as the principal Act),—

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

“(1) Where any country or territory pays, or bestows, directly or indirectly, any bounty or subsidy upon the manufacture or production therein or the exportation therefrom of any article, then, upon the importation of any such article into India, whether the same is imported directly from the country of manufacture, production or otherwise, and whether it is imported in the same condition as when exported from the country of manufacture or production or has been changed in condition by manufacture, production or otherwise, the Central Government may, by notification in the Official Gazette, impose,—

(i) if the article is not otherwise chargeable with duty under the provisions of this Act, a duty; or

(ii) if the article is otherwise so chargeable, an additional duty,

not exceeding the amount of such bounty or subsidy:

Provided that the Central Government may, pending the determination in accordance with the provisions of this section and the rules made thereunder of the amount of such bounty or grant, impose a duty or additional duty under this sub-section

not exceeding the amount of such bounty or subsidy as provisionally estimated by it and if such duty or additional duty exceeds such bounty or subsidy as so determined,—

(a) the Central Government shall, having regard to such determination and as soon as may be after such determination, reduce such duty or additional duty; and

(b) refund shall be made of so much of such duty or additional duty which has been collected as is in excess of the duty or additional duty as so reduced.”;

(b) in sub-section (2),—

(i) for the words “net amount of any such bounty or grant”, the words “amount of any such bounty or subsidy” shall be substituted;

(ii) for the words “additional duty”, the words “duty or additional duty, as the case may be,” shall be substituted.

3. After section 9 of the principal Act, the following sections shall be inserted, namely:—

Insertion
of new
sections
9A and 9B.

‘9A. (1) Where any article is exported from any country or territory (hereafter in this section referred to as the exporting country or territory) to India at less than its normal value, then, upon the importation of such article into India, the Central Government may, by notification in the Official Gazette, impose,—

Antidump-
ing duty.

(a) if the article is not otherwise chargeable with duty under the provisions of this Act, a duty; or

(b) if the article is otherwise so chargeable, an additional duty,

not exceeding the margin of dumping in relation to such article:

Provided that the Central Government may, pending the determination in accordance with the provisions of this section and the rules made thereunder of the normal value and the margin of dumping in relation to any article, impose on the importation of such article into India a duty or additional duty under this sub-section on the basis of a provisional estimate of such value and margin and if such duty or additional duty exceeds the margin as so determined,

(a) the Central Government shall, having regard to such determination and as soon as may be after such determination, reduce such duty or additional duty; and

(b) refund shall be made of so much of such duty or additional duty which has been collected as is in excess of such duty or additional duty as so reduced.

Explanation.—For the purposes of this section,—

(a) “margin of dumping”, in relation to an article, means the difference between the price at which such article is exported and its normal value;

(b) "normal value", in relation to an article, means—

(i) the comparable price in the ordinary course of trade for the said article or like article when meant for consumption in the exporting country or territory as determined under sub-section (2); or

(ii) where such comparable price cannot be ascertained because of the particular market situation or for any other reason, such value shall be either—

(A) the highest comparable price for the said article or like article from the exporting country or territory to any third country in the ordinary course of trade as determined under sub-section (2); or

(B) the cost of production of the said article or like article in the country of origin along with reasonable addition for selling and any other cost, and for profits, as determined under sub-section (2).

(2) Subject to any rules made under sub-section (3), the Central Government shall, after making due allowance in each case for differences in conditions and terms of sale, for differences in taxation and for other differences affecting price comparability, and, after such inquiry as it may consider necessary, determine, for the purposes of sub-section (1), the export price and the normal value of, and the margin of dumping in relation to, any article.

(3) The Central Government may, by notification in the Official Gazette, make rules for the purposes of this section, and without prejudice to the generality of the foregoing, such rules may provide for the manner in which articles liable for any duty or additional duty under sub-section (1) may be identified, and for the manner in which the export price and the normal value of, and the margin of dumping in relation to, such articles may be determined and for the assessment and collection of such duty or additional duty.

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

No levy
under
section 9
or section
9A in
certain
cases
in the
absence
of injury
to
industry
in
India.

9B. (1) Notwithstanding anything contained in section 9 or section 9A, the Central Government shall not levy any duty or additional duty under either of those sections on the import into India of any article from any country or territory to which this section applies unless that Government, after making investigation in accordance with the rules made under sub-section (3), declares, by notification in the Official Gazette, that the import of such article into India causes or threatens material injury to any industry established in India or materially retards the establishment of any industry in India.

(2) This section applies to every country or territory which is specified by the Central Government by notification in the Official Gazette to be a country or territory which, by reason of its being a party to the General Agreement on Tariff and Trade or by reason of any agreement between it and India for giving the most-favoured

nation treatment or for any other reason, levies duty or additional duty of the nature referred to in section 9 or section 9A on articles imported from India only when such import causes or threatens any material injury to any industry established in such country or territory or materially retards the establishment of such industry in such country or territory.

(3) The Central Government may, by notification in the Official Gazette, make rules for the purposes of this section, and without prejudice to the generality of the foregoing, such rules may provide for the manner in which any investigation may be made for the purposes of sub-section (1), the factors to which regard shall be had in any such investigation and for all matters connected with such investigation.

(4) Every notification issued under sub-section (1) or sub-section (2) shall, as soon as may be after it is issued, be laid before each House of Parliament.

Explanation.—For the purposes of this section, "industry", in relation to any article, includes the manufacture or production of like articles, any activity connected therewith and the persons engaged in such production, manufacture or activity.

THE FOOD CORPORATIONS (AMENDMENT) ACT, 1982.

No. 53 OF 1982

[21st October, 1982.]

An Act further to amend the Food Corporations Act, 1964.

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

Short title.

1. This Act may be called the Food Corporations (Amendment) Act, 1982.

Amendment of section 12A.

2. In the Food Corporations Act, 1964 (hereinafter referred to as the principal Act), in sub-section (5) of section 12A,—

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

; “(6) shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges;”;

(b) in the proviso to clause (b), for the words “Provided that”, the words “Provided further that” shall be substituted and before the proviso, as so amended, the following proviso shall be inserted, namely:—

“Provided that where it is proposed after such inquiry, to impose upon him any such penalty, such penalty may be imposed on the basis of the evidence adduced during such inquiry and it shall not be necessary to give such person any opportunity of making representation on the penalty proposed:.”

Amendment of section 44.

3. In section 44 of the principal Act, in sub-section (3), for the words “which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following”, the words “which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid,” shall be substituted.

4. In section 45 of the principal Act,—

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

“(1A) The power to make regulations under this section shall include the power to give retrospective effect from a date not earlier than the date of commencement of this Act, to the regulations or any of them but no retrospective effect shall be given to any regulation so as to prejudicially affect the interests of any person to whom such regulation may be applicable.”;

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

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

5. After section 45 of the principal Act, the following section shall be inserted, namely:—

“46. No regulation made or purporting to have been made with retrospective effect, under section 45 before the commencement of the Food Corporations (Amendment) Act, 1982 shall be deemed to be invalid or ever to have been invalid merely on the ground that such regulation was made with retrospective effect and accordingly every such regulation and any action taken or thing done thereunder shall be as valid and effective as if the provisions of section 45, as amended by the Food Corporations (Amendment) Act, 1982, were in force at all material times when such regulation was made or action or thing was taken or done.”.

Amend-
ment of
section 45.

Insertion
of new
section
46.

Valida-
tion.

THE RUBBER (AMENDMENT) ACT, 1982

No. 54 OF 1982

[22nd October, 1982.]

An Act further to amend the Rubber Act, 1947.

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

Short title and commencement.

1. (1) This Act may be called the Rubber (Amendment) Act, 1982.
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 3.

2. In section 3 of the Rubber Act, 1947 (hereinafter referred to as the principal Act), after clause (c), the following clause shall be inserted, 24 of 1947. namely:—

(cc) "Executive Director" means the Executive Director appointed under this Act;

Amendment of section 4.

3. In section 4 of the principal Act, in sub-section (3),—
 - (a) in clause (e), the word "and" occurring at the end shall be omitted;
 - (b) after clause (e), the following clause shall be inserted, namely:—

"(ee) the Executive Director, *ex officio*; and".

Amendment of section 6.

4. In section 6 of the principal Act,—
 - (a) for the words "The Chairman", the words "A person appointed as the whole-time Chairman" shall be substituted;
 - (b) after the words "Central Government", the words "and a person appointed as the part-time Chairman shall be entitled to such honorarium and allowances, if any, and such other conditions of service as may from time to time be fixed by the Central Government" shall be inserted.

5. In section 6A of the principal Act,—

(a) sub-section (1) shall be renumbered as sub-section (1A), and before sub-section (1A) as so renumbered, the following sub-section shall be inserted, namely:—

Amend-
ment of
section
6A.

“(1) The Central Government may appoint an Executive Director to exercise such powers and perform such duties under the direction of the Board as may be prescribed or as may be delegated to him by the Chairman.”;

(b) in sub-section (3), for the words “The Rubber Production Commissioner”, the words “The Executive Director, the Rubber Production Commissioner” shall be substituted;

(c) in sub-section (4), for the words “The Chairman,”, the words “The Chairman, if whole-time, the Executive Director,” shall be substituted.

6. In section 25 of the principal Act,—

Amend-
ment of
section 25.

(a) in sub-section (2), in clause (vi), after the words “the powers and duties of”, the words “the Executive Director,” shall be inserted;

(b) in sub-section (3), for the words “two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following,”, the words “two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid,” shall be substituted.

THE POWERS-OF-ATTORNEY (AMENDMENT) ACT, 1982

No. 55 OF 1982

[22nd October, 1982.]

An Act further to amend the Powers-of-Attorney Act, 1882.

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

Short title.

Insertion of new section 1A.

Definition.

Amendment of section 2.

Amendment of section 3.

Amendment of section 4.

Amendment of section 5.

1. This Act may be called the Powers-of-Attorney (Amendment) Act, 1982.

2. In the Powers-of-Attorney Act, 1882, (hereinafter referred to as the principal Act), after section 1, the following section shall be inserted, namely:—

'1A. In this Act, "power-of-attorney" includes any instrument empowering a specified person to act for and in the name of the person executing it.'

3. In section 2 of the principal Act, the word "assurance," occurring at both the places shall be omitted.

4. In section 3 of the principal Act, the words "lunatic," "or bankrupt," "lunacy," and "bankruptcy," shall be omitted.

5. In section 4 of the principal Act, in clause (a) and clause (d), after the words "the High Court", the words "or District Court" shall be inserted.

6. In section 5 of the principal Act, for the words "A married woman, whether a minor or not, shall, by virtue of this Act, have power, as if she were unmarried and of full age," the words "A married woman of full age shall, by virtue of this Act, have power, as if she were unmarried," shall be substituted.

7 of 1882.

THE CHARITABLE ENDOWMENTS (AMENDMENT)
ACT, 1982

No. 56 OF 1982

[25th October, 1982.]

An Act further to amend the Charitable Endowments Act, 1890.

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

1. This Act may be called the Charitable Endowments (Amendment) Act, 1982. Short title.
2. In section 13 of the Charitable Endowments Act, 1890, sub-section (2) shall be re-numbered as sub-section (1), and—
(a) in sub-section (1) as so re-numbered, after the words “The appropriate Government may”, the words “, by notification in the Official Gazette,” shall be inserted;
(b) after sub-section (1) as so re-numbered, the following sub-sections shall be inserted, namely:—
“(2) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.
(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

Amend-
ment of
section
13.

THE SUGAR CESS (AMENDMENT) ACT, 1982

No. 57 of 1982

[25th October, 1982.]

An Act to amend the Sugar Cess Act, 1982.

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

Short title and commencement.

Amendment of section 3.

1. (1) This Act may be called the Sugar Cess (Amendment) Act, 1982.
(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.
2. In section 3 of the Sugar Cess Act, 1982, in sub-section (1),—
 - (a) for the words "ten rupees", the words "fifteen rupees" shall be substituted;
 - (b) in the proviso, for the words "five rupees", the words "fourteen rupees" shall be substituted.

3 of 1982.

11-11-1982 vide notification No. G.S.R. 632 (E), dated 29-10-1982, Gazette of India, Extraordinary, 1982, Pt. II, Sec. 3(i).

THE CENTRAL EXCISE LAWS (AMENDMENT AND VALIDATION) ACT, 1982

No. 58 OF 1982

[25th October, 1982.]

An Act to provide for the amendment of laws relating to central excise and to validate duties of excise collected under such laws.

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

1. (1) This Act may be called the Central Excise Laws (Amendment and Validation) Act, 1982.

(2) It shall be deemed to have come into force on the date of commencement of the Central Excises and Salt Act, 1944.

2. (1) In this section,—

(a) "Central Excises Act" means the Central Excises and Salt Act, 1944;

(b) "Central law" means a Central Act other than the Central Excises Act and includes a declared provision within the meaning of section 2 of the Provisional Collection of Taxes Act, 1931;

(c) "exemption", in relation to any duty of excise, means exemption from the whole or any part of such duty;

(d) "preamble", in relation to any notification or order, means that part of the notification or order which refers to the powers in exercise or in pursuance of which such notification or order is issued or made.

(2) Every Central law providing for the levy and collection of any duty of excise which makes the provisions of the Central Excises Act and the rules made thereunder applicable by reference to the levy and collection of the duty of excise under such Central law shall have, and shall be deemed always to have had, effect with respect to the matters dealt with in sub-section (3) in the manner provided in that sub-section and this Act shall be construed as one with such Central law.

Short title and commencement.

Provisions as to exemption from duty of excise or fixing rate of such duty under certain Central laws and validation.

(3) Where any Central law providing for the levy and collection of any duty of excise makes the provisions of the Central Excises Act and the rules made thereunder applicable by reference to the levy and collection of the duty of excise under such Central law, then,—

(a) it shall be necessary for the purpose of granting, by any notification or order, any exemption from any duty of excise, or fixing, by any notification or order, any rate of duty, leviable under such Central law to expressly refer to the provisions of the said Central law in the preamble to such notification or order, or to state by express words in such notification or order that the exemption provided for, or the rate of duty fixed, by such notification or order is an exemption from, or the rate of duty under, such Central law;

(b) no notification or order issued or made under the Central Excises Act or the said rules (whether issued or made before, on or after the 24th day of September, 1982 and whether or not in force on such date) granting any exemption from any duty of excise or fixing any rate of such duty shall have the effect of, or be construed as, providing for exemption from the duty of excise leviable, or, as the case may be, fixing the rate of duty, under the said Central law, unless such notification or order—

(i) expressly refers to the provisions of the said Central law in the preamble; or

(ii) by express words, provides for an exemption from the duty of excise leviable, or, as the case may be, fixes the rate of duty, under the said Central law; and

(c) every notification or order of the nature referred to in clause (b) which expressly refers to the provisions of any Central law or Central laws in the preamble, shall have the effect of, and be construed as, providing for exemption from the duty of excise leviable, or, as the case may be, fixing a rate of duty, only under such Central law or Central laws, unless such notification or order also, by express words, provides for an exemption from the duty of excise leviable, or, as the case may be, fixes the rate of duty, under the Central Excises Act.

(4) Every notification or order granting any exemption or fixing a rate of duty issued or made under the Central Excises Act or the rules made thereunder at any time whatsoever before the 24th day of September, 1982 shall have, and shall be deemed always to have had, effect for all purposes as if the foregoing provisions of this section had been in force at all material times and accordingly, notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority, any action or thing taken or done, or purporting to have been taken or done, under the Central Excises Act or the said rules or any Central law in any case by virtue of such notification or order shall be deemed to be, and to have always been, for all purposes as validly and effectively taken or done as if the foregoing provisions of this section had been in force at all material times, and, notwithstanding anything as aforesaid and without prejudice to the generality of the foregoing,—

(a) all duties of excise levied, assessed or collected with respect to any goods under the Central Excises Act or the said rules or any Central law shall be deemed to be, and shall be deemed always to have been, validly levied, assessed or collected as if the foregoing provisions of this section had been in force at all material times;

(b) no suit or other proceeding shall be maintained or continued in any court for the refund of, and no enforcement shall be made by any court of, any decree or order directing the refund of, any such duties of excise which have been collected and which would have been validly collected if the foregoing provisions of this section had been in force at all material times;

(c) refunds shall be made of all such duties of excise which have been collected but which would not have been collected if the foregoing provisions of this section had been in force at all material times; and

(d) recoveries shall be made of all such duties of excise which have not been collected or, as the case may be, which have been refunded but which would have been collected or, as the case may be, would not have been refunded if the foregoing provisions of this section had been in force at all material times.

(5) For the removal of doubts, it is hereby declared that no act or omission on the part of any person shall be punishable as an offence which would not have been so punishable if this Act had not come into force.

3. (1) The Central Excise Laws (Amendment and Validation) Ordinance, 1982, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

Repeal and saving.

THE ASSAM APPROPRIATION (No. 3) ACT, 1982

No. 59 OF 1982

[25th October, 1982.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Assam for the services of the financial year 1982-83.

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

Short title.

Issue of Rs. 2,36,
72,000
out of the
Consoli-
dated Fund
of the State
of Assam.
for the
financial
year
1982-83.

Appropriation.

1. This Act may be called the Assam Appropriation (No. 3) Act, 1982.
2. From and out of the Consolidated Fund of the State of Assam 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 crores, thirty-six lakhs and seventy-two thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1982-83 in respect of the services specified in column 2 of the Schedule.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Assam 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/ Approp- riation	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
6	Land Revenue and Land Ceiling Revenue	20,00,000	..	20,00,000
16	District Administration Revenue	6,50,000	..	6,50,000
18	Police Revenue	1,42,00,000	17,000	1,42,17,000
21	Administrative and Functional Buildings . . . Capital	1,21,000	15,000	1,36,000
25	Guest Houses, Government Hostels, etc. . . . Revenue	1,09,000	..	1,09,000
26	Administrative Training . . . Revenue	3,00,000	..	3,00,000
30	State Lotteries and Others . . . Revenue	5,00,000	..	5,00,000
37	Residential Buildings . . . Capital	87,000	..	87,000
41	Civil Supplies Revenue	4,06,000	..	4,06,000
55	Agriculture Revenue	9,00,000	..	9,00,000
61	Forests Revenue	35,00,000	..	35,00,000
62	Community Development . . . Revenue	..	3,000	3,000
64	Sericulture and Weaving . . . Revenue	..	3,000	3,000
65	Cottage Industries . . . Revenue	5,82,000	..	5,82,000
67	Flood Control Revenue Capital	..	25,000 1,06,000	25,000 1,06,000
68	Roads and Bridges Revenue Capital	..	1,27,000 21,000	1,27,000 21,000
TOTAL . . .		2,33,55,000	3,17,000	2,36,72,000

THE APPROPRIATION (No. 4) ACT, 1982

No. 60 OF 1982

[25th October, 1982.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1982-83.

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

Short title.

Issue of Rs. 589,70,30,000 out of the Consolidated Fund of India for the year 1982-83.

Appropriation.

1. This Act may be called the Appropriation (No. 4) Act, 1982.
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 eighty-nine crores, seventy lakhs and thirty thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1982-83, in respect of the services specified in column 2 of the Schedule.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year,

THE SCHEDULE
(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total Rs.
		Rs.	Rs.	
2	Agriculture . . . Capital	17,99,00,000	50,00,00,000	67,99,00,000
3	Fisheries . . . Capital	..	45,00,000	45,00,000
4	Animal Husbandry and Dairy Development . . . Capital	..	70,00,000	70,00,000
10	Ministry of Civil Supplies . Revenue	..	2,27,000	2,27,000
12	Foreign Trade and Export Production . . . Capital	40,00,000	..	40,00,000
13	Textiles, Handloom and Handicrafts . . . Revenue	2,00,000	..	2,00,000
	Capital	22,87,00,000	..	22,87,00,000
14	Ministry of Communications . Capital	12,36,00,000	..	12,36,00,000
18	Capital Outlay on Posts and Telegraphs . . . Capital	4,000	..	4,000
26	Education . . . Revenue	4,05,00,000	..	4,05,00,000
30	Department of Power . Revenue	10,00,00,000	..	10,00,00,000
	Capital	3,000	..	3,000
31	Ministry of External Affairs . Revenue	5,00,00,000	..	5,00,00,000
38	Currency, Coinage and Mint . Revenue	..	8,000	8,000
	Capital	..	3,40,000	3,40,000
41	Transfers to State Governments . . . Revenue	75,00,00,000	..	75,00,00,000
42	Other Expenditure of the Ministry of Finance . . . Revenue	1,000	..	1,000
	Capital	73,50,00,000	..	73,50,00,000
43	Loans to Government Servants, etc. . . . Capital	7,00,00,000	..	7,00,00,000
55	Andaman and Nicobar Islands Revenue	9,36,24,000	..	9,36,24,000
59	Industries . . . Revenue	10,00,00,000	..	10,00,00,000
62	Information and Publicity . Revenue	3,000	..	3,000
63	Broadcasting . . . Revenue	2,09,04,000	..	2,09,04,000
	Capital	3,000	..	3,000
64	Ministry of Irrigation . Revenue	5,00,00,000	..	5,00,00,000
69	Ministry of Petroleum, Chemicals and Fertilizers . Revenue	12,00,000	..	12,00,000

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
71	Chemicals and Fertilizers Industries . . .	Revenue	200,00,00,000	.. 200,00,00,000
		Capital	2,000	.. 2,000
78	Ports, Lighthouses and Shipping . . .	Revenue	1,69,72,000	.. 1,69,72,000
79	Road and Inland Water Transport . . .	Revenue	18,00,000	.. 18,00,000
		Capital	27,00,00,000	.. 27,00,00,000
80	Ministry of Social Welfare . . .	Revenue	7,00,04,000	.. 7,00,04,000
82	Department of Mines . . .	Capital	8,00,00,000	.. 8,00,00,000
91	Public Works . . .	Capital	1,00,00,000	.. 1,00,00,000
92	Water Supply and Sewerage . . .	Revenue	28,00,00,000	.. 28,00,00,000
98	Department of Electronics . . .	Capital	10,85,01,000	.. 10,85,01,000
102	Survey of India . . .	Revenue	.. 34,000	.. 34,000
	TOTAL . . .	538,49,21,000	51,21,09,000	589,70,30,000

THE SALARY, ALLOWANCES AND PENSION OF MEMBERS OF PARLIAMENT (SECOND AMENDMENT) ACT, 1982

No. 61 of 1982

[6th November, 1982.]

An Act further to amend the Salary, Allowances and Pension of Members of Parliament Act, 1954.

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

30 of 1954.

1. This Act may be called the Salary, Allowances and Pension of Members of Parliament (Second Amendment) Act, 1982.

Short title.

2. In section 4 of the Salary, Allowances and Pension of Members of Parliament Act, 1954 (hereinafter referred to as the principal Act), in sub-section (1),—

Amend-
ment of
section 4.

(a) in clause (a), for the words "third class", the words "second class" shall be substituted;

(b) in sub-clause (ii) of clause (c), for the words "at the rate of one rupee per kilometer", the words "at the rate of one rupee and thirty paise per kilometer or at such higher rate as may be prescribed by rules made under section 9 having regard to the highest rate allowed to a Central Government officer of the First Grade in respect of road journeys" shall be substituted.

3. In section 6B of the principal Act,—

Amend-
ment of
section 6B.

(a) in clause (ii), for the words "third class", the words "first class" shall be substituted;

(b) in clause (iii), after the words "every session", the words "and if such journey or any part thereof is performed by air, to an amount equal to the fare by air for such journey or part thereof" shall be inserted;

(c) in the proviso,—

(i) for the words "third class", wherever they occur, the words "first class" shall be substituted;

(ii) for the words "shall be deducted from the difference referred to in that clause.", the words "shall be adjusted against the difference referred to in that clause; so, however, that the member shall not be entitled to claim the balance of such first class fare left after such adjustment." shall be substituted.

Amend-
ment of
section 9.

4. In section 9 of the principal Act, in sub-section (3), after clause (c), the following clause shall be inserted, namely:—

"(cc) the rate at which road mileage shall be paid under sub-clause (ii) of clause (c) of sub-section (1) of section 4;".

THE STATE BANK OF SIKKIM (ACQUISITION OF SHARES)
AND MISCELLANEOUS PROVISIONS ACT, 1982

No. 62 of 1982

[6th November, 1982.]

An Act to provide, in the public interest, for the acquisition of certain shares of the State Bank of Sikkim for the purpose of better consolidation and extension of banking facilities in the State of Sikkim and for matters connected therewith or incidental thereto.

WHEREAS for the purpose of better consolidation and extension of banking facilities in the State of Sikkim, it is expedient to provide for a single apex banking institution in that State, and for that purpose to provide for the acquisition of certain shares of the State Bank of Sikkim and for matters connected therewith or incidental thereto;

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

CHAPTER I
PRELIMINARY

1. (1) This Act may be called the State Bank of Sikkim (Acquisition of Shares) and Miscellaneous Provisions Act, 1982.

Short title and commencement.

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

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

Definitions.

(a) "appointed day" means the date on which this Act comes into force;

Sikkim
Act No. 12
of 1978.

(b) "co-operative bank" means the Sikkim State Co-operative Bank Limited, a society registered under the Sikkim Co-operative Societies Act, 1978;

(c) "notification" means a notification published in the Official Gazette;

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

(e) "Sikkim Bank" means the State Bank of Sikkim constituted under the State Bank of Sikkim Proclamation, 1968;

(f) "State Government" means the State Government of Sikkim;

(g) "United Commercial Bank" means the United Commercial Bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;

(h) words and expressions used herein and not defined but defined in the Companies Act, 1956, shall have the meanings respectively assigned to them in that Act.

5 of 1970.

1 of 1956

CHAPTER II

ACQUISITION AND TRANSFER OF CERTAIN SHARES OF SIKKIM BANK

Vest-
ing in the
Central
Govern-
ment of
certain
shares
of
Sikkim
Bank.

3. (1) On the appointed day, all the shares in the share capital of the State Bank of Sikkim, other than the shares held by the State Government, shall, by virtue of this Act, stand transferred to, and shall vest in, the Central Government.

(2) All the shares which have vested in the Central Government under sub-section (1) shall, by force of such vesting, be freed and discharged of all trusts, liabilities, obligations, mortgages, charges, liens and other encumbrances affecting them, and any attachment or injunction or any decree or order of any court, tribunal or other authority restricting the use of such shares in any manner shall be deemed to have been withdrawn.

(3) Notwithstanding the transfer of the shares of the Sikkim Bank to the Central Government under sub-section (1), any person holding such shares, who immediately before the appointed day is entitled to payment of dividend on such shares, shall be entitled to receive from the co-operative bank—

(a) all dividends accruing due on his shares in respect of the half-year which ended before the appointed day and remaining unpaid;

(b) dividends calculated at a rate to be specified by the Central Government in respect of any period immediately preceding the appointed day for which the Sikkim Bank had not declared any dividend.

CHAPTER III

VESTING OF UNDERTAKINGS OF SIKKIM BANK IN THE CENTRAL GOVERNMENT

Vest-
ing of
under-
taking
of
Sikkim
Bank.

4. On the appointed day, the undertakings of the Sikkim Bank shall, by virtue of this Act, stand transferred to, and shall vest in, the Central Government.

5. (1) The undertakings of the Sikkim Bank shall be deemed to include all assets, rights, powers, authorities and privileges, and all property, movable and immovable, cash balances, reserve funds, investments and all other rights and interests in, or arising out of, such property as were immediately before the appointed day in the ownership, possession, power or control of the Sikkim Bank in relation to its undertakings, and all books of account, registers, records 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 Sikkim Bank in relation to its undertakings.

General effect of vesting.

(2) Unless otherwise expressly provided in this Act, all contracts, deeds, bonds, agreements, powers of attorney, grants of legal representation and other instruments of whatever nature subsisting or having effect immediately before the appointed day and to which the Sikkim Bank is a party or which are in favour of the said Bank shall be of as full force and effect against or in favour of the Central Government.

(3) If, on the appointed day, any suit, appeal or other proceeding of whatever nature in relation to any business of the undertakings which have been transferred under section 4 is pending by or against the Sikkim Bank, the same shall not abate, be discontinued, or be in any way prejudicially affected by reason of the transfer of the undertakings of the Sikkim Bank or of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted or enforced by or against the Central Government.

6. (1) Notwithstanding anything contained in sections 3, 4 and 5, the Central Government shall, as soon as may be, after the commencement of this Act, direct, by notification, that the shares of the Sikkim Bank which have vested in the Central Government under section 3 and the undertakings of the Sikkim Bank which have vested in the Central Government under section 4 shall, instead of continuing to vest in the Central Government, vest in the State Government of Sikkim, on the date of the notification.

Vesting of the shares and undertakings of Sikkim Bank in the State Government.

(2) Where the shares and the undertakings of the Sikkim Bank vest in the State Government under sub-section (1), the State Government shall, on and from the date of such vesting, be deemed to have become the owner in relation to such shares and undertakings and all the rights and liabilities of the Central Government in relation to such shares and undertakings shall, on and from the date of such vesting, be deemed to have become the rights and liabilities, respectively, of the State Government.

7. (1) Notwithstanding anything contained in sections 4, 5 and 6, the State Government may, if it is satisfied that the co-operative bank is willing to comply, or has complied, with such terms and conditions as that Government may think fit to impose, including the terms and conditions regarding allotment of its shares, direct, by notification, that the undertakings of the Sikkim Bank which have vested in the Central Government under section 4 and thereafter in the State Government under section 6, shall, instead of continuing to vest in the State Government, vest in the co-operative bank either on the date of the notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification.

Power of State Government to direct vesting of the undertakings of Sikkim Bank the Sikkim Co-operative bank.

(2) Where the undertakings of the Sikkim Bank vest in the co-operative bank under sub-section (1), that bank shall, on and from the date of such vesting, be deemed to have become the owner in relation to such undertakings, and all the rights and liabilities of the Central Government or the State Government in relation to such undertakings shall, on and from the date of such vesting, be deemed to have become the rights and liabilities, respectively, of the co-operative bank.

CHAPTER IV

PAYMENT OF AMOUNTS

Pay-
ment of
amounts.

8. (1) For the transfer to, and vesting in, the Central Government, of the shares of the Sikkim Bank under section 3, there shall be given by the Central Government to the holders of such shares in cash and in the manner specified in the Schedule, an amount of rupees eight lakhs twelve thousand two hundred and ninety-five.

(2) The amount specified in sub-section (1) shall carry simple interest at the rate of five and a half per cent. per annum for the period commencing on the appointed day and ending on the date on which payment of such amount is made to the shareholders.

CHAPTER V

MANAGEMENT, ETC., OF THE UNDERTAKINGS OF SIKKIM BANK

Manage-
ment,
etc.,
of the
under-
takings
of
Sikkim
Bank.

9. (1) The State Government in which the undertakings of the Sikkim Bank have vested under section 6 shall be entitled to exercise all such powers and do all such things as the Sikkim Bank is authorised to exercise and do in relation to its undertakings.

(2) The general superintendence, direction, control and management of the affairs and business of the undertakings of the Sikkim Bank which have vested under section 4 in the Central Government and under section 6 in the State Government shall, where a direction has been made by the State Government under sub-section (1) of section 7, vest in the co-operative bank specified in such direction, and, thereupon, the co-operative bank shall be entitled to exercise all such powers and do all such things as the Sikkim Bank is authorised to exercise and do in relation to its undertakings.

Date of
delivery,
possession
of
property
acquired
and
documents
relating
thereto.

10. (1) On the vesting of the undertakings of the Sikkim Bank in the State Government under section 6, every person in whose possession or custody or under whose control any property referred to in sub-section (1) of section 5 may be, shall deliver the property to the State Government forthwith.

(2) Any person, who, on the appointed day, has in his possession or under his control any books, documents or other papers relating to the undertakings of the Sikkim Bank which have vested in the State Government under section 6 and which belong to that Bank, or would have so belonged if the undertakings of the Sikkim Bank had not vested in the State Government, shall be liable to account for the said books, documents or other papers to the State Government and shall deliver them up to the State Government.

(3) The State Government may take, or cause to be taken, all necessary steps for securing possession of all properties which have vested in that Government under this Act.

CHAPTER VI

PROVISIONS RELATING TO THE EMPLOYEES OF THE SIKKIM BANK

11. (1) Every officer or other employee of the Sikkim Bank (excepting the Managing Director thereof) in the employment of the Sikkim Bank immediately before the appointed day shall become,—

(a) an officer or other employee of the State Government on and from the appointed day, and

(b) where the undertakings of the Sikkim Bank are directed, under sub-section (1) of section 7, to vest in the co-operative bank, an officer or other employee of the co-operative bank on and from the date of such vesting,

and shall hold his office or service under the State Government or the co-operative bank, as the case may be, with the same rights and privileges as to pension, gratuity and other matters as would have been admissible to him if there had been no such vesting and shall continue to do so unless and until his employment under the State Government or the co-operative bank, as the case may be, is duly terminated or until his remuneration and other conditions of service are duly altered by the State Government, or by the co-operative bank, as the case may be.

(2) Any person who, on the appointed day, is entitled to, or is in receipt of, a pension or other superannuation or compassionate allowance or benefit from the Sikkim Bank or any provident fund, pension or other fund or any authority administering such fund shall be entitled to be paid by, and to receive from, the co-operative bank or any provident fund, pension or other fund or any authority administering such fund, the same pension, allowance or benefit so long as he observes the conditions on which the pension, allowance or benefit was granted, and if any question arises as to whether he has so observed such conditions, the question shall be determined by the State Government.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), no appointment made or promotion, increment in salary, pension allowance or any other benefit granted to any person after the 16th day of November, 1976, and before the appointed day which would not ordinarily have been made or granted or which would not ordinarily have been admissible under the rules or authorisations of the Sikkim Bank or of any provident fund or other fund in force prior to the 16th day of November, 1976, shall have effect or be payable or claimable from the co-operative bank or from any provident fund, pension or other fund or from any authority administering the fund, unless the State Government has, by general or special order, confirmed the appointment, promotion or increment, or has directed the continued grant of the pension, allowance or other benefit, as the case may be.

(4) 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 Sikkim Bank to the State Government or the co-operative bank shall not entitle such

Transfer
of service
of existing
officers and
employees
of the
Sikkim
Bank
to the
co-operative
bank.

officer or other employee to any compensation under that Act or under any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

(5) Any person holding office as Managing Director of the Sikkim Bank immediately before the appointed day shall be deemed to have vacated his office as such on the appointed day and, notwithstanding anything contained in this Act or in any other law for the time being in force or in any agreement or contract, he shall not be entitled to any amount from the Sikkim Bank, State Government, or the co-operative bank for the loss of office or for the premature termination of any agreement or contract relating to his employment, except such pension, amount or other benefit which the co-operative bank may grant to him, having regard to what that person would have received as an officer of the Sikkim Bank if this Act had not been passed and if he had retired from his employment in the ordinary course.

(6) Where the Managing Director of the Sikkim Bank has, after the 16th day of November, 1976 and before the appointed day, been paid any sum by way of compensation or gratuity, the co-operative bank shall be entitled to claim refund of any sum so paid if the payment is not confirmed by the State Government by general or special order.

CHAPTER VII

MISCELLANEOUS

Act to have overriding effect.

12. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law, other than this Act, or in any decree or order of any court, tribunal or other authority.

Protection of action taken in good faith.

13. (1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any officer of that Government or the State Government, or the co-operative bank or any officer of the State Government or the co-operative bank or other person authorised by the Central Government or the State Government or the co-operative bank, for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or any officer or other employee of that Government, or the State Government or the co-operative bank or any officer or other employee of the State Government or of the co-operative bank or other person authorised by the State Government or the co-operative bank, for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

Penalties.

14. Any person who,—

(a) having in his possession, custody or control any property forming part of the undertakings of the Sikkim Bank, wrongfully withholds such property from the Central Government, or the State Government or the co-operative bank; or

(b) wrongfully obtains possession of, or retains, any property forming part of any undertaking of the Sikkim Bank or wilfully withholds or fails to furnish to the Central Government or the State

Government or the co-operative bank, or any person or body of persons specified by that Government or the State Government or the co-operative bank, any document relating to such undertaking which may be in his possession, custody or control or fails to deliver to the Central Government, or the State Government or the co-operative bank or any person or body of persons specified by the Central Government or the State Government or the co-operative bank, any assets, books of account, registers or other documents in his possession, custody or control, relating to the undertakings of the Sikkim Bank; or

(c) wrongfully removes or destroys any property forming part of any undertaking of the Sikkim Bank or prefers any claim under this Act which he knows or has reasonable cause to believe to be false or grossly inaccurate,

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

15. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

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

Explanation.—For the purposes of this section,—

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

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

16. (1) The Central Government may, by notification, direct that all or any of the powers exercisable by it under this Act, other than the powers conferred by sections 17 and 18, may also be exercised by such person or persons as may be specified in the notification.

(2) Whenever any delegation of power is made under sub-section (1), the person to whom such power has been delegated shall act under the direction, control and supervision of the Central Government.

17. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

Offences
by
companies.

Delega-
tion of
powers.

Power of
Central
Govern-
ment to
make
rules.

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

Power to remove difficulties.

18. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the appointed day.

References to Sikkim Bank in other laws.

19. On and from the appointed day, any reference to Sikkim Bank in any law (other than this Act or the State Bank of Sikkim Proclamation, 1968) or in any contract or other instrument shall, except as otherwise provided in any general or special order made by the Central Government, be deemed to be a reference to the co-operative bank.

Dissolution of Sikkim Bank.

20. On the date of the issue of notification under sub-section (1) of section 6, the Sikkim Bank shall stand dissolved, and the State Bank of Sikkim Proclamation, 1968, shall stand repealed; and the provisions of section 6 of the General Clauses Act, 1897, shall apply to such repeal as if the said Proclamation were a Central Act.

10 of 1897.

THE SCHEDULE

[See section 8(1)]

MANNER OF PAYMENT OF AMOUNT FOR THE TRANSFER OF SHARES OF THE STATE BANK OF SIKKIM TO THE CENTRAL GOVERNMENT

1. In this Schedule, "shareholder" means any person who, immediately before the appointed day, is registered as the holder of a share in the Sikkim Bank, other than the State Government of Sikkim.

2. For every share in the share capital of the Sikkim Bank which, by reason of this Act, is transferred to and vested in the Central Government, the Central Government shall pay to every holder thereof in the manner specified in paragraph 3 of this Schedule an amount calculated at the rate of rupees fifty-five per share.

3. Every person who is registered as the holder of a share in the Sikkim Bank on the appointed day and whose shares have been acquired under the provisions of this Act shall, for every such share so held by him, be paid an amount calculated at the rate specified in paragraph 2 by cheque drawn on the Reserve Bank of India.

THE ROAD TRANSPORT CORPORATIONS (AMENDMENT)
ACT, 1982

No. 63 OF 1982.

[6th November, 1982.]

An Act further to amend the Road Transport Corporations Act, 1950.

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

1. (1) This Act may be called the Road Transport Corporations (Amendment) Act, 1982.

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.

64 of 1950.

2. In sub-section (2) of section 1 of the Road Transport Corporations Act, 1950 (hereinafter referred to as the principal Act), after the proviso, the following proviso shall be inserted, namely:—

Amendment of section 1.

“Provided further that on and from the commencement of the Road Transport Corporations (Amendment) Act, 1982, this Act, as amended by the said Act, shall extend to the Union territory of Mizoram.”.

3. For section 5 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 5.

“5. (1) The general superintendence, direction and management of the affairs and business of a Corporation shall vest in a Board of Directors which, with the assistance of its committees and Managing Director, may exercise all such powers and do all such acts and things as may be exercised or done by the Corporation.

Management of Corporation and Board of Directors.

(2) The Board shall consist of a Chairman and such other Directors, being not less than five and not more than seventeen, as the State Government may think fit to appoint.

¹13-11-1982: vide notification No. S.O. 802 (E), dated 13-11-1982, Gazette of India, Extraordinary, 1982, Pt. II, Sec. 3(ii).

(3) The State Government may, if it so thinks fit, appoint one of the other Directors as the Vice-Chairman of the Board.

(4) Rules made under this Act shall provide for the representation, both of the Central Government and of the State Government concerned, on the Board in such proportion as may be agreed to by both the Governments and of appointment by each Government of its own representatives thereto and where the capital of a Corporation is raised by the issue of shares to other parties under sub-section (3) of section 23, provision shall also be made for the representation of such shareholders on the Board and the manner in which the representatives shall be elected by such shareholders.

(5) The term of office of and the manner of filling casual vacancies among the Directors shall be such as may be prescribed.”

**Amend-
ment of
section 6.**

4. In section 6 of the principal Act,—

(a) in sub-section (1), in the opening portion, for the words “member of a Corporation”, the words “Director of a Corporation” shall be substituted;

(b) in sub-section (2), for the words “Chief Executive Officer or General Manager”, the words “Managing Director” shall be substituted and for the word “member”, the word “Director” shall be substituted;

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Nothing in clause (e) of sub-section (1) shall be deemed to disqualify,—

(a) any officer or other employee of the Government for being chosen as, or for being, a Director of a Corporation;

(b) any officer or other employee of a Corporation for being chosen as, or for being, a Director of another Corporation.”

**Amend-
ment of
section 8.**

5. Section 8 of the principal Act shall be re-numbered as sub-section (1) thereof, and—

(a) in sub-section (1), as so re-numbered,—

(i) in the opening portion, for the word “member”, the word “Director” shall be substituted;

(ii) in clause (b), for the word “Corporation”, the word “Board” shall be substituted;

(iii) in the proviso, for the words “member nominated”, the words “Director appointed” shall be substituted;

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

"(2) The State Government may terminate the appointment of any Director after giving him notice for such period (being not less than one month) as may be prescribed:

Provided that the appointment of a Director appointed by the Central Government shall not be terminated under this sub-section without the concurrence of that Government.”.

6. Section 12 of the principal Act shall be re-numbered as sub-section (1) thereof, and—

(a) in sub-section (1), as so re-numbered,—

(i) in the opening portion, for the word “Corporation”, the word “Board” shall be substituted;

(ii) in clause (a), for the words “of its members”, the words “consisting of Directors” shall be substituted;

(iii) in clause (c), for the words “Chief Executive Officer or General Manager”, the words “Managing Director” shall be substituted;

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

"(2) The Chairman, Vice-Chairman or Managing Director may delegate any of his powers and duties [including powers and duties delegated to him under sub-section (1)] to any officer of the Corporation, and the officer to whom such powers and duties are delegated, shall exercise and perform such powers and duties under the control and supervision of the Managing Director.”.

7. For section 13 of the principal Act, the following section shall be substituted, namely:—

Amend-
ment of
section 12

Substitu-
tion of
new
section for
section 13

"13. All orders and decisions of the Board shall be authenticated by the signature of the Secretary or by any such other officer of the Corporation as may be authorised in this behalf by the Board or under the regulations made under section 45 and all other instruments issued by a Board shall be authenticated by the signature of the Managing Director or any other officer of the Corporation authorised in like manner in this behalf.”.

Authenti-
cation of
orders and
other
instru-
ments

8. In section 14 of the principal Act,—

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

"(1) Every Corporation shall have a Managing Director, a Chief Accounts Officer and a Financial Adviser, appointed by the State Government;

Amend-
ment of
section 14

Provided that the same person may be appointed as the Chief Accounts Officer and the Financial Adviser.”;

(b) in sub-section (2), for the words “such other officers and servants”, the words “a Secretary and such other officers and employees” shall be substituted;

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

“(3) The conditions of appointment and service and the scales of pay of the officers and employees of a Corporation shall—

(a) as respects the Managing Director, the Chief Accounts Officer and the Financial Adviser, or, as the case may be, the Chief Accounts Officer-cum-Financial Adviser, be such, as may be prescribed, and

(b) as respects the other officers and employees, be such, as may, subject to the provisions of section 34, be determined by regulations made under this Act.”.

Substitution of new section for section 15. 9. For section 15 of the principal Act, the following section shall be substituted, namely:—

Managing Director, Chief Accounts Officer and Financial Adviser.

“15. (1) The Managing Director shall be the executive head of the Corporation and all other officers and employees of the Corporation shall be subordinate to him.

(2) The Managing Director shall obtain the views of the Chief Accounts Officer and the Financial Adviser or, as the case may be, the Chief Accounts Officer-cum-Financial Adviser, on every proposal involving revenues, or expenditure from the fund, of the Corporation and shall cause such views to be placed before the Board prior to the consideration of such proposal by the Board.”.

Insertion of new Chapter IIA. 10. In the principal Act, after Chapter II, the following Chapter shall be inserted, namely:—

“CHAPTER IIA

SUBSIDIARY CORPORATIONS

Establishment of subsidiary corporation.

17A. (1) Where a Corporation (hereafter in this section referred to as the parent Corporation) is satisfied that it is expedient or necessary so to do for the more efficient discharge of its functions under this Act, it may, with the concurrence of the State Government and the Central Government, frame by notification in the Official Gazette a scheme or schemes providing for the establishment of one or more subsidiary corporations.

(2) A scheme framed under sub-section (1) shall specify the subsidiary corporation or corporations which shall become established thereunder, the date or dates with effect from which they shall be so established, the powers and functions of the parent Corporation which such subsidiary corporation or corporations may exercise and

discharge, the conditions and limitations subject to which such powers may be exercised, the management of the affairs of each such subsidiary corporation by a Board of Directors, the capital of each such subsidiary corporation and all other matters relating to such subsidiary corporations corresponding to the various matters for which provisions have been made in this Act with respect to the parent Corporation:

Provided that—

- (a) no subsidiary corporation shall start operation on any new route without the previous approval of the parent Corporation;
 - (b) the representatives of the Central Government on the Board of Directors of a subsidiary corporation shall be in proportion to its contribution to the capital of the parent Corporation;
 - (c) the liability of the Central Government to provide contribution to the capital of the subsidiary corporation or to the parent Corporation shall not be increased without the approval of the Central Government;
 - (d) a subsidiary corporation shall have a Managing Director, a Chief Accounts Officer and a Financial Adviser or a Chief Accounts Officer-cum-Financial Adviser, and such officers shall be appointed by the State Government;
 - (e) the State Government and the parent Corporation shall have power to give directions to a subsidiary corporation in respect of any matter, including directions relating to recruitment, conditions of service and training of the employees of the subsidiary corporation, wages to be paid to such employees, reserves to be maintained by the subsidiary corporation;
 - (f) the capital budget, the revenue budget and the annual development plans of a subsidiary corporation shall be submitted for approval to the parent Corporation and where such budget or plan involves any deficit, also to the State Government.
- (3) Every subsidiary corporation established under a scheme framed under sub-section (1) shall be a body corporate, by the name specified in the scheme having perpetual succession and a common seal and shall by the said name sue and be sued.”.

11. In section 19 of the principal Act,—

- (a) in clause (e) of sub-section (2), for the words “or any other stores of scrap value”, the words “any other stores of scrap value, or such other stores as may be declared to be obsolete in the prescribed manner” shall be substituted;
- (b) in sub-section (5), for the words “officers and servants”, the words “officers and other employees” shall be substituted.

Amend-
ment
of
section 19.

Amend-
ment of
section 23.

12. In section 23 of the principal Act,—

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

“(2) The Corporation may, whether or not any capital is provided to it under sub-section (1), raise by the issue of shares such capital (hereafter in this section referred to as the “authorised share capital”) as may be authorised in this behalf by the State Government:

Provided that where any capital is provided to the Corporation under sub-section (1), no capital may be raised under this sub-section without the previous approval of the Central Government.

(2A) Any capital raised under sub-section (2) with the previous approval of the Central Government may be,—

(a) in addition to the capital provided to the Corporation under sub-section (1);

(b) subscribed to by the Central Government or the State Government, as the case may be, by converting the whole or any part of the capital provided [whether before or after the commencement of the Road Transport Corporations (Amendment) Act, 1982] to the Corporation by that Government under sub-section (1).”;

(b) in sub-section (3), for the words “authorised capital”, the words “authorised share capital” shall be substituted.

Substitu-
tion of
new
section for
section 26.

Borrow-
ing
powers.

13. For section 26 of the principal Act, the following section shall be substituted, namely:—

“26. A Corporation may, with the previous approval of the State Government, borrow money for the purpose of raising its working capital or meeting any expenditure of a capital nature in the open market or from a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, or section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, a State Finance Corporation, established under section 3 of the State Financial Corporations Act, 1951, the Industrial Finance Corporation of India, established under section 3 of the Industrial Finance Corporation Act, 1948, the Industrial Development Bank of India, established under section 3 of the Industrial Development Bank of India Act, 1964, the Life Insurance Corporation of India, established under section 3 of the Life Insurance Corporation Act, 1956, or any other financial institution providing credit which is subject to the control of the Reserve Bank of India.”

5 of 1970.
40 of 1980.

63 of 1951.

15 of 1948.
18 of 1964.

31 of 1956.

5 of 1970.
40 of 1980.

14. In sub-section (2) of section 27 of the principal Act, after the words "or with the agents of the Reserve Bank of India," the words, figures and brackets "or with the corresponding new banks constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, or section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980," shall be inserted.

Amend-
ment of
section 27.

15. Every person holding office immediately before the commencement of this Act as the Chairman, Vice-Chairman or other member of a Road Transport Corporation, established under section 3 of the principal Act shall, on such commencement, be deemed to have been appointed as the Chairman, Vice-Chairman or other Director (as the case may be) of the Board of Directors of the said Corporation under the principal Act, as amended by this Act, for the remainder of the term for which such person would have continued to hold office as the Chairman, Vice-Chairman or other member of such Corporation, if this Act had not been enacted.

Conti-
nuance of
existing
members
of Corpo-
rations.

16. The amendments directed in the Schedule (being of consequential nature) shall be made in the principal Act.

Conse-
quential
amend-
ments.

THE SCHEDULE

(See section 16)

CONSEQUENTIAL AMENDMENTS

Section 2.—(a) After clause (a), insert the following:—

(aa) "Board" means the Board of Directors of a Corporation;

(b) after clause (b), insert the following:—

(bb) "Director" means a member of the Board;.

Section 7.—For "member", substitute "Director".

Section 9.—For "Corporation", substitute "Corporation or its Board" and for "amongst its members", substitute "in its Board".

Section 10.—For "Corporation", wherever it occurs, substitute "Board".

Section 11.—(a) For "Corporation", wherever it occurs, substitute "Board";

(b) in sub-section (2), for "such member as may be chosen by the members present", substitute "such Director as may be chosen by the Directors present".

Section 16.—For "officer or servant", substitute "officer or other employee".

Section 24.—After "(2)", insert "(2A)".

Section 28.—(a) In sub-section (1), for "the capital of a Corporation", substitute "the whole or part of the capital of a Corporation";

(b) in sub-section (2), for "raises its capital", substitute "raises the whole or any part of its capital".

Section 37.—In sub-section (1), for "officers or servants", substitute "officers or other employees".

Section 38.—In clause (a) of sub-section (2), for “members”, wherever it occurs, substitute “Directors”.

Section 42.—For “officer or servant”, substitute “officer or other employee”.

Section 43.—For “members”, substitute “Directors” and for “officers and servants”, substitute “officers and other employees”.

Section 44.—In sub-section (2),—

(a) for clause (a), substitute the following:—

“(a) the conditions and manner of appointment of Directors of a Corporation, the representation in the Board of the Central and State Governments, and where shares are issued to other parties under sub-section (3) of section 23 of such shareholders and generally all matters relating to the constitution of the Board;”;

(b) for clause (b), substitute the following:—

“(b) remuneration, allowances or fees paid to the Directors of the Corporation or other persons associated with the Board under section 10;”;

(c) in clause (c), for “members”, substitute “Directors”;

(d) in clause (d), for “members”, substitute “Directors” and for “Corporation”, substitute “Board”;

(e) in clause (e), for “Chief Executive Officer or General Manager and the Chief Accounts Officer”, substitute “Managing Director, the Chief Accounts Officer, the Financial Adviser or, as the case may be, the Chief Accounts Officer-cum-Financial Adviser”;

(f) after clause (f), insert the following:—

“(ff) the procedure in accordance with which any stores may be declared obsolete under sub-section (2) of section 19;”.

Section 45.—In sub-section (2),—

(a) in clauses (a) and (b), for “Corporation”, substitute “Board”;

(b) in clause (c), for “servants of the Corporation, other than the Chief Executive Officer or General Manager and the Chief Accounts Officer”, substitute “other employees of the Corporation other than the Managing Director, the Chief Accounts Officer and the Financial Adviser or, as the case may be, the Chief Accounts Officer-cum-Financial Adviser”.

THE SUGAR DEVELOPMENT FUND (AMENDMENT) ACT,
1982

No. 64 OF 1982

[6th November, 1982.]

An Act to amend the Sugar Development Fund Act, 1982

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

1. (1) This Act may be called the Sugar Development Fund (Amendment) Act, 1982.
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.
- 4 of 1982. 2. In section 4 of the Sugar Development Fund Act, 1982, in sub-section (1), after clause (b), the following clause shall be inserted, namely:—
Amendment of section 4.
- “(bb) for defraying expenditure for the purpose of building up and maintenance of buffer stocks of sugar with a view to stabilising price of sugar;”.

¹13-11-1982: *vide* notification No. G.S.R. 688 (E), dated 12-11-1982, Gazette of India Extraordinary, Pt. II, Sec. (i).

THE ANTI-HIJACKING ACT, 1982

No. 65 OF 1982

[6th November, 1982.]

An Act to give effect to the Convention for the Suppression of Unlawful Seizure of Aircraft and for matters connected therewith.

WHEREAS a Convention for the Suppression of Unlawful Seizure of Aircraft was, on the 16th day of December, 1970, signed at The Hague;

AND WHEREAS it is expedient that India should accede to the said Convention and make provisions for giving effect thereto and for matters connected therewith;

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

CHAPTER I

PRELIMINARY

Short title,
extent,
application
and com-
mencement.

1. (1) This Act may be called the Anti-Hijacking Act, 1982.

(2) It extends to the whole of India and, save as otherwise provided in this Act, it applies also to any offence thereunder committed outside India by any person.

(3) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

Defini-
tions.

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

(a) "aircraft" means any aircraft, whether or not registered in India, other than a military aircraft or an aircraft used in customs or police service;

(b) "aircraft registered in India" means an aircraft which is for the time being registered in India;

(c) "Convention country" means a country in which the Hague Convention is for the time being in force;

(d) "Hague Convention" means the Convention for the Suppression of Unlawful Seizure of Aircraft signed at The Hague on the 16th day of December, 1970;

¹15-11-1982: vide notification No. S.O. 798(E), dated 12-11-1982, Gazette of India, Extraordinary, 1982, Pt. II, Sec. 3(ii).

(e) "military aircraft" means an aircraft of the naval, military, air force or any other armed forces of any country and includes every aircraft commanded for the time being by a person in any such force detailed for the purpose.

CHAPTER II

HIJACKING AND CONNECTED OFFENCES

3. (1) Whoever on board an aircraft in flight, unlawfully, by force or threat of force or by any other form of intimidation, seizes or exercises control of that aircraft, commits the offence of hijacking of such aircraft.

Hijacking.

(2) Whoever attempts to commit any of the acts referred to in sub-section (1) in relation to any aircraft, or abets the commission of any such act, shall also be deemed to have committed the offence of hijacking of such aircraft.

(3) For the purposes of this section, an aircraft shall be deemed to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation, and in the case of a forced landing, the flight shall be deemed to continue until the competent authorities of the country in which such forced landing takes place take over the responsibility for the aircraft and for persons and property on board.

4. Whoever commits the offence of hijacking shall be punished with imprisonment for life and shall also be liable to fine.

Punishment
for
hijacking.

5. Whoever, being a person committing the offence of hijacking of an aircraft, commits, in connection with such offence, any act of violence against any passenger or member of the crew of such aircraft, shall be punished with the same punishment with which he would have been punishable under any law for the time being in force in India if such act had been committed in India.

Punishment
for acts of
violence
connected
with
hijacking.

6. (1) Subject to the provisions of sub-section (2), where an offence under section 4 or section 5 is committed outside India, the person committing such offence may be dealt with in respect thereof as if such offence had been committed at any place within India at which he may be found.

Jurisdi-
ction.

(2) No court shall take cognizance of an offence punishable under section 4 or section 5 which is committed outside India unless—

(a) such offence is committed on board an aircraft registered in India;

(b) such offence is committed on board an aircraft which is for the time being leased without crew to a lessee who has his principal place of business or where he has no such place of business, his permanent residence in India; or

(c) the alleged offender is a citizen of India or is on board the aircraft in relation to which such offence is committed when it lands in India or is found in India.

**Provisions
as to
extradition.**

7. (1) The offences under section 4 and section 5 shall be deemed to have been included as extraditable offences and provided for in all the extradition treaties made by India with Convention countries and which extend to, and are binding on, India on the date of commencement of this Act.

34 of 1962.

(2) For the purposes of the application of the Extradition Act, 1962 to offences under this Act, any aircraft registered in a Convention country shall, at any time while that aircraft is in flight, be deemed to be within the jurisdiction of that country, whether or not it is for the time being also within the jurisdiction of any other country.

**Contracting
parties to
Convention.**

8. The Central Government may, by notification in the Official Gazette, certify as to who are the contracting parties to the Hague Convention and to what extent they have availed themselves of the provisions of the Convention, and any such notification shall be conclusive evidence of the matters certified therein.

**Power to
treat cer-
tain air-
craft to be
registered
in Conven-
tion coun-
tries.**

9. If the Central Government is satisfied that the requirements of Article 5 of the Hague Convention have been satisfied in relation to any aircraft, it may, by notification in the Official Gazette, direct that such aircraft shall, for the purposes of this Act, be treated as registered in such Convention country as may be specified in the notification.

**Previous
sanction
necessary
for
prosecution.**

10. No prosecution for an offence under this Act shall be instituted except with the previous sanction of the Central Government.

**Protection
of action
taken in
good faith.**

11. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

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

THE SUPPRESSION OF UNLAWFUL ACTS AGAINST SAFETY OF CIVIL AVIATION ACT, 1982

No. 66 OF 1982

[6th November, 1982.]

An Act to give effect to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation and for matters connected therewith.

WHEREAS a Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation was, on the 23rd day of September, 1971, signed at Montreal;

AND WHEREAS it is expedient that India should accede to the said Convention and make provisions for giving effect thereto and for matters connected therewith;

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Suppression of Unlawful Acts against Safety of Civil Aviation Act, 1982.

(2) It extends to the whole of India and, save as otherwise provided in this Act, it applies also to any offence under section 3 committed outside India by any person.

(3) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

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

(a) "aircraft" means any aircraft, whether or not registered in India, other than a military aircraft or an aircraft used in customs or police service;

Short title,
extent,
application
and com-
mencement.

Definitions.

¹15-11-1982 vide notification No. S.O. 799(E), dated 12-11-1982, Gazette of India, Extra-ordinary, 1982, Pt. II, Sec 3(ii).

- (b) "aircraft registered in India" means an aircraft which is for the time being registered in India;
- (c) "Convention country" means a country in which the Montreal Convention is for the time being in force;
- (d) "military aircraft" means an aircraft of the naval, military, air force or any other armed forces of any country and includes every aircraft commanded for the time being by a person in such force detailed for the purpose;
- (e) "Montreal Convention" means the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal on the 23rd day of September, 1971.

(2) For the purposes of this Act,—

- (a) an aircraft shall be deemed to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation, and in the case of a forced landing, the flight shall be deemed to continue until the competent authorities of the country in which such forced landing takes place take over the responsibility for the aircraft and for persons and property on board;
- (b) an aircraft shall be deemed to be in service from the beginning of the pre-flight preparation of the aircraft by the ground staff or by the crew for a specific flight until twenty-four hours after any landing and the period of such service shall include the entire period during which the aircraft is in flight.

CHAPTER II

OFFENCES

Offence of
committing
violence
on board
an air-
craft in
flight,
etc.

- 3. (1) Whoever unlawfully and intentionally—
 - (a) commits an act of violence against a person on board an aircraft in flight which is likely to endanger the safety of such aircraft; or
 - (b) destroys an aircraft in service or causes damage to such aircraft in such a manner as to render it incapable of flight or which is likely to endanger its safety in flight; or
 - (c) places or causes to be placed on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft, or to cause damage to it which renders it incapable of flight, or to cause damage to it which is likely to endanger its safety in flight; or
 - (d) communicates such information which he knows to be false so as to endanger the safety of an aircraft in flight.

shall be punished with imprisonment for life and shall also be liable to fine.

(2) Whoever attempts to commit, or abets the commission of, any offence under sub-section (1) shall also be deemed to have committed such offence and shall be punished with the punishment provided for such offence.

4. (1) Whoever unlawfully and intentionally destroys or damages air navigation facilities or interferes with their operation in such a manner as is likely to endanger the safety of the aircraft in flight shall be punished with imprisonment for life and shall also be liable to fine.

Destruction of, or damage to, air navigation facilities.

(2) Whoever attempts to commit, or abets the commission of, any offence under sub-section (1) shall also be deemed to have committed such offence and shall be punished with the punishment provided for such offence.

5. (1) Subject to the provisions of sub-section (2), where an offence under section 3 is committed outside India, the person committing such offence may be dealt with in respect thereof as if such offence had been committed at any place within India at which he may be found.

Jurisdiction.

(2) No court shall take cognizance of an offence punishable under section 3 which is committed outside India unless—

(a) such offence is committed on board an aircraft registered in India;

(b) such offence is committed on board an aircraft which is for the time being leased without crew to a lessee who has his principal place of business, or where he has no such place of business, his permanent residence in India; or

(c) the alleged offender is a citizen of India or is on board the aircraft in relation to which such offence is committed when it lands in India or is found in India.

CHAPTER III

MISCELLANEOUS

6. (1) The offences under section 3 and section 4 shall be deemed to have been included as extraditable offences and provided for in all the extradition treaties made by India with Convention countries and which extend to, and are binding on, India on the date of commencement of this Act.

Provisions as to extradition.

^{34 of 1962.} (2) For the purposes of the application of the Extradition Act, 1962 to offences under this Act, any aircraft registered in a Convention country shall, at any time while that aircraft is in flight, be deemed to be within the jurisdiction of that country, whether or not it is for the time being also within the jurisdiction of any other country.

7. The Central Government may, by notification in the Official Gazette, certify as to who are the contracting parties to the Montreal Convention and to what extent they have availed themselves of the provisions of the Convention, and any such notification shall be conclusive evidence of the matters certified therein.

Contracting parties to Convention.

Power to treat certain aircraft to be registered in Convention countries.

8. If the Central Government is satisfied that the requirements of Article 9 of the Montreal Convention have been satisfied in relation to any aircraft, it may, by notification in the Official Gazette, direct that such aircraft shall, for the purposes of this Act, be treated as registered in such Convention country as may be specified in the notification.

Previous sanction necessary for prosecution.

9. No prosecution for an offence under this Act shall be instituted except with the previous sanction of the Central Government.

Protection of action taken in good faith.

10. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

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

THE INTERNATIONAL MONETARY FUND AND BANK
(AMENDMENT) ACT, 1982

No. 67 OF 1982

[9th November, 1982.]

An Act further to amend the International Monetary Fund and Bank Act, 1945.

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

1. (1) This Act may be called the International Monetary Fund and Bank (Amendment) Act, 1982.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 2 of the International Monetary Fund and Bank Act, 1945 (hereinafter referred to as the principal Act),—

(1) in sub-section (1),—

(a) in clause (a), the words, brackets, letter and figure "and paragraph (a) of section 4," shall be omitted;

(b) in clause (b), for the words, brackets, letter and figures "paragraph (b) of section 8 of Article IV", the words and figures "section 11 of Article V" shall be substituted;

(c) in clause (c), for the word and figures "Article XXVI", the word and figures "Article XX" shall be substituted;

(d) in clause (dd), for the word and figures "Article XXVI", the word and figures "Article XX" shall be substituted;

(e) in clause (e), for the words and letters "Schedule D or Schedule E", the words and letters "Schedule I, Schedule J or Schedule K" shall be substituted;

(2) in sub-section (2), for the word and figure "section 5"; the word and figure "section 4" shall be substituted.

Short title and commencement.

Amendment of section 2.

¹15-1-1983: *vide* notification No. S.O. 10(E), dated 11-1-1983, Gazette of India, Extraordinary, 1983, Pt. II, Sec. 3(ii).

Amend-
ment of
section 4.

3. In section 4 of the principal Act,—

(1) in sub-section (1), after the words "Where under", the words, brackets, letter and figures "paragraph (b) of section 3 of Article IV or" shall be inserted;

(2) in sub-section (3), the portion beginning with the words "and the provisions of" and ending with the words "in that section" shall be omitted.

Amend-
ment of
section 7.

4. In sub-section (2) of section 7 of the principal Act, for the words "in two successive sessions", the words "in two or more successive sessions", and for the words "the session in which it is so laid or the session immediately following", the words "the session immediately following the session or the successive sessions aforesaid" shall be substituted.

Amend-
ment to
Schedule
to Act.

5. In the Schedule to the principal Act, in Part I,—

(1) in Article IX,—

(a) in section 6, for the word "operations", the word "activities" shall be substituted;

(b) in section 8, for the words "officers and employees", the words, figures, brackets and letter "members of committees, representatives appointed under Article XII, section 3(j), advisers of any of the foregoing persons, officers and employees" shall be substituted;

(2) after Article IX, the following Article shall be inserted, namely:—

"ARTICLE XXI**ADMINISTRATION OF THE GENERAL DEPARTMENT AND THE SPECIAL DRAWING RIGHTS DEPARTMENT**

(a) * * * *

(b) In addition to the privileges and immunities that are accorded under Article IX of this Agreement, no tax of any kind shall be levied on special drawing rights or on operations or transactions in special drawing rights.".

THE DRUGS AND COSMETICS (AMENDMENT) ACT, 1982

No. 68 OF 1982

[13th November, 1982.]

An Act further to amend the Drugs and Cosmetics Act, 1940.

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

1. (1) This Act may be called the Drugs and Cosmetics (Amendment) Act, 1982.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

Short title and commencement.

23 of 1940.

2. In the Drugs and Cosmetics Act, 1940 (hereinafter referred to as the principal Act),—

Substitution of certain expressions by new expressions.

(a) for the words and brackets "Ayurvedic (including Siddha) or Unani", wherever they occur, the words "Ayurvedic, Siddha or Unani" shall be substituted;

(b) for the words and brackets "Ayurvedic (including Siddha) and Unani", wherever they occur, the words "Ayurvedic, Siddha and Unani" shall be substituted.

3. In section 3 of the principal Act,—

Amendment of Section 3.

(a) in clause (a),—

(i) for the words "disease in human beings, mentioned in, and processed and manufactured", the words "disease or disorder in human beings or animals, and manufactured" shall be substituted;

(ii) for the words and brackets "Ayurvedic (including Siddha) and Unani (Tibb) systems of medicine", the words "Ayurvedic, Siddha and Unani Tibb systems of medicine" shall be substituted;

¹1-2-1983; vide notification No. G.S.R. 39(E), dated 25-1-1983, Gazette of India, Extraordinary, 1983, Pt. II, Sec. 3(i).

(b) in clause (aa), in sub-clause (i), for the words "Ayurvedic and Unani Drugs Technical Advisory Board", the words "Ayurvedic, Siddha and Unani Drugs Technical Advisory Board" shall be substituted;

(c) in clause (aaa), the words "but does not include soap" shall be omitted;

(d) in clause (b),—

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

"(i) all medicines for internal or external use of human beings or animals and all substances intended to be used for or in the diagnosis, treatment, mitigation or prevention of any disease or disorder in human beings or animals, including preparations applied on human body for the purpose of repelling insects like mosquitoes;"

(2) after sub-clause (ii), the following sub-clauses shall be inserted, namely:—

"(iii) all substances intended for use as components of a drug including empty gelatin capsules; and

"(iv) such devices intended for internal or external use in the diagnosis, treatment, mitigation or prevention of disease or disorder in human beings or animals, as may be specified from time to time by the Central Government by notification in the Official Gazette, after consultation with the Board;"

(e) in clause (f), for the words "sale and distribution", the words "sale or distribution" shall be substituted;

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

"(h) "patent or proprietary medicine" means,—

(i) in relation to Ayurvedic, Siddha or Unani Tibb systems of medicine all formulations containing only such ingredients mentioned in the formulae described in the authoritative books of Ayurveda, Siddha or Unani Tibb systems of medicine specified in the First Schedule, but does not include a medicine which is administered by parenteral route and also a formulation included in the authoritative books as specified in clause (a);

(ii) in relation to any other systems of medicine, a drug which is a remedy or prescription presented in a form ready for internal or external administration of human beings or animals and which is not included in the edition of the Indian Pharmacopoeia for the time being or any other

Pharmacopoeia authorised in this behalf by the Central Government after consultation with the Drugs Technical Advisory Board constituted under section 5;".

4. For the heading under Chapter III, the following heading shall be substituted, namely:—

Substitution of new heading for heading under Chapter III.

"IMPORT OF DRUGS AND COSMETICS".

5. For section 9 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 9.

"9. For the purposes of this Chapter, a drug shall be deemed to be misbranded—

Misbranded drugs

(a) if it is so coloured, coated, powdered or polished that damage is concealed or if it is made to appear of better or greater therapeutic value than it really is; or

(b) if it is not labelled in the prescribed manner; or

(c) if its label or container or anything accompanying the drug bears any statement, design or device which makes any false claim for the drug or which is false or misleading in any particular.".

6. For sections 9A and 9B of the principal Act, the following sections shall be substituted, namely:—

Substitution of new sections 9A, 9B, 9C and 9D for sections 9A and 9B.

"9A. For the purposes of this Chapter, a drug shall be deemed to be adulterated,—

Adulterated drugs.

(a) if it consists, in whole or in part, of any filthy, putrid or decomposed substance; or

(b) if it has been prepared, packed or stored under insanitary conditions whereby it may have been contaminated with filth or whereby it may have been rendered injurious to health; or

- (c) if its container is composed in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or
- (d) if it bears or contains, for purposes of colouring only, a colour other than one which is prescribed; or
- (e) if it contains any harmful or toxic substance which may render it injurious to health; or
- (f) if any substance has been mixed therewith so as to reduce its quality or strength.

Spurious drugs.

9B. For the purposes of this Chapter, a drug shall be deemed to be spurious—

- (a) if it is imported under a name which belongs to another drug; or
- (b) if it is an imitation of, or is a substitute for, another drug or resembles another drug in a manner likely to deceive or bears upon it or upon its label or container the name of another drug unless it is plainly and conspicuously marked so as to reveal its true character and its lack of identity with such other drug; or
- (c) if the label or container bears the name of an individual or company purporting to be the manufacturer of the drug, which individual or company is fictitious or does not exist; or
- (d) if it has been substituted wholly or in part by another drug or substance; or
- (e) if it purports to be the product of a manufacturer of whom it is not truly a product.

Misbranded cosmetics.

9C. For the purposes of this Chapter, a cosmetic shall be deemed to be misbranded—

- (a) if it contains a colour which is not prescribed; or
- (b) if it is not labelled in the prescribed manner; or
- (c) if the label or container or anything accompanying the cosmetic bears any statement which is false or misleading in any particular.

Spurious cosmetics.

9D. For the purposes of this Chapter, a cosmetic shall be deemed to be spurious,—

- (a) if it is imported under a name which belongs to another cosmetic; or
- (b) if it is an imitation of, or is a substitute for, another cosmetic or resembles another cosmetic in a manner likely to deceive or bears upon it or upon its label or container the name of another cosmetic, unless it is plainly and conspicuously marked so as to reveal its true character and its lack of identity with such other cosmetic; or

(c) if the label or container bears the name of an individual or a company purporting to be the manufacturer of the cosmetic which individual or company is fictitious or does not exist; or

(d) if it purports to be the product of a manufacturer of whom it is not truly a product.”.

7. In section 10 of the principal Act,—

(a) in clause (b), for the words “or misbranded cosmetic”, the words “or misbranded or spurious cosmetic” shall be substituted;

(b) in clause (bb), for the word “adulterated”, the words “adulterated or spurious” shall be substituted;

(c) in clause (d), for the words “the true formula or list of ingredients contained in it, in a manner readily intelligible to the members of the medical profession”, the words “the true formula or list of active ingredients contained in it together with the quantities thereof” shall be substituted;

(d) the *Explanation* shall be omitted.

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

“10A. Without prejudice to any other provision contained in this Chapter, if the Central Government is satisfied that the use of any drug or cosmetic is likely to involve any risk to human beings or animals or that any drug does not have the therapeutic value claimed for it or contains ingredients and in such quantity for which there is no therapeutic justification and that in the public interest it is necessary or expedient so to do then, that Government may, by notification in the Official Gazette, prohibit the import of such drug or cosmetic.”.

Insertion
of new
section
10A.

Power of
Central
Govern-
ment to
prohibit
import of
drugs
and
cosmetics
in public
interest.

9. In section 12 of the principal Act,—

(a) in sub-section (1), for the words “after consultation with the Board”, the words “after consultation with or on the recommendation of the Board” shall be substituted;

(b) in sub-section (2),—

(i) in clause (a), for the words “and prescribe the form and conditions of such licences, the authority empowered to issue the same, and the fees payable therefor”, the words “and prescribe the form and conditions of such licences, the authority empowered to issue the same, the fees payable therefor and provide for the cancellation, or suspension of such licence in any case where any provision of this Chapter or the rules made thereunder is contravened or any of the conditions subject to which the licence is issued is not complied with” shall be substituted;

(ii) in clause (cc), for the word, figure and letter “section 9B”, the word, figure and letter “section 9A” shall be substituted;

Amend-
ment of
section
12.

(iii) in clause (k), after the words "of imported drugs or cosmetics", the words "including the use of packing material which comes into direct contact with the drugs" shall be inserted.

Substitution of new section for section 13.

Offences.

10. For section 13 of the principal Act, the following section shall be substituted, namely:—

"13. (1) Whoever himself or by any other person on his behalf imports,—

(a) any drug deemed to be adulterated under section 9A or deemed to be a spurious drug under section 9B or any spurious cosmetic referred to in section 9D or any cosmetic of the nature referred to in clause (ee) of section 10 shall be punishable with imprisonment for a term which may extend to three years and a fine which may extend to five thousand rupees;

(b) any drug or cosmetic other than a drug or cosmetic referred to in clause (a), the import of which is prohibited under section 10, or any rule made under this Chapter, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both;

(c) any drug or cosmetic in contravention of the provisions of any notification issued under section 10A, shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both.

(2) Whoever having been convicted of an offence—

(a) under clause (a) or clause (c) of sub-section (1), is again convicted of an offence under that clause, shall be punishable with imprisonment for a term which may extend to five years, or with fine which may extend to ten thousand rupees, or with both;

(b) under clause (b) of sub-section (1), is again convicted of an offence under that clause, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

(3) The punishment provided by this section shall be in addition to any penalty to which the offender may be liable under the provisions of section 11."

**Amend-
ment of
section 15.**

11. In section 15 of the principal Act, for the words "of a Presidency Magistrate or of a Magistrate of the first class", the words "of a Metropolitan Magistrate or of a Judicial Magistrate of the first class" shall be substituted.

12. In the heading under Chapter IV, for the word "DRUGS", the words "DRUGS AND COSMETICS" shall be substituted.

Amend-
ment of
heading
under
Chapter
IV

13. For sections 17, 17A and 17B of the principal Act, the following sections shall be substituted, namely:—

Substitu-
tion of
new
sections
in sections
17, 17A
and 17B.

"17. For the purposes of this Chapter, a drug shall be deemed to be misbranded,—

Misbranded
drugs.

(a) if it is so coloured, coated, powdered or polished that damage is concealed or if it is made to appear of better or greater therapeutic value than it really is; or

(b) if it is not labelled in the prescribed manner; or

(c) if its label or container or anything accompanying the drug bears any statement, design or device which makes any false claim for the drug or which is false or misleading in any particular.

"17A. For the purposes of this Chapter, a drug shall be deemed to be adulterated,—

Adulterated
drugs.

(a) if it consists in whole or in part, of any filthy, putrid or decomposed substance; or

(b) if it has been prepared, packed or stored under insanitary conditions whereby it may have been contaminated with filth or whereby it may have been rendered injurious to health; or

(c) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or

(d) if it bears or contains, for purposes of colouring only, a colour other than one which is prescribed; or

(e) if it contains any harmful or toxic substance which may render it injurious to health; or

(f) if any substance has been mixed therewith so as to reduce its quality or strength.

"17B. For the purposes of this Chapter, a drug shall be deemed to be spurious,—

Spurious
drugs.

(a) if it is manufactured under a name which belongs to another drug; or

(b) if it is an imitation of, or is a substitute for, another drug or resembles another drug in a manner likely to deceive or bears upon it or upon its label or container the name of another

drug unless it is plainly and conspicuously marked so as to reveal its true character and its lack of identity with such other drug; or

(c) if the label or container bears the name of an individual or company purporting to be the manufacturer of the drug, which individual or company is fictitious or does not exist; or

(d) if it has been substituted wholly or in part by another drug or substance; or

(e) if it purports to be the product of a manufacturer of whom it is not truly a product.

Misbranded cosmetics.

17C. For the purposes of this Chapter, a cosmetic shall be deemed to be misbranded,—

(a) if it contains a colour which is not prescribed; or

(b) if it is not labelled in the prescribed manner; or

(c) if the label or container or anything accompanying the cosmetic bears any statement which is false or misleading in any particular.

Spurious cosmetics.

17D. For the purposes of this Chapter, a cosmetic shall be deemed to be spurious,—

(a) if it is manufactured under a name which belongs to another cosmetic; or

(b) if it is an imitation of, or a substitute for, another cosmetic or resembles another cosmetic in a manner likely to deceive or bears upon it or upon its label or container the name of another cosmetic unless it is plainly and conspicuously marked so as to reveal its true character and its lack of identity with such other cosmetic; or

(c) if the label or container bears the name of an individual or a company purporting to be the manufacturer of the cosmetic which individual or company is fictitious or does not exist; or

(d) if it purports to be the product of a manufacturer of whom it is not truly a product.”

**Amend-
ment of
section
18.**

14. In section 18 of the principal Act,—

(a) in clause (a),—

(i) in the opening portion, for the words “manufacture for sale, or sell, or stock or exhibit for sale,” the words “manufacture for sale or for distribution, or sell, or stock or exhibit or offer for sale,” shall be substituted;

(ii) for sub-clauses (i), (ii) and (iii), the following sub-clauses shall be substituted, namely:—

“(i) any drug which is not of a standard quality, or is misbranded, adulterated or spurious;

- (ii) any cosmetic which is not of a standard quality or is misbranded or spurious;";
- (iii) in sub-clause (iii), for the words "the true formula or list of ingredients contained in it in a manner readily intelligible to the members of the medical profession", the words "the true formula or list of active ingredients contained in it together with the quantities thereof" shall be substituted;
- (b) in clause (b), for the words "sell, or stock or exhibit for sale", the words "sell, or stock or exhibit or offer for sale," shall be substituted;
- (c) in clause (c),—
 - (i) for the words "manufacture for sale, or sell, or stock or exhibit for sale," the words "manufacture for sale or for distribution, or sell, or stock or exhibit or offer for sale," shall be substituted;
 - (ii) in the second proviso, for the words "manufacture for sale, sale", the words "manufacture for sale or for distribution, sale, stocking or exhibiting or offering for sale" shall be substituted;
 - (iii) the *Explanation* shall be omitted.

15. After section 18A of the principal Act, the following section shall be inserted, namely:—

Insertion
of new
section
18B.

"18B. Every person holding a licence under clause (c) of section 18 shall keep and maintain such records, registers and other documents as may be prescribed and shall furnish to any officer or authority exercising any power or discharging any function under this Act such information as is required by such officer or authority for carrying out the purposes of this Act".

Mainten-
ance of
records
and
furnish-
ing of
informa-
tion.

16. In section 19 of the principal Act, in sub-section (2), in the opening portion, for the word "adulterated", the words "adulterated or spurious" shall be substituted.

Amend-
ment of
section 19.

17. In section 20 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

Amend-
ment of
section 20.

"(4) No person who has any financial interest in the import, manufacture or sale of drugs or cosmetics shall be appointed to be a Government Analyst under sub-section (1) or sub-section (2) of this section.".

18. In section 21 of the principal Act, in sub-section (4), after the words "such authority", the words ", having the prescribed qualifications," shall be inserted.

Amend-
ment of
section 21.

**Amend-
ment of
section 22.**

19. In section 22 of the principal Act,—

(1) in sub-section (1),—

(a) for clauses (a), (b) and (c), the following clauses shall be substituted, namely:—

“(a) inspect,—

(i) any premises wherein any drug or cosmetic is being manufactured and the means employed for standardising and testing the drug or cosmetic;

(ii) any premises wherein any drug or cosmetic is being sold, or stocked or exhibited or offered for sale, or distributed;

(b) take samples of any drug or cosmetic,—

(i) which is being manufactured or being sold or is stocked or exhibited or offered for sale, or is being distributed;

(ii) from any person who is in the course of conveying, delivering or preparing to deliver such drug or cosmetic to a purchaser or a consignee;

(c) at all reasonable times, with such assistance, if any, as he considers necessary,—

(i) search any person, who, he has reason to believe, has secreted about his person, any drug or cosmetic in respect of which an offence under this Chapter has been, or is being, committed; or

(ii) enter and search any place in which he has reason to believe that an offence under this Chapter has been, or is being, committed; or

(iii) stop and search any vehicle, vessel or other conveyance which, he has reason to believe, is being used for carrying any drug or cosmetic in respect of which an offence under this Chapter has been, or is being, committed,

and order in writing the person in possession of the drug or cosmetic in respect of which the offence has been, or is being, committed, not to dispose of any stock of such drug or cosmetic for a specified period not exceeding twenty days, or, unless the alleged offence is such that the defect may be removed by the possessor of the drug or cosmetic, seize the stock of such drug or cosmetic and any substance or article by means of which the offence has been, or is being, committed or which may be employed for the commission of such offence;”;

(b) in clause (cc), for the words, brackets and letter “in any place mentioned in clause (c)”, the words, brackets and letter “with any person, or in any place, vehicle, vessel or other conveyance referred to in clause (c)” shall be substituted;

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

"(cca) require any person to produce any record, register, or other document relating to the manufacture for sale or for distribution, stocking, exhibition for sale, offer for sale or distribution of any drug or cosmetic in respect of which he has reason to believe that an offence under this Chapter has been, or is being, committed;";

(2) in sub-section (2),—

(a) for the words and figures "the Code of Criminal Procedure, 1898", the words and figures "the Code of Criminal Procedure, 1973" shall be substituted;

(b) for the word and figures "section 98", the word and figures "section 94" shall be substituted;

(3) after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) Every record, register or other document seized under clause (cc) or produced under clause (cca) shall be returned to the person, from whom they were seized or who produce the same, within a period of twenty days of the date of such seizure or production, as the case may be, after copies thereof or extracts therefrom certified by that person, in such manner as may be prescribed, have been taken;";

(4) in sub-section (3), after the words "under this Chapter," the words, brackets, letters and figure "or refuses to produce any record, register or other document when so required under clause (cca) of sub-section (1)," shall be inserted.

20. In section 23 of the principal Act, in clause (b) of sub-section (5) and in sub-section (6), for the words "a Magistrate", the words "a Judicial Magistrate" shall be substituted.

Amend-
ment of
section 23.

21. After section 26 of the principal Act, the following section shall be inserted, namely:—

Insertion
of new
section
26A.

"26A. Without prejudice to any other provision contained in this Chapter, if the Central Government is satisfied, that the use of any drug or cosmetic is likely to involve any risk to human beings or animals or that any drug does not have the therapeutic value claimed or purported to be claimed for it or contains ingredients and in such quantity for which there is no therapeutic justification and that in the public interest it is necessary or expedient so to do, then, that Government may, by notification in the Official Gazette, prohibit the manufacture, sale or distribution of such drug or cosmetic.".

Power of
Central
Govern-
ment to
prohibit
manu-
facture,
etc., of
drug
and
cosmetic
in public
interest.

~~Substitution of sections 27 and 27A.~~ 22. For sections 27 and 27A of the principal Act, the following sections shall be substituted, namely:—

~~new
sections
for
sections
27 and
27A.~~

**Penalty
for
manufac-
ture,
sale,
etc., of
drugs in
contra-
vention of
this
Chapter.**

"27. Whoever, himself or by any other person on his behalf, manufactures for sale or for distribution, or sells, or stocks or exhibits or offers for sale or distributes,—

(a) any drug deemed to be adulterated under section 17A or spurious under section 17B or which when used by any person for or in the diagnosis, treatment, mitigation, or prevention of any disease or disorder is likely to cause his death or is likely to cause such harm on his body as would amount to grievous hurt within the meaning of section 320 of the Indian Penal Code, solely on account of such drug being adulterated or spurious or not of standard quality, as the case may be, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to a term of life and with fine which shall not be less than ten thousand rupees;

(b) any drug—

- (i) deemed to be adulterated under section 17A, but not being a drug referred to in clause (a), or
- (ii) without a valid licence as required under clause (c) of section 18,

shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine which shall not be less than five thousand rupees:

Provided that the Court may, for any adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a term of less than one year and of fine of less than five thousand rupees;

(c) any drug deemed to be spurious under section 17B, but not being a drug referred to in clause (a) shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to five years and with fine which shall not be less than five thousand rupees:

Provided that the Court may, for any adequate and special reasons, to be recorded in the judgment, impose a sentence of imprisonment for a term of less than three years but not less than one year;

(d) any drug, other than a drug referred to in clause (a) or clause (b) or clause (c), in contravention of any other provision of this Chapter or any rule made thereunder, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to two years and with fine;

Provided that the Court may for any adequate and special reasons to be recorded in the judgment impose a sentence of imprisonment for a term of less than one year.

27A. Whoever himself or by any other person on his behalf manufactures for sale or for distribution, or sells, or stocks or exhibits or offers for sale—

(i) any cosmetic deemed to be spurious under section 17C shall be punishable with imprisonment for a term which may extend to three years and with fine;

(ii) any cosmetic other than a cosmetic referred to in clause (i) above in contravention of any provisions of this Chapter or any rule made thereunder shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.”.

23. In section 28 of the principal Act,—

(a) after the word, figures and letter “section 18A”, the words and figures “or section 24” shall be inserted;

(b) for the words “five hundred rupees”, the words “one thousand rupees” shall be substituted.

24. After section 28 of the principal Act, the following sections shall be inserted, namely:—

Penalty for manufacture, sale, etc., of cosmetics in contravention of this Chapter.

Amendment of section 28.

Insertion of new Sections 28A and 28B.

“28A. Whoever without reasonable cause or excuse, contravenes the provisions of section 18B shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

Penalty for not keeping documents, etc., and for non-disclosure of information.

28B. Whoever himself or by any other person on his behalf manufactures or sells or distributes any drug or cosmetic in contravention of the provisions of any notification issued under section 26A, shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine which may extend to five thousand rupees.”.

Penalty for manufacture, etc., of drugs or cosmetics in contravention of section 26A.

25. In section 30 of the principal Act,—

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

“(1) Whoever having been convicted of an offence,—

(a) under clause (b) of section 27 is again convicted of an offence under that clause, shall be punishable with

Amendment of section 30.

imprisonment for a term which shall not be less than two years but which may extend to six years and with fine which shall not be less than ten thousand rupees:

Provided that the Court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than two years and of fine of less than ten thousand rupees;

(b) under clause (c) of section 27, is again convicted of an offence under that clause shall be punishable with imprisonment for a term which shall not be less than six years but which may extend to ten years and with fine which shall not be less than ten thousand rupees;

(c) under clause (d) of section 27, is again convicted of an offence under that clause shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to four years or with fine which shall not be less than five thousand rupees, or with both;"

(b) in sub-section (1A), for the words "one thousand rupees", the words "two thousand rupees" shall be substituted.

Amend-
ment of
section
31.

26. In section 31 of the principal Act,—

(1) in sub-section (1),—

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

"(i) manufacture of any drug deemed to be misbranded under section 17, adulterated under section 17A or spurious under section 17B; or";

(b) in clause (ii), for the words "manufacture for sale, or sale, or stocking or exhibiting for sale," the words "manufacture for sale, or for distribution, sale, or stocking or exhibiting or offering for sale," shall be substituted;

(2) in sub-section (2), for the words "misbranded or adulterated drug, or misbranded cosmetic," the words "misbranded, adulterated or spurious drug or misbranded or spurious cosmetic," shall be substituted.

Amend-
ment of
section
32.

27. In section 32 of the principal Act, in sub-section (2), for the words "a Presidency Magistrate or of a Magistrate of the first class", the words "a Metropolitan Magistrate or of a Judicial Magistrate of the first class" shall be substituted.

Amend-
ment of
section
32A.

28. In section 32A of the principal Act, for the words, brackets and figures "in sub-section (1) of section 351 of the Code of Criminal Procedure, 1898", the words, brackets and figures "in sub-sections (1), (2) and (3) of section 319 of the Code of Criminal Procedure, 1973" shall be substituted.

29. In section 33 of the principal Act,—

Amend-
ment of
section
33.

(a) in sub-section (1), for the words "after consultation with the Board", the words "after consultation with, or on the recommendation of, the Board" shall be substituted;

(b) in sub-section (2),—

(1) in clause (dd), for the word, figures and letter "section 17B", the word, figures and letter "section 17A" shall be substituted;

(2) in clause (e),—

(i) for the words "for the manufacture for sale", the words "for the manufacture for sale or for distribution" shall be substituted;

(ii) after the words "authority empowered to issue the same", the words ", the qualifications of such authority" shall be inserted;

(iii) the words "and provide for the cancellation or suspension of such licences in any case where any provision of this Chapter or the rules made thereunder is contravened or any of the conditions subject to which they are issued is not complied with" shall be inserted at the end;

(3) after clause (e), the following clauses shall be inserted, namely:—

"(ee) prescribe the records, registers or other documents to be kept and maintained under section 18B;

(eea) prescribe the fees for the inspection (for the purposes of grant or renewal of licences) of premises, wherein any drug or cosmetic is being or is proposed to be manufactured;

(eeb) prescribe the manner in which copies are to be certified under sub-section (2A) of section 22;";

(4) in clause (i), after the words "other containers of drugs or cosmetics", the words "including the use of packing material which comes into direct contact with the drugs" shall be inserted;

(5) in clause (n), after the words "of Inspectors", the words "and the qualifications of the authority to which such Inspectors shall be subordinate" shall be inserted.

30. In section 33C of the principal Act,—

Amend-
ment of
section
33C.

(a) in sub-section (1), for the words "Ayurvedic and Unani Drugs Technical Advisory Board", the words "Ayurvedic, Siddha and Unani Drugs Technical Advisory Board" shall be substituted;

(b) in sub-section (2),—

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

"(iii) the principal officer dealing with Indian systems of medicine in the Ministry of Health, *ex-officio*;";

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

“(viii) four persons to be nominated by the Central Government, two from amongst the members of the Ayurvedic Pharmacopoeia Committee, one from amongst the members of the Unani Pharmacopoeia Committee and one from amongst the members of the Siddha Pharmacopoeia Committee;”;

(iii) for clauses (xi) and (xii), the following clauses shall be substituted, namely:—

“(xi) one teacher in Gunapadam to be nominated by the Central Government;

(xii) three persons, one each to represent the Ayurvedic, Siddha and Unani drug industry, to be nominated by the Central Government;

(xiii) three persons, one each from among the practitioners of Ayurvedic, Siddha and Unani Tibb systems of medicine to be nominated by the Central Government.”.

Substitution of new sections for sections 33D and 33E.

31. For sections 33D and 33E of the principal Act, the following sections shall be substituted, namely:—

The Ayurvedic, Siddha and Unani Drugs Consultative Committee.

“33D. (1) The Central Government may constitute an Advisory Committee to be called the Ayurvedic, Siddha and Unani Drugs Consultative Committee to advise the Central Government, the State Governments and the Ayurvedic, Siddha and Unani Drugs Technical Advisory Board on any matter for the purpose of securing uniformity throughout India in the administration of this Act in so far as it relates to Ayurvedic, Siddha or Unani drugs.

(2) The Ayurvedic, Siddha and Unani Drugs Consultative Committee shall consist of two persons to be nominated by the Central Government as representatives of that Government and not more than one representative of each State to be nominated by the State Government concerned.

(3) The Ayurvedic, Siddha and Unani Drugs Consultative Committee shall meet when required to do so by the Central Government and shall regulate its own procedure.

Misbranded drugs.

33E. For the purposes of this Chapter, an Ayurvedic, Siddha or Unani drug shall be deemed to be misbranded—

(a) if it is so coloured, coated, powdered or polished that damage is concealed, or if it is made to appear of better or greater therapeutic value than it really is; or

(b) if it is not labelled in the prescribed manner; or

(c) if its label or container or anything accompanying the drug bears any statement, design or device which makes any

false claim for the drug or which is false or misleading in any particular.

33EE. For the purposes of this Chapter, an Ayurvedic, Siddha or Unani drug shall be deemed to be adulterated,—

- (a) if it consists, in whole or in part, of any filthy, putrid or decomposed substance; or
- (b) if it has been prepared, packed or stored under insanitary conditions whereby it may have been contaminated with filth or whereby it may have been rendered injurious to health; or
- (c) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or
- (d) if it bears or contains, for purposes of colouring only, a colour other than one which is prescribed; or
- (e) if it contains any harmful or toxic substance which may render it injurious to health; or
- (f) if any substance has been mixed therewith so as to reduce its quality or strength.

Explanation.—For the purpose of clause (a), a drug shall not be deemed to consist, in whole or in part, of any decomposed substance only by reason of the fact that such decomposed substance is the result of any natural decomposition of the drug:

Provided that such decomposition is not due to any negligence on the part of the manufacturer of the drug or the dealer thereof and that it does not render the drug injurious to health.

33EEA. For the purposes of this Chapter, an Ayurvedic, Siddha or Unani drug shall be deemed to be spurious—

- (a) if it is sold, or offered or exhibited for sale, under a name which belongs to another drug; or
- (b) if it is an imitation of, or is a substitute for, another drug or resembles another drug in a manner likely to deceive, or bears upon it or upon its label or container the name of another drug, unless it is plainly and conspicuously marked so as to reveal its true character and its lack of identity with such other drug; or
- (c) if the label or container bears the name of an individual or company purporting to be the manufacturer of the drug, which individual or company is fictitious or does not exist; or
- (d) if it has been substituted wholly or in part by any other drug or substance; or
- (e) if it purports to be the product of a manufacturer of whom it is not truly a product.

Regulation of manufacture for sale of Ayurvedic, Siddha and Unani drugs.

Prohibition of manufacture and sale of certain Ayurvedic, Siddha and Unani drugs.

33EEB. No person shall manufacture for sale or for distribution any Ayurvedic, Siddha or Unani drug except in accordance with such standards, if any, as may be prescribed in relation to that drug.

33EEC. From such date as the State Government may, by notification in the Official Gazette, specify in this behalf, no person, either by himself or by any other person on his behalf, shall—

(a) manufacture for sale or for distribution—

(i) any misbranded, adulterated or spurious Ayurvedic, Siddha or Unani drug;

(ii) any patent or proprietary medicine, unless there is displayed in the prescribed manner on the label or container thereof the true list of all the ingredients contained in it; and

(iii) any Ayurvedic, Siddha or Unani drug in contravention of any of the provisions of this Chapter or any rule made thereunder;

(b) sell, stock or exhibit or offer for sale or distribute any Ayurvedic, Siddha or Unani drug which has been manufactured in contravention of any of the provisions of this Act, or any rule made thereunder;

(c) manufacture for sale or for distribution, any Ayurvedic, Siddha or Unani drug, except under, and in accordance with the conditions of, a licence issued for such purpose under this Chapter by the prescribed authority:

Provided that nothing in this section shall apply to *Vaidyas* and *Hakims* who manufacture Ayurvedic, Siddha or Unani drug for the use of their own patients:

Provided further that nothing in this section shall apply to the manufacture, subject to the prescribed conditions, of small quantities of any Ayurvedic, Siddha or Unani drug for the purpose of examination, test or analysis.

Power of Central Government to prohibit manufacture, etc., of Ayurvedic, Siddha or Unani drugs in public interest.

33EED. Without prejudice to any other provision contained in this Chapter, if the Central Government is satisfied on the basis of any evidence or other material available before it that the use of any Ayurvedic, Siddha or Unani drug is likely to involve any risk to human beings or animals or that any such drug does not have the therapeutic value claimed or purported to be claimed for it and that in the public interest it is necessary or expedient so to do then, that Government may, by notification in the Official Gazette, prohibit the manufacture, sale or distribution of such drug.”

32. In section 33F of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) No person who has any financial interest in the manufacture or sale of any drug shall be appointed to be a Government Analyst under this section.”

33. For sections 33-I and 33J of the principal Act, the following sections shall be substituted, namely:—

Amend-
ment of
section
33F.

Substi-
tution of
new sec-
tions for
sections
33-I and
33J.

Penalty
for manu-
facture,
sale, etc.,
of Ayur-
vedic,
Siddha
or Unani
drug in
contra-
vention
of this
Chapter.

“33-I. Whoever himself or by any other person on his behalf—

(1) manufactures for sale or for distribution,—

(a) any Ayurvedic, Siddha or Unani drug—

(i) deemed to be adulterated under section 33EE, or

(ii) without a valid licence as required under clause

(c) of section 33EEC,

shall be punishable with imprisonment for a term which may extend to one year and with fine which shall not be less than two thousand rupees;

(b) any Ayurvedic, Siddha or Unani drug deemed to be spurious under section 33EEA, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine which shall not be less than five thousand rupees:

Provided that the Court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than one year and of fine of less than five thousand rupees; or

(2) contravenes any other provisions of this Chapter or of section 24 as applied by section 33H or any rule made under this Chapter, shall be punishable with imprisonment for a term which may extend to three months and with fine which shall not be less than five hundred rupees.

33J. Whoever having been convicted of an offence,—

(a) under clause (a) of sub-section (1) of section 33-I is again convicted of an offence under that clause, shall be punishable with imprisonment for a term which may extend to two years and with fine which shall not be less than two thousand rupees;

(b) under clause (b) of sub-section (1) of section 33-I is again convicted of an offence under that clause, shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to six years and with fine which shall not be less than five thousand rupees:

Penalty
for sub-
sequent
offences.

Provided that the Court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than two years and of fine of less than five thousand rupees;

(c) under sub-section (2) of section 33-I is again convicted of an offence under that sub-section, shall be punishable with imprisonment for a term which may extend to six months and with fine which shall not be less than one thousand rupees.”.

Amend-
ment of
section
33M.

34. In section 33M of the principal Act,—

(a) in sub-section (1), the words, brackets, figures and letter “with the previous sanction of the authority specified under sub-section (4) of section 33G” shall be inserted at the end;

(b) in sub-section (2), for the words “of a Presidency Magistrate or of a Magistrate of the first class”, the words “of a Metropolitan Magistrate or of a Judicial Magistrate of the first class” shall be substituted.

Amend-
ment of
section
33N.

35. In section 33N of the principal Act,—

(a) in sub-section (1), in the opening portion, for the words “after consultation with the Board”, the words “after consultation with, or on the recommendation of, the Board” shall be substituted;

(b) in sub-section (2),—

(1) in clause (e),—

(i) after the words “or Unani drugs”, the words “and for sale of processed Ayurvedic, Siddha or Unani drugs,” shall be inserted;

(ii) the words “and provide for the cancellation or suspension of such licences in any case where any provision of this Chapter or rules made thereunder is contravened or any of the conditions subject to which they are issued is not complied with” shall be inserted at the end;

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

“(f) prescribe the conditions to be observed in the packing of Ayurvedic, Siddha and Unani drugs including the use of packing material which comes into direct contact with the drugs, regulate the mode of labelling packed drugs and prescribe the matters which shall or shall not be included in such labels;”;

(3) after clause (g), the following clauses shall be inserted, namely:—

“(gg) prescribe under clause (d) of section 33EE the colour or colours which an Ayurvedic, Siddha or Unani drug may bear or contain for purposes of colouring;

(gga) prescribe the standards for Ayurvedic, Siddha or Unani drugs under section 33EEB;”.

36. After section 34A of the principal Act, the following section shall be inserted, namely:—

Inser-
tion of
new sec-
tion
34AA.

"34AA. Any Inspector exercising powers under this Act or the rules made thereunder, who,—

Penalty
for vexa-
tious
search
or sei-
zure.

(a) without reasonable ground of suspicion searches any place, vehicle, vessel or other conveyance; or

(b) vexatiously and unnecessarily searches any person; or

(c) vexatiously and unnecessarily seizes any drug or cosmetic, or any substance or article, or any record, register, document or other material object; or

(d) commits, as such Inspector, any other act, to the injury of any person without having reason to believe that such act is required for the execution of his duty,

shall be punishable with fine which may extend to one thousand rupees.”.

37. In section 35 of the principal Act, in sub-section (1), for the words “it shall be lawful for the Court before which the conviction takes place to cause”, the words “the Court before which the conviction takes place shall, on application made to it by the Inspector, cause” shall be substituted.

Amend-
ment of
section
35.

38. In section 36 of the principal Act,—

Amend-
ment of
section
36.

(a) for the words and figures “the Code of Criminal Procedure, 1898”, the words and figures “the Code of Criminal Procedure, 1973” shall be substituted;

(b) for the words “any Presidency Magistrate or any Magistrate of the first class”, the words “any Metropolitan Magistrate or any Judicial Magistrate of the first class” shall be substituted.

39. After section 36 of the principal Act, the following section shall be inserted, namely:—

Inser-
tion of
new sec-
tion 36A.

2 of 1974.

"36A. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act, punishable with imprisonment for a term not exceeding three years, other than an offence under clause (b) of sub-section (1) of section 33-I, shall be tried in a summary way by a Judicial Magistrate of the first class specially empowered in this behalf by the State Government or by a Metropolitan Magistrate and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial:

Certain
offences
to be
tried
summarily.

Provided that, in the case of any conviction in a summary trial under this section, it shall be lawful for the Magistrate to pass a sentence of imprisonment for a term not exceeding one year:

Provided further that when at the commencement of, or in the course of, a summary trial under this section it appears to the Magistrate that the nature of the case is such that a sentence of

imprisonment for a term exceeding one year may have to be passed or that it is, for any other reason, undesirable to try the case summarily, the Magistrate shall, after hearing the parties, record an order to that effect and thereafter recall any witness who has been examined and proceed to hear or rehear the case in the manner provided by the said Code.”.

Amend-
ment of
section
38.

40. In section 38 of the principal Act, for the words “and if before the expiry of the session in which it is so laid or the successive sessions aforesaid”, the words “and if, before the expiry of the session immediately following the session or the successive sessions aforesaid” shall be substituted.

Amend-
ment of
First
Sche-
dule.

41. In the First Schedule to the principal Act,—

(a) for the heading “A.—AYURVEDIC (INCLUDING SIDDHA) SYSTEM”, the heading “A.—AYURVEDIC AND SIDDHA SYSTEMS” shall be substituted;

(b) for the heading “B.—UNANI (TIBB) SYSTEM”, the heading “B.—UNANI TIBB SYSTEM” shall be substituted.

Transi-
tory pro-
vision.

42. (1) Until the constitution of the Ayurvedic, Siddha and Unani Drugs Technical Advisory Board in accordance with the provisions of the principal Act, as amended by this Act, the Ayurvedic and Unani Drugs Technical Advisory Board constituted in accordance with the provisions of the principal Act and functioning immediately before the commencement of this Act shall be deemed to be the Ayurvedic, Siddha and Unani Drugs Technical Advisory Board constituted in accordance with the provisions of the principal Act as amended by this Act and shall continue to function as if this Act had not been passed.

(2) On the constitution of the Ayurvedic, Siddha and Unani Drugs Technical Advisory Board in accordance with the provisions of the principal Act, as amended by this Act, every person nominated as a member of the Ayurvedic and Unani Drugs Technical Advisory Board, in accordance with the provisions of the principal Act, and holding office as such member immediately before such constitution shall be deemed to have vacated his office.

THE SALES PROMOTION EMPLOYEES (CONDITIONS
OF SERVICE) AMENDMENT ACT, 1982

No. 69 OF 1982

[13th November, 1982.]

An Act to amend the Sales Promotion Employees (Conditions
of Service) Act, 1976.

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

1. This Act may be called the Sales Promotion Employees (Conditions
of Service) Amendment Act, 1982.

Short
title.

11 of 1976. 2. In the Sales Promotion Employees (Conditions of Service) Act, 1976
(hereinafter referred to as the principal Act), after section 11, the follow-
ing section shall be inserted, and shall be deemed always to have been
inserted, namely:—

Insertion
of new
section
11A.

“11A. (1) The provisions of this Act or of any rule made there-
under shall have effect notwithstanding anything inconsistent there-
with contained in any other law or in the terms of any award, agree-
ment, settlement or contract of service, whether made before or after
the coming into force of this Act:

Effect of
laws and
agree-
ments
inconsis-
tent with
this Act.

Provided that where under any such law, award, agreement,
settlement or contract of service, a sales promotion employee is en-
titled to benefits in respect of any matter which are more favourable
to him than those to which he would be entitled under this Act, the
sales promotion employee shall continue to be entitled to the more
favourable benefits in respect of that matter, notwithstanding that
he is entitled to receive benefits in respect of other matters under
this Act.

(2) Nothing contained in this Act shall be construed to preclude
a sales promotion employee from entering into an agreement with
his 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.”

366 *Sales Promotion Employees (Conditions of Service) Amendment [ACT 69 OF 1982]*

Saving.

3. Notwithstanding the retrospective operation of section 11A, as inserted in the principal Act by section 2 of this Act, no contravention of, or no failure to comply with, any of the other provisions of the principal Act or of any rule made thereunder shall render any person guilty of any offence if such contravention or failure—

(a) occurred before the date of coming into force of this Act, and

(b) would not have been punishable as an offence if section 2 of this Act had not come into force.

THE LIMESTONE AND DOLOMITE MINES LABOUR
WELFARE FUND (AMENDMENT) ACT, 1982

No. 70 OF 1982

[13th November, 1982.]

An Act to amend the Limestone and Dolomite Mines Labour Welfare Fund Act, 1972.

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

62 of 1972.

1. This Act may be called the Limestone and Dolomite Mines Labour Welfare Fund (Amendment) Act, 1982.

Short title.

2. In section 2 of the Limestone and Dolomite Mines Labour Welfare Fund Act, 1972 (hereinafter referred to as the principal Act), after clause (b), the following clause shall be inserted, namely:—

Amend.
ment of
section 2.

(bb) "limestone" includes minerals like lime-shell, calcareous sand and sea sand essentially composed of lime-shell, marl, kankar or lime-kankar;.

3. In section 3 of the principal Act,—

Amend.
ment of
section 3.

(a) in clause (ii), for the words "iron or steel", the words "iron, steel, ferro-alloys, alloy steels, chemicals, sugar, paper, fertilizers, refractories, iron ore pelletisation or such other article or goods or class of articles or goods, as the Central Government may, from time to time, specify by notification in the Official Gazette" shall be substituted and shall be deemed always to have been substituted;

(b) in the *Explanation*, for the words "cement, iron or steel", the words, brackets and figures "any article or goods referred to in or specified under clause (ii)" shall be substituted and shall be deemed always to have been substituted.

4. In section 4 of the principal Act, in clause (b), for the words "cement, iron or steel", the words, brackets and figures "any article or goods referred to in or specified under clause (ii) of section 3" shall be substituted and shall be deemed always to have been substituted.

Amend.
ment of
section 4.

5. After section 7 of the principal Act, the following section shall be inserted, namely:—

"7A. (1) An Advisory Committee or the Central Advisory Committee may, at any time and for such period as it thinks fit, co-opt any person or persons to the Committee.

Insertion
of new
section 7A.
Power
to co-opt,
etc.

(2) A person co-opted under sub-section (1) to a Committee shall exercise and discharge all the powers and functions of a member thereof, but shall not be entitled to vote.”.

**Amend-
ment of
section 8.**

6. In section 8 of the principal Act,—

(a) in sub-section (1), for the words “Inspectors, Welfare Administrators”, the words “Welfare Commissioners, Welfare Administrators, Inspectors” shall be substituted;

(b) in sub-section (3), for the words “Any Inspector or Welfare Administrator”, the words “Any Welfare Commissioner, Welfare Administrator or Inspector” shall be substituted.

**Amend-
ment of
section 16.**

7. In section 16 of the principal Act,—

(a) in clause (m), for the words “an Inspector or a Welfare Administrator”, the words “a Welfare Commissioner or a Welfare Administrator or an Inspector” shall be substituted;

(b) in clause (n), after the words “the occupier of factories”, the words “, the purchasing agents or stockists of limestone or dolomite” shall be inserted.

**Valida-
tion.**

8. Notwithstanding any judgment, decree or order of any court, tribunal or other authority,—

(a) all duties of excise levied, assessed or collected or purported to have been levied, assessed or collected under the principal Act before the commencement of this Act shall, for all purposes, be deemed to be, and to have always been, as validly and effectively levied, assessed or collected as if the provisions of sections 3 and 4 of the principal Act as amended by sections 3 and 4 of this Act had been in force at all material times;

(b) no suit or proceeding shall be maintained or continued in any court for the refund of, and no enforcement shall be made by any court of any decree or order directing the refund of, any such duty of excise which had been collected and which would have been validly collected if the provisions of sections 3 and 4 of the principal Act, as amended by sections 3 and 4 of this Act, had been in force at all material times;

(c) refunds shall be made of all such duties of excise which have been collected but which would not have been so collected if the provisions of sections 3 and 4 of the principal Act, as amended by sections 3 and 4 of this Act, had been in force at all material times;

(d) recoveries shall be made of all such duties of excise which have not been collected or, as the case may be, which have been refunded but which would have been collected or, as the case may be, would not have been refunded if the provisions of sections 3 and 4 of the principal Act, as amended by sections 3 and 4 of this Act, had been in force at all material times.

Explanation.—For the removal of doubts, it is hereby declared that no act or omission on the part of any person, before the commencement of this Act, shall be punishable as an offence which would not have been so punishable if this Act had not come into force,

THE ANDHRA SCIENTIFIC COMPANY LIMITED
(ACQUISITION AND TRANSFER OF UNDERTAKINGS)
ACT, 1982

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THE SCHEDULE

THE ANDHRA SCIENTIFIC COMPANY LIMITED (ACQUISITION AND TRANSFER OF UNDERTAKINGS) ACT, 1982

No. 71 of 1982

[13th November, 1982.]

An Act to provide for the acquisition and transfer of the undertakings of the Andhra Scientific Company Limited, with a view to securing the proper management of such undertakings so as to subserve the interests of the general public by ensuring the continuity of production of scientific instruments which are vital to the needs of the country and for matters connected therewith or incidental thereto.

65 of 1951.

WHEREAS the Andhra Scientific Company Limited had been engaged in the manufacture and production of articles mentioned in the First Schedule to the Industries (Development and Regulation) Act, 1951, namely, scientific instruments;

65 of 1951.

AND WHEREAS the management of the undertakings of the Andhra Scientific Company Limited was taken over by the Central Government under section 18AA of the Industries (Development and Regulation) Act, 1951;

AND WHEREAS it is necessary to acquire the undertakings of the Andhra Scientific Company Limited to ensure that the interests of the general public are served by the continuance, by the undertakings of the Company, of the production of the aforesaid articles which are vital to the needs of the country;

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Andhra Scientific Company Limited (Acquisition and Transfer of Undertakings) Act, 1982.

(2) The provisions of sections 27 and 28 shall come into force at once and the remaining provisions of this Act shall be deemed to have come into force on the 1st day of July, 1981.

Short title
and
commencement.

Definitions.

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

(a) "appointed day" means the 1st day of July, 1981;

(b) "Commissioner" means the Commissioner of Payments appointed under section 15;

(c) "Company" means the Andhra Scientific Company Limited, a company within the meaning of the Companies Act, 1956, and having its registered office at Machilipatnam in the State of Andhra Pradesh;

(d) "Custodian" means the Custodian appointed under sub-section (2) of section 9 to take over, or carry on, the management of the Company;

(e) "notification" means a notification published in the Official Gazette;

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

(g) "specified date", in relation to any provision of this Act, means such date as the Central Government may, by notification, specify for the purposes of that provision and different dates may be specified for different provisions of this Act;

(h) "the Government company" means the Government company in which the undertakings of the Company are directed to vest under sub-section (1) of section 6;

(i) words and expressions used herein and not defined but defined in the Companies Act, 1956, shall have the meanings, respectively, assigned to them in that Act.

1 of 1956.

1 of 1956.

Transfer to,
and
vesting
in, the
Central
Govern-
ment of
the
under-
takings
of the
Company.

General
effect
of vesting.

3. On the appointed day, the undertakings of the Company, and the right, title and interest of the Company in relation to its undertakings, shall, by virtue of this Act, stand transferred to, and shall vest in, the Central Government.

4. (1) The undertakings of the Company shall be deemed to include all assets, rights, lease-holds, powers, authorities and privileges, and all property, movable and immovable, including lands, buildings, workshops, stores, instruments, machinery and equipment, cash balances, cash on hand, cheques, demand drafts, reserve funds, investments, book debts and all other rights and interests in, or arising out of, such property as were immediately before the appointed day in the ownership, possession, power or control of the Company, whether within or outside India, and all books of account, registers and all other documents of whatever nature relating thereto.

CHAPTER II

ACQUISITION AND TRANSFER OF THE UNDERTAKINGS OF THE COMPANY

(2) All properties as aforesaid which have vested in the Central Government under section 3 shall, by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien and all other incumbrances affecting them, and any attachment, injunction, decree or order of any court, tribunal or other authority restricting the use of such properties in any manner or appointing any receiver in respect of the whole or any part of such properties shall be deemed to have been withdrawn.

(3) Every mortgagee of any property which has vested under this Act in the Central Government and every person holding any charge, lien or other interest in, or in relation to, any such property shall give, within such time and in such manner as may be prescribed, an intimation to the Commissioner of such mortgage, charge, lien or other interest.

(4) For the removal of doubts, it is hereby declared that the mortgagee of any property referred to in sub-section (3) or any other person holding any charge, lien or other interest in, or in relation to, any such property shall be entitled to claim, in accordance with his rights and interests, payment of the mortgage money or other dues, in whole or in part, out of the amount specified in section 7 and also out of the amounts determined under section 8, but no such mortgage, charge, lien or other interest shall be enforceable against any property which has vested in the Central Government.

(5) Any licence or other instrument granted to the Company in relation to any undertaking which has vested in the Central Government under section 3 at any time before the appointed day and in force immediately before that day shall continue to be in force on and after such day in accordance with its tenor in relation to and for the purposes of such undertaking, and, on and from the date of vesting of such undertaking under section 6 in a Government company, such Government company shall be deemed to be substituted in such licence or other instrument as if such licence or other instrument had been granted to such Government company and that Government company shall hold it for the remainder of the period for which the Company would have held it under the terms thereof.

(6) If, on the appointed day, any suit, appeal or other proceeding of whatever nature in relation to any property which has vested in the Central Government, under section 3, instituted or preferred by or against the Company, is pending, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of the transfer of the undertakings of the Company or of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted or enforced by or against the Central Government, or, where the undertakings of the Company are directed, under section 6, to vest in a Government company, by or against that Government company.

5. (1) Every liability of the Company in respect of any period prior to the appointed day, shall be the liability of the Company and shall be enforceable against it, and not against the Central Government, or, where the undertakings of the Company are directed, under section 6, to vest in a Government company, against that Government company.

Company
to be
liable for
certain
prior
liabili-
ties.

(2) For the removal of doubts, it is hereby declared that—

(a) save as otherwise expressly provided in this section or in any other provision of this Act, no liability of the Company in respect of any period prior to the appointed day, shall be enforceable against the Central Government, or, where the undertakings of the Company are directed, under section 6, to vest in a Government company, against that Government company;

(b) no award, decree or order of any court, tribunal or other authority in relation to the undertakings of the Company, passed after the appointed day, in respect of any matter, claim or dispute which arose before that day, shall be enforceable against the Central Government, or, where the undertakings of the Company are directed, under section 6, to vest in a Government company, against that Government company;

(c) no liability incurred by the Company before the appointed day, for the contravention of any provision of law for the time being in force, shall be enforceable against the Central Government, or, where the undertakings of the Company are directed, under section 6, to vest in a Government company, against that Government company.

**Power of
Central
Govern-
ment to
direct
vesting
of the
under-
takings
of the
Company
in a
Govern-
ment
company.**

6. (1) Notwithstanding anything contained in sections 3 and 4, the Central Government may, subject to such terms and conditions as it may think fit to impose, direct, by notification, that the undertakings of the Company and the right, title and interest of the Company in relation to its undertakings, which have vested in that Government under section 3, shall, instead of continuing to vest in the Central Government, vest in a Government company either on the date of the notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification.

(2) Where the right, title and interest of the Company, in relation to its undertakings, vest in a Government company under sub-section (1), the Government company shall, on and from the date of such vesting, be deemed to have become the owner in relation to such undertakings, and all the rights and liabilities of the Central Government in relation to such undertakings shall, on and from the date of such vesting, be deemed to have become the rights and liabilities of the Government company.

CHAPTER III

PAYMENT OF AMOUNTS

**Payment
of amount.**

7. For the transfer to, and vesting in, the Central Government, under section 3, of the undertakings of the Company and the right, title and interest of the Company in relation to its undertakings, there shall be given by the Central Government to the Company, in cash and in the manner specified in Chapter VI, an amount of rupees two hundred and twenty-four lakhs and ten thousand,

65 of 1951.

Payment
of
further
amounts.

8. (1) For the deprivation of the Company of the management of its undertakings, there shall be given by the Central Government to the Company in cash, an amount calculated at the rate of rupees ten thousand per annum for the period commencing on the date on which the management of the undertakings of the Company was taken over in pursuance of the order made by the Central Government under section 18AA of the Industries (Development and Regulation) Act, 1951, and ending on the appointed day.

(2) In consideration of the retrospective operation of the provisions of sections 3, 4 and 5, there shall also be given by the Central Government to the Company in cash, an amount calculated at the rate of rupees ten thousand per annum for the period commencing on the appointed day and ending on the date on which this Act receives the assent of the President.

(3) The amount specified in section 7, and the amount determined in accordance with the provisions of sub-sections (1) and (2) shall carry simple interest at the rate of four per cent. per annum for the period commencing on the appointed day and ending on the date on which payment of such amounts is made by the Central Government to the Commissioner.

(4) The amounts determined in accordance with the provisions of sub-sections (1), (2) and (3) shall be given by the Central Government to the Company in addition to the amount specified in section 7.

(5) For the removal of doubts, it is hereby declared that the liabilities of the Company in relation to its undertakings which have vested in the Central Government under section 3 shall be discharged from the amount referred to in section 7, and also from the amounts determined under sub-sections (1), (2) and (3), in accordance with the rights and interests of the creditors of the Company.

CHAPTER IV

MANAGEMENT, ETC., OF THE UNDERTAKINGS OF THE COMPANY

9. (1) The general superintendence, direction, control and management of the affairs and business of the undertakings of the Company, the right, title and interest in relation to which have vested in the Central Government under section 3, shall,—

(a) where a direction has been made by the Central Government under sub-section (1) of section 6, vest in the Government company specified in such direction; or

(b) where no such direction has been made by the Central Government, vest in one or more Custodians appointed by the Central Government under sub-section (2),

and thereupon the Government company so specified or the Custodian or Custodians so appointed, as the case may be, shall be entitled to exercise, to the exclusion of all other persons, all such powers and do all such things as the Company is authorised to exercise and do in relation to its undertakings.

10 Law—49.

Management,
etc..
of the
undertakings
of the
Company.

(2) The Central Government may appoint one or more individuals or a Government company as the Custodian or Custodians of the undertakings of the Company in relation to which no direction has been made by it under sub-section (1) of section 6.

(3) The Custodian or Custodians so appointed shall receive, from the funds of the undertakings of the Company, such remuneration as the Central Government may fix and shall hold office during the pleasure of the Central Government.

Duty of persons in charge of management of the undertakings of the Company to deliver all assets, etc.

10. (1) On the vesting of the management of the undertakings of the Company in a Government company or on the appointment of a Custodian or Custodians, all persons in charge of the management of the undertakings of the Company immediately before such vesting or appointment, shall be bound to deliver to the Government company or the Custodian or Custodians, as the case may be, all assets, books of account, registers or other documents in their custody relating to the undertakings of the Company.

(2) The Central Government may issue such directions as it may deem desirable in the circumstances of the case to the Government company or the Custodian or Custodians, and such Government company or the Custodian or Custodians may also, if it is considered necessary so to do, apply to the Central Government at any time for instructions as to the manner in which the management of the undertakings of the Company shall be conducted or in relation to any other matter arising in the course of such management.

Duty of persons to account for assets, etc., in their possession.

11. (1) Any person who has, on the appointed day, in his possession or under his control, any assets, books, documents or other papers relating to any undertaking owned by the Company, which have vested in the Central Government or in a Government company under this Act, and which belong to the Company, or would have so belonged, if the undertakings owned by the Company had not vested in the Central Government or such Government company, shall be liable to account for the said assets, books, documents and other papers to the Central Government or the Government company and shall deliver them up to the Central Government or such Government company or to such person or persons as the Central Government or the Government company may specify in this behalf.

(2) The Central Government or the Government company aforesaid may take or cause to be taken all necessary steps for securing possession of the undertakings of the Company which have vested in the Central Government or the Government company under this Act.

(3) The Company shall, within such period as the Central Government may allow in this behalf, furnish to that Government a complete inventory of all its properties and assets, as on the appointed day, pertaining to the undertakings which have vested in the Central Government under section 3, and, for this purpose, the Central Government or the Government company aforesaid shall afford to the Company all reasonable facilities.

1 of 1956.

Accounts
and
audit.

12. The Custodian or Custodians of the undertakings of the Company shall maintain an account of the undertakings of the Company in such form and manner and under such conditions as may be prescribed and the provisions of the Companies Act, 1956, shall apply to the audit of the accounts so maintained as they apply to the audit of the accounts of a company.

CHAPTER V

PROVISIONS RELATING TO THE EMPLOYEES OF THE COMPANY

13. (1) Every person who has been, immediately before the appointed day, employed in any undertaking of the Company shall become,—

Contin-
nuance of
emplo-
ees.

(a) on and from the appointed day, an employee of the Central Government, and

(b) where the undertakings of the Company are directed, under sub-section (1) of section 6, to vest in a Government company, an employee of the Government company on and from the date of such vesting,

and shall hold office or service under the Central Government, or the Government company, as the case may be, with the same rights and privileges as to pension, gratuity and other matters as would have been admissible to him if there had been no such vesting and shall continue to do so unless and until his employment under the Central Government or the Government company, as the case may be, is duly terminated or until his remuneration and other conditions of service are duly altered by the Central Government or the Government company, as the case may be.

14 of 1947.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947, or in any other law for the time being in force, the transfer of the services of any officer or other person employed in any undertaking of the Company, to the Central Government or the Government company, shall not entitle such officer or other employee to any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

14. (1) Where the Company has established a provident fund, superannuation, welfare or other fund for the benefit of the persons employed in any of its undertakings, the moneys relatable to the officers or other employees whose services have become transferred by or under this Act to the Central Government or the Government company, shall, out of the moneys standing, on the appointed day, to the credit of such provident fund, superannuation, welfare or other fund, stand transferred to, and vest in, the Central Government or the Government company, as the case may be.

Provi-
dent fund
and
other
funds.

(2) The moneys which stand transferred under sub-section (1) to the Central Government or the Government company, as the case may be, shall be dealt with by that Government or Government company in such manner as may be prescribed.

Appoint-
ment of
Commiss-
ioner of
Payments.

CHAPTER VI

COMMISSIONER OF PAYMENTS

15. (1) The Central Government shall, for the purpose of disbursing the amounts payable to the Company under sections 7 and 8, by notification, appoint a Commissioner of Payments.

(2) The Central Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons also to exercise all or any of the powers exercisable by him under this Act and different persons may be authorised to exercise different powers.

(3) Any person authorised by the Commissioner to exercise any of the powers exercisable by the Commissioner may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Act and not by way of authorisation.

(4) The salaries and allowances of the Commissioner and other persons appointed under this section shall be defrayed out of the Consolidated Fund of India.

Payment
by
Central
Govern-
ment to
the
Commiss-
sioner.

16. (1) The Central Government shall, within thirty days from the specified date, pay in cash to the Commissioner, for payment to the Company,—

(a) an amount equal to the amount specified in section 7; and

(b) an amount equal to the amounts payable to the Company under section 8.

(2) A deposit account shall be opened by the Central Government in favour of the Commissioner in the Public Account of India and every amount paid under this Act to the Commissioner shall be deposited by him to the credit of the said deposit account and the said deposit account shall be operated by the Commissioner.

(3) Records shall be maintained by the Commissioner in respect of the undertakings of the Company in relation to which payments have been made to him under this Act.

(4) Interest accruing on the amount standing to the credit of the deposit account referred to in sub-section (2) shall enure to the benefit of the Company.

Certain
powers
of the
Central
Govern-
ment or
Govern-
ment
company.

17. (1) The Central Government or the Government company, as the case may be, shall be entitled to receive, up to the specified date, to the exclusion of all other persons, any money due to the Company in relation to its undertakings which have vested in the Central Government or the Government company, and realised after the appointed day, notwithstanding that the realisation pertains to a period prior to the appointed day.

(2) The Central Government or the Government company, as the case may be, may make a claim to the Commissioner with regard to every payment made by that Government or Government company after the appointed day, for discharging any liability of the Company in relation

to any period prior to the appointed day, and every such claim shall have priority, in accordance with the priorities attaching under this Act, to the matter in relation to which such liability has been discharged by the Central Government or the Government company.

(3) Save as otherwise provided in this Act, the liabilities of the Company in respect of any transaction prior to the appointed day, which have not been discharged on or before the specified date shall be the liabilities of the Company.

18. Every person having a claim against the Company with regard to any of the matters specified in the Schedule pertaining to any undertaking owned by it shall prefer such claim before the Commissioner within thirty days from the specified date:

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the said period of thirty days, he may entertain the claim within a further period of thirty days, but not thereafter.

19. The claims made under section 18 shall have priorities in accordance with the following principles, namely:—

(a) Category I shall have precedence over all other categories and Category II shall have precedence over Category III, and so on;

(b) the claims specified in each of the categories shall rank equally and be paid in full, but, if the amount is insufficient to meet such claims in full, they shall abate in equal proportions and be paid accordingly; and

(c) the question of discharging any liability with regard to a matter specified in a lower category shall arise only if a surplus is left after meeting all the liabilities specified in the immediately higher category.

20. (1) On receipt of the claims made under section 18, the Commissioner shall arrange the claims in the order of priorities specified in the Schedule and examine the same in accordance with such order.

(2) If, on examination of the claims, the Commissioner is of opinion that the amount paid to him under this Act is not sufficient to meet the liabilities specified in any lower category, he shall not be required to examine the claims in respect of such lower category.

21. (1) After examining the claims with reference to the priorities specified in the Schedule, the Commissioner shall fix a certain date on or before which every claimant shall file the proof of his claim.

(2) Not less than fourteen days' notice of the date so fixed shall be given by advertisement in one issue of any daily newspaper in the English language having circulation in the major part of the country and in one issue of any daily newspaper in such regional language as the Commissioner may consider suitable, and every such notice shall call upon the claimant to file the proof of his claim with the Commissioner within the period specified in the advertisement.

(3) Every claimant who fails to file the proof of his claim within the period specified by the Commissioner shall be excluded from the disbursements made by the Commissioner.

Claims
to be
made to
the
Commiss-
sioner.

Priority
of claims.

Exam-
ination of
claims.

Admis-
sion or re-
jection of
claims.

(4) The Commissioner shall, after such investigation as may, in his opinion, be necessary and after giving the Company an opportunity of refuting the claim and after giving the claimant a reasonable opportunity of being heard, by order in writing, admit or reject the claim in whole or in part.

(5) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge of his functions, including the place or places at which he may hold his sitting and shall, for the purpose of making any investigation under this Act, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters. namely:—

5 of 1908.

- (a) the summoning and enforcing the attendance of any witness and examining him on oath;
- (b) the discovery and production of any document or other material object producible as evidence;
- (c) the reception of evidence on affidavits;
- (d) the issuing of any commission for the examination of witnesses.

(6) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the Commissioner shall be deemed to be a Civil Court for the purposes of section 195, and Chapter XXVI, of the Code of Criminal Procedure, 1973.

45 of 1860.
2 of 1974.

(7) A claimant who is dissatisfied with the decision of the Commissioner may prefer an appeal against such decision to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the registered office of the Company is situated:

Provided that where a person who is a Judge of a High Court is appointed to be the Commissioner, such appeal shall lie to the High Court exercising jurisdiction over the place in which the registered office of the Company is situated and such appeal shall be heard and disposed of by not less than two Judges of that High Court.

Dis-
burse-
ment of
money
by the
Commis-
sioner.

Disburse-
ment of
amounts
to the
Company.

22. After admitting a claim under this Act, the amount due in respect of such claim shall be paid by the Commissioner to the person or persons to whom such amount is due, and on such payment, the liability of the Company in respect of such claim shall stand discharged.

23. (1) If, out of the moneys paid to him, in relation to the undertakings of the Company, there is a balance left after meeting the liabilities as specified in the Schedule, the Commissioner shall disburse such balance to the Company.

(2) Where the possession of any machinery, equipment or other property has vested in the Central Government or a Government company under this Act, but such machinery, equipment or other property does not belong to the Company, it shall be lawful for the Central Government or the Government company to continue to possess such

machinery or equipment or other property on the same terms and conditions under which they were possessed by the Company immediately before the appointed day.

24. Any money paid to the Commissioner which remains undisbursed or unclaimed on the date immediately preceding the date on which the office of the Commissioner is finally wound up, shall be transferred by the Commissioner, before his office is finally wound up, to the general revenue account of the Central Government; but a claim to any money so transferred may be preferred to the Central Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, and the order, if any, for the payment of the claim being treated as an order for the refund of revenue.

Undisbursed or unclaimed amount to be deposited with the general revenue account.

CHAPTER VII

MISCELLANEOUS

25. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith in any other law for the time being in force or in any instrument having effect by virtue of any law, other than this Act, or in any decree or order of any court, tribunal or other authority.

Act to have overriding effect.

26. Every contract entered into by the Company in relation to any of its undertakings, which has vested in the Central Government under section 3, for any service, sale or supply, and in force immediately before the appointed day, shall, on and from the expiry of a period of thirty days from the date on which this Act receives the assent of the President, cease to have effect unless such contract is, before the expiry of that period, ratified in writing, by the Central Government or the Government company in which such undertaking has been vested under this Act and in ratifying such contract, the Central Government or the Government company may make such alterations or modifications therein as it may think fit:

Contracts to cease to have effect unless ratified by Central Government or Government company.

Provided that the Central Government or the Government company shall not omit to ratify a contract and shall not make any alteration or modification in a contract—

(a) unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith or is detrimental to the interests of the Central Government or the Government company; and

(b) except after giving the parties to the contract a reasonable opportunity of being heard and except after recording in writing its reasons for refusal to ratify the contract or for making any alteration or modification therein.

27. Any person who,—

(a) having in his possession, custody or control any property forming part of the undertakings of the Company, wrongfully withholds such property from the Central Government or the Government company; or

Penalties.

(b) wrongfully obtains possession of, or retains, any property forming part of the undertakings of the Company; or

(c) wilfully withholds or fails to furnish to the Central Government or the Government company or any person or body of persons specified by that Government or Government company, any document relating to such undertakings, which may be in his possession, custody or control; or

(d) fails to deliver to the Central Government or the Government company or any person or body of persons specified by that Government or Government company, any assets, books of account, registers or other documents in his possession, custody or control, relating to the undertakings of the Company; or

(e) wrongfully removes or destroys any property forming part of the undertakings of the Company or prefers any claim under this Act which he knows or has reasonable cause to believe to be false or grossly inaccurate,

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

**Offences
by com-
panies.**

28. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

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

Explanation.—For the purposes of this section,—

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

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

**Protec-
tion of
action
taken
in good
faith.**

29. (1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any officer or other employee of that Government or the Custodian or the Government company or other person authorised by that Government, Custodian or Government company for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or any officer or other employee of that Government or the Custodian or the Government company or other person authorised by

that Government, Custodian or Government company for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

30. (1) The Central Government may, by notification, direct that all or any of the powers exercisable by it under this Act, other than the powers conferred by this section and sections 31 and 32, may also be exercised by such person or persons as may be specified in the notification.

Delega-
tion of
powers.

(2) Whenever any delegation of power is made under sub-section (1), the person to whom such power has been delegated shall act under the direction, control and supervision of the Central Government.

31. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

Power to
make
rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the time within which, and the manner in which, an intimation referred to in sub-section (3) of section 4 shall be given;

(b) the form and manner in which, and the conditions under which, the Custodian or Custodians shall maintain the accounts as required by section 12;

(c) the manner in which the moneys in any provident fund or other fund referred to in section 14 shall be dealt with;

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

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

32. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Power to
remove
difficul-
ties.

Provided that no such order shall be made after the expiry of a period of two years from the date on which this Act receives the assent of the President.

THE SCHEDULE

[See sections 18, 20(1), 21(1) and 23(1)]

ORDER OF PRIORITIES FOR THE DISCHARGE OF LIABILITIES OF THE COMPANY

*Post-take-over management period**Category I*

Wages, salaries and other dues of the employees of the Company.

Category II

Loans advanced by the Central Government.

Category III

Any credit availed of by the Company for the purpose of carrying on any trading or manufacturing operations.

Category IV

Revenue, taxes, cesses, rates or any other dues to the Central Government or a State Government.

*Pre-take-over management period**Category V*

Arrears in relation to contributions to be made by the Company to the provident fund, salaries, wages and other amounts due to the employees of the Company.

Category VI

Revenue, taxes, cesses, rates or any other dues, including Employees' State Insurance contributions, to the Central Government, a Local Authority or a State Electricity Board.

Category VII

(i) Any credit availed of by the Company for the purpose of carrying on any trading or manufacturing operations.

(ii) Any other dues.

THE INDUSTRIAL DEVELOPMENT BANK OF INDIA
(AMENDMENT) ACT, 1982

No. 72 OF 1982

[13th November, 1982.]

An Act further to amend the Industrial Development Bank of India Act, 1964

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

18 of 1964.

1. This Act may be called the Industrial Development Bank of India (Amendment) Act, 1982.

Short
time.

2. In section 4 of the Industrial Development Bank of India Act, 1964, in the proviso, for the words "two hundred crores of rupees", the words "five hundred crores of rupees" shall be substituted.

Amend-
ment
of
section 4.

THE CONSTITUTION (FORTY-SIXTH AMENDMENT)
ACT, 1982

An Act further to amend the Constitution of India.

[2nd February, 1983.]

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

Short title. 1. This Act may be called the Constitution (Forty-sixth Amendment) Act, 1982.

Amendment of article 269. 2. In article 269 of the Constitution,—
(a) in clause (1), after sub-clause (g), the following sub-clause shall be inserted, namely:—

“(h) taxes on the consignment of goods (whether the consignment is to the person making it or to any other person), where such consignment takes place in the course of inter-State trade or commerce.”;

(b) in clause (3), for the words “sale or purchase of goods”, the words “sale or purchase of, or consignment of, goods” shall be substituted.

Amendment of article 286. 3. In article 286 of the Constitution, for clause (3), the following clause shall be substituted, namely:—

“(3) Any law of a State shall, in so far as it imposes, or authorises the imposition of,—

(a) a tax on the sale or purchase of goods declared by Parliament by law to be of special importance in inter-State trade or commerce; or

(b) a tax on the sale or purchase of goods, being a tax of the nature referred to in sub-clause (b), sub-clause (c) or sub-clause (d) of clause (29A) of article 366,

be subject to such restrictions and conditions in regard to the system of levy, rates and other incidents of the tax as Parliament may by law specify.”.

4. In article 366 of the Constitution, after clause (29), the following clause shall be inserted, namely:—

Amendment
of article
366.

'(29A) "tax on the sale or purchase of goods" includes—

(a) a tax on the transfer, otherwise than in pursuance of a contract, of property in any goods for cash, deferred payment or other valuable consideration;

(b) a tax on the transfer of property in goods (whether as goods or in some other form) involved in the execution of a works contract;

(c) a tax on the delivery of goods on hire-purchase or any system of payment by instalments;

(d) a tax on the transfer of the right to use any goods for any purpose (whether or not for a specified period) for cash, deferred payment or other valuable consideration;

(e) a tax on the supply of goods by any unincorporated association or body of persons to a member thereof for cash, deferred payment or other valuable consideration;

(f) a tax on the supply, by way of or as part of any service or in any other manner whatsoever, of goods, being food or any other article for human consumption or any drink (whether or not intoxicating), where such supply or service, is for cash, deferred payment or other valuable consideration,

and such transfer, delivery or supply of any goods shall be deemed to be a sale of those goods by the person making the transfer, delivery or supply and a purchase of those goods by the person to whom such transfer, delivery or supply is made;’.

5. In the Seventh Schedule to the Constitution, in List I—Union List, after entry 92A, the following entry shall be inserted, namely:—

Amend-
ment of
Seventh
Schedule.

"92B. Taxes on the consignment of goods (whether the consignment is to the person making it or to any other person), where such consignment takes place in the course of inter-State trade or commerce.”.

6. (1) For the purposes of every provision of the Constitution in which the expression "tax on the sale or purchase of goods" occurs, and for the purposes of any law passed or made, or purporting to have been passed or made, before the commencement of this Act, in pursuance of any such provision,—

Valida-
tion and
Exemption.

(a) the said expression shall be deemed to include, and shall be deemed always to have included, a tax (hereafter in this section referred to as the aforesaid tax) on the supply, by way of or as part of any service or in any other manner whatsoever, of goods, being food or any other article for human consumption or any drink

(whether or not intoxicating) for cash, deferred payment or other valuable consideration; and

(b) every transaction by way of supply of the nature referred to in clause (a) made before such commencement shall be deemed to be, and shall be deemed always to have been, a transaction by way of sale, with respect to which the person making such supply is the seller and the person to whom such supply is made, is the purchaser;

and notwithstanding any judgment, decree or order of any court, tribunal or authority, no law which was passed or made before such commencement and which imposed or authorised the imposition of, or purported to impose or authorise the imposition of, the aforesaid tax shall be deemed to be invalid or ever to have been invalid on the ground merely that the Legislature or other authority passing or making such law did not have competence to pass or make such law, and accordingly:—

(i) all the aforesaid taxes levied or collected or purporting to have been levied or collected under any such law before the commencement of this Act shall be deemed always to have been validly levied or collected in accordance with law;

(ii) no suit or other proceeding shall be maintained or continued in any court or before any tribunal or authority for the refund of, and no enforcement shall be made by any court, tribunal or authority of any decree or order directing the refund of, any such aforesaid tax which has been collected;

(iii) recoveries shall be made in accordance with the provisions of such law of all amounts which would have been collected thereunder as such aforesaid tax if this section had been in force at all material times.

(2) Notwithstanding anything contained in sub-section (1), any supply of the nature referred to therein shall be exempt from the aforesaid tax—

(a) where such supply has been made, by any restaurant or eating house (by whatever name called), at any time on or after the 7th day of September, 1978 and before the commencement of this Act and the aforesaid tax has not been collected on such supply on the ground that no such tax could have been levied or collected at that time; or

(b) where such supply, not being any such supply by any restaurant or eating house (by whatever name called), has been made at any time on or after the 4th day of January, 1972 and before the commencement of this Act and the aforesaid tax has not been collected on such supply on the ground that no such tax could have been levied or collected at that time:

Provided that the burden of proving that the aforesaid tax was not collected on any supply of the nature referred to in clause (a) or, as the case may be, clause (b), shall be on the person claiming the exemption under this sub-section.

(3) For the removal of doubts, it is hereby declared that,—

(a) nothing in sub-section (1) shall be construed as preventing any person—

(i) from questioning in accordance with the provisions of any law referred to in that sub-section, the assessment, reassessment, levy or collection of the aforesaid tax, or

(ii) from claiming refund of the aforesaid tax paid by him in excess of the amount due from him under any such law; and

(b) no act or omission on the part of any person, before the commencement of this Act, shall be punishable as an offence which would not have been so punishable if this Act had not come into force.

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