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TABLE SHOWING EFFECT OF PARLIAMENTARY LEGISLATION OF 1987

PART I.—CENTRAL ACTS AMENDED, REPEALED OR OTHERWISE AFFECTED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 1987 Act by which affected
1	2	3	4	5
1890	9	Railways Act, 1890	Ss. 3, 78A, 82C, 82E 82G and 82HH, 82I and 82J amended (w.e.f.....)	54, ss. 31, 32, 35, 36, 37 and 38.
			Ss. 82B, 82D, and 82F omitted (w.e.f.....)	*Ibid.*, s. 34.
			S. 80 substituted (w.e.f.....)	*Ibid.*, s. 33.
1912	4	Indian Lunacy Act, 1912	Repealed (w.e.f....)	14, s. 98.
1934	2	Reserve Bank of India Act, 1934	Ss. 2, 17 and 42 amended (w.e.f.....)	53, s. 56 and Part I of Second Schedule.
			S. 46D inserted (w.e.f.....)	*Ibid.*, s. 56 and Part I of Second Schedule.
1944	1	Central Excises and Salt Act, 1944	S. 37 amended	11, s. 94.
1946	22	Mica Mines Labour Welfare Fund Act, 1946	S. 3 amended	15, s. 2.
1947	14	Industrial Disputes Act, 1947	S. 2 amended (w.e.f.....)	53, s. 56 and Part III of Second Schedule.
1948	63	Factories Act, 1948	Ss. 2, 4, 9, 13, 16, 18, 19, 23, 25, 28, 29, 30, 31, 32, 36A, 64, 70, 71, 80, 87, 89, 90, 91A, 92, 94, 95, 96, 97, 98, 99, 115, 119 and Schedule amended (w.e.f. 1-12-1987)	20, ss. 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 42, 44 and 46.
			Ss. 7A, Chapter IVA (ss. 41A, 41B, 41C, 41D, 41E, 41G and 41H) 87A, 96A, 104A 106A, 111A, 118A and First Schedule inserted (w.e.f. 1-12-1987)	*Ibid.*, ss. 4, 20, 26, 34, 39, 40, 41, 43 and 45.

1	2	3	4	5
1948	63	Factories Act, 1948 —*contd.*	Ss. 7B, Chapter IVA (s. 41F) and Second Schedule inserted (w.e.f. 1-6-1988)	20, ss. 4, 20 and 45
			S. 100 omitted (w.e.f. 1-12-1987)	*Ibid.*, s. 38.
			Ss. 36 and 38 substituted (w.e.f. 1-12-1987)	*Ibid.*, ss. 17 and 19.
1949	10	Banking Regulation Act, 1949	Ss. 5, 18, 34A, 36AD and 56 amended (w.e.f.....)	53, s. 56 and Part II of Second Schedule.
1950	43	Representation of the People Act, 1950	First and Second Schedule amended (w.e.f. 30-5-1987)	18, ss. 8 and 12.
			Third and Fourth Schedule amended	31, ss. 2 and 3.
			S. 9A inserted (w.e.f. 21-9-1987)	38, s. 2.
			S. 7 amended (w.e.f. 22-9-1987)	40, s. 2.
1951	43	Representation of the People Act, 1951	S. 149 amended (w.e.f. 30-5-1987)	18, s. 9.
1954	28	High Court Judges (Conditions of Service) Act, 1954	S. 22A amended	48, s. 2.
1956	25	All India Institute of Medical Sciences Act, 1956	S. 14 amended	30, s. 2.
1956	37	States Reorganisation Act, 1956	S. 15 amended (w.e.f. 30-5-1987)	18, s. 64.
1956	61	Khadi and Village Industries Commission Act, 1956	Ss. 2, 4, 12, 14, 17A, 26, 27, and Schedule amended (w.e.f. 24-7-1987)	12, ss. 2, 4, 6, 8, 10, 14, 15 and 17.
			Ss. 18, 19A and 20 amended (w.e.f. 1-4-1988)	*Ibid.*, ss. 11, 12 and 13.
			S. 28 inserted (w.e.f. 24-7-1987)	*Ibid.*, s. 16.
			S. 3 omitted (w.e.f. 24-7-1987)	*Ibid.*, s. 3.
			Ss. 5, 6, 13 and 15 substituted (w.e.f. 24-7-1987)	*Ibid.*, ss. 5, 7 and 9.
1957	27	Wealth-tax Act, 1957	Ss. 2 and 5 amended (w.e.f. 1-4-1988)	11, ss. 75 and 76.
			Ss. 22B, 22C, 22D, 22E, 22F, 22H, and 22K amended (w.e.f. 1-6-1987)	*Ibid.*, ss. 78, 80, 81, 82, 83, 84 and 86.
			S. 31 partly amended (w.e.f. 1-4-1987 and partly w.e.f. 1-10-1984)	*Ibid.*, s. 88.

1	2	3	4	5
1957	27	wealth-tax Act, 1957 —*contd.*	S. 43 amended (w.e.f. 1-3-1987)	11., s. 89.
			Ss. 22BA to 22BD and 22HA inserted (w.e.f. 1-6-1987)	*Ibid.*, ss. 79 and 85.
			S. 22 M omitted (w.e.f. 1-6-1986)	*Ibid.*, s. 87.
			S. 22A substituted (w.e.f. 1-6-1987)	*Ibid.*, s. 77.
1957	58	Additional Duties of Excise (Goods of Special Importance) Act, 1957	First Schedule amended	11, s. 97 and Fourth Schedule.
1957	62	Navy Act, 1957	S. 11 amended	34, s. 2.
1957	66	Delhi Municipal Corporation Act, 1957	S. 90 amended (w.e.f. 5-2-1987)	8, s. 2.
1957	67	Mines and Minerals (Regulation and Development) Act, 1957	S. 4(1) amended (w.e.f. 1-10-1963)	16, s. 14.
1958	18	Gift-tax Act, 1958	S. 2 amended (w.e.f. 1-4-1988)	11, ss. 90.
			S. 42 amended (w.e.f. 1-3-1987)	*Ibid.*, s. 91.
1958	44	Merchant Shipping Act, 1958	Ss. 79, 84 and 436 amended (w.e.f.....)	23, ss. 5, 6 and 9.
			S. 86A inserted (w.e.f.....)	*Ibid.*, s. 7.
			Subheading of part VI ss. 75, 76, 78 and 87 substituted (w.e.f.....)	*Ibid.*, ss. 2, 3, 4 and 8.
1961	43	Income-tax Act, 1961	Ss. 2, 27, 33AB, 36, 43B, 45, 47, 49, 53, 54, 54B, 54D, 54E, 54F, 55, 56, 57, 70, 72, 80C, 80G, 80-80RRA, 80U, 155 and the Eleventh Schedule and ss. 2, 10A, 4 4C, 75, 77, 80, 139, 141A, 143, 155, 157, 41, 73, 155, 236A, 246 and 280ZB amended (w.e.f. 1-4-1988)	11, ss. 3, 6, 8, 9, 10, 13, 14, 16, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 30, 32, 35, 36, 37, 39, 44, 73 and 74.
			S. 10 amended partly (w.e.f. 1-4-1987), partly (w.e.f. 1-4-1983) and partly (w.e.f. 1-4-1986)	*Ibid.*, s. 4.
			S. 10A amended (w.e.f. 1-4-1981)	*Ibid.*, s. 5.
			Ss. 32AB, 80CC, 32A, 54E, 80L and 193 amended (w.e.f. 1-4-1987)	*Ibid.*, ss. 7, 33 and 74.
			Ss. 192, 194, 194A, 194D, 195, 197, 199, 202, 203, 245B, 245C, 245D, 245E, 245F, 245H, 245K, 273B, 272A and part B of Fourth Schedule amended (w.e.f. 1-6-1987)	*Ibid.*, ss. 45, 46, 47, 48, 49, 51, 52, 53, 54, 58, 60, 61, 62, 63, 64, 66, 69 and 74.

1	2	3	4	5
1961	43	Income-tax Act, 1961 —*contd.*	S. 293 amended (w.e.f. 1-3-1987)	11, s. 72.
			S. 44BB inserted (w.e.f. 1-4-1983)	*Ibid.*, s. 11.
			Ss. 44BBA, 54G, 80CCA and Chapter XIIB inserted (w.e.f. 1-4-1988)	*Ibid.*, ss. 12, 24, 34, and 43.
			Ss. 195A, 203A, 245BA to 245BD, 245HA and 272BB inserted (w.e.f. 1-6-1987)	*Ibid.*, ss. 50, 55, 59, 65 and 68.
			Ss. 52, 80T, Chapter VIB and XI and 115 and 280ZA omitted (w.e.f. 1-4-1988)	*Ibid.*, ss. 17, 38, 40, 41, 42. and 70.
			Ss. 245M, 285 and 286 omitted (w.e.f. 1-6-1987)	*Ibid.*, ss. 67 and 71.
			Ss. 48, 71 and 74 Substituted (w.e.f. 1-4-1988)	*Ibid.*, ss. 15, 29, 31.
			Ss. 206 and 245A substituted (w.e.f. 1-6-1987)	*Ibid.*, ss. 56 and 57.
1962	33	Atomic Energy Act, 1962	Ss. 2, 3, 22 and 23 amended	29, ss. 2, 3, 4 and 5.
1963	20	Government of Union Territories Act, 1963	Throughout the Act for "a Union Territory", "any Union Territory" or "every Union Territory" the words "Union territory" have been substituted (w.e.f. 30-5-1987)	18, s. 65.
			Ss. 2 and 3 amended (w.e.f. 30-5-1987)	*Ibid.*, s. 65.
1963	54	Central Boards of Revenue Act, 1963	S. 2 amended (w.e.f. 1-11-1987)	35, s. 33.
1965	21	Payment of Bonus Act, 1965	S. 32 amended (w.e.f.....)	53, s. 56 and part IV of Second Schedule.
1966	15	Produce Cess Act, 1966	Ss. 2, 4, 5, 12, 16, 20 and 22 amended	4, ss. 2, 4, 5, 6, 7, 8 and 9.
			Ss. 3(2), 7, 8, 9, 10, 13, 14, 15(2) and the Second Schedule omitted	*Ibid.*, s. 3.
1966	51	Post-Graduate Institute of Medical Education and Research Chandigarh Act, 1966	S. 13 amended	30, s. 3.
1971	56	Comptroller and Auditor General's (Duties, Powers and Conditions of Service) Act, 1971	Ss. 6 and 9 amended	50, ss, 2 and 4.
			S.7 omitted	*Ibid.*, s. 3.

1	2	3	4	5
1972	39	Payment of Gratuity Act, 1972	Ss. 2, 2A, 4 partly amended (w.e.f. 1-10-1987) and partly (w.e.f.....) 5, 7, 8 and 9 amended (w.e.f. 1-10-1987)	22, ss. 2, 3, 4, 6, 7, 8, and 9.
			S. 4A inserted (w.e.f...)	*Ibid.*, s.5.
1972	62	Limestone and Dolomite Mines Labour Welfare Fund Act, 1972	S. 5	15, s. 3.
1974	12	Economic Offences (Inapplicability of Limitation) Act, 1974	The Schedule of the Act amended (w.e.f.-1-11-1987)	35, s. 33.
1974	47	Oil Industry (Development) Act, 1974	Schedule amended	11, s. 106.
1974	52	Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974	S. 9 amended (w.e.f.-2-7-1987)	23, s. 2.
1975	51	Customs Tariff Act, 1975	First Schedule amended	11, s. 92 and the Second Schedule.
1976	25	Equal Remuneration Act, 1976	Ss. 5 and 10 amended. Ss. 12 and 15 substituted.	49, ss. 2 and 3. *Ibid.*, ss. 4 and 5.
1976	61	Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Act, 1976	S. 4 amended	15, s. 4.
1976	62	Beedi Workers Welfare Fund Act, 1976	Ss. 4, 11 and 12 amended	*Ibid.*, ss. 5, 6 and 7.
1978	33	Metro Railways (Construction of Works) Act, 1978	S. 10 amended	42, s. 2.
1979	4	Copra Cess Act, 1979	Repealed	4, s. 11.
1979	5	Coconut Development Board Act, 1979	S. 13 amended S. 4 amended	*Ibid.* s. 10, 21, s. 2.
1980	59	Auroville (Emergency Provisions) Act, 1980	S. 3 amended (w.e.f. 28-10-1987)	44, s. 2.
1980	65	National Security Act, 1980	(In its application to the State of Punjab and the Union territory of Chandigarh) amended (w.e.f. 9-6-1987)	27, s. 2.
			S. 14A inserted (w.e.f. 9-6-1987)	*Ibid.*, s. 3.
1981	14	Air (Prevention and Control of Pollution) Act, 1981	Ss. 2, 5, 7, 14, 16, 18, 21, 22, 23, 24, 32, 33, 49, 38, 53 and 54 amended (w.e.f.....)	47, ss. 2, 4, 5, 6, 7, 8, 9, 10, 12, 13, 15, 19, 23 and 24,
			Ss. 22A, 31A and 33A inserted (w.e.f.....)	*Ibid.*, ss. 11, 14 and 16.

1	2	3	4	5
1981	14	Air (Prevention and Control of Pollution) Act, 1981—*contd.*	S. 50 and the Schedule omitted (w.e.f.....)	47, ss, 22 and 25.
			Ss. 3, 4, 35, 37, 39 and 43 substituted (w.e.f.....)	*Ibid.*, ss. 3, 17, 18, 20 and 21.
1981	18	Essential Commodities (Special Provisions) Act, 1981	The Preamble and s 1 amended	25, ss. 2 and 3.
1981	33	Cine-Workers Welfare Fund Act, 1981	Ss. 2, 4 and 6 amended	26, ss. 2, 3 and 4.
1982	43	Governors (Emoluments, Allowances and Privileges) Act, 1982	S. 3 amended (w.e.f. 1-4-1986)	17, s. 2.
1983	30	Vegetable Oils Cess 1983	Repealed	4, s. 12.
1984	24	National Security (Amendment) Act, 1984	Repealed (w.e.f. 9.6. 1987)	27, s. 4.
1984	60	National Security (Second Amendment) Act, 1984	S. 4 Repealed (w.e.f. 9-6-1987)	*Ibid.*, s. 4.
1985	13	Administrative Tribunals Act, 1985	Ss. 2, 6 and 29 amended	51, ss. 2, 3 and 5
			S. 36A inserted	*Ibid.*, s. 6.
			S. 8 substituted	*Ibid.*, s. 4.
1985	23	National Security (Amendment) Act, 1985	Repealed (w.e.f. 9-6-1987)	27, s. 4.
1986	5	Central Excise Tariff Act, 1985	Schedule amended	11, s. 95 and Third Schedule.
1986	62	Customs and Excise Revenues Appellate Tribunal Act, 1986	S. 5 amended	11, s. 107.
1986	66	Shipping Development Fund Committee (Abolition) Act, 1986	S. 16 amended	41, s. 2.
1986	69	State of Arunachal Pradesh Act, 1986	S. 11 amended (w.e.f. 20-2-1987)	19, s. 2.
1987	11	Finance Act, 1987	S. 2 and Part II of first Schedule amended	46, ss. 2 and 3.
			Part III of first Schedule partly amended (w.e.f. 19-9-1987)	*Ibid.*, s. 3.

PART II.—CENTRAL ORDINANCES REPEALED

Year of Ordinance	No. of Ordinance	Short title of Ordinance	No. and section of 1987 Act by which repealed
1	2	3	4
1987	1	Delhi Municipal Corporation (Amendment) Ordinance, 1987	8, s. 3.
1987	2	Terrorist and Disruptive Activities (Prevention) Ordinance, 1987	28, s. 30.
1987	3	National Security (Amendment) Ordinance, 1987	27, s. 5 (w.e.f. 9-6-1987).
1987	4	Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Ordinance, 1987	23, s. 3 (w.e.f. 2-7-1987).
1987	5	Constitution (Scheduled Tribes) Order (Amendment) Ordinance, 1987	43, s. 3 (w.e.f. 19-9-1987).
1987	6	Finance (Amendment) Ordinance, 1987	46, s. 5.
1987	7	Representation of the People (Amendment) Ordinance, 1987	40, s. 3. (w.e.f. 22-9-1987).
1987	8	Auroville (Emergency Provisions) Amendment Ordinance, 1987	44, s. 3. (w.e.f. 28-10-1987).

PART III.—STATE ACT AMENDED

Year of Act	No. of Act	Short title of Act	How affected	No. and section of 1987 Act by which affected
1977 (1920 AD)	25	Lunacy Act, 1977 (Jammu & Kashmir)	Repealed (w.e.f.....)	14, s. 98.

PART IV.—CONSTITUTION OF INDIA AMENDED

How affected	No. and section of 1987 Act by which affected
Articles 125, 221 and Second Schedule amended (w.e.f. 1-4-1986)	Constitution (Fifty-fourth Amendment) Act, 1986, ss. 2, 3 and 4.
First Schedule and Fourth Schedule amended (w.e.f. 30-5-1987)	18, ss. 5 and 6.
Articles 81, 210, 239A, 239B and 240 amended (w.e.f. 30-5-1987)	*Ibid.*, s. 63.
Article 371-I inserted (w.e.f. 30-5-1987)	Constitution (Fifty-sixth Amendment) Act, 1987, s. 2.
Article 332 amended (w.e.f. 21-9-1987)	Constitution (Fifty-seventh Amendment) Act, 1987, s. 2.
Heading of the Part XXII of the Constitution amended	Constitution (Fifty-eighth Amendment) Act, 1987, s. 2.
A new article 394A inserted	*Ibid.*, s. 3.

PART V.—ORDERS UNDER THE CONSTITUTION OF INDIA AMENDED AND ORDERS AFFECTED

Short title	How affected	Number and section of 1987 Act by which affected
Constitution (Scheduled Castes) Order, 1950	Para 2 and Schedule amended (w.e.f. 30-5-1987)	18, s. 19 and Part I of First Schedule.
Constitution (Scheduled Tribes) Order, 1950	Figures XVIII and Schedule amended (w.e.f. 30-5-1987)	*Ibid.*, s. 19 and Part I of Second Schedule.
Constitution (Scheduled Tribes) Order, 1950	Schedule amended (w.e.f. 19-9-1987)	43, s. 2.
Constitution (Scheduled Castes) (Union Territories) Order, 1951	Paras 2 and 4 and Schedule amended (w.e.f. 30-5-1987)	18, s. 19 and Part II of First Schedule.
Constitution (Scheduled Tribes) (Union Territories) Order, 1951	Paras 2, 3 and Schedule amended (w.e.f. 30-5-1987)	*Ibid.*, s. 19 and Part II of Second Schedule.
Constitution (Goa, Daman and Diu) Scheduled Castes Order, 1968	Repealed (w.e.f. 30-5-1987)	*Ibid.*, s. 19.
Constitution (Goa, Daman and Diu) Scheduled Tribes Order, 1968	Repealed (w.e.f. 30-5-1987)	*Ibid.*, s. 19.
Delimitation of Parliamentary and Assembly Constituencies Order, 1976	Part B of Schedule XXVI amended (w.e.f. 30-5-1987)	*Ibid.*, s. 14.

THE APPROPRIATION (VOTE ON ACCOUNT) ACT, 1987

No. 1 OF 1987

[21st *March*, 1987.]

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 1987-88.

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

1. This Act may be called the Appropriation (Vote on Account) Act, 1987. Short title.

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 forty-two thousand two hundred and eleven crores and forty-one lakh rupees towards defraying the several charges which will come in course of payment during the financial year 1987-88. Withdrawal of Rs. 42211, 41,00,000 from and out of the Consolidated Fund of India for the financial year 1987-88.

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. Appropriation.

4. References to Ministries or Departments in the Schedule are to such Ministries or Departments as existing immediately before the 10th February, 1987 and shall, on or after that date, be construed as references to the appropriate Ministries or Departments as reconstituted from time to time. Construction of references to Ministries and Departments in the Schedule.

THE SCHEDULE

(*See* sections 2, 3 and 4)

1	2		3		
No. of Vote	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
1	Agriculture . .	Revenue	42,10,00,000	..	42,10,00,000
		Capital	2,06,00,000	43,33,00,000	45,39,00,000
2	Other Services of Department of Agriculture and Cooperation	Revenue	36,17,00,000	..	36,17,00,000
		Capital	21,63,00,000	3,67,00,000	25,30,00,000
3	Department of Agricultural Research and Education .	Revenue	28,82,00,000	..	28,82,00,000
4	Department of Rural Development . .	Revenue	691,96,00,000	..	691,96,00,000
		Capital	16,00,000	..	16,00,000
5	Department of Fertilizers . . .	Revenue	462,10,00,000	1,00,000	462,11,00,000
		Capital	72,11,00,000	45,00,000	72,56,00,000
6	Department of Commerce . . .	Revenue	169,05,00,000	..	169,05,00,000
		Capital	37,70,00,000	..	37,70,00,000
7	Department of Supply	Revenue	3,12,00,000	2,00,000	3,14,00,000
8	Ministry of Communications . .	Revenue	1,22,00,000	..	1,22,00,000
9	Postal Services .	Revenue	164,98,00,000	2,00,000	165,00,00,000
		Capital	6,17,00,000	..	6,17,00,000
10	Telecommunication Services . . .	Revenue	302,62,00,000	8,00,000	302,70,00,000
		Capital	159,85,00,000	1,00,000	159,86,00,000
11	Ministry of Defence	Revenue	95,42,00,000	..	95,42,00,000
		Capital	23,42,00,000	1,00,00,000	24,42,00,000
12	Defence Pensions .	Revenue	117,31,00,000	1,00,000	117,32,00,000
13	Defence Services—Army	Revenue	1101,21,00,000	12,00,000	1101,33,00,000
14	Defence Services—Navy	Revenue	102,58,00,000	1,00,000	102,59,00,000
15	Defence Services—Air Force . . .	Revenue	274,66,00,000	2,00,000	274,68,00,000

1	2		3		
No. of Vote	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
15-A	Defence Ordnance Factories . .	Revenue	11,00,00,000	*1,00,000*	11,01,00,000
16	Capital Outlay on Defence Services . .	Capital	661,75,00,000	*1,24,00,000*	662,99,00,000
17	Department of Coal .	Revenue	21,81,00,000	..	21,81,00,000
		Capital	198,00,00,000	..	198,00,00,000
18	Department of Power	Revenue	43,26,00,000	..	43,26,00,000
		Capital	272,09,00,000	*4,88,00,000*	276,97,00,000
19	Department of Non-Conventional Energy Sources . . .	Revenue	16,92,00,000	..	16,92,00,000
		Capital	61,00,000	..	61,00,000
20	Ministry of Environment and Forests .	Revenue	28,71,00,000	..	28,71,00,000
		Capital	39,00,000	*97,00,000*	1,36,00,000
21	Ministry of External Affairs . . .	Revenue	56,69,00,000	*1,00,000*	56,70,00,000
		Capital	33,34,00,000	..	33,34,00,000
22	Department of Economic Affairs .	Revenue	65,00,00,000	..	65,00,00,000
		Capital	16,21,00,000	..	16,21,00,000
23	Currency, Coinage and Stamps . .	Revenue	48,63,00,000	..	48,63,00,000
		Capital	32,52,00,000	*1,00,000*	32,53,00,000
24	Payments to Financial Institutions .	Revenue	56,69,00,000	..	56,69,00,000
		Capital	962,53,00,000	..	962,53,00,000
25	Pensions . . .	Revenue	79,55,00,000	*1,58,00,000*	81,13,00,000
	CHARGED.— *Interest Payments* . .	Revenue	..	*1780,22,00,000*	1780,22,00,000
27	Transfers to State Governments . .	Revenue	990,92,00,000	*1332,28,00,000*	2323,20,00,000
		Capital	14,16,00,000	*2383,07,00,000*	2397,23,00,000
28	Loans to Government Servants, etc.	Capital	20,83,00,000	..	20,83,00,000
	CHARGED.— *Repayment of Debt* . .	Capital	..	*25790,88,00,000*	25790,88,00,000
30	Department of Expenditure . . .	Revenue	50,61,00,000	..	50,61,00,000
31	Audit . . .	Revenue	29,22,00,000	*54,00,000*	29,76,00,000

1	2		3		
No. of Vote	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
32	Department of Revenue . .	Revenue	29,99,00,000	..	29,99,00,000
		Capital	33,00,000	..	33,00,000
33	Direct Taxes . .	Revenue	23,00,00,000	1,00,000	23,01,00,000
		Capital	20,00,00,000	..	20,00,00,000
34	Indirect Taxes . .	Revenue	77,48,00,000	1,00,000	77,49,00,000
		Capital	8,93,00,000	..	8,93,00,000
35	Department of Food	Revenue	351,94,00,000	1,00,000	351,95,00,000
		Capital	17,47,00,000	1,00,000	17,48,00,000
36	Department of Civil Supplies . .	Revenue	2,26,00,000	..	2,26,00,000
		Capital	58,00,000	56,00,000	1,14,00,000
37	Department of Health	Revenue	58,18,00,000	1,00,000	58,19,00,000
		Capital	22,13,00,000	1,00,000	22,14,00,000
38	Department of Family Welfare . . .	Revenue	108,05,00,000	..	108,05,00,000
		Capital	18,00,000	..	18,00,000
39	Ministry of Home Affairs . .	Revenue	21,84,00,000	1,00,000	21,85,00,000
40	Cabinet . . .	Revenue	1,91,00,000	..	1,91,00,000
41	Police . . .	Revenue	164,30,00,000	1,00,000	164,31,00,000
		Capital	13,18,00,000	84,00,000	14,02,00,000
42	Other Expenditure of the Ministry of Home Affairs .	Revenue	36,66,00,000	1,00,000	36,67,00,000
		Capital	18,01,00,000	2,09,00,000	20,10,00,000
43	Transfers to Union territory Governments . . .	Revenue	21,43,00,000	..	21,43,00,000
		Capital	18,49,00,000	..	18,49,00,000
44	Department of Education . . .	Revenue	181,83,00,000	..	181,83,00,000
		Capital	8,00,000	50,00,000	58,00,000
45	Department of Youth Affairs and Sports .	Revenue	14,02,00,000	..	14,02,00,000
		Capital	58,00,000	..	58,00,000
46	Art and Culture .	Revenue	22,84,00,000	..	22,84,00,000

1	2		3		
			Sums not exceeding		
No. of Vote	Services and purposes		Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
47	Department of Women and Child Development . . .	Revenue	43,80,00,000	..	43,80,00,000
48	Department of Industrial Development	Revenue	76,03,00,000	*1,50,00,000*	77,53,00,000
		Capital	13,94,00,000	*57,00,000*	14,51,00,000
49	Department of Company Affairs . .	Revenue	1,06,00,000	*4,00,000*	1,10,00,000
		Capital	1,00,000	..	1,00,000
50	Department of Chemicals and Petro-Chemicals . .	Revenue	2,28,00,000	..	2,28,00,000
		Capital	29,17,00,000	..	29,17,00,000
51	Department of Public Enterprises . .	Revenue	1,63,00,000	..	1,63,00,000
		Capital	50,25,00,000	..	50,25,00,000
52	Ministry of Information and Broadcasting	Revenue	9,59,00,000	..	9,59,00,000
		Capital	48,00,000	..	48,00,000
53	Broadcasting Services	Revenue	62,17,00,000	*1,00,000*	62,18,00,000
		Capital	55,66,00,000	*2,00,000*	55,68,00,000
54	Ministry of Labour .	Revenue	27,80,00,000	*1,00,000*	27,81,00,000
		Capital	3,00,000	..	3,00,000
55	Law and Justice .	Revenue	4,47,00,000	*54,00,000*	5,01,00,000
56	Ministry of Parliamentary Affairs .	Revenue	12,00,000	..	12,00,000
57	Ministry of Personnel, Public Grievances and Pensions .	Revenue	5,48,00,000	*1,00,000*	5,49,00,000
		Capital	..	*67,00,000*	67,00,000
58	Ministry of Petroleum and Natural Gas	Revenue	98,00,000	..	98,00,000
		Capital	194,51,00,000	..	194,51,00,000
59	Planning . .	Revenue	1,91,00,000	..	1,91,00,000
60	Department of Statistics . . .	Revenue	5,13,00,000	..	5,13,00,000
61	Ministry of Programme Implementation	Revenue	12,00,000	..	12,00,000
62	Department of Science and Technology .	Revenue	25,19,00,000	..	25,19,00,000
		Capital	1,44,00,000	..	1,44,00,000

1	2		3		
No. of Vote	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
63	Department of Scientific and Industrial Research	Revenue	29,72,00,000	..	29,72,00,000
		Capital	73,00,000	..	73,00,000
64	Department of Biotechnology	Revenue	6,83,00,000	..	6,83,00,000
65	Department of Steel	Revenue	5,54,00,000	..	5,54,00,000
		Capital	139,07,00,000	6,83,00,000	145,90,00,000
66	Department of Mines	Revenue	17,66,00,000	1,00,000	17,67,00,000
		Capital	44,99,00,000	..	44,99,00,000
67	Ministry of Textiles	Revenue	68,94,00,000	..	68,94,00,000
		Capital	41,68,00,000	1,67,00,000	43,35,00,000
68	Ministry of Tourism	Revenue	4,32,00,000	..	4,32,00,000
		Capital	2,34,00,000	..	2,34,00,000
69	Surface Transport	Revenue	3,38,00,000	..	3,38,00,000
		Capital	22,39,00,000	20,00,000	22,59,00,000
70	Roads	Revenue	41,52,00,000	..	41,52,00,000
		Capital	68,50,00,000	8,96,00,000	77,46,00,000
71	Ports, Lighthouses and Shipping	Revenue	21,24,00,000	..	21,24,00,000
		Capital	36,13,00,000	..	36,13,00,000
72	Ministry of Civil Aviation	Revenue	9,31,00,000	..	9,31,00,000
		Capital	1,45,00,000	..	1,45,00,000
73	Urban Development and Housing	Revenue	12,86,00,000	38,00,000	13,24,00,000
		Capital	15,54,00,000	2,93,00,000	18,47,00,000
74	Public Works	Revenue	23,83,00,000	..	23,83,00,000
		Capital	11,83,00,000	2,00,000	11,85,00,000
75	Stationery and Printing	Revenue	11,23,00,000	1,00,000	11,24,00,000
		Capital	58,00,000	..	58,00,000
76	Ministry of Water Resources	Revenue	43,13,00,000	1,00,000	43,14,00,000
		Capital	2,30,00,000	8,57,00,000	10,87,00,000
77	Ministry of Welfare	Revenue	43,36,00,000	47,24,00,000	90,60,00,000
		Capital	12,00,000	..	12,00,000
78	Atomic Energy	Revenue	42,09,00,000	..	42,09,00,000
		Capital	80,03,00,000	..	80,03,00,000
79	Nuclear Power Schemes	Revenue	75,71,00,000	..	75,71,00,000
		Capital	48,97,00,000	..	48,97,00,000
80	Department of Electronics	Revenue	13,18,00,000	..	13,18,00,000
		Capital	9,53,00,000	..	9,53,00,000
81	Department of Ocean Development	Revenue	4,07,00,000	..	4,07,00,000
		Capital	39,00,000	..	39,00,000

1	2		3		
			Sums not exceeding		
No. of Vote	Services and purposes		Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
82	Department of Space	Revenue	31,49,00,000	1,00,000	31,50,00,000
		Capital	29,07,00,000	1,00,000	29,08,00,000
83	Lok Sabha . .	Revenue	2,13,00,000	1,00,000	2,14,00,000
84	Rajya Sabha . .	Revenue	82,00,000	1,00,000	83,00,000
	CHARGED.—*Staff, Household and Allowances of the President*	Revenue	..	31,00,000	31,00,000
86	Secretariat of the Vice-President . .	Revenue	3,00,000	..	3,00,000
	CHARGED.—*Union Public Service Commission* . . .	Revenue	..	1,35,00,000	1,35,00,000
88	Delhi . . .	Revenue	97,02,00,000	46,00,000	97,48,00,000
		Capital	81,17,00,000	5,03,00,000	86,20,00,000
89	Andaman and Nicobar Islands . .	Revenue	13,38,00,000	1,00,000	13,39,00,000
		Capital	8,45,00,000	..	8,45,00,000
90	Dadra and Nagar Haveli . . .	Revenue	1,93,00,000	..	1,93,00,000
		Capital	89,00,000	..	89,00,000
91	Lakshadweep . .	Revenue	4,10,00,000	..	4,10,00,000
		Capital	60,00,000	..	60,00,000
92	Chandigarh . .	Revenue	17,03,00,000	39,00,000	17,42,00,000
		Capital	5,63,00,000	17,00,000	5,80,00,000
	TOTAL . .		10774,93,00,000	31436,48,00,000	42211,41,00,000

THE APPROPRIATION ACT, 1987

No. 2 OF 1987

[21st *March*, 1987.]

An Act to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1985 in excess of the amounts granted for those services and for that year.

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

Short title.

1. This Act may be called the Appropriation Act, 1987.

Issue of Rs. 58,59, 95,210 out of the Consolidated Fund of India to meet certain excess expenditure for the year ended on the 31st day of March, 1985.

2. From and out of the Consolidated Fund of India, the sums specified in column 3 of the Schedule, amounting in the aggregate to the sum of fifty-eight crores, fifty-nine lakhs, ninety-five thousand, two hundred and ten rupees shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services specified in column 2 of the Schedule during the financial year ended on the 31st day of March, 1985, in excess of the amounts granted for those services and for that year.

Appropriation.

3. The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of India under this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ended on the 31st day of March, 1985.

THE SCHEDULE

(*See* sections 2 and 3)

1	2		3		
No. of Vote	Services and purposes		Excess		
			Voted portion	Charged portion	Total
			Rs.	Rs.	Rs.
17	Capital Outlay on Posts and Telegraphs	Capital	20,22,80,919	..	20,22,80,919
20	Defence Services—Navy . .	Revenue	22,15,38,252	..	22,15,38,252
22	Defence Services—Pensions .	Revenue	..	*27,53,727*	27,53,727
39	Currency, Coinage and Mint .	Revenue	3,41,61,165	..	3,41,61,165
57	Chandigarh	Revenue	12,00,15,368	*9,98,833*	12,10,14,201
59	Dadra and Nagar Haveli .	Revenue	40,78,334	..	40,78,334
94	Atomic Energy Research, Development and Industrial Projects	Revenue	..	*1,68,612*	1,68,612
	TOTAL . .		58,20,74,038	*39,21,172*	58,59,95,210

THE APPROPRIATION (No. 2) ACT, 1987

No. 3 OF 1987

[21st *March*, 1987.]

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 1986-87.

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

Short title.

1. This Act may be called the Appropriation (No. 2) Act, 1987.

Issue of Rs. 4025,09, 11,000 out of the Consolidated Fund of India for the year 1986-87.

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 four thousand and twenty-five crores, nine lakhs and eleven thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1986-87 in respect of the services specified in column 2 of the Schedule.

Appropriation.

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

THE SCHEDULE

(*See* sections 2 and 3)

1	2		3		
No. of Vote	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
1	Department of Agriculture and Co-operation . .	Revenue	54,60,000	..	54,60,000
2	Agriculture . .	Revenue	57,00,00,000	..	57,00,00,000
3	Fisheries	Capital	7,79,00,000	..	7,79,00,000
6	Department of Agricultural Research and Education .	Revenue	11,43,000	..	11,43,000
7	Payments to Indian Council of Agricultural Research .	Revenue	4,27,26,000	..	4,27,26,000
8	Department of Rural Development . .	Revenue	15,64,000	..	15,64,000
		Capital	1,19,00,000	..	1,19,00,000
9	Department of Fertilizers .	Capital	34,00,00,000	..	34,00,00,000
10	Ministry of Commerce .	Revenue	32,00,000	..	32,00,000
11	Foreign Trade and Export Production . .	Revenue	84,91,59,000	..	84,91,59,000
		Capital	235,46,86,000	..	235,46,86,000
12	Supplies and Disposals .	Revenue	74,53,000	..	74,53,000
15	Postal Services . .	Revenue	124,40,00,000	..	124,40,00,000
16	Telecommunication Services	Capital	1,000	..	1,000
17	Ministry of Defence . .	Revenue	7,87,55,000	..	7,87,55,000
18	Defence Pensions . .	Revenue	136,07,80,000	..	136,07,80,000
19	Defence Services—Army .	Revenue	221,66,78,000	*41,22,000*	222,08,00,000
21	Defence Services—Air Force	Revenue	60,32,00,000	..	60,32,00,000
22	Capital Outlay on Defence Services	Capital	..	*18,13,00,000*	18,13,00,000
24	Department of Power .	Capital	2,000	..	2,000
25	Department of Non-Conventional Energy Sources .	Revenue	10,19,65,000	..	10,19,65,000

1	2		3		
No. of Vote	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
26	Ministry of Environment and Forests .	Revenue	63,00,000	..	63,00,000
28	Forest and Wild Life	Revenue	2,000	..	2,000
29	Ministry of External Affairs . . .	Revenue	24,81,00,000		24,81,00,000
		Capital	15,12,00,000	..	15,12,00,000
31	Customs . .	Revenue	42,76,70,000	..	42,76,70,000
32	Union Excise Duties	Revenue	25,49,32,000	..	25,49,32,000
33	Taxes on Income, Estate Duty, Wealth Tax and Gift Tax .	Revenue	6,40,26,000	..	6,40,26,000
34	Stamps . . .	Revenue	26,47,000	1,72,000	28,19,000
		Capital	33,37,000	..	33,37,000
35	Audit . . .	Revenue	25,06,44,000	37,31,000	25,43,75,000
36	Currency, Coinage and Mint . .	Revenue	..	39,000	39,000
37	Pensions . . .	Revenue	79,14,22,000	..	79,14,22,000
38	Opium and Alkaloid Factories . .	Revenue	62,05,000	..	62,05,000
39	Transfers to State Governments . .	Revenue	252,86,52,000	..	252,86,52,000
	CHARGED.—*Interest Payments* . .	Revenue	..	800,00,00,000	800,00,00,000
40	Other Expenditure of the Ministry of Finance . . .	Revenue	70,77,000	..	70,77,000
		Capital	15,00,00,000	..	15,00,00,000
41	Loans to Government Servants, etc. . .	Capital	34,58,00,000	..	34,58,00,000
42	Department of Food	Capital	581,74,54,000	..	581,74,54,000
43	Department of Civil Supplies . .	Revenue	57,01,00,000	..	57,01,00,000
44	Ministry of Health and Family Welfare	Revenue	40,07,000	..	40,07,000
45	Medical and Public Health . .	Revenue	5,000	..	5,000
		Capital	9,08,90,000	..	9,08,90,000
46	Family Welfare .	Revenue	11,51,30,000	..	11,51,30,000
		Capital	4,52,00,000	..	4,52,00,000
47	Ministry of Home Affairs . . .	Revenue	79,36,000	..	79,36,000

1	2		3		
No. of Vote	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
48	Cabinet . . .	Revenue	1,68,34,000	..	1,68,34,000
49	Police . . .	Revenue	210,62,79,000	1,39,000	210,64,18,000
50	Other Administrative and General Services	Revenue	20,21,60,000	..	20,21,60,000
		Capital	88,76,000	..	88,76,000
52	Other Expenditure of the Ministry of Home Affairs . . .	Capital	9,19,41,000	..	9,19,41,000
53	Delhi . . .	Revenue	93,18,65,000	1,17,36,000	94,36,01,000
		Capital	32,22,02,000	..	32,22,02,000
54	Andaman and Nicobar Islands . . .	Revenue	5,02,91,000	..	5,02,91,000
55	Dadra and Nagar Haveli . . .	Revenue	41,70,000	..	41,70,000
56	Lakshadweep . .	Revenue	59,27,000	..	59,27,000
		Capital	28,04,000	..	28,04,000
57	Ministry of Human Resource Development . . .	Revenue	15,00,000	..	15,00,000
58	Education . .	Revenue	10,000	..	10,000
61	Art and Culture .	Revenue	25,00,03,000	..	25,00,03,000
63	Ministry of Industry	Revenue	1,05,70,000	..	1,05,70,000
64	Industries . .	Revenue	2,000	..	2,000
		Capital	11,21,00,000	..	11,21,00,000
65	Village and Small Industries . .	Revenue	1,000	..	1,000
68	Broadcasting . .	Revenue	47,66,95,000	..	47,66,95,000
70	Labour and Employment . . .	Revenue	65,32,89,000	..	65,32,89,000
72	Administration of Justice . . .	Revenue	..	82,73,000	82,73,000
73	Department of Parliamentary Affairs .	Revenue	1,25,000	..	1,25,000
74	Department of Tourism . . .	Revenue	2,74,00,000	..	2,74,00,000
75	Ministry of Personnel, Public Grievances and Pensions .	Revenue	4,74,09,000	..	4,74,09,000
76	Ministry of Petroleum and Natural Gas .	Revenue	9,91,00,000	..	9,91,00,000
77	Planning . .	Revenue	67,00,000	..	67,00,000

1	2		3		
No. of Vote	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
78	Statistics . . .	Revenue	2,37,47,000	..	2,37,47,000
79	Ministry of Programme Implementation . . .	Revenue	8,20,000	..	8,20,000
80	Department of Science and Technology .	Revenue	8,000	..	8,000
81	Survey of India .	Revenue	1,15,55,000	..	1,15,55,000
82	Meteorology . .	Revenue	42,00,000	..	42,00,000
83	Department of Scientific and Industrial Research . .	Revenue	7,87,00,000	..	7,87,00,000
84	Department of Steel .	Revenue	49,39,00,000	..	49,39,00,000
		Capital	..	9,30,00,000	9,30,00,000
86	Ministry of Textiles .	Revenue	145,14,37,000	..	145,14,37,000
		Capital	52,97,60,000	..	52,97,60,000
88	Roads . . .	Revenue	..	3,29,000	3,29,000
		Capital	14,02,46,000	..	14,02,46,000
89	Ports, Lighthouses and Shipping . .	Capital	5,000	..	5,000
91	Aviation . . .	Revenue	5,96,01,000	..	5,96,01,000
92	Ministry of Urban Development . .	Revenue	14,00,000	..	14,00,000
93	Public Works . .	Revenue	3,48,00,000	42,000	3,48,42,000
		Capital	2,000	..	2,000
95	Housing and Urban Development . .	Revenue	9,88,00,000	39,00,000	10,27,00,000
		Capital	..	2,50,00,000	2,50,00,000
96	Stationery and Printing	Revenue	9,30,00,000	..	9,30,00,000
97	Ministry of Water Resources . .	Revenue	130,16,16,000	..	130,16,16,000
98	Ministry of Welfare .	Capital	60,00,000	..	60,00,000
99	Department of Atomic Energy . . .	Revenue	4,20,000	..	4,20,000
100	Atomic Energy Research, Development and Industrial Projects . . .	Revenue	2,67,36,000	..	2,67,36,000
		Capital	28,01,04,000	..	28,01,04,000
101	Nuclear Power Schemes . . .	Revenue	4,82,44,000	..	4,82,44,000

1	2		3		
No. of Vote	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
104	Department of Space	Revenue	2,92,02,000	..	2,92,02,000
	CHARGED.—*Staff, Household and Allowances of the President* .	Revenue	..	*24,37,000*	24,37,000
	CHARGED.—*Union Public Service Commission*	Revenue	..	*1,48,27,000*	1,48,27,000
	TOTAL . . .		3190,18,64,000	*834,90,47,000*	4025,09,11,000

THE COTTON, COPRA AND VEGETABLE OILS CESS (ABOLITION) ACT, 1987

No. 4 of 1987

[21st March, 1987.]

An Act further to amend the Produce Cess Act, 1966 and the Coconut Development Board Act, 1979 and to repeal the Copra Cess Act, 1979 and the Vegetable Oils Cess Act, 1983.

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

CHAPTER I

PRELIMINARY

Short title.

1. This Act may be called the Cotton, Copra and Vegetable Oils Cess (Abolition) Act, 1987.

CHAPTER II

AMENDMENTS TO THE PRODUCE CESS ACT, 1966

Amendment of section 2.

2. In section 2 of the Produce Cess Act, 1966 (hereafter in this Chapter referred to as the Produce Cess Act),— 15 of 1966.

(*a*) clauses (*b*), (*g*) and (*h*) shall be omitted;

(*b*) in clause (*k*), the words "or the Second Schedule" shall be omitted.

Omission of sections 3(2), 7, 8, 9, 10, 13, 14, 15(2) and the Second Schedule.

3. Sub-section (*2*) of section 3, sections 7, 8, 9, 10, 13, 14, sub-section (*2*) of section 15 and the Second Schedule of the Produce Cess Act shall be omitted.

Amendment of section 4.

4. In section 4 of the Produce Cess Act, the portion beginning with the words "and every duty of excise" and ending with the words "consumed or extracted" shall be omitted.

Amendment of section 5.

5. In section 5 of the Produce Cess Act, in sub-section (*3*), the following words shall be inserted at the end, namely:—

'and "produce" includes cotton.'.

6. In section 12 of the Produce Cess Act, in the opening portion, the words "or excise" shall be omitted. Amendment of section 12.

7. In section 16 of the Produce Cess Act, in sub-section (*1*), in clause (*a*), the words "or excise" shall be omitted. Amendment of section 16.

8. In section 20 of the Produce Cess Act, in sub-section (*2*), clauses (*a*), (*b*), (*c*) and (*d*) shall be omitted. Amendment of section 20.

9. In section 22 of the Produce Cess Act, for the words "two successive sessions, and if, before the expiry of the session in which it is so laid", the words "two or more successive sessions, and if, before the expiry of the session immediately following the session" shall be substituted. Amendment of section 22.

CHAPTER III

AMENDMENT TO THE COCONUT DEVELOPMENT BOARD ACT, 1979

5 of 1979.

10. In section 13 of the Coconut Development Board Act, 1979, in sub-section (*1*), clause (*a*) shall be omitted. Amendment of section 13.

CHAPTER IV

REPEAL OF THE COPRA CESS ACT, 1979 AND THE VEGETABLE OILS CESS ACT, 1983

11. The Copra Cess Act, 1979 is hereby repealed. Repeal of Act 4 of 1979.

12. The Vegetable Oils Cess Act, 1983 is hereby repealed. Repeal of Act 30 of 1983.

CHAPTER V

COLLECTION OF ARREARS OF DUTIES OF EXCISE

15 of 1966.
4 of 1979.
30 of 1983.

13. Notwithstanding anything contained in the amendments made to the Produce Cess Act, 1966 or the repeal of the Copra Cess Act, 1979 or the Vegetable Oils Cess Act, 1983, by this Act, any duty of excise levied under any of the said Acts immediately before the commencement of this Act, but has not been collected before such commencement, shall be liable to be collected after such commencement in accordance with the provisions of the said Acts for being paid into the Consolidated Fund of India as if this Act had not been enacted. Collection and payment of arrears of duties of excise.

THE APPROPRIATION (RAILWAYS) ACT, 1987

No. 5 OF 1987

[26*th March*, 1987.]

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 1987-88 for the purposes of Railways.

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

Short title.

1. This Act may be called the Appropriation (Railways) Act, 1987.

Issue of Rs. 14775, 44,02,000 out of the Consolidated Fund of India for the financial year 1987-88.

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 fourteen thousand seven hundred and seventy-five crores, forty-four lakhs and two thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1987-88, in respect of the services relating to Railways specified in column 2 of the Schedule.

Appropriation.

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

THE SCHEDULE

(*See* sections 2 and 3)

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Railway Board . . .	7,33,70,000	..	7,33,70,000
2	Miscellaneous Expenditure (General) . . .	45,95,86,000	..	45,95,86,000
3	General Superintendence and Services on Railways . .	340,95,01,000	*2,42,000*	340,97,43 000
4	Repairs and Maintenance of Permanent Way and Works .	705,79,27,000	*2,20,000*	705,81,47,000
5	Repairs and Maintenance of Motive Power . . .	589,64,43,000	*1,33,000*	589,65,76,000
6	Repairs and Maintenance of Carriages and Wagons . .	776,87,74,000	*2,55,000*	776,90,29,000
7	Repairs and Maintenance of Plant and Equipment . .	382,51,76,000	*2,00,000*	382,53,76,000
8	Operating Expenses—Rolling Stock and Equipment . .	590,05,66,000	*2,00,000*	590,07,66,000
9	Operating Expenses—Traffic .	693,84,94,000	*3,65,000*	693,88,59,000
10	Operating Expenses—Fuel .	1234,48,46,000	*90,000*	1234,49,36,000
11	Staff Welfare and Amenities .	244,56,53,000	*67,000*	244,57,20,000
12	Miscellaneous Working Expenses	341,43,42,000	*8,08,72,000*	349,52,14,000
13	Provident Fund, Pension and other Retirement Benefits .	463,50,63,000	*3,11,84,000*	466,62,47,000
14	Appropriation to Funds . .	1933,00,00,000	..	1933,00,,00,000
15	Dividend to General Revenues, Repayment of loans taken from General Revenues and Amortization of Over-Capitalization . . .	681,25,77,000	..	681'25,77,000
16	Assets—Acquisition, Construction and Replacement—			
	Revenue	29,99,50,000	*50,000*	30, 00,00 000
	Other Expenditure			
	Capital	4134,52,88,000	*1,98,00,000*	4136,50,88, 000
	Railway Funds . . .	1566,20,18,000	*11,50,000*	1566,31,68, 000
	TOTAL . . .	14761,95,74,000	*13,48,28,000*	14775,44,02,000

THE APPROPRIATION (RAILWAYS) No. 2 ACT, 1987

No. 6 OF 1987

[26th March, 1987.]

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 1986-87 for the purposes of Railways.

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

Short title.

1. This Act may be called the Appropriation (Railways) No. 2 Act, 1987.

Issue of Rs. 378,86,84,000 out of the Consolidated Fund of India for the financial year 1986-87.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of three hundred and seventy-eight crores, eighty-six lakhs and eighty-four thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1986-87, in respect of the services relating to Railways specified in column 2 of the Schedule.

Appropriation.

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

THE SCHEDULE

(*See* sections 2 and 3)

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
3	General Superintendence and Services on Railways	..	*1,19,000*	1,19,000
4	Repairs and Maintenance of Permanent Way and Works	9,28,60,000	..	9,28,60,000
5	Repairs and Maintenance of Motive Power	45,63,89,000	..	45,63,89,000
6	Repairs and Maintenance of Carriages and Wagons	29,55,14,000	..	29,55,14,000
7	Repairs and Maintenance of Plant and Equipment	2,01,95,000	*1,39,000*	2,03,34,000
8	Operating Expenses—Rolling Stock and Equipment	..	*4,18,000*	4,18,000
9	Operating Expenses—Traffic . .	..	*27,000*	27,000
10	Operating Expenses—Fuel . . .	110,82,33,000	..	110,82,33,000
11	Staff Welfare and Amenities . .	6,38,15,000	..	6,38,15,000
13	Provident Fund, Pension and other Retirement Benefits	71,22,07,000	..	71,22,07,000
14	Assets—Acquisition, Construction and Replacement—			
	Other Expenditure	103,62,68,000	*25,00,000*	103,87,68,000
	TOTAL	378,54,81,000	*32,03,000*	378,86,84,000

THE APPROPRIATION (RAILWAYS) No. 3 ACT, 1987

No. 7 OF 1987

[*26th March*, 1987.]

An Act to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31st day of March, 1985 in excess of the amounts granted for those services and for that year.

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

Short title.

1. This Act may be called the Appropriation (Railways) No. 3 Act, 1987.

Issue of Rs. 6,27,33,758 out of the Consolidated Fund of India to meet certain expenditure for the year ended on the 31st day of March, 1985.

2. From and out of the Consolidated Fund of India, the sums specified in column 3 of the Schedule amounting in the aggregate to the sum of six crores, twenty-seven lakhs, thirty-three thousand and seven hundred and fifty-eight rupees shall be deemed to have been authorised to be paid and applied to meet the amounts spent for defraying the charges in respect of the services relating to Railways specified in column 2 of the Schedule during the financial year ended on the 31st day of March, 1985, in excess of the amounts granted for those services and for that year.

Appropriation.

3. The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of India under this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ended on the 31st day of March, 1985.

THE SCHEDULE

(*See* sections 2 and 3)

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
13	Provident Fund, Pension and other Retirement Benefits . . .	6,27,33,758	..	6,27,33,758
	TOTAL . . .	6,27,33,758	..	6,27,33,758

THE DELHI MUNICIPAL CORPORATION (AMENDMENT) ACT, 1987

No. 8 OF 1987

[*29th March,* 1987.]

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

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

Short title and commencement.

1. (*1*) This Act may be called the Delhi Municipal Corporation (Amendment) Act, 1987.

(*2*) It shall be deemed to have come into force on the 5th day of February, 1987.

Amendment of Act 66 of 1957.

2. In section 90 of the Delhi Municipal Corporation Act, 1957 (hereinafter referred to as the principal Act), in sub-section (*8*), for clauses (*i*) and (*ii*), the following clauses shall be substituted, namely:—

'(*i*) "category A post" means any post which, having regard to its scale of pay or emoluments, would, if such post had been in the Central Government, be classified as a Group A post under the Central Government in accordance with the orders issued by that Government from time to time;

(*ii*) "category B post" means any post which, having regard to its scale of pay or emoluments, would, if such post had been in the Central Government, be classified as a Group B post under the Central Government in accordance with the orders issued by that Government from time to time;'.

Repeal and saving.

3. (*1*) The Delhi Municipal Corporation (Amendment) Ordinance, 1987 is hereby repealed. Ord. I of 1982.

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

THE APPROPRIATION (No. 3) ACT, 1987

No. 9 of 1987

[*9th May*, 1987.]

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 1987-88.

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

1. This Act may be called the Appropriation (No. 3) Act, 1987. **Short title.**

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate [inclusive of the sums specified in column 3 of the Schedule to the Appropriation (Vote on Account) Act, 1987] to the sum of two lakhs thirty-three thousand seven hundred and sixty-two crores and seventy-seven lakh rupees towards defraying the several charges which will come in course of payment during the financial year 1987-88 in respect of the services specified in column 2 of the Schedule. **Issue of Rs. 233762, 77,00,000 out of the Consolidated Fund of India for the year 1987-88.**

1 of 1987.

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.**

4. References to Ministries or Departments in the Schedule are to such Ministries or Departments as existing immediately before the 10th day of February, 1987 and shall, on or after that date, be construed as references to the appropriate Ministries or Departments as reconstituted from time to time. **Construction of references to Ministries and Departments in the Schedule.**

THE SCHEDULE

(*See* sections 2, 3 and 4)

1	2		3		
			Sums not exceeding		
No. of Vote	Services and purposes		Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
1	Agriculture . .	Revenue	227,09,00,000	..	227,09,00,000
		Capital	12,34,00,000	260,00,00,000	272,34,00,000
2	Other Services of Department of Agriculture and Co-operation . .	Revenue	217,04,00,000	..	217,04,00,000
		Capital	129,80,00,000	22,03,00,000	151,83,00,000
3	Department of Agricultural Research and Education . .	Revenue	172,94,00,000	..	172,94,00,000
4	Department of Rural Development .	Revenue	2066,98,00,000	..	2066,98,00,000
		Capital	36,00,000	..	36,00,000
5	Department of Fertilizers . .	Revenue	2772,63,00,000	1,00,000	2772,64,00,000
		Capital	432,64,00,000	2,73,00,000	435,37,00,000
6	Department of Commerce . .	Revenue	1014,31,00,000	..	1014,31,00,000
		Capital	226,19,00,000	..	226,19,00,000
7	Department of Supply	Revenue	18,73,00,000	15,00,000	18,88,00,000
8	Ministry of Communications .	Revenue	7,35,00,000	..	7,35,00,000
9	Postal Services . .	Revenue	989,89,00,000	11,00,000	990,00,00,000
		Capital	37,00,00,000	..	37,00,00,000
10	Telecommunication Services . .	Revenue	1815,70,00,000	50,00,000	1816,20,00,000
		Capital	959,11,00,000	1,00,000	959,12,00,000
11	Ministry of Defence	Revenue	572,51,00,000	..	572,51,00,000
		Capital	140,50,00,000	6,00,00,000	146,50,00,000
12	Defence Pensions .	Revenue	703,85,00,000	1,00,000	703,86,00,000
13	Defence Services—Army	Revenue	6607,26,00,000	75,00,000	6608,01,00,000
14	Defence Services—Navy	Revenue	615,48,00,000	2,00,000	615,50,00,000
15	Defence Services—Air Force . . .	Revenue	1647,94,00,000	12,00,000	1648,06,00,000
15-A	Defence Ordnance Factories . .	Revenue	65,98,00,000	2,00,000	66,00,00,000
16	Capital Outlay on Defence Services .	Capital	3970,52,00,000	7,45,00,000	3977,97,00,000

1	2		3		
			Sums not exceeding		
No. of Vote	Services and purposes		Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
17	Department of Coal	Revenue	130,83,00,000	..	130,83,00,000
		Capital	1188,00,00,000	..	1188,00,00,000
18	Department of Power	Revenue	259,55,00,000	..	259,55,00,000
		Capital	1407,27,00,000	29,30,00,000	1436,57,00,000
19	Department of Non-Conventional Energy Sources . .	Revenue	96,92,00,000	..	96,92,00,000
		Capital	3,65,00,000	..	3,65,00,000
20	Ministry of Environment and Forests .	Revenue	172,24,00,000	..	172,24,00,000
		Capital	2,36,00,000	5,80,00,000	8,16,00,000
21	Ministry of External Affairs . .	Revenue	325,36,00,000	2,00,000	325,38,00,000
		Capital	75,05,00,000	..	75,05,00,000
22	Department of Economic Affairs .	Revenue	389,99,00,000	..	389,99,00,000
		Capital	97,26,00,000	..	97,26,00,000
23	Currency, Coinage and Stamps . .	Revenue	291,80,00,000	..	291,80,00,000
		Capital	192,00,00,000	2,00,000	192,02,00,000
24	Payments to Financial Institutions . .	Revenue	339,29,00,000	..	339,29,00,000
		Capital	1394,24,00,000	..	1394,24,00,000
25	Pensions . . .	Revenue	477,32,00,000	9,47,00,000	486,79,00,000
	CHARGED.—*Interest Payments* . .	Revenue	..	10650,00,00,000	10650,00,00,000
27	Transfers to State Governments .	Revenue	3173,58,00,000	7993,66,00,000	11167,24,00,000
		Capital	85,00,00,000	8440,23,00,000	8525,23,00,000
28	Loans to Government Servants, etc. . .	Capital	125,00,00,000	..	125,00,00,000
	CHARGED.—*Repayment of Debt* . .	Capital	..	152120,80,00,000	152120,80,00,000
30	Department of Expenditure . .	Revenue	303,66,00,000	..	303,66,00,000
31	Audit . . .	Revenue	175,32,00,000	3,23,00,000	178,55,00,000
32	Department of Revenue	Revenue	69,85,00,000	..	69,85,00,000
		Capital	1,98,00,000	..	1,98,00,000
33	Direct Taxes . .	Revenue	138,00,00,000	2,00,000	138,02,00,000
		Capital	120,00,00,000	..	120,00,00,000
34	Indirect Taxes .	Revenue	303,15,00,000	4,00,000	303,19,00,000
		Capital	53,59,00,000	..	53,59,00,000
35	Department of Food .	Revenue	2111,66,00,000	1,00,000	2111,67,00,000
		Capital	104,84,00,000	1,00,000	104,85,00,000
36	Department of Civil Supplies . .	Revenue	13,57,00,000	..	13,57,00,000
		Capital	3,47,00,000	3,35,00,000	6,82,00,000

No. of Vote	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
	2		3		
			Rs.	Rs.	Rs.
37	Department of Health	Revenue	349,10,00,000	1,00,000	349,11,00,000
		Capital	132,79,00,000	2,00,000	132,81,00,000
38	Department of Family Welfare . .	Revenue	648,31,00,000	..	648,31,00,000
		Capital	1,05,00,000	..	1,05,00,000
39	Ministry of Home Affairs . . .	Revenue	131,02,00,000	2,00,000	131,04,00,000
40	Cabinet . . .	Revenue	11,43,00,000	..	11,43,00,000
41	Police . . .	Revenue	985,79,00,000	4,00,000	985,83,00,000
		Capital	79,10,00,000	5,02,00,000	84,12,00,000
42	Other Expenditure of the Ministry of Home Affairs . . .	Revenue	186,94,00,000	1,00,000	186,95,00,000
		Capital	73,41,00,000	10,22,00,000	83,63,00,000
43	Transfers to Union territory Governments . . .	Revenue	128,56,00,000	..	128,56,00,000
		Capital	110,93,00,000	..	110,93,00,000
44	Department of Education . . .	Revenue	1207,31,00,000	..	1207,31,00,000
		Capital	50,00,000	3,00,00,000	3,50,00,000
45	Department of Youth Affairs and Sports .	Revenue	84,13,00,000	..	84,13,00,000
		Capital	3,50,00,000	..	3,50,00,000
46	Art and Culture .	Revenue	105,75,00,000	..	105,75,00,000
		Capital	20,50,00,000	..	20,50,00,000
47	Department of Women and Child Development	Revenue	234,77,00,000	..	234,77,00,000
48	Department of Industrial Development	Revenue	336,58,00,000	9,00,00,000	345,58,00,000
		Capital	83,62,00,000	3,43,00,000	87,05,00,000
49	Department of Company Affairs .	Revenue	6,33,00,000	22,00,000	6,55,00,000
		Capital	1,00,000	..	1,00,000
50	Department of Chemicals and Petro-Chemicals . . .	Revenue	13,68,00,000	..	13,68,00,000
		Capital	175,00,00,000	..	175,00,00,000
51	Department of Public Enterprises . .	Revenue	9,80,00,000	..	9,80,00,000
		Capital	301,53,00,000	..	301,53,00,000
52	Ministry of Information and Broadcasting .	Revenue	57,51,00,000	..	57,51,00,000
		Capital	2,91,00,000	..	2,91,00,000
53	Broadcasting Services	Revenue	373,02,00,000	1,00,000	373,03,00,000
		Capital	333,95,00,000	10,00,000	334,05,00,000
54	Ministry of Labour .	Revenue	166,78,00,000	1,00,000	166,79,00,000
		Capital	16,00,000	..	16,00,000
55	Law and Justice .	Revenue	26,82,00,000	2,94,00,000	29,76,00,000
56	Ministry of Parliamentary Affairs . .	Revenue	71,00,000	..	71,00,000

1	2		3		
			Sums not exceeding		
No. of Vote	Services and purposes		Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
57	Ministry of Personnel, Public Grievances and Pensions . . .	Revenue	32,86,00,000	1,00,000	32,87,00,000
		Capital	..	4,00,00,000	4,00,00,000
58	Ministry of Petroleum and Natural Gas .	Revenue	5,89,00,000	..	5,89,00,000
		Capital	435,83,00,000	..	435,83,00,000
59	Planning . . .	Revenue	11,47,00,000	..	11,47,00,000
60	Department of Statistics	Revenue	30,76,00,000	..	30,76,00,000
61	Ministry of Programme Implementation .	Revenue	72,00,000	..	72,00,000
62	Department of Science and Technology .	Revenue	151,37,00,000	..	151,37,00,000
		Capital	8,63,00,000	..	8,63,00,000
63	Department of Scientific and Industrial Research . . .	Revenue	178,32,00,000	..	178,32,00,000
		Capital	4,40,00,000	..	4,40,00,000
64	Department of Biotechnology . . .	Revenue	40,99,00,000	..	40,99,00,000
65	Department of Steel .	Revenue	33,27,00,000	..	33,27,00,000
		Capital	834,41,00,000	41,01,00,000	875,42,00,000
66	Department of Mines	Revenue	105,96,00,000	5,00,000	106,01,00,000
		Capital	269,95,00,000	..	269,95,00,000
67	Ministry of Textiles .	Revenue	413,72,00,000	..	413,72,00,000
		Capital	250,09,00,000	10,01,00,000	260,10,00,000
68	Ministry of Tourism .	Revenue	25,92,00,000	..	25,92,00,000
		Capital	14,02,00,000	..	14,02,00,000
69	Surface Transport .	Revenue	20,28,00,000	..	20,28,00,000
		Capital	112,36,00,000	1,20,00,000	113,56,00,000
70	Roads . . .	Revenue	249,11,00,000	..	249,11,00,000
		Capital	411,01,00,000	53,77,00,000	464,78,00,000
71	Ports, Lighthouses and Shipping . . .	Revenue	127,12,00,000	..	127,12,00,000
		Capital	294,89,00,000	..	294,89,00,000
72	Ministry of Civil Aviation . . .	Revenue	55,86,00,000	..	55,86,00,000
		Capital	8,67,00,000	..	8,67,00,000
73	Urban Development and Housing . .	Revenue	67,11,00,000	2,29,00,000	69,40,00,000
		Capital	93,26,00,000	17,60,00,000	110,86,00,000
74	Public Works . .	Revenue	142,98,00,000	...	142,98,00,000
		Capital	70,96,00,000	10,00,000	71,06,00,000
75	Stationery and Printing	Revenue	67,40,00,000	1,00,000	67,41,00,000
		Capital	3,48,00,000	...	3,48,00,000
76	Ministry of Water Resources . .	Revenue	258,55,00,000	2,00,000	258,57,00,000
		Capital	13,80,00,000	51,40,00,000	65,20,00,000

1	2		3		
			Sums not exceeding		
No. of Vote	Services and purposes		Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
77	Ministry of Welfare .	Revenue	259,87,00,000	*199,51,00,000*	459,38,00,000
		Capital	70,00,000	..	70,00,000
78	Atomic Energy . .	Revenue	252,52,00,000	...	252,52,00,000
		Capital	485,57,00,000	..	485,57,00,000
79	Nuclear Power Schemes	Revenue	264,09,00,000	..	264,09,00,000
		Capital	293,85,00,000	..	293,85,00,000
80	Department of Electronics	Revenue	79,06,00,000	..	79,06,00,000
		Capital	57,19,00,000	..	57,19,00,000
81	Department of Ocean Development . .	Revenue	24,42,00,000	..	24,42,00,000
		Capital	2,31,00,000	...	2,31,00,000
82	Department of Space	Revenue	196,63,00,000	*1,00,000*	196,64,00,000
		Capital	151,46,00,000	*2,00,000*	151,48,00,000
83	Lok Sabha . .	Revenue	12,80,00,000	*6,00,000*	12,86,00,000
84	Rajya Sabha . .	Revenue	4,91,00,000	*3,00,000*	4,94,00,000
	CHARGED.—*Staff, Household and Allowances of the President*	Revenue	..	*1,83,00,000*	1,83,00,000
86	Secretariat of the Vice-President .	Revenue	16,00,000	..	16,00,000
	CHARGED.—*Union Public Service Commission* . . .	Revenue	..	*8,11,00,000*	8,11,00,000
88	Delhi . . .	Revenue	582,14,00,000	*2,79,00,000*	584,93,00,000
		Capital	487,01,00,000	*30,20,00,000*	517,21,00,000
89	Andaman and Nicobar Islands . . .	Revenue	80,30,00,000	*1,00,000*	80,31,00,000
		Capital	50,69,00,000	..	50,69,00,000
90	Dadra and Nagar Haveli . . .	Revenue	11,57,00,000	...	11,57,00,000
		Capital	5,34,00,000	..	5,34,00,000
91	Lakshadweep . .	Revenue	24,61,00,000	..	24,61,00,000
		Capital	3,61,00,000	..	3,61,00,000
92	Chandigarh . .	Revenue	102,20,00,000	*2,37,00,000*	104,57,00,000
		Capital	33,77,00,000	*1,00,00,000*	34,77,00,000
	TOTAL . . .		53745,44,00,000	*180017,33,00,000*	233762,77,00,000

THE JUTE PACKAGING MATERIALS (COMPULSORY USE IN PACKING COMMODITIES) ACT, 1987

No. 10 OF 1987

[*9th May*, 1987.]

An Act to provide for the compulsory use of jute packaging material in the supply and distribution of certain commodities in the interests of production of raw jute and jute packaging material, and of persons engaged in the production thereof, and for matters connected therewith.

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

Short title, extent and commencement.

1. (*1*) This Act may be called the Jute Packaging Materials (Compulsory Use in Packing Commodities) Act, 1987.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

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

(*a*) "commodity" means—

(*i*) any essential commodity;

(*ii*) any article manufactured or produced by any scheduled industry;

10 of 1955.

(*b*) "essential commodity" shall have the same meaning as in the Essential Commodities Act, 1955;

(*c*) "jute packaging material" means jute, jute yarn, jute twine, jute sacking cloth, hessian cloth, jute bags or any other packaging material containing not less than seventy-five per cent., by weight, of jute;

65 of 1951.

(*d*) "scheduled industry" shall have the same meaning as in the Industries (Development and Regulation) Act, 1951;

(*e*) "Standing Advisory Committee" means the Standing Advisory Committee constituted under section 4.

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1. 14.5.1987 notificatoin No. *vide* S.O. 467(E), dated 14-5-1987, Gazette of India, Extraordinary, 1987, Part II, Section 3(ii).

Power to specify commodities which are required to be packed in jute packaging material.

3. (*1*) Notwithstanding anything contained in any other law for the time being in force, the Central Government may, if it is satisfied, after considering the recommendations made to it by the Standing Advisory Committee, that it is necessary so to do in the interests of production of raw jute and jute packaging material, and of persons engaged in the production thereof, by order published in the Official Gazette, direct, from time to time, that such commodity or class of commodities or such percentage thereof, as may be specified in the order, shall, on and from such date, as may be specified in the order, be packed for the purposes of its supply or distribution in such jute packaging material as may be specified in the order:

Provided that until such time as the Standing Advisory Committee is constituted under section 4, the Central Government shall, before making any order under this sub-section, consider the matters specified in sub-section (*2*) of section 4, and any order so made shall cease to operate at the expiration of three months from the date on which the Standing Advisory Committee makes its recommendations.

(*2*) Every order made under sub-section (*1*) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

Constitution of Standing Advisory Committee.

4. (*1*) The Central Government shall, with a view to determining the commodity or class of commodities or percentages thereof in respect of which jute packaging material shall be used in their packing, constitute a Standing Advisory Committee consisting of such persons as have, in the opinion of that Government, the necessary expertise to give advice in the matter.

(*2*) The Standing Advisory Committee shall, after considering the following matters, indicate its recommendations to the Central Government, namely:—

(*a*) the existing level of usage of jute material;

(*b*) the quantity of raw jute available;

(*c*) the quantity of jute material available;

(*d*) the protection of interests of persons engaged in the jute industry and in the production of raw jute;

(*e*) the need for continued maintenance of jute industry;

(*f*) the quantity of commodities which, in its opinion, is likely to be required for packing in jute material;

(*g*) such other matters as the Standing Advisory Committee may think fit.

Prohibition of packing in any material other than the jute packaging material.

5. Where an order has been made under section 3 requiring any commodity, class of commodities or any percentage thereof to be packed in jute packaging material for their supply or distribution, such commodity, class of commodities or percentage thereof shall not, on and from the date specified in such order, be supplied or distributed unless the same is packed in accordance with that order:

Provided that nothing in this section shall apply to the supply or distribution of any commodity, class of commodities or percentage thereof for a period of three months from the aforesaid date if immediately before that date such commodity, class of commodities or percentage thereof, were being packed in any material other than jute packaging material.

Power to call for information and samples.

6. The Central Government may, by order, require any person, who is required to use jute packaging material for packing under section 5, to furnish, for the purposes of this Act,—

(*a*) such information in his possession, with respect to any commodity or class of commodities or percentage thereof which requires such packing, to any officer specified by it, in such form and within such period as may be specified by that Government in the order;

(*b*) such samples of jute packaging material for inspection by such officer at such places and within such period as may be specified by it in the order.

Power to enter and inspect.

7. Any officer authorised by the Central Government (hereinafter referred to as the authorised officer) may enter, at all reasonable times, any place, premises or vehicle where any commodity packed in jute packaging material is stored or kept for supply or distribution, and may require its production for inspection and ask for any information relating thereto.

Power to search and seize.

8. (*1*) The authorised officer may, if he has reason to believe that any commodity has been packed in contravention of section 5 and is secreted in any place, premises or vehicle, enter into and search such place, premises or vehicle for such commodity.

(*2*) Where, as a result of any search made under sub-section (*1*), any commodity packed in contravention of section 5 has been found, the authorised officer may seize such commodity and any other thing which, in his opinion, will be useful for, or relevant to, any proceeding under this Act:

Provided that where it is not practicable to seize any such commodity or thing, the authorised officer may serve on the person an order that he shall not remove, part with, or otherwise deal with, the commodity or thing except with the previous permission of the authorised officer.

2 of 1974.

(*3*) The provisions of the Code of Criminal Procedure, 1973, relating to searches and seizures shall, so far as may be, apply to every search or seizure made under this section.

Penalty for contravention of section 5.

9. Whoever packs any commodity, class of commodities or any percentage thereof in any material in contravention of section 5 shall be punishable with fine which may extend to an amount equal to double

the cost of the jute packaging material which should have been used in accordance with the order made under section 3.

Penalty for false statement, etc.

10. If any person, when required by any order made under section 6 to furnish any information or sample, fails to furnish such information or sample, or makes any statement or furnishes any information which is false in any material particular and which he knows, or has reasonable cause to believe, to be false or does not believe it to be true, he shall be punishable with fine which may extend to five thousand rupees.

Offences by companies.

11. (*1*) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

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

Explanation.—For the purposes of this section,—

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

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

Offences to be cognizable.

12. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence punishable under this Act shall be cognizable. 2 of 1974.

Power to delegate.

13. The Central Government may, by order published in the Official Gazette, direct that the powers exercisable by it under any provision of this Act, other than the power to make orders under section 3 or under section 16 or to make rules under section 17, shall, in relation to such matters and subject to such conditions, if any, as may be specified in the order, be exercisable also by—

(*a*) such officer or authority subordinate to the Central Government; or

(*b*) such State Government or such officer or authority subordinate to a State Government,

as may be specified in the order.

14. The Central Government may give such directions as it may consider necessary to a State Government as to the carrying into execution of the provisions of this Act.

Central Government to give directions.

15. No suit, prosecution or other legal proceeding shall lie against the Central Government, State Government or any officer or employee of the Central Government or of any State Government or any authorised officer for anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder.

Protection of action taken in good faith.

16. (*1*) If the Central Government is of the opinion that it is necessary or expedient so to do in the public interest, it may, by order published in the Official Gazette, exempt any person or class of persons, supplying or distributing any commodity or class of commodities, from the operation of an order made under section 3.

Power to exempt.

(*2*) Every order made under sub-section (*1*) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

17. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(*2*) Every rule made 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.

THE FINANCE ACT, 1987

ARRANGEMENT OF SECTIONS

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THE FINANCE ACT, 1987

No. 11 OF 1987

[12*th May*, 1987.]

An Act to give effect to the financial proposals of the Central Government for the financial year 1987-88.

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

CHAPTER I

PRELIMINARY

1. (*1*) This Act may be called the Finance Act, 1987. Short title and commencement.

(*2*) Save as otherwise provided in this Act, sections 2 to 91 shall be deemed to have come into force on the 1st day of April, 1987.

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, 1987, income-tax shall be charged at the rates specified in Part I of the First Schedule. Income-tax.

(*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, eighteen 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 eighteen thousand rupees, and

(*ii*) in a case to which the said Sub-Paragraph II applies, the first twelve 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;

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

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

(*B*) in a case to which the said Sub-Paragraph II applies, by a sum of twelve 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;

(*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*) 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 Chapter XII-A or sub-section (*1A*) of section 161 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. 43 of 1961.

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

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

tax" shall be so calculated, charged, deducted or computed at the rate or rates specified in Part III of the First Schedule:

Provided that in cases to which the provisions of Chapter XII or Chapter XII-A or sub-section (*1A*) of section 161 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, eighteen 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 eighteen thousand rupees, and

(*ii*) in a case to which the said Sub-Paragraph II applies, the first twelve 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;

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

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

(*B*) in a case to which the said Sub-Paragraph II applies, by a sum of twelve 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;

(*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*) 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 within the meaning of clause (*18*) of section 2 of the Income-tax Act, and includes a subsidiary of such company if the whole of the share capital of such subsidiary company has been held by the parent company or by its nominees throughout the previous year;

(*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, 1987, 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 the Act;

(c) "insurance commission" means any remuneration or regard, 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);

(*d*) "investment company" means a company whose gross total income (as defined in section 80B of the Income-tax Act) consists mainly of income which is chargeable under the heads "Interest on securities", "Income from house property", "Capital gains" and "Income from other sources";

(*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*) "trading company" means a company whose business consists mainly in dealing in goods or merchandise manufactured, produced or processed by a person other than that company and whose income

attributable to such business included in its gross total income (as defined in section 80B of the Income-tax Act) is not less than fifty-one per cent. of the amount of such gross total income;

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

CHAPTER III

DIRECT TAXES

Income-tax

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

(*a*) in clause (*22*), with effect from the 1st day of April, 1988,—

(*i*) in sub-clause (*e*), for the words "by way of advance or loan to a shareholder, being a person who has a substantial interest in the company,", the words, figures, letters and brackets "made after the 31st day of May, 1987, by way of advance or loan to a shareholder, being a person who is the beneficial owner of shares (not being shares entitled to a fixed rate of dividend whether with or without a right to participate in profits) holding not less than ten per cent. of the voting power, or to any concern in which such shareholder is a member or a partner and in which he has a substantial interest (hereafter in this clause referred to as the said concern)" shall be substituted;

(*ii*) in sub-clause (*ii*), after the words "a shareholder", the words "or the said concern" shall be inserted;

(*iii*) after *Explanation 2*, the following *Explanation* shall be inserted, namely:—

'*Explanation 3*.—For the purposes of this clause,—

(*a*) "concern" means a Hindu undivided family, or a firm or an association of persons or a body of individuals or a company;

(*b*) a person shall be deemed to have a substantial interest in a concern, other than a company, if he is, at any time during the previous year, beneficially entitled to not less than twenty per cent. of the income of such concern;';

(*b*) in clause (*24*), after sub-clause (*ix*), the following sub-clause shall be inserted with effect from the 1st day of April, 1988, namely:—

"(*x*) any sum received by the assessee from his employees as contributions to any provident fund or superannuation fund or any fund set up under the provisions of the Employees' State Insurance Act, 1948 or any other fund for the welfare of such employees;"; 34 of 1948.

(*c*) after clause (*29*), the following clauses shall be inserted with effect from the 1st day of April, 1988, namely:—

'(*29A*) "long-term capital asset" means a capital asset which is not a short-term capital asset;

(*29B*) "long-term capital gain" means capital gain arising from the transfer of a long-term capital asset;';

(*d*) after clause (*36*), the following clause shall be inserted, namely:—

'(*36A*) "public sector company" means any corporation established by or under any Central, State or Provincial Act or a Government company as defined in section 617 of the Companies Act, 1956;'; 1 of 1956.

(*e*) in clause (*42A*), before the *Explanation*, the following proviso shall be inserted with effect from the 1st day of April, 1988, namely:—

'Provided that in the case of a share held in a company, the provisions of this clause shall have effect as if for the words "thirty-six months", the words "twelve months" had been substituted.';

(*f*) after clause (*42A*), the following clause shall be inserted with effect from the 1st day of April, 1988, namely:—

'(*42B*) "short-term capital gain" means capital gain arising from the transfer of a short-term capital asset;';

(*g*) in clause (*47*), with effect from the 1st day of April, 1988,—

(*i*) in sub-clause (*iv*), the word "or" shall be inserted at the end;

(*ii*) after sub-clause (*iv*), the following sub-clauses and *Explanation* shall be inserted, namely:—

'(*v*) any transaction involving the allowing of the possession of any immovable property to be taken or retained in part performance of a contract of the nature referred to in section 53A of the Transfer of Property Act, 1882; or 4 of 1882.

(*vi*) any transaction (whether by way of becoming a member of, or acquiring shares in, a co-operative society, company or other association of persons or by way of any agreement or any arrangement or in any other manner whatsoever) which has the effect of transferring, or enabling the enjoyment of, any immovable property.

Explanation.—For the purposes of sub-clauses (*v*) and (*vi*), "immovable property" shall have the same meaning as in clause (*d*) of section 269UA;'.

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

(a) after clause (10B), the following clause shall be inserted, namely:—

"(10C) any payment received by an employee of a public sector company at the time of his voluntary retirement in accordance with any scheme which the Central Government may, having regard to the economic viability of such company and other relevant circumstances, approve in this behalf;";

(b) in clause (15),—

(i) in sub-clause (ii),—

(A) in the opening paragraph, for the words, brackets and figures "the Post Office Savings Bank (Cumulative Time Deposits) Rules, 1959", the words and figures "the Post Office Cumulative Time Deposit Rules, 1981" shall be substituted and shall be deemed to have been substituted with effect from the 1st day of April, 1983;

(B) in the proviso, for the words, brackets and figures "in item (3) in the Table below rule 3 of the Post Office Savings Banks Rules, 1965", the words and figures "in item 6 in the Table below rule 4 of the Post Office Savings Account Rules, 1981" shall be substituted and shall be deemed to have been substituted with effect from the 1st day of April, 1983;

(ii) in sub-clause (iv), after item (g) and the *Explanation* thereto, the following item shall be inserted, namely:—

"(h) by any public sector company in respect of such bonds or debentures and subject to such conditions, including the condition that the holder of such bonds or debentures registers his name and the holding with that company, as the Central Government may, by notification in the Official Gazette, specify in this behalf;";

(c) in clause (17),—

(i) in sub-clause (i), the word "and" shall be omitted and shall be deemed to have been omitted with effect from the 1st day of April, 1986;

(ii) for sub-clause (ii), the following sub-clauses shall be substituted and shall be deemed to have been substituted with effect from the 1st day of April, 1986, namely:—

"(ii) any allowance received by any person by reason of his membership of Parliament under the Members of Parliament (Constituency Allowance) Rules, 1986;

(iii) all other allowances not exceeding six hundred rupees per month in the aggregate received by any person by reason of his membership of any State Legislature or of

any Committee thereof, which the Central Government may, by notification in the Official Gazette, specify in this behalf;".

Amendment of section 10A.

5. In section 10A of the Income-tax Act, in the *Explanation* occurring at the end, after clause (*ii*), the following clause shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1981, namely:—

'(*iii*) "manufacture" includes any—

(*a*) process, or

(*b*) assembling, or

(*c*) recording of programmes on any disc, tape, perforated media or other information storage device.'.

Amendment of section 27.

6. In section 27 of the Income-tax Act, for clause (*iii*), the following clauses shall be substituted with effect from the 1st day of April, 1988, namely:—

"(*iii*) a member of a co-operative society, company or other association of persons to whom a building or part thereof is allotted or leased under a house building scheme of the society, company or association, as the case may be, shall be deemed to be the owner of that building or part thereof;

(*iiia*) a person who is allowed to take or retain possession of any building or part thereof in part performance of a contract of the nature referred to in section 53A of the Transfer of Property Act, 1882, shall be deemed to be the owner of that building or part thereof; 4 of 1882.

(*iiib*) a person who acquires any rights (excluding any rights by way of a lease from month to month or for a period not exceeding one year) in or with respect to any building or part thereof, by virtue of any such transaction as is referred to in clause (*f*) of section 269UA, shall be deemed to be the owner of that building or part thereof;".

Amendment of section 32AB.

7. In section 32AB of the Income-tax Act,—

(*a*) in sub-section (*1*),—

(*i*) for the words "deduction of", the words, brackets and figures "deduction (such deduction being allowed before the loss, if any, brought forward from earlier years is set off under section 72) of" shall be substituted;

(*ii*) the following proviso shall be inserted at the end, namely:—

"Provided that where such assessee is a firm, or any association of persons or any body of individuals, the deduction under this section shall not be allowed in the computation of the income of any partner, or as the case may be, any member, of such firm, association of persons or body of individuals.";

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

'(ii) "new ship" or "new aircraft" includes a ship or aircraft which before the date of acquisition by the assessee was used by any other person, if it was not at any time previous to the date of such acquisition owned by any person resident in India;

(iii) "new machinery or plant" includes machinery or plant which before its installation by the assessee was used outside India by any other person, if the following conditions are fulfilled, namely:—

(a) such machinery or plant was not, at any time previous to the date of such installation by the assessee, used in India;

(b) such machinery or plant is imported into India from any country outside India; and

(c) no deduction on account of depreciation in respect of such machinery or plant has been allowed or is allowable under this Act in computing the total income of any person for any period prior to the date of the installation of the machinery or plant by the assessee;

(iv) "Tea Board" means the Tea Board established under section 4 of the Tea Act, 1953;';

29 of 1953.

(c) in sub-section (3), in clause (a), for the words "as increased by an amount equal to the depreciation, if any, debited in the audited profit and loss account; and", the following shall be substituted, namely:—

"as increased by the aggregate of—

(i) the amount of depreciation;

(ii) the amount of income-tax paid or payable and provision therefor;

(iii) the amount of surtax paid or payable under the Companies (Profits) Surtax Act, 1964;

7 of 1964.

(iv) the amounts carried to any reserves, by whatever name called;

(v) the amount or amounts set aside to provisions made for meeting liabilities, other than ascertained liabilities;

(vi) the amount by way of provision for losses of subsidiary companies; and

(vii) the amount or amounts of dividends paid or proposed,

if any debited to the profit and loss account; and as reduced by any amount or amounts withdrawn from reserves or provisions, if such amounts are credited to the profit and loss account; and";

(*d*) after sub-section (5), the following sub-sections shall be inserted, namely:—

'(5A) Any amount standing to the credit of the assessee in the deposit account shall not be allowed to be withdrawn before the expiry of a period of five years from the date of deposit except for the purposes specified in the scheme and in the circumstances specified below:—

(*a*) closure of business;

(b) death of an assessee;

(*c*) partition of a Hindu undivided family;

(*d*) dissolution of a firm;

(*e*) liquidation of a company.

(5B) Where any amount standing to the credit of the assessee in the deposit account is utilised by the assessee for the purposes of any expenditure in connection with the eligible business or profession in accordance with the scheme, such expenditure shall not be allowed in computing the income chargeable under the head "Profits and gains of business or profession".';

(*e*) in sub-section (6),—

(*i*) for the words "is not utilised in accordance with the scheme", the words "is not utilised in accordance with, and within the time specified in, the scheme" shall be substituted;

(*ii*) the words "within that previous year," shall be omitted.

Amendment of section 33AB.

8. In section 33AB of the Income-tax Act, in sub-section (5), for the words, figures and letters "assessment year commencing on the 1st day of April, 1986, and the four assessment years next following that assessment year", the words, figures and letters "assessment years commencing on the 1st day of April, 1986 and the 1st day of April, 1987" shall be substituted with effect from the 1st day of April, 1988.

Amendment of section 36.

9. In section 36 of the Income-tax Act, in sub-section (*1*), after clause (*v*), the following clause shall be inserted with effect from the 1st day of April, 1988, namely:—

'(*va*) any sum received by the assessee from any of his employees to which the provisions of sub-clause (*x*) of clause (*24*) of section 2 apply, if such sum is credited by the assessee to the employee's account in the relevant fund or funds on or before the due date.

Explanation.—For the purposes of this clause, "due date" means the date by which the assessee is required as an employer to credit an employee's contribution to the employee's account in the relevant fund under any Act, rule, order or notification issued thereunder or under any standing order, award, contract of service or otherwise.'.

10. In section 43B of the Income-tax Act, before the *Explanation*, the following provisos shall be inserted with effect from the 1st day of April, 1988, namely:— Amendment of section 43B.

"Provided that nothing contained in this section shall apply in relation to any sum referred to in clause (*a*) which is actually paid by the assessee on or before the due date applicable in his case for furnishing the return of income under sub-section (*1*) of section 139 in respect of the previous year in which the liability to pay such sum was incurred as aforesaid and the evidence of such payment is furnished by the assessee along with such return:

Provided further that no deduction shall, in respect of any sum referred to in clause (*b*), be allowed unless such sum has actually been paid during the previous year on or before the due date as defined in the *Explanation* below clause (*va*) of sub-section (*1*) of section 36.".

11. In the Income-tax Act, after section 44B, the following section shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1983, namely:— Insertion of new section 44BB.

'44BB. (*1*) Notwithstanding anything to the contrary contained in sections 28 to 41 and sections 43 and 43A, in the case of an assessee engaged in the business of providing services or facilities in connection with, or supplying plant and machinery on hire used, or to be used, in the prospecting for, or extraction or production of, mineral oils, a sum equal to ten per cent. of the aggregate of the amounts specified in sub-section (*2*) shall be deemed to be the profits and gains of such business chargeable to tax under the head "Profits and gains of business or profession": Special provision for computing profits and gains in connection with the business of exploration, etc., of mineral oils.

Provided that this sub-section shall not apply in a case where the provisions of section 42 or section 44D or section 115A or section 293A apply for the purposes of computing profits or gains or any other income referred to in those sections.

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

(*a*) the amount paid or payable (whether in or out of India) to the assessee or to any person on his behalf on account of the provision of services and facilities in connection with, or supply of plant and machinery on hire used, or to be used, in the prospecting for, or extraction or production of, mineral oils in India; and

(*b*) the amount received or deemed to be received in India by or on behalf of the assessee on account of the provision of services and facilities in connection with, or supply of plant and machinery on hire used, or to be used, in the prospecting for, or extraction or production of, mineral oils outside India.

Explanation.—For the purposes of this section,—

(*i*) "plant" includes ships, aircraft, vehicles, drilling units, scientific apparatus and equipment, used for the purposes of the said business;

(*ii*) "mineral oil" includes petroleum and natural gas.'.

Insertion of new section 44 BBA.

12. In the Income-tax Act, after section 44BB (as directed to be inserted by section 11), the following section shall be inserted with effect from the 1st day of April, 1988, namely:—

Special provision for computing profits and gains of the business of operation of aircraft in the case of non-residents.

'44BBA. (*1*) Notwithstanding anything to the contrary contained in sections 28 to 43A, in the case of an assessee, being a non-resident, engaged in the business of operation of aircraft, a sum equal to five per cent. of the aggregate of the amounts specified in sub-section (*2*) shall be deemed to be the profits and gains of such business chargeable to tax under the head "Profits and gains of business or profession".

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

(*a*) the amount paid or payable (whether in or out of India) to the assessee or to any person on his behalf on account of the carriage of passengers, live-stock, mail or goods from any place in India; and

(*b*) the amount received or deemed to be received in India by or on behalf of the assessee on account of the carriage of passengers, live-stock, mail or goods from any place outside India.'.

Amendment of section 45.

13. In section 45 of the Income-tax Act, with effect from the 1st day of April, 1988,—

(*a*) in sub-section (*1*), for the figures, letters and word "54E and 54F", the figures, letters and word "54E, 54F and 54G" shall be substituted;

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

'(*3*) The profits or gains arising from the transfer of a capital asset by a person to a firm or other association of persons or body of individuals (not being a company or a co-operative society) in which he is or becomes a partner or member, by way of capital contribution or otherwise, shall be chargeable to tax as his income of the previous year in which such transfer takes place and, for the purposes of section 48, the amount recorded in the books of account of the firm, association or body as the value of the capital asset shall be deemed to be the full value of the consideration received or accruing as a result of the transfer of the capital asset.

(*4*) The profits or gains arising from the transfer of a capital asset by way of distribution of capital assets on the dissolution of a firm or other association of persons or body of individuals (not being a company or a co-operative society) or otherwise, shall be chargeable to tax as the income of the firm, association or body, of the previous year in which the said transfer takes place and, for the purposes of section 48, the fair market value of the asset on the date of such transfer shall be deemed to be the full value of the consideration received or accruing as a result of the transfer.

(5) Notwithstanding anything contained in sub-section (1), where the capital gain arises from the transfer of a capital asset, being a transfer by way of compulsory acquisition under any law, or a transfer the consideration for which was determined or approved by the Central Government or the Reserve Bank of India, and the compensation or the consideration for such transfer is enhanced or further enhanced by any court, tribunal or other authority, the capital gain shall be dealt with in the following manner, namely:—

(a) the capital gain computed with reference to the compensation awarded in the first instance or, as the case may be, the consideration determined or approved in the first instance by the Central Government or the Reserve Bank of India shall be chargeable as income under the head "Capital gains" of the previous year in which the transfer took place; and

(b) the amount by which the compensation or consideration is enhanced or further enhanced by the court, tribunal or other authority shall be deemed to be income chargeable under the head "Capital gains" of the previous year in which such amount is received by the assessee.

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

(i) in relation to the amount referred to in clause (b), the cost of acquisition and the cost of improvement shall be taken to be *nil;*

(ii) the provisions of this sub-section shall apply also in a case where the transfer took place prior to the 1st day of April, 1988;

(iii) where by reason of the death of the person who made the transfer, or for any other reason, the enhanced compensation or consideration is received by any other person, the amount referred to in clause (b) shall be deemed to be the income, chargeable to tax under the head "Capital gains", of such other person.'.

Amendment of section 47.

14. In section 47 of the Income-tax Act, clause (ii) shall be omitted with effect from the 1st day of April, 1988.

Substitution of new section for section 48.

15. For section 48 of the Income-tax Act, the following section shall be substituted with effect from the 1st day of April, 1988, namely:—

Mode of computation and deductions.

48. (1) The income chargeable under the head "Capital gains" shall be computed,—

(a) by deducting from the full value of the consideration received or accruing as a result of the transfer of the capital asset the following amounts, namely:—

(i) expenditure incurred wholly and exclusively in connection with such transfer;

(*ii*) the cost of acquisition of the asset and the cost of any improvement thereto;

(*b*) where the capital gain arises from the transfer of a long-term capital asset (hereafter in this section referred to, respectively, as long-term capital gain and long-term capital asset) by making the further deductions specified in sub-section (*2*).

(*2*) The deductions referred to in clause (*b*) of sub-section (*1*) are the following namely:—

(*a*) where the amount of long-term capital gain arrived at after making the deductions under clause (*a*) of sub-section (*1*) does not exceed ten thousand rupees, the whole of such amount;

(*b*) in any other case, ten thousand rupees as increased by a sum equal to,—

(*i*) in respect of long-term capital gain so arrived at relating to capital assets, being buildings or lands or any rights in buildings or lands or gold, bullion or jewellery,—

(*A*) in the case of a company, ten per cent. of the amount of such gain in excess of ten thousand rupees;

(*B*) in the case of any other assessee, fifty per cent. of the amount of such gain in excess of ten thousand rupees;

(*ii*) in respect of long-term capital gain so arrived at relating to other capital assets,—

(*A*) in the case of a company, thirty per cent. of the amount of such gain in excess of ten thousand rupees;

(*B*) in any other case, sixty per cent. of the amount of such gain in excess of ten thousand rupees:

Provided that where the long-term capital gain relates to both categories of capital assets referred to in sub-clauses (*i*) and (*ii*), the deduction of ten thousand rupees shall be allowed in the following order, namely:—

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

(*2*) thereafter, the balance, if any, of the said ten thousand rupees shall be allowed as deduction against long-term capital gain relating to the assets mentioned in sub-clause (*ii*),

and the provisions of sub-clause (*ii*) shall apply as if references to ten thousand rupees therein were references to the amount of deduction allowed in accordance with clauses (*1*) and (*2*) of this proviso:

Provided further that, in relation to the amount referred to in clause (*b*) of sub-section (*5*) of section 45, the initial deduc-

tion of ten thousand rupees under clause (*a*) of this sub-section shall be reduced by the deduction already allowed under clause (*a*) of section 80T in the assessment for the assessment year commencing on the 1st day of April, 1987, or any earlier assessment year or, as the case may be, by the deduction allowed under clause (*a*) of this sub-section in relation to the amount of compensation or consideration referred to in clause (*a*) of sub-section (*5*) of section 45 and references to ten thousand rupees in clauses (*a*) and (*b*) of this sub-section shall be construed as references to such reduced amount, if any.

(*3*) The deductions specified in sub-section (*2*) shall be made also for the purposes of computing any loss under the head "Capital gains" in so far as it pertains to any long-term capital asset and, for this purpose, any reference in that sub-section to the amount of long-term capital gain arrived at after making the deductions under clause (*a*) of sub-section (*1*) shall be construed as reference to the amount of loss arrived at after making the said deductions.'.

16. In section 49 of the Income-tax Act, in sub-section (*1*), in clause (*iii*), for sub-clause (*b*), the following sub-clause shall be substituted with effect from the 1st day of April, 1988, namely:— **Amendment of section 49.**

"(*b*) on any distribution of assets on the dissolution of a firm, body of individuals, or other association of persons, where such dissolution had taken place at any time before the 1st day of April, 1987, or".

17. Section 52 of the Income-tax Act shall be omitted with effect from the 1st day of April, 1988. **Omission of section 52.**

18. In section 53 of the Income-tax Act, with effect from the 1st day of April, 1988,— **Amendment of section 53.**

(*a*) in the opening paragraph,—

(*i*) after the words "assessee being an individual", the words "or a Hindu undivided family" shall be inserted;

(*ii*) for the words and brackets "capital asset (other than a short-term capital asset)", the words "long-term capital asset" shall be substituted;

(*b*) the following *Explanation* shall be added at the end, namely:—

"*Explanation*.—In this section and in sections 54, 54B, 54D, 54E, 54F and 54G, references to capital gain shall be construed as references to the amount of capital gain as computed under clause (*a*) of sub-section (*1*) of section 48.".

19. In section 54 of the Income-tax Act, with effect from the 1st day of April, 1988,— **Amendment of section 54.**

(*a*) in sub-section (*1*),—

(*i*) for the words "Where, in the case of an assessee being an individual", the words, brackets and figure "Subject to the provisions of sub-section (*2*), where, in the case of an assessee

being an individual or a Hindu undivided family" shall be substituted;

(*ii*) the *Explanation* at the end shall be omitted;

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

"(*2*) The amount of the capital gain which is not appropriated by the assessee towards the purchase of the new asset made within one year before the date on which the transfer of the original asset took place, or which is not utilised by him for the purchase or construction of the new asset before the date of furnishing the return of income under section 139, shall be deposited by him before furnishing such return [such deposit being made in any case not later than the due date applicable in the case of the assessee for furnishing the return of income under sub-section (*1*) of section 139] in an account in any such bank or institution as may be specified in, and utilised in accordance with, any scheme which the Central Government may, by notification in the Official Gazette, frame in this behalf and such return shall be accompanied by proof of such deposit; and, for the purposes of sub-section (*1*), the amount, if any, already utilised by the assessee for the purchase or construction of the new asset together with the amount so deposited shall be deemed to be the cost of the new asset:

Provided that if the amount deposited under this sub-section is not utilised wholly or partly for the purchase or construction of the new asset within the period specified in sub-section (*1*), then,—

(*i*) the amount not so utilised shall be charged under section 45 as the income of the previous year in which the period of three years from the date of the transfer of the original asset expires; and

(*ii*) the assessee shall be entitled to withdraw such amount in accordance with the scheme aforesaid.

Explanation.—Where any amount becomes chargeable under section 45 in accordance with the proviso to this sub-section, then,—

(*a*) for the purposes of the deductions to be made under clause (*b*) of sub-section (*1*) of section 48, the initial deduction of ten thousand rupees under sub-section (*2*) of that section shall not be admissible; and

(*b*) nothing contained in section 53 shall apply in relation to such amount.".

Amendment of section 54B.

20. In section 54B of the Income-tax Act, with effect from the 1st day of April, 1988.—

(*a*) in sub-section (*1*), for the words "Where the capital gain arises", the words, brackets and figure "Subject to the provisions of sub-section (*2*), where the capital gain arises" shall be substituted;

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

"(2) The amount of the capital gain which is not utilised by the assessee for the purchase of the new asset before the date of furnishing the return of income under section 139, shall be deposited by him before furnishing such return [such deposit being made in any case not later than the due date applicable in the case of the assessee for furnishing the return of income under sub-section (1) of section 139] in an account in any such bank or institution as may be specified in, and utilised in accordance with, any scheme which the Central Government may, by notification in the Official Gazette, frame in this behalf and such return shall be accompanied by proof of such deposit; and, for the purposes of sub-section (1), the amount, if any, already utilised by the assessee for the purchase of the new asset together with the amount so deposited shall be deemed to be the cost of the new asset:

Provided that if the amount deposited under this sub-section is not utilised wholly or partly for the purchase of the new asset within the period specified in sub-section (1), then,—

(i) the amount not so utilised shall be charged under section 45 as the income of the previous year in which the period of two years from the date of the transfer of the original asset expires; and

(ii) the assessee shall be entitled to withdraw such amount in accordance with the scheme aforesaid.

Explanation.—Where any amount becomes chargeable under section 45 in accordance with the proviso to this sub-section, then, for the purposes of the deductions to be made under clause (b) of sub-section (1) of section 48, the initial deduction of ten thousand rupees under sub-section (2) of that section shall not be admissible.".

Amendment of section 54D.

21. In section 54D of the Income-tax Act, with effect from the 1st day of April, 1988,—

(a) in sub-section (1), for the words "Where the capital gain arises", the words, brackets and figure "Subject to the provisions of sub-section (2), where the capital gain arises" shall be substituted;

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

"(2) The amount of the capital gain which is not utilised by the assessee for the purchase or construction of the new asset before the date of furnishing the return of income under section 139, shall be deposited by him before furnishing such return [such deposit being made in any case not later than the due date applicable in the case of the assessee for furnishing the return of income under sub-section (1) of section 139] in an account in any such bank or institution as may be specified in, and utilised in accordance with, any scheme which the Central Government may, by notification in the Official Gazette, frame in this behalf

and such return shall be accompanied by proof of such deposit; and, for the purposes of sub-section (1), the amount, if any, already utilised by the assessee for the purchase or construction of the new asset together with the amount so deposited shall be deemed to be the cost of the new asset:

Provided that if the amount deposited under this sub-section is not utilised wholly or partly for the purchase or construction of the new asset within the period specified in sub-section (1), then,—

(i) the amount not so utilised shall be charged under section 45 as the income of the previous year in which the period of three years from the date of the transfer of the original asset expires; and

(ii) the assessee shall be entitled to withdraw such amount in accordance with the scheme aforesaid.

Explanation.—Where any amount becomes chargeable under section 45 in accordance with the proviso to this sub-section, then, for the purposes of the deductions to be made under clause (b) of sub-section (1) of section 48, the initial deduction of ten thousand rupees under sub-section (2) of that section shall not be admissible.".

Amendment of section 54E.

22. In section 54E of the Income-tax Act, with effect from the 1st day of April, 1988,—

(a) in sub-section (1), for the words "capital asset, not being a short-term capital asset", the words "long-term capital asset" shall be substituted;

(b) in sub-section (2), for the words "capital assets other than short-term capital assets", the words "long-term capital assets" shall be substituted;

(c) sub-sections (3), (4) and (5) shall be omitted;

(d) sub-section (6) shall be renumbered as sub-section (3), and in that sub-section as so renumbered, the words, brackets, letters and figure "or clause (a) or clause (b) of sub-section (3)" shall be omitted.

Amendment of section 54F.

23. In section 54F of the Income-tax Act, with effect from the 1st day of April, 1988,—

(a) in sub-section (1),—

(i) for the words "Where, in the case of an assessee being an individual", the words, brackets and figure "Subject to the provisions of sub-section (4), where, in the case of an assessee being an individual or a Hindu undivided family" shall be substituted;

(ii) after the words "period of one year before or", the words "two years" shall be inserted;

(*iii*) in the *Explanation*,—

(*A*) clause (*i*) shall be omitted;

(*B*) in clause (*ii*), the brackets and figures "(*ii*)" shall be omitted;

(*b*) in sub-section (*2*), for the words "one year", the words "two years" shall be substituted;

(*c*) after sub-section (*3*), the following sub-section shall be inserted, namely:—

"(*4*) The amount of the net consideration which is not appropriated by the assessee towards the purchase of the new asset made within one year before the date on which the transfer of the original asset took place, or which is not utilised by him for the purchase or construction of the new asset before the date of furnishing the return of income under section 139, shall be deposited by him before furnishing such return [such deposit being made in any case not later than the due date applicable in the case of the assessee for furnishing the return of income under sub-section (*1*) of section 139] in an account in any such bank or institution as may be specified in, and utilised in accordance with, any scheme which the Central Government may, by notification in the Official Gazette, frame in this behalf and such return shall be accompanied by proof of such deposit; and, for the purposes of sub-section (*1*), the amount, if any, already utilised by the assessee for the purchase or construction of the new asset together with the amount so deposited shall be deemed to be the cost of the new asset:

Provided that if the amount deposited under this sub-section is not utilised wholly or partly for the purchase or construction of the new asset within the period specified in sub-section (*1*), then,—

(*i*) the amount by which—

(*a*) 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 the new asset as provided in clause (*a*) or, as the case may be, clause (*b*) of sub-section (*1*),

exceeds

(*b*) the amount that would not have been so charged had the amount actually utilised by the assessee for the purchase or construction of the new asset within the period specified in sub-section (*1*) been the cost of the new asset,

shall be charged under section 45 as income of the previous year in which the period of three years from the date of the transfer of the original asset expires; and

(*ii*) the assessee shall be entitled to withdraw the unutilised amount in accordance with the scheme aforesaid.

Explanation.—Where any amount becomes chargeable under section 45 in accordance with sub-section (*2*) or sub-section (*3*) or the proviso to this sub-section, then, for the purposes of the deductions to be made under clause (*b*) of sub-section (*1*) of section 48, the initial deduction of ten thousand rupees under sub-section (*2*) of that section shall not be admissible.".

Insertion of new section 54G.

24. After section 54F of the Income-tax Act, the following section shall be inserted with effect from the 1st day of April, 1988, namely:—

Exemption of capital gains on transfer of assets in cases of shifting of industrial undertaking from urban area.

'54G. (*1*) Subject to the provisions of sub-section (*2*), where the capital gain arises from the transfer of a capital asset, being machinery or plant or building or land or any rights in building or land used for the purposes of the business of an industrial undertaking situate in an urban area, effected in the course of, or in consequence of, the shifting of such industrial undertaking (hereafter in this section referred to as the original asset) to any area (other than an urban area) and the assessee has within a period of one year before or three years after the date on which the transfer took place,—

(*a*) purchased new machinery or plant for the purposes of business of the industrial undertaking in the area to which the said undertaking is shifted;

(*b*) acquired building or land or constructed building for the purposes of his business in the said area;

(*c*) shifted the original asset and transferred the establishment of such undertaking to such area; and

(*d*) incurred expenses on such other purpose as may be specified in a scheme framed by the Central Government for the purposes of this section,

then, instead of the capital gain being charged to income-tax as income of the previous year in which the transfer took place, it shall be dealt with in accordance with the following provisions of this section, that is to say,—

(*i*) if the amount of the capital gain is greater than the cost and expenses incurred in relation to all or any of the purposes mentioned in clauses (*a*) to (*d*) (such cost and expenses being hereafter in this section referred to as the new asset), the difference between the amount of the capital gain and the cost of the new asset shall be charged under section 45 as the income of the previous year; and for the purpose of computing in respect of the new asset any capital gain arising from its transfer within a period of three years of its being purchased, acquired,

constructed or transferred, as the case may be, the cost shall be *nil*; or

(*ii*) if the amount of the capital gain is equal to, or less than, the cost of the new asset, the capital gain shall not be charged under section 45; and for the purpose of computing in respect of the new asset any capital gain arising from its transfer within a period of three years of its being purchased, acquired, constructed or transferred, as the case may be, the cost shall be reduced by the amount of the capital gain.

Explanation.—In this sub-section, "urban area" means any such area within the limits of a municipal corporation or municipality as the Central Government may, having regard to the population, concentration of industries, need for proper planning of the area and other relevant factors, by general or special order, declare to be an urban area for the purposes of this sub-section.

(*2*) The amount of capital gain which is not appropriated by the assessee towards the cost and expenses incurred in relation to all or any of the purposes mentioned in clauses (*a*) to (*d*) of sub-section (*1*) within one year before the date on which the transfer of the original asset took place, or which is not utilised by him for all or any of the purposes aforesaid before the date of furnishing the return of income under section 139, shall be deposited by him before furnishing such return [such deposit being made in any case not later than the due date applicable in the case of the assessee for furnishing the return of income under sub-section (*1*) of section 139] in an account in any such bank or institution as may be specified in, and utilised in accordance with, any scheme which the Central Government may, by notification in the Official Gazette, frame in this behalf and such return shall be accompanied by proof of such deposit; and, for the purposes of sub-section (*1*), the amount, if any, already utilised by the assessee for all or any of the purposes aforesaid together with the amount so deposited shall be deemed to be the cost of the new asset:

Provided that if the amount deposited under this sub-section is not utilised wholly or partly for all or any of the purposes mentioned in clauses (*a*) to (*d*) of sub-section (*1*) within the period specified in that sub-section, then,—

(*i*) the amount not so utilised shall be charged under section 45 as the income of the previous year in which the period of three years from the date of the transfer of the original asset expires; and

(*ii*) the assessee shall be entitled to withdraw such amount in accordance with the scheme aforesaid.

Explanation.—Where any amount becomes chargeable under section 45 in accordance with the proviso to this sub-section, then, for the purposes of the deductions to be made under clause (*b*) of sub-section (*1*) of section 48, the initial deduction of ten thousand rupees under sub-section (*2*) of that section shall not be admissible.'.

Amendment of section 55.

25. In section 55 of the Income-tax Act, with effect from the 1st day of April, 1988,—

(a) in sub-section (1), in clause (b), for the words "cost of any improvement", in relation to a capital asset,—', the following shall be substituted, namely:—

'"cost of any improvement",—

(1) in relation to a capital asset being goodwill of a business shall be taken to be *nil;* and

(2) in relation to any other capital asset,—';

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

'For the purposes of sections 48 and 49, "cost of acquisition",—

(a) in relation to a capital asset, being goodwill of a business,—

(i) in the case of acquisition of such asset by the assessee by purchase from a previous owner, means the amount of the purchase price; and

(ii) in any other case, shall be taken to be *nil;*

(b) in relation to any other capital asset,—'.

Amendment of section 56.

26. In section 56 of the Income-tax Act, in sub-section (2), after clause (*ib*), the following clause shall be inserted with effect from the 1st day of April, 1988, namely:—

'(*ic*) income referred to in sub-clause (*x*) of clause (*24*) of section 2, if such income is not chargeable to income-tax under the head "Profits and gains of business or profession";'.

Amendment of section 57.

27. In section 57 of the Income-tax Act, after clause (*i*), the following clause shall be inserted with effect from the 1st day of April, 1988, namely:—

'(*ia*) in the case of income of the nature referred to in sub-clause (*x*) of clause (*24*) of section 2 which is chargeable to income-tax under the head "Income from other sources", deductions, so far as may be, in accordance with the provisions of clause (*va*) of sub-section (*1*) of section 36;'.

Amendment of section 70.

28. In section 70 of the Income-tax Act, with effect from the 1st day of April, 1988,—

(a) in sub-section (1),—

(i) the brackets and figure "(*1*)" shall be omitted;

(ii) the words 'other than "Capital gains"' shall be omitted;

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

29. For section 71 of the Income-tax Act, the following section shall be substituted with effect from the 1st day of April, 1988, namely:— Substitution of new section for section 71.

"71. Where in respect of any assessment year, the net result of the computation under any head of income is a loss, the assessee shall, subject to the provisions of this Chapter, be entitled to have the amount of such loss set off against his income, if any, assessable for that assessment year under any other head.". Set off of loss from one head against income from another.

30. In section 72 of the Income-tax Act, in sub-section (1), the portion beginning with the words "where the assessee" and ending with the words "of that section or" shall be omitted with effect from the 1st day of April, 1988. Amendment of section 72.

31. For section 74 of the Income-tax Act, the following section shall be substituted with effect from the 1st day of April, 1988, namely:— Substitution of new section for section 74.

'74. (1) Where in respect of any assessment year, the net result of the computation under the head "Capital gains" is a loss to the assessee and such loss cannot be or is not wholly set off against income under any other head of income in accordance with the provisions of section 71, so much of the loss as has not been so set off or, where he has no income under any other head, the whole loss shall, subject to the other provisions of this Chapter, be carried forward to the following assessment year, and— Losses under the head "Capital gains".

(a) it shall be set off against income, if any, under the head "Capital gains" assessable for that assessment year; and

(b) if the loss cannot be wholly so set off, the amount of loss not so set off shall be carried forward to the following assessment year, and so on.

(2) No loss shall be carried forward under this section for more than eight assessment years immediately succeeding the assessment year for which the loss was first computed.

(3) Any loss computed under the head "Capital gains" in respect of the assessment year commencing on the 1st day of April, 1987, or any earlier assessment year which is carried forward in accordance with the provisions of this section as it stood before the 1st day of April, 1988, shall be dealt with in the assessment year commencing on the 1st day of April, 1988, or any subsequent assessment year as follows:—

(a) in so far as such loss relates to short-term capital assets, it shall be carried forward and set off in accordance with the provisions of sub-sections (1) and (2);

(b) in so far as such loss relates to long-term capital assets, it shall be reduced by the deductions specified in sub-section (2) of section 48 and the reduced amount shall be carried

forward and set off in accordance with the provisions of sub-section (*1*) but such carry forward shall not be allowed beyond the fourth assessment year immediately succeeding the assessment year for which the loss was first computed.'.

Amendment of section 80C.

32. In section 80C of the Income-tax, with effect from the 1st day of April, 1988,—

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

'(*h*) where the assessee is an individual or a Hindu undivided family or where the assessee is an association of persons or a body of individuals consisting, in either case, 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 such assessee out of his or its income chargeable to tax,—

(*i*) as subscription to any such security of the Central Government as that Government may, by notification in the Official Gazette, specify in this behalf; or

(*ii*) for the purposes of purchase or construction of a residential house property the construction of which is completed after the 31st day of March, 1987, and the income from which is chargeable to tax under the head "Income from house property" (or which would, if it had not been used for the assessee's own residence, have been chargeable to tax under that head), where such payments are made towards or by way of—

(*a*) any instalment or part payment of the amount due under any self-financing or other scheme of any development authority, housing board or other authority engaged in the construction and sale of house property on ownership basis; or

(*b*) any instalment or part payment of the amount due to any company or co-operative society of which the assessee is a shareholder or member towards the cost of the house property allotted to him; or

(*c*) re-payment of the amount borrowed by the assessee from—

(*1*) the Central Government or any State Government, or

(*2*) any bank, including a co-operative bank, or

(*3*) the Life Insurance Corporation, or

(*4*) any public company formed and registered in India with the main object of carrying on the business of providing long-term finance for construction or purchase of houses in India for residential purposes which is approved for the purposes of clause (*viii*) of sub-section (*1*) of section 36, or

(5) any company in which the public are substantially interested or any co-operative society, where such company or co-operative society is engaged in the business of financing the construction of houses, or

(6) the assessee's employer where such employer is a public company;

(d) stamp duty, registration fee and other expenses for the purpose of transfer of such house property to the assessee,

but shall not include any payment towards or by way of—

(A) the admission fee, cost of share and initial deposit which a shareholder of a company or a member of a co-operative society has to pay for becoming such shareholder or member; or

(B) the cost of the land, except where the consideration for the purchase of the house property is a composite amount and the cost of the land alone cannot be separately ascertained; or

(C) the cost of any addition or alteration to, or renovation or repair of, the house property which is carried out after the issue of the completion certificate in respect of the house property by the authority competent to issue such certificate or after the house property or any part thereof has either been occupied by the assessee or any other person on his behalf or been let out; or

(D) any expenditure in respect of which deduction is allowable under the provisions of section 24;';

(b) in sub-section (4), in clause (ii), for the words, brackets, letter and figure "referred to in clause (g) of sub-section (2)", the words, brackets, letters and figure "referred to in clause (g) or clause (h) of sub-section (2)" shall be substituted;

(c) after sub-section (6) and the *Explanations* below that sub-section, the following sub-sections shall be inserted, namely:—

'(7) In the case of an assessee referred to in clause (h) of sub-section (2),—

(a) where any sums specified in sub-clause (ii) of that clause, with reference to which the deduction under sub-section (1) has been allowed are refunded to or received back by the assessee in any previous year (hereinafter referred to as the relevant previous year), then,—

(i) no deduction shall be allowed to the assessee under sub-section (1) with reference to any of the sums, specified in that sub-clause, paid in the relevant previous year; and

(ii) the aggregate amount of the deductions so allowed in respect of the previous year or previous

years preceding the relevant previous year shall be deemed to be the income of the assessee of the relevant previous year and shall be chargeable to tax under the head "Income from other sources";

(*b*) where the house property referred to in sub-clause (*ii*) of that clause is transferred by the assessee before the expiry of five years from the end of the financial year in which possession of such property is obtained by him, then,—

(*i*) no deduction shall be allowed to the assessee under sub-section (*1*) with reference to any of the sums, specified in that sub-clause, paid in the previous year in which the transfer is so made; and

(*ii*) the aggregate amount of the deductions allowed under sub-section (*1*) with reference to the sums specified in that sub-clause in respect of the previous year or previous years preceding the previous year referred to in sub-clause (*i*) of this clause shall be deemed to be the income of the assessee of the previous year in which the transfer is made and shall be chargeable to tax under the head "Income from other sources";

(*c*) where the aggregate of any sums specified in sub-clause (*ii*) of that clause exceeds an amount of ten thousand rupees, a deduction under sub-section (*1*) shall be allowed with reference to so much of the aggregate as does not exceed an amount of ten thousand rupees.

(*8*) In this section,—

(*a*) "Life Insurance Corporation" means the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956; 31 of 1956

(*b*) "public company" shall have the same meaning as in section 3 of the Companies Act, 1956; 1 of 1956.

(*c*) "transfer" shall be deemed to include also the transactions referred to in clause (*f*) of section 269UA.'.

Amendment of section 80CC.

33. In section 80CC of the Income-tax Act,—

(*a*) in sub-section (*3*), in clause (*c*), for the words, figures and letters "the 1st day of April, 1987", the words, figures and letters "the 1st day of April, 1990" shall be substituted;

(*b*) in sub-section (*5*), for the words "five years", the words "three years" shall be substituted.

Insertion of new section 80CCA.

34. In the Income-tax Act, after section 80CC, the following section shall be inserted with effect from the 1st day of April, 1988, namely:—

Deduction in respect of deposits under National Savings Scheme

"80CCA. (*1*) Where an assessee, being—

(*a*) an individual, or

(*b*) a Hindu undivided family, or

(*c*) an association of persons or a body of individuals consisting, in either case, 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,

has in the previous year deposited out of his income chargeable to tax any amount in accordance with such scheme as the Central Government may, by notification in the Official Gazette, specify in this behalf (hereafter in this section referred to as the National Savings Scheme), he shall, in accordance with, and subject to, the provisions of this section, be allowed a deduction in the computation of his total income of an amount equal to fifty per cent. of so much of the deposits (excluding interest accrued and credited to the assessee's account) as do not exceed the amount of twenty thousand rupees in the previous year.

(2) Where any amount standing to the credit of the assessee under the National Savings Scheme in respect of which a deduction has been allowed under sub-section (1) together with the interest accrued on such amount is withdrawn in whole or in part in any previous year, an amount equal to fifty per cent. of the amount so withdrawn shall be deemed to be the income of the assessee of that previous year in which such withdrawal is made and shall, accordingly, be chargeable to tax as the income of that previous year.

Explanation.—For the removal of doubts, it is hereby declared that interest on the deposits made under the National Savings Scheme shall not be chargeable to tax except in the manner and to the extent specified in sub-section (2).".

Amendment of section 80G.

35. In section 80G of the Income-tax Act, in sub-section (5), in clause (*i*), for the words, brackets, figures and letter "or clause (*23C*)", the words, brackets, figures and letters "or clause (*23AA*) or clause (*23C*)" shall be substituted with effect from the 1st day of April, 1988.

Amendment of section 80-O.

36. In section 80-O of the Income-tax Act, with effect from the 1st day of April, 1988,—

(*a*) in the opening paragraph,—

(*i*) the portion beginning with the words "or having been received in convertible foreign exchange outside India" and ending with the words "and dealings in foreign exchange," shall be omitted;

(*ii*) for the words "so received in, or brought into, India", the words "so received in India" shall be substituted;

(*b*) after the second proviso, the following proviso shall be inserted, namely:—

"Provided also that such income is received in India within a period of six months from the end of the previous year, 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 the behalf.";

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

'(*ii*) "foreign enterprise" means a person who is a non-resident.'.

Amendment of section 80RRA.

37. In section 80RRA of the Income-tax Act, in sub-section (*1*), for the words "of an amount equal to fifty per cent. thereof", the following shall be substituted with effect from the 1st day of April, 1988, namely:—

"of an amount equal to,—

(*i*) fifty per cent. of the remuneration; or

(*ii*) seventy-five per cent. of such remuneration as is brought into India by, or on behalf of, the assessee in accordance with the Foreign Exchange Regulation Act, 1973, and any rules made thereunder, 46 of 1973.

whichever is higher".

Omission of section 80T.

38. Section 80T of the Income-tax Act shall be omitted with effect from the 1st day of April, 1988.

Amendment of section 80U.

39. In section 80U of the Income-tax Act, in sub-section (*1*), for the words "ten thousand rupees", the words "fifteen thousand rupees" shall be substituted with effect from the 1st day of April, 1988.

Omission of Chapter VIB.

40. Chapter VIB of the Income-tax Act shall be omitted with effect from the 1st day of April, 1988.

Omission of Chapter XI.

41. Chapter XI of the Income-tax Act shall be omitted with effect from the 1st day of April, 1988.

Omission of section 115.

42. Section 115 of the Income-tax Act shall be omitted with effect from the 1st day of April, 1988.

Insertion of new Chapter XII B.

43. In the Income-tax Act, after Chapter XIIA, the following Chapter shall be inserted with effect from the 1st day of April, 1988, namely:—

'CHAPTER XIIB

SPECIAL PROVISIONS RELATING TO CERTAIN COMPANIES

Special provisions relating to certain companies.

115J. (*1*) Notwithstanding anything contained in any other provision of this Act, where in the case of an assessee being a company, the total income, as computed under this Act in respect of any previous year relevant to the assessment year commencing on or after the 1st day of April, 1988 (hereafter in this section referred to as the relevant previous year) is less than thirty per cent. of its book profit, the total income of such assessee chargeable to tax for the relevant previous year shall be deemed to be an amount equal to thirty per cent. of such book profit.

Explanation.—For the purposes of this section, "book profit" means the net profit as shown in the profit and loss account for the

relevant previous year prepared in accordance with the provisions of Parts II and III of the Sixth Schedule to the Companies Act, 1956, as increased by— 1 of 1956.

(a) the amount of income-tax paid or payable, and the provision therefor; or

(b) the amounts carried to any reserves, by whatever name called; or

(c) the amount or amounts set aside to provisions made for meeting liabilities, other than ascertained liabilities; or

(d) the amount by way of provision for losses of subsidiary companies; or

(e) the amount or amounts of dividends paid or proposed; or

(f) the amount or amounts of expenditure relatable to any income to which any of the provisions of Chapter III applies,

if any such amount is debited to the profit and loss account, and as reduced by,—

(i) the amount withdrawn from reserves or provisions, if any such amount is credited to the profit and loss account; or

(ii) the amount of income to which any of the provisions of Chapter III applies, if any such amount is credited to the profit and loss account; or

(iii) the amount of the loss or the amount of depreciation which would be required to be set off against the profit of the relevant previous year as if the provisions of clause (b) of the first proviso to sub-section (1) of section 205 of the Companies Act, 1956, are applicable. 1 of 1956.

(2) Nothing contained in sub-section (1) shall affect the determination of the amounts in relation to the relevant previous year to be carried forward to the subsequent year or years under the provisions of sub-section (2) of section 32 or sub-section (3) of section 32A or clause (ii) of sub-section (1) of section 72 or section 73 or section 74 or sub-section (3) of section 74A or sub-section (3) of section 80J.'.

Amendment of section 155.

44. In section 155 of the Income-tax Act, sub-section (12) shall be omitted with effect from the 1st day of April, 1988.

Amendment of section 192.

45. In section 192 of the Income-tax Act, with effect from the 1st day of June, 1987,—

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

'(2) Where, during the financial year, an assessee is employed simultaneously under more than one employer, or where he has held successively employment under more than one employer, he may furnish to the person responsible for making the payment referred to in sub-section (1) (being one of the

said employers as the assessee may, having regard to the circumstances of his case, choose), such details of the income under the head "Salaries" due or received by him from the other employer or employers, the tax deducted at source therefrom and such other particulars, in such form and verified in such manner as may be prescribed, and thereupon the person responsible for making the payment referred to above shall take into account the details so furnished for the purposes of making the deduction under sub-section (*1*).

(*2A*) Where the assessee, being a government servant or an employee in a public sector undertaking, is entitled to the relief under sub-section (*1*) of section 89, he may furnish to the person responsible for making the payment referred to in sub-section (*1*), such particulars, in such form and verified in such manner as may be prescribed, and thereupon the person responsible as aforesaid shall compute the relief on the basis of such particulars and take it into account in making the deduction under sub-section (*1*).

(*2B*) Where an assessee who receives any income chargeable under the head "Salaries" has, in addition, any income chargeable under any other head of income (not being a loss under any such head) for the same financial year, he may send to the person responsible for making the payment referred to in sub-section (*1*) the particulars of such other income and of any tax deducted thereon under any other provision of this Chapter, in such form and verified in such manner as may be prescribed, and thereupon the person responsible as aforesaid shall take such other income and the tax, if any, deducted thereon also into account for the purposes of making the deduction under sub-section (*1*):

Provided that this sub-section shall not in any case have the effect of reducing the tax deductible from the income under the head "Salaries" below the amount that would be so deductible if the other income and the tax deducted thereon had not been taken into account.';

(*b*) in sub-section (*3*), after the words, brackets and figure "in sub-section (*1*)", the words, brackets, figures and letters "or sub-section (*2*) or sub-section (*2A*) or sub-section (*2B*)" shall be inserted.

Amendment of section 194.

46. In section 194 of the Income-tax Act, in the first proviso, in clause (*b*), for the words "one thousand rupees", the words "two thousand five hundred rupees" shall be substituted with effect from the 1st day of June, 1987.

Amendment of section 194A.

47. In section 194A of the Income-tax Act, with effect from the 1st day of June, 1987,—

(*a*) in sub-section (*1*), after the proviso, the following *Explanation* shall be inserted, namely:—

'*Explanation.*—For the purposes of this section, where any income by way of interest as aforesaid is credited to any account, whether called "Interest payable account" or "Suspense account"

or by any other name, in the books of account of the person liable to pay such income, such crediting shall be deemed to be credit of such income to the account of the payee and the provisions of this section shall apply accordingly.';

(b) in sub-section (3), in clause (i), for the words "one thousand rupees", the words "two thousand five hundred rupees" shall be substituted.

48. In section 194D of the Income-tax Act, after the proviso, the following proviso shall be inserted with effect from the 1st day of June, 1987, namely:— Amendment of section 194D.

"Provided further that no deduction shall be made under this section in a case where the amount of such income or, as the case may be, the aggregate of the amounts of such income credited or paid or likely to be credited or paid during the financial year to the account of, or to, the payee, does not exceed five thousand rupees.".

49. In section 195 of the Income-tax Act, with effect from the 1st day of June, 1987,— Amendment of section 195.

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

'(1) Any person responsible for paying to a non-resident, not being a company, or to a foreign company, any interest (not being interest on securities) or any other sum chargeable under the provisions of this Act (not being income chargeable under the head "Salaries" or dividends) shall, at the time of credit of such income to the account of the payee or at the time of payment thereof in cash or by the issue of a cheque or draft or by any other mode, whichever is earlier, deduct income-tax thereon at the rates in force.

Explanation.—For the purposes of this section, where any interest or other sum as aforesaid is credited to any account, whether called "Interest payable account" or "Suspense account" or by any other name, in the books of account of the person liable to pay such income, such crediting shall be deemed to be credit of such income to the account of the payee and the provisions of this section shall apply accordingly.';

(b) in sub-section (2),—

(i) for the words "by general or special order", the words "in the prescribed manner" shall be substituted;

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

"Provided that this sub-section shall not apply to any payment to a foreign company by way of interest referred to in clause (v), or royalty referred to in clause (vi), or fees for technical services referred to in clause (vii), of sub-section (1) of section 9.".

Insertion of new section 195A.

50. After section 195 of the Income-tax Act, the following section shall be inserted with effect from the 1st day of June, 1987, namely:—

Income payable "net of tax".

"195A. Where, under an agreement or other arrangement, the tax chargeable on any income referred to in the foregoing provisions of this Chapter is to be borne by the person by whom the income is payable, then, for the purposes of deduction of tax under those provisions such income shall be increased to such amount as would, after deduction of tax thereon at the rates in force for the financial year in which such income is payable, be equal to the net amount payable under such agreement or arrangement.".

Amendment of section 197.

51. In section 197 of the Income-tax Act, with effect from the 1st day of June, 1987,—

(*a*) in sub-section (*1*), for the words "Where, in the case of any income of any person other than a company", the words, brackets, figure and letter "Subject to rules made under sub-section (*2A*), where, in the case of any income of any person other than a company" shall be substituted;

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

"(*2A*) The Board may, having regard to the convenience of assessees and the interests of revenue, by notification in the Official Gazette, make rules specifying the cases in which, and the circumstances under which, an application may be made for the grant of a certificate under sub-section (*1*) and the conditions subject to which such certificate may be granted and providing for all other matters connected therewith.".

Amendment of section 199.

52. In section 199 of the Income-tax Act, for the words "made for the immediately following assessment year under this Act", the words "made under this Act for the assessment year for which such income is assessable" shall be substituted with effect from the 1st day of June, 1987.

Amendment of section 202.

53. In section 202 of the Income-tax Act, for the words "levy tax", the words "recover tax" shall be substituted with effect from the 1st day of June, 1987.

Amendment of section 203.

54. In section 203 of the Income-tax Act, for the portion beginning with the words "shall, at the time of credit" and ending with the words "dividend to a shareholder", the following shall be substituted with effect from the 1st day of June, 1987, namely:—

"shall, within such period as may be prescribed from the time of credit or payment of the sum, or, as the case may be, from the time of issue of a cheque or warrant for payment of any dividend to a shareholder".

Insertion of new section 203A.

55. In the Income-tax Act, after section 203, the following section shall be inserted with effect from the 1st day of June, 1987, namely:—

Tax-deduction account number.

"203A. (*1*) Every person deducting tax in accordance with the provisions of sections 192 to 194, section 194A, section 194B, section 194BB, section 194C, section 194D and section 195, if he has not been

allotted any tax-deduction account number, shall, within such time as may be prescribed, apply to the Income-tax Officer for the allotment of a tax-deduction account number.

(2) Where a tax-deduction account number has been allotted to a person, such person shall quote such number,—

(a) in all challans for the payment of any sum in accordance with the provisions of section 200;

(b) in all certificates issued in accordance with the provisions of section 203;

(c) in all the returns delivered in accordance with the provisions of sections 206, 206A and 206B to any income-tax authority; and

(d) in all other documents pertaining to such transactions as may be prescribed in the interests of revenue.".

Substitution of new section for section 206.

56. For section 206 of the Income-tax Act, the following section shall be substituted with effect from the 1st day of June, 1987, namely:—

Persons deducting tax to furnish prescribed returns.

"206. The prescribed person in the case of every office of Government, the principal officer in the case of every company, the prescribed person in the case of every local authority or other public body or association, every private employer and every other person responsible for deducting tax under the foregoing provisions of this Chapter shall prepare, within the prescribed time after the end of each financial year, and deliver or cause to be delivered to the prescribed income-tax authority, such returns in such form and verified in such manner and setting forth such particulars as may be prescribed.".

Substitution of new section for section 245A.

57. For section 245A of the Income-tax Act, the following section shall be substituted with effect from the 1st day of June, 1987, namely:—

Definitions.

'245A. In this Chapter, unless the context otherwise requires,—

(a) "Bench" means a Bench of the Settlement Commission;

(b) "case" means any proceeding under this Act for the assessment or re-assessment of any person in respect of any year or years, or by way of appeal or revision in connection with such assessment or re-assessment, which may be pending before an income-tax authority on the date on which an application under sub-section (1) of section 245C is made:

Provided that where any appeal or application for revision has been preferred after the expiry of the period specified for the filing of such appeal or application for revision under this Act and which has not been admitted, such appeal or revision

shall not be deemed to be a proceeding pending within the meaning of this clause;

(c) "Chairman" means the Chairman of the Settlement Commission;

(d) "income-tax authority" means an income-tax authority specified in section 116;

(e) "Member" means a Member of the Settlement Commission, and includes the Chairman and a Vice-Chairman;

(f) "Settlement Commission" means the Income-tax Settlement Commission constituted under section 245B;

(g) "Vice-Chairman" means a Vice-Chairman of the Settlement Commission.'.

Amendment of section 245B.

58. In section 245B of the Income-tax Act, in sub-section (1), the brackets and words '(hereafter in this Chapter referred to as "the Settlement Commission")' shall be omitted with effect from the 1st day of June, 1987.

Insertion of new sections 245BA to 245BD.

59. After section 245B of the Income-tax Act, the following sections shall be inserted with effect from the 1st day of June, 1987, namely:—

Jurisdiction and powers of Settlement Commission.

"245BA. (1) Subject to the other provisions of this Chapter, the jurisdiction, powers and authority of the Settlement Commission may be exercised by Benches thereof.

(2) Subject to the other provisions of this section, a Bench shall be presided over by the Chairman or a Vice-Chairman and shall consist of two other Members.

(3) The Bench for which the Chairman is the Presiding Officer shall be the principal Bench and the other Benches shall be known as additional Benches.

(4) Notwithstanding anything contained in sub-sections (1) and (2), the Chairman may authorise the Vice-Chairman or other Member appointed to one Bench to discharge also the functions of the Vice-Chairman or, as the case may be, other Member of another Bench.

(5) Notwithstanding anything contained in the foregoing provisions of this section, and subject to any rules that may be made in this behalf, when one of the persons constituting a Bench (whether such person be the Presiding Officer or other Member of the Bench) is unable to discharge his functions owing to absence, illness or any other cause or in the event of the occurrence of any vacancy either in the office of the Presiding Officer or in the office of one or the other Members of the Bench, the remaining two persons may function as the Bench and if the Presiding Officer of the Bench is not one of the remaining two persons, the senior among the remaining persons shall act as the Presiding Officer of the Bench;

Provided that if at any stage of the hearing of any such case or matter, it appears to the Presiding Officer that the case or matter is of such a nature that it ought to be heard of by a Bench consisting of three Members, the case or matter may be referred by the Presiding Officer of such Bench to the Chairman for transfer to such Bench as the Chairman may deem fit.

(6) Subject to the other provisions of this Chapter, the places at which the principal Bench and the additional Benches shall ordinarily sit shall be such as the Central Government may, by notification in the Official Gazette, specify.

Vice-Chairman to act as Chairman or to discharge his functions in certain circumstances.

245BB. (1) In the event of the occurrence of any vacancy in the office of the Chairman by reason of his death, resignation or otherwise, the Vice-Chairman or, as the case may be, such one of the Vice-Chairmen as the Central Government may, by notification in the Official Gazette, authorise in this behalf, shall act as the Chairman until the date on which a new Chairman, appointed in accordance with the provisions of this Chapter to fill such vacancy, enters upon his office.

(2) When the Chairman is unable to discharge his functions owing to absence, illness or any other cause, the Vice-Chairman or, as the case may be, such one of the Vice-Chairmen as the Central Government may, by notification in the Official Gazette, authorise in this behalf, shall discharge the functions of the Chairman until the date on which the Chairman resumes his duties.

Power of Chairman to transfer cases from one Bench to another.

245BC. On the application of the assessee or the Commissioner and after notice to them, and after hearing such of them as he may desire to be heard, or on his own motion without such notice, the Chairman may transfer any case pending before one Bench, for disposal, to another Bench.

Decision to be by majority.

245BD. If the Members of a Bench differ in opinion on any point, the point shall be decided according to the opinion of the majority, if there is a majority, but if the Members are equally divided, they shall state the point or points on which they differ, and make a reference to the Chairman who shall either hear the point or points himself or refer the case for hearing on such point or points by one or more of the other Members of the Settlement Commission and such point or points shall be decided according to the opinion of the majority of the Members of the Settlement Commission who have heard the case, including those who first heard it.".

Amendment of section 245C.

60. In section 245C of the Income-tax Act, with effect from the 1st day of June, 1987,—

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

"Provided that no such application shall be made unless,—

(a) the assessee has furnished the return of income which he is or was required to furnish under any of the provisions of this Act; and

(*b*) the additional amount of income-tax payable on the income disclosed in the application exceeds fifty thousand rupees.";

(*ii*) for sub-sections (*1B*) and (*1C*), the following sub-sections shall be substituted, namely:—

"(*1B*) Where the income disclosed in the application relates to only one previous year,—

(*i*) if the applicant has not furnished a return in respect of the total income of that year (whether or not an assessment has been made in respect of the total income of that year), then, except in a case covered by clause (*iii*), tax shall be calculated on the income disclosed in the application as if such income were the total income;

(*ii*) if the applicant has furnished a return in respect of the total income of that year (whether or not an assessment has been made in pursuance of such return), tax shall be calculated on the aggregate of the total income returned and the income disclosed in the application as if such aggregate were the total income;

(*iii*) if the proceeding pending before the income-tax authority is in the nature of a proceeding for re-assessment of the applicant under section 147 or by way of appeal or revision in connection with such re-assessment, and the applicant has not furnished a return in respect of the total income of that year in the course of such proceeding for re-assessment, tax shall be calculated on the aggregate of the total income as assessed in the earlier proceeding for assessment under section 143 or section 144 or section 147 and the income disclosed in the application as if such aggregate were the total income.

(*1C*) The additional amount of income-tax payable in respect of the income disclosed in the application relating to the previous year referred to in sub-section (*1B*) shall be,—

(*a*) in a case referred to in clause (*i*) of that sub-section, the amount of tax calculated under that clause;

(*b*) in a case referred to in clause (*ii*) of that sub-section, the amount of tax calculated under that clause as reduced by the amount of tax calculated on the total income returned for that year;

(*c*) in a case referred to in clause (*iii*) of that sub-section, the amount of tax calculated under that clause as reduced by the amount of tax calculated on the total income assessed in the earlier proceeding for assessment under section 143 or section 144 or section 147.",

61. In section 245D of the Income-tax Act, with effect from the 1st day of June, 1987,— **Amendment of section 245D.**

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

"(*5*) Subject to the provisions of section 245BA, the materials brought on record before the Settlement Commission shall be considered by the Members of the concerned Bench before passing any order under sub-section (*4*) and, in relation to the passing of such order, the provisions of section 245BD shall apply.";

(*b*) in sub-section (*6*), for the words "tax or penalty", the words "tax, penalty or interest" shall be substituted;

(*c*) in sub-section (*8*), after the words "passed by the Settlement Commission", the words, brackets and figures "and nothing contained in the proviso to sub-section (*1*) of section 186 shall apply to the cancellation of the registration of a firm required to be made in pursuance of any such directions as aforesaid" shall be inserted.

62. In section 245E of the Income-tax Act, for the proviso, the following proviso shall be substituted with effect from the 1st day of June, 1987, namely:— **Amendment of section 245E.**

"Provided that no proceeding shall be re-opened by the Settlement Commission under this section if the period between the end of the assessment year to which such a proceeding relates and the date of application for settlement under section 245C exceeds nine years.".

63. In section 245F of the Income-tax Act, with effect from the 1st day of June, 1987,— **Amendment of section 245F.**

(*a*) in sub-section (*3*), the words "or by way of advance tax" shall be omitted;

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

64. In section 245H of the Income-tax Act, with effect from the 1st day of June, 1987,— **Amendment of section 245H.**

(*a*) in sub-section (*1*), the following proviso shall be inserted at the end, namely:—

"Provided that no such immunity shall be granted by the Settlement Commission in cases where the proceedings for the prosecution for any such offence have been instituted before the date of receipt of the application under section 245C.";

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

"(*1A*) An immunity granted to a person under sub-section (*1*) shall stand withdrawn if such person fails to pay any sum specified in the order of settlement passed under sub-section (*4*) of section 245D within the time specified in such order or

within such further time as may be allowed by the Settlement Commission, or fails to comply with any other condition subject to which the immunity was granted and thereupon the provisions of this Act shall apply as if such immunity had not been granted.";

(*c*) in sub-section (*2*), the words "has not complied with the conditions subject to which the immunity was granted or that such person" shall be omitted.

Insertion of new section 245HA.

65. After section 245H of the Income-tax Act, the following section shall be inserted with effect from the 1st day of June, 1987, namely:—

Power of Settlement Commission to send a case back to the Income-tax Officer if the assessee does not co-operate.

"245HA. (*1*) The Settlement Commission may, if it is of opinion that any person who made an application for settlement under section 245C has not co-operated with the Settlement Commission in the proceedings before it, send the case back to the Income-tax Officer who shall thereupon dispose of the case in accordance with the provisions of this Act as if no application under section 245C had been made.

(*2*) For the purposes of sub-section (*1*), the Income-tax Officer shall be entitled to use all the materials and other information produced by the assessee before the Settlement Commission or the results of the inquiry held or evidence recorded by the Settlement Commission in the course of the proceedings before it as if such materials, information, inquiry and evidence had been produced before the Income-tax Officer or held or recorded by him in the course of the proceedings before him.

(*3*) For the purposes of the time-limit under sections 149, 153, 154, 155 and 231 and for the purposes of payment of interest under sections 243 and 244, in a case referred to in sub-section (*1*), the period commencing on and from the date of the application to the Settlement Commission under section 245C and ending with the date of receipt by the Income-tax Officer of the order of the Settlement Commission sending the case back to the Income-tax Officer shall be excluded; and where the assessee is a firm, for the purposes of the time-limit for cancellation of registration of the firm under sub-section (*1*) of section 186, the period aforesaid shall, likewise, be excluded.".

Amendment of section 245K.

66. In section 245K of the Income-tax Act, with effect from the 1st day of June, 1987,—

(*a*) in clause (*ii*), the word "or" shall be added at the end;

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

"(*iii*) the case of such person is sent back to the Income-tax Officer by the Settlement Commission under section 245HA,".

Omission of section 245M.

67. Section 245M of the Income-tax Act shall be omitted with effect from the 1st day of June, 1987.

68. In the Income-tax Act, after section 272B, the following section shall be inserted with effect from the 1st day of June, 1987, namely:— Insertion of new section 272BB.

"272BB. (1) If a person fails to comply with the provisions of section 203A, he shall, on an order passed by the Income-tax Officer, pay, by way of penalty, a sum which may extend to five thousand rupees. Penalty for failure to comply with the provisions of section 203A.

(2) No order under sub-section (1) shall be passed unless the person on whom the penalty is proposed to be imposed is given an opportunity of being heard in the matter.".

69. In section 273B of the Income-tax Act, for the words, figures and letter "section 272B or", the words, figures, letters and brackets "section 272B or sub-section (1) of section 272BB or" shall be substituted with effect from the 1st day of June, 1987. Amendment of section 273B.

70. Section 280ZA of the Income-tax Act shall be omitted with effect from the 1st day of April, 1988. Omission of sections 208ZA.

71. Sections 285 and 286 of the Income-tax Act shall be omitted with effect from the 1st day of June, 1987. Omission of sections 285 and 286.

72. In section 293 of the Income-tax Act, the word "assessment" shall be omitted and shall be deemed to have been omitted with effect from the 1st day of March, 1987. Amendment of section 293.

73. In the Eleventh Schedule to the Income-tax Act, with effect from the 1st day of April, 1988,— Amendment of Eleventh Schedule.

(a) in item 5, the following *Explanation* shall be inserted at the end, namely:—

'*Explanation*.—"Blended flavouring concentrates" shall include, and shall be deemed always to have included, synthetic essences in any form.';

(b) in item 22, in the *Explanation*, for the words ", for data processing and for transmission and reception of messages", the words, brackets, figures and letters "and for data processing (not being computers within the meaning of section 32AB)" shall be substituted.

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

(a) (i) in section 32A, in the *Explanation* below sub-section (2B), clause (b) shall be omitted;

(ii) in section 54E, in *Explanation 1* below sub-section (1), in clause (d), the *Explanation* shall be omitted;

(iii) in section 80L, in sub-section (1), in clause (ii), the *Explanation* shall be omitted;

(*iv*) in section 193, in the proviso, in clause (*iib*), the *Explanation* shall be omitted;

(*b*) with effect from the 1st day of June, 1987,—

(*i*) in section 272A, in sub-section (*2*), in clause (*a*), for the words, figures and letter ", section 285, section 285B or section 286", the words, figures and letter "or section 285B" shall be substituted;

(*ii*) in the Fourth Schedule, in Part B,—

(*1*) for the figures and brackets "206(*2*)", in the heading at the beginning, the figures "206" shall be substituted;

(*2*) in rule 7, the words, brackets and figure "sub-section (*1*) of" shall be omitted;

(*c*) with effect from the 1st day of April, 1988,—

(*i*) in section 2, in clause (*18*), in sub-clause (*b*), in item (*B*), in sub-item (*c*), for the words, brackets, letter and figures "where such subsidiary company fulfils the conditions laid down in clause (*b*) of section 108", the words "if the whole of the share capital of such subsidiary company has been held by the parent company or by its nominees throughout the previous year" shall be substituted;

(*ii*) in clause (*ii*) of sub-section (*4*) of section 10A, in clause (*i*) of the *Explanation* below section 44C, in sub-section (*2*) of section 75, in clause (*b*) of sub-section (*2*) of section 77, in section 80, in sub-section (*3*) of section 139, in clause (*iv*) of sub-section (*2*) of section 141A, in sub-clause (*iv*) of clause (*b*) of sub-section (*1*) of section 143, in sub-section (*4*) of section 155 and in section 157, for the words, brackets and figures "sub-section (*1*) of section 74", the words, brackets and figures "sub-section (*1*) or sub-section (*3*) of section 74" shall be substituted;

(*iii*) in section 41, in sub-section (*5*), the words 'or under the head "Capital gains"' shall be omitted;

(*iv*) in section 73, in the *Explanation* occurring at the end, for the words, brackets and figures "other than an investment company, as defined in clause (*ii*) of section 109", the words 'other than a company whose gross total income consists mainly of income which is chargeable under the heads "Interest on securities", "Income from house property", "Capital gains" and "Income from other sources"' shall be substituted;

(*v*) in section 155, in sub-section (*10A*), for the words "capital asset, not being a short-term capital asset", the words "long-term capital asset" shall be substituted;

(*vi*) in section 236A,—

(*1*) for the words, brackets and figures "In the case of an institution or fund referred to in clause (*iii*) of sub-section (*2*) of section 104", the words "Where seventy-five

per cent. of the share capital of any company is throughout the previous year beneficially held by an institution or fund established in India for a charitable purpose the income from dividend whereof is exempt under section 11" shall be substituted;

(2) for the words "by such a company as is referred to in the said clause", the words "by such company" shall be substituted;

(*vii*) in section 246, in sub-section (2), in clause (*a*), the words and figures "or an order under section 104, made against the assessee, being a company" shall be omitted;

(*viii*) in section 280ZB, in *Explanation 2*, clause (*a*) shall be omitted.

Wealth-tax

27 of 1957.

75. In section 2 of the Wealth-tax Act, 1957 (hereinafter referred to as the Wealth-tax Act), in clause (*m*), the following *Explanation* shall be inserted at the end, with effect from the 1st day of April, 1988, namely:— Amendment of section 2.

"*Explanation.*—A building or part thereof referred to in clause (*iii*), clause (*iiia*) or clause (*iiib*) of section 27 of the Income-tax Act shall be includible in the net wealth of the person who is deemed under the said clause to be the owner of that building or part thereof;".

76. In section 5 of the Wealth-tax Act, in sub-section (1), after clause (*xxva*), the following clause shall be inserted with effect from the 1st day of April, 1988, namely:— Amendment of section 5.

"(*xxvb*) any deposits made under the National Savings Scheme referred to in section 80CCA of the Income-tax Act;".

77. For section 22A of the Wealth-tax Act, the following section shall be substituted with effect from the 1st day of June, 1987, namely:— Substitution of new section for section 22A.

'22A. In this Chapter, unless the context otherwise requires,— Definitions.

(*a*) "Bench" means a Bench of the Settlement Commission;

(*b*) "case" means any proceeding under this Act for the assessment or re-assessment of any person in respect of any year or years, or by way of appeal or revision in connection with such assessment or re-assessment, which may be pending before any Wealth-tax authority on the date on which an application under sub-section (1) of section 22C is made:

Provided that where any appeal or application for revision has been preferred after the expiry of the period specified for the filing of such appeal or application for revision under this Act and which has not been admitted, such appeal or revision shall not be deemed to be a proceeding pending within the meaning of this clause;

(c) "Chairman" means the Chairman of the Settlement Commission;

(d) "Member" means a Member of the Settlement Commission, and includes the Chairman and a Vice-Chairman;

(e) "Settlement Commission" means the Income-tax Settlement Commission constituted under section 245B of the Income-tax Act;

(f) "Vice-Chairman" means a Vice-Chairman of the Settlement Commission;

(g) "Wealth-tax authority" means an income-tax authority specified in section 116 of the Income-tax Act who is treated as a Wealth-tax authority under section 8.'.

Amendment of section 22B.

78. In section 22B of the Wealth-tax Act, in sub-section (1), the brackets and words '(hereafter in this Chapter referred to as "the Settlement Commission")' shall be omitted with effect from the 1st day of June, 1987.

Insertion of new sections 22BA to 22BD.

79. After section 22B of the Wealth-tax Act, the following sections shall be inserted with effect from the 1st day of June, 1987, namely:—

Jurisdiction and powers of Settlement Commission.

"22BA. (1) Subject to the other provisions of this Chapter, the jurisdiction, powers and authority of the Settlement Commission may be exercised by Benches thereof.

(2) Subject to the other provisions of this section, a Bench shall be presided over by the Chairman or a Vice-Chairman and shall consist of two other Members.

(3) The Bench for which the Chairman is the Presiding Officer shall be the principal Bench and the other Benches shall be known as additional Benches.

(4) Notwithstanding anything contained in sub-sections (1) and (2), the Chairman may authorise the Vice-Chairman or other Member appointed to one Bench to discharge also the functions of the Vice-Chairman or, as the case may be, other Member of another Bench.

(5) Notwithstanding anything contained in the foregoing provisions of this section, and subject to any rules that may be made in this behalf, when one of the persons constituting a Bench (whether such person be the Presiding Officer or other Member of the Bench) is unable to discharge his functions owing to absence, illness or any other cause or in the event of the occurrence of any vacancy either in the office of the Presiding Officer or in the office of one or the other Members of the Bench, the remaining two persons may function as the Bench and if the Presiding Officer of the Bench is not one of the remaining two persons, the senior among the remaining persons shall act as the Presiding Officer of the Bench:

Provided that if at any stage of the hearing of any case or matter, it appears to the Presiding Officer that the case or matter is of such a nature that it ought to be heard by a Bench consisting of

three Members, the case or matter may be referred by the Presiding Officer of such Bench to the Chairman for transfer to such Bench as the Chairman may deem fit.

(6) Subject to the other provisions of this Chapter, the places at which the principal Bench and the additional Benches shall ordinarily sit, shall be such as the Central Government may, by notification in the Official Gazette, specify.

Vice-Chairman to act as Chairman or to discharge his functions in certain circumstances.

22BB. (1) In the event of the occurrence of any vacancy in the office of the Chairman by reason of his death, resignation or otherwise, the Vice-Chairman or, as the case may be, such one of the Vice-Chairmen as the Central Government may, by notification in the Official Gazette, authorise in this behalf, shall act as the Chairman until the date on which a new Chairman, appointed in accordance with the provisions of this Chapter to fill such vacancy, enters upon his office.

(2) When the Chairman is unable to discharge his functions owing to absence, illness or any other cause, the Vice-Chairman or, as the case may be, such one of the Vice-Chairmen as the Central Government may, by notification in the Official Gazette, authorise in this behalf, shall discharge the functions of the Chairman until the date on which the Chairman resumes his duties.

Power of Chairman to transfer cases from one Bench to another.

22BC. On the application of the assessee or the Commissioner and after notice to them, and after hearing such of them as may desire to be heard, or on his own motion without such notice, the Chairman may transfer any case pending before one Bench, for disposal, to another Bench.

Decision to be by majority.

22BD. If the Members of a Bench differ in opinion on any point, the point shall be decided according to the opinion of the majority, if there is a majority, but if the Members are equally divided, they shall state the point or points on which they differ, and make a reference to the Chairman who shall either hear the point or points himself or refer the case for hearing on such point or points by one or more of the other Members of the Settlement Commission and such point or points shall be decided according to the opinion of the majority of the Members of the Settlement Commission who have heard the case, including those who first heard it.".

Amendment of section 22C.

80. In section 22C of the Wealth-tax Act, with effect from the 1st day of June, 1987,—

(i) in sub-section (1), the following proviso shall be inserted at the end, namely:—

"Provided that no such application shall be made unless the assessee has furnished the return of wealth which he is or was required to furnish under any of the provisions of this Act.";

(ii) for sub-sections (1B) and (1C), the following sub-sections shall be substituted, namely:—

"(1B) Where the wealth disclosed in the application relates to only one previous year,—

(i) if the applicant has not furnished a return in respect of the net wealth of that year (whether or not an assessment

has been made in respect of the net wealth of that year), then, except in a case covered by clause (*iii*), wealth-tax shall be calculated on the wealth disclosed in the application as if such wealth were the net wealth;

(*ii*) if the applicant has furnished a return in respect of the net wealth of that year (whether or not an assessment has been made in pursuance of such return), wealth-tax shall be calculated on the aggregate of the net wealth returned and the wealth disclosed in the application as if such aggregate were the net wealth;

(*iii*) if the proceeding pending before the wealth-tax authority is in the nature of a proceeding for re-assessment of the applicant under section 17 or by way of appeal or revision in connection with such re-assessment, and the applicant has not furnished a return in respect of the net wealth of that year in the course of such proceeding for re-assessment, wealth-tax shall be calculated on the aggregate of the net wealth as assessed in the earlier proceeding for assessment under section 16 or section 17 and the wealth disclosed in the application as if such aggregate were the net wealth.

(*1C*) The additional amount of wealth-tax payable in respect of the wealth disclosed in the application relating to the previous year referred to in sub-section (*1B*) shall be,—

(*a*) in a case referred to in clause (*i*) of that sub-section, the amount of wealth-tax calculated under that clause;

(*b*) in a case referred to in clause (*ii*) of that sub-section, the amount of wealth-tax calculated under that clause as reduced by the amount of wealth-tax calculated on the net wealth returned for that year;

(*c*) in a case referred to in clause (*iii*) of that sub-section, the amount of wealth-tax calculated under that clause as reduced by the amount of wealth-tax calculated on the net wealth assessed in the earlier proceeding for assessment under section 16 or section 17.".

Amendment of section 22D.

81. In section 22D of the Wealth-tax Act, with effect from the 1st day of June, 1987,—

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

"(5) Subject to the provisions of section 22BA, the materials brought on record before the Settlement Commission shall be considered by the Members of the concerned Bench before passing any order under sub-section (4) and, in relation to the passing of such order, the provisions of section 22BD shall apply.";

(*b*) in sub-section (*6*), for the words "tax or penalty", the words "tax, penalty or interest" shall be substituted.

82. In section 22E of the Wealth-tax Act, for the proviso, the following proviso shall be substituted with effect from the 1st day of June, 1987, namely:— Amendment of section 22E.

"Provided that no proceeding shall be re-opened by the Settlement Commission under this section if the period between the end of the assessment year to which such a proceeding relates and the date of application for settlement under section 22C exceeds nine years.".

83. In section 22F of the Wealth-tax Act, sub-sections (5) and (6) shall be omitted with effect from the 1st day of June, 1987. Amendment of section 22F.

84. In section 22H of the Wealth-tax Act, with effect from the 1st day of June, 1987,— Amendment of section 22H.

(a) in sub-section (1), the following proviso shall be inserted at the end, namely:—

"Provided that no such immunity shall be granted by the Settlement Commission in cases where the proceedings for the prosecution for any such offence have been instituted before the date of receipt of the application under section 22C.";

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

"(1A) An immunity granted to a person under sub-section (1) shall stand withdrawn if such person fails to pay any sum specified in the order of settlement passed under sub-section (4) of section 22D within the time specified in such order or within such further time as may be allowed by the Settlement Commission, or fails to comply with any other condition subject to which the immunity was granted and thereupon the provisions of this Act shall apply as if such immunity had not been granted.";

(c) in sub-section (2), the words "has not complied with the conditions subject to which the immunity was granted or that such person" shall be omitted.

85. After section 22H of the Wealth-tax Act, the following section shall be inserted with effect from the 1st day of June, 1987, namely:— Insertion of new section 22HA.

"22HA. (1) The Settlement Commission may, if it is of opinion that any person who made the application for settlement under section 22C has not co-operated with the Settlement Commission in the proceedings before it, send the case back to the Wealth-tax Officer who shall, thereupon, dispose of the case in accordance with the provisions of this Act as if no application under section 22C had been made. Power of Settlement Commission to send a case back to the Wealth-tax Officer if the assessee does not co-operate.

(2) For the purposes of sub-section (1), the Wealth-tax Officer shall be entitled to use all the materials and other information produced by the assessee before the Settlement Commission or the results of the inquiry held or evidence recorded by the Settlement Commission in the course of the proceedings before it as if such materials, information, inquiry and evidence had been produced before the

Wealth-tax Officer or held or recorded by him in the course of the proceedings before him.

(3) For the purposes of the time-limit under sections 17A, 32 and 35 and for the purposes of payment of interest under section 34A, in a case referred to in sub-section (1), the period commencing on and from the date of the application to the Settlement Commission under section 22C and ending with the date of receipt by the Wealth-tax Officer of the order of the Settlement Commission sending the case back to the Wealth-tax Officer, shall be excluded.".

Amendment of section 22K.

86. In section 22 K of the Wealth-tax Act, with effect from the 1st day of June, 1987,—

(*a*) at the end of clause (*ii*), the word "or" shall be inserted;

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

"(*iii*) the case of any such person is sent back to the Wealth-tax Officer by the Settlement Commission under section 22HA,".

Omission of section 22M.

87. Section 22M of the Wealth-tax Act shall be omitted with effect from the 1st day of June, 1987.

Amendment of section 31.

88. In section 31 of the Wealth-tax Act, in sub-section (2*A*),—

(*a*) in the opening portion,—

(*i*) for the words "the Board may", the words "the Commissioner may" shall be substituted;

(*ii*) for the words "interest payable by an assessee", the words "interest paid or payable by an assessee" shall be substituted and shall be deemed to have been substituted with effect from the 1st day of October, 1984;

(*iii*) for the words ", on the recommendation made by the Commissioner in this behalf, it is satisfied that", the words "he is satisfied that" shall be substituted;

(*b*) for clauses (*i*) and (*ii*), the following clauses shall be substituted and shall be deemed to have been substituted with effect from the 1st day of October, 1984, namely:—

"(*i*) payment of such amount has caused or would cause genuine hardship to the assessee;

(*ii*) default in the payment of the amount on which interest has been paid or was payable under the said sub-section was due to circumstances beyond the control of the assessee; and".

Amendment of section 43.

89. In section 43 of the Wealth-tax Act, for the words "any assessment made", the words "any order made" shall be substituted and shall be deemed to have been substituted with effect from the 1st day of March, 1987.

Gift-tax

18 of 1958. **90.** In section 2 of the Gift-tax Act, 1958 (hereinafter referred to as the Gift-tax Act), in clause (*xii*), the following *Explanation* shall be inserted at the end, with effect from the 1st day of April, 1988, namely:— Amendment of section 2.

"*Explanation.*—A transfer of any building or part thereof referred to in clause (*iii*), clause (*iiia*) or clause (*iiib*) of section 27 of the Income-tax Act by the person who is deemed under the said clause to be the owner thereof made voluntarily and without consideration in money or money's worth, shall be deemed to be a gift made by such person;".

91. In section 42 of the Gift-tax Act, for the words "any assessment made", the words "any order made" shall be substituted and shall be deemed to have been substituted with effect from the 1st day of March, 1987. Amendment of section 42.

CHAPTER IV

INDIRECT TAXES

Customs

92. 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.

93. (*1*) In the case of goods mentioned in the First Schedule to the Customs Tariff Act, or in that Schedule, as amended from time to time, there shall be levied and collected as an auxiliary duty of customs an amount equal to fifty per cent. of the value of the goods as determined in accordance with the provisions of section 14 of the Customs Act, 1962 (hereinafter referred to as the Customs Act). Auxiliary duties of customs.

52 of 1962.

(*2*) Sub-section (*1*) shall cease to have effect after the 31st day of March, 1988, 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 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.

Excise

94. In section 37 of the Central Excises and Salt Act, 1944 (hereinafter referred to as the Central Excises Act), in sub-section (*2*), after clause (*xvia*), the following clause shall be inserted, namely:— Amendment of Act 1 of 1944.

"(*xvib*) provide for the giving of credit of sums of money with respect to raw materials used in the manufacture of excisable goods;".

Amendment of Act 5 of 1986.

95. The Central Excise Tariff Act, 1985 (hereinafter referred to as the Central Excise Tariff Act), shall be amended in the manner specified in the Third Schedule.

Special duties of excise.

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

(2) Sub-section (1) shall cease to have effect after the 31st day of March, 1988, except as respects things done or omitted to be done before such cesser; and section 6 of the General Clause 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.

Amendment of Act 58 of 1957.

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

CHAPTER V

FOREIGN EXCHANGE CONSERVATION (TRAVEL) TAX

Extent and commencement.

98. (1) This Chapter extends to the whole of India.

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

Definitions.

99. In this Chapter, unless the context otherwise requires,—

(a) "authorised dealer" means a person for the time being authorised under section 6 of the Foreign Exchange Regulation Act, 1973 to deal in foreign exchange; 46 of 1973.

(b) "dealing", in relation to foreign currency, means purchasing or selling foreign currency;

(c) "foreign currency" means any currency other than Indian currency;

(*d*) "foreign exchange" means foreign currency and includes—

(*i*) all deposits, credits and balances payable in any foreign currency, and any drafts, traveller's cheques, letters of credit and bills of exchange, expressed or drawn in Indian currency but payable in any foreign currency;

(*ii*) any instrument payable, at the option of the drawee or holder thereof or any other party thereto, either in Indian currency or in foreign currency or partly in one and partly in the other;

(*e*) "foreign travel" means a travel, the whole or any part of which is outside India;

(*f*) "money changer" means a person for the time being authorised under section 7 of the Foreign Exchange Regulation Act, 1973 to deal in foreign currency; 56 of 1973.

(*g*) words and expressions used but not defined in this Chapter shall have the meanings assigned to them in the Foreign Exchange Regulation Act, 1973. 46 of 1973.

100. (*1*) With effect from the date of commencement of this Chapter, there shall be levied on all foreign exchange released for any foreign travel by any person, a tax [hereafter in this Chapter referred to as the foreign exchange conservation (travel) tax] at the rate of fifteen per cent. of the rupee equivalent of the amount of foreign exchange released. **Foreign exchange conservation (travel) tax.**

(*2*) In accordance with the rules made under this Chapter, the foreign exchange conservation (travel) tax shall be collected by the authorised dealer or money changer and paid to the credit of the Central Government.

101. Notwithstanding anything contained in this Chapter, the Central Government may, by notification in the Official Gazette, and subject to such conditions and limitations as may be specified therein exempt wholly or to such extent as may be specified in the notification, any release of foreign exchange for any foreign travel or class or category of foreign travel from the payment of tax leviable under this Chapter if that Government is statisfied that it is necessary or expedient so to do, having regard to the purposes of the foreign travel and any other special circumstances. **Power to exempt.**

102. (*1*) Every person intending to undertake a foreign travel and holding foreign exchange in relation to which the tax payable under this Chapter has not been paid shall, in addition to his liability to pay the tax, be liable to pay a penalty not exceeding twice the amount of the tax he would have paid under the provisions of this Chapter. **Penalties.**

(*2*) Every authorised dealer or money changer who fails to collect the tax leviable under this Chapter, or after collecting such tax fails to pay the tax to the credit of the Central Government under sub-section (*2*) of section 100 shall, in addition to the payment of the tax, if any, so collected, be liable to pay a penalty not exceeding twice the amount of the tax he would have collected or, as the case may be, twice the amount of the tax collected but not paid to the credit of the Central Government.

(*3*) No penalty shall be leviable under sub-section (*1*) or sub-section (*2*), if the authority specified under sub-section (*4*), for reasons to be recorded in writing, waives the amount of penalty so payable.

(*4*) Subject to the provisions of sub-section (*3*), any penalty under this section may be adjudged, collected and paid to the credit of the Central Government by such authority and in such manner as may be specified in the rules made under this Chapter.

Protection of action taken in good faith.

103. No suit or other legal proceeding shall lie against the Central Government and no suit or prosecution or other legal proceeding shall lie against any officer of the Central Government, or of the State Government or against any authorised dealer or money changer for anything in good faith done or intended to be done in pursuance of this Chapter or the rules made thereunder.

Power to make rules.

104. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Chapter.

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

(*a*) the collection of the foreign exchange conservation (travel) tax, the authorities by whom adjudication of penalties or other functions under this Chapter shall be discharged, the manner in which such tax or penalties due under this Chapter shall be payable, the manner in which such tax or penalties shall be collected and paid to the credit of the Central Government and the procedure for claiming refund of any amount paid under this Chapter;

(*b*) the procedure for adjudication of penalties;

(*c*) appeals against orders made under this Chapter, the manner in which and the time within which such appeals may be preferred and the fees payable therefor;

(*d*) the returns and other particulars and information which may be required to be furnished for the purposes of this Chapter, the persons or authorities by or to whom or which, and the intervals at which, such returns, particulars and information shall be furnished;

(*e*) any other matter which is to be, or may be, provided for by rules under this Chapter.

Rules and notifications to be laid before Parliament.

105. Every rule made under this Chapter and every notification issued under section 101 shall be laid as soon as may be after it is made or issued before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule should not be made or the notification should not be issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

CHAPTER VI

MISCELLANEOUS

106. In the Schedule to the Oil Industry (Development) Act, 1974,— Amendment of Act 47 of 1974.

(*a*) in Sl. No. 1 relating to crude oil, for the entry in column 3, the entry "Rupees one thousand per tonne." shall be substituted;

(*b*) in Sl. No. 2 relating to natural gas, for the entry in column 3, the entry "Rupees three hundred per thousand cubic metres." shall be substituted.

107. In the Customs and Excise Revenues Appellate Tribunal Act, 1986, in section 5, after sub-section (*3*), the following *Explanation* shall be inserted, namely:— Amendment of Act 62 of 1986.

"*Explanation.*—For the purposes of sub-section (*3*), in computing the period during which a person has been a member of the Indian Customs and Central Excise Service, Group 'A', there shall be included any period during which the person has been a member of the Indian Customs Service Class I, or the Central Excise Service Class I, as the case may be, of the Indian Revenue Service immediately before the constitution of the Indian Customs and Central Excise Service, Group 'A'.".

THE FIRST SCHEDULE

(*See* section 2)

PART I

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. 18,000	*Nil*;
(2) where the total income exceeds Rs. 18,000 but does not exceed Rs. 25,000	25 per cent. of the amount by which the total income exceeds Rs. 18,000;
(3) where the total income exceeds Rs. 25,000 but does not exceed Rs. 50,000	Rs. 1,750 *plus* 30 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. 9,250 *plus* 40 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. 29,250 *plus* 50 per cent. of the amount by which the total income exceeds Rs. 1,00,000.

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, 1987 exceeds Rs. 18,000,—

Rates of income-tax

(1) where the total income does not exceed Rs. 12,000	*Nil*;
(2) where the total income exceeds Rs. 12,000 but does not exceed Rs. 20,000	25 per cent. of the amount by which the total income exceeds Rs. 12,000;
(3) where the total income exceeds Rs. 20,000 but does not exceed Rs. 40,000	Rs. 2,000 *plus* 30 per cent. of the amount by which the total income exceeds Rs. 20,000;
(4) where the total income exceeds Rs. 40,000 but does not exceed Rs. 60,000	Rs. 8,000 *plus* 40 per cent. of the amount by which the total income exceeds Rs. 40,000;
(5) where the total income exceeds Rs. 60,000 but does not exceed Rs. 1,00,000	Rs. 16,000 *plus* 50 per cent. of the amount by which the total income exceeds Rs. 60,000;
(6) where the total income exceeds Rs. 1,00,000	Rs. 36,000 *plus* 55 per cent. of the amount by which the total income exceeds Rs. 1,00,000.

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.

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.

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 anount by which the total income exceeds Rs. 1,00,000.

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.

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	50 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 a trading company or an investment company	60 per cent. of the total income;
(*ii*) in any other case	55 per cent. of the total income.

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

(*i*) on so much of the total income as consists of—	
(*a*) royalties received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 31st day of March, 1961 but before the 1st day of April, 1976, or	
(*b*) fees for rendering technical services received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 29th day of February, 1964 but before the 1st day of April, 1976,	
and where such agreement has, in either case, been approved by the Central Government	50 per cent.;
(*ii*) on the balance, if any, of the total income	65 per cent.

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:—

	Rate of income-tax
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.;

	Rate of income-tax
(*ii*) on income by way of winnings from lotteries and crossword puzzles	40 per cent.;
(*iii*) on income by way of winnings from horse races	40 per cent.;
(*iv*) on income by way of insurance commission	10 per cent. ;
(*v*) on income by way of interest payable on	10 per cent.;
(*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 on 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.;
(*b*) where the person is not resident in India—	
(*i*) in the case of a non-resident Indian—	
(*A*) on investment income and long-term capital gains	20 per cent.;
(*B*) on income by way of interest payable on a tax-free security	15 per cent.;
(*C*) on the whole of other income	income-tax at 30 per cent. of the amount of the income, or income-tax in respect of the income at the rates prescribed in Sub-Paragraph I of Paragraph A of Part III of this Schedule, if such income had been the total income, whichever is higher;
(*ii*) in the case of any other person—	
(*A*) on income by way of interest payable on a tax-free security	15 per cent.;
(*B*) on the whole of the other income	income-tax at 30 per cent. of the amount of the income, or income-tax in respect of the income at the rates prescribed in Sub-Paragraph I of Paragraph A of Part III of this Schedule, if such income had been the total income, whichever is higher;

	Rate of income-tax
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.;
(*ii*) on any other income (excluding interest payable on tax-free security)	21.5 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.;
(*ii*) on income by way of interest payable by Government or an Indian concern on moneys borrowed or debt incurred by Government or the Indian concern in foreign currency	25 per cent.;
(*iii*) on income by way of royalty payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 31st day of March, 1976, where such royalty is in consideration for the transfer of all or any rights (including the granting of a licence) in respect of copyright in any book on a subject referred to in the proviso to sub-section (*IA*) of section 115A of the Income-tax Act, to the Indian concern	30 per cent.;
(*iv*) on income by way of royalty [not being royalty of the nature referred to in sub-item (*b*) (*iii*)] payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern and which has been approved by the Central Government,—	
(*A*) where the agreement is made after the 31st day of March, 1961 but before the 1st day of April, 1976	50 per cent.;
(*B*) where the agreement is made after the 31st day of March, 1976	30 per cent.;
(*v*) on income by way of fees for technical services payable by Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern and which has been approved by the Central Government,—	
(*A*) where the agreement is made after the 29th day of February, 1964 but before the 1st day of April, 1976	50 per cent.;
(*B*) where the agreement is made after the 31st day of March, 1976	30 per cent.;

	Rate of income-tax
(*vi*) on income by way of interest payable on a tax-free security	44 per cent.;
(*vii*) on any other income	65 per cent.

Explanation.—For the purposes of this Part, "investment income", "long-term capital gains" and "non-resident Indian" shall have the meanings assigned to them in Chapter XII-A of the Income-tax Act.

PART III

RATES FOR CALCULATING OR CHARGING INCOME-TAX IN CERTAIN CASES, DEDUCTING INCOME-TAX FROM INCOME CHARGEABLE UNDER THE HEAD "SALARIES" OR ANY PAYMENT REFERRED TO IN SUB-SECTION (9) OF SECTION 80E AND COMPUTING "ADVANCE TAX"

In cases in which income-tax has to be calculated under the first proviso to sub-section (*5*) of section 132 of the Income-tax Act or charged under sub-section (*4*) of section 172 or sub-section (*2*) of section 174 or section 175 or sub-section (*2*) of section 176 of the said Act or deducted under section 192 of the said Act from income chargeable under the head "Salaries" or deducted under sub-section (*9*) of section 80E of the said Act from any payment referred to in the said sub-section (*9*) or in which the "advance tax" payable under Chapter XVII-C of the said Act has to be computed, at the rate or rates in force, such income-tax or, as the case may be, "advance tax" [not being "advance tax" in respect of any income chargeable to tax under Chapter XII or Chapter XII-A or sub-section (*1A*) of section 161 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. 18,000	*Nil*;
(2) where the total income exceeds Rs. 18,000 but does not exceed Rs. 25,000	25 per cent. of the amount by which the total income exceeds Rs. 18,000;
(3) where the total income exceeds Rs. 25,000 but does not exceed Rs. 50,000	Rs. 1,750 *plus* 30 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. 9,250 *plus* 40 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. 29,250 *plus* 50 per cent. of the amount by which the total income exceeds Rs. 1,00,000.

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, 1988 exceeds Rs. 18,000,—

Rates of income-tax

(1) where the total income does not exceed Rs. 12,000	*Nil;*
(2) where the total income exceeds Rs. 12,000 but does not exceed Rs. 20,000	25 per cent. of the amount by which the total income exceeds Rs. 12,000;
(3) where the total income exceeds Rs. 20,000 but does not exceed Rs.40,000	Rs. 2,000 *plus* 30 per cent. of the amount by which the total income exceeds Rs. 20,000;
(4) where the total income exceeds Rs. 40,000 but does not exceed Rs. 60,000	Rs. 8,000 *plus* 40 per cent. of the amount by which the total income exceeds Rs. 40,000;
(5) where the total income exceeds Rs. 60,000 but does not exceed Rs. 1,00,000	Rs. 16,000 *plus* 50 per cent. of the amount by which the total income exceeds Rs. 60,000;
(6) where the total income exceeds Rs. 1,00,000	Rs. 36,000 *plus* 55 per cent. of the amount by which the total income exceeds Rs. 1,00,000.

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.

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.

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 lesst 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

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.

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	50 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 a trading company or an investment company	60 per cent. of the total income;
(*ii*) in any other case	55 per cent. of the total income.
II. In the case of a company other than a domestic company,—	
(*i*) on so much of the total income as consists of—	
(*a*) royalties received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 31st day of March, 1961 but before the 1st day of April, 1976, or	

(*b*) fees for rendering technical services received from Government or an Indian concern in pursuance of all agreement made by it with the Government or the Indian concern after the 29th day of February, 1964 but before the 1st day of April, 1976,	
and where such agreement has, in either case, been approved by the Central Government	50 per cent.;
(*ii*) on the balance, if any, of the total income	65 per cent.

PART IV

[*See* section 2(7) (*e*)]

RULES FOR COMPUTATION OF NET AGRICULTURAL INCOME

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

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

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

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

Provided that sub-section (*2*) of the said section 23 shall apply subject to the modifications that the references to "total income" therein shall be construed as references to net agricultural income and that the words, figures and letter "and before making any deduction under Chapter VI-A" 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, 1987, 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, 1979 or the 1st day of April, 1980 or the 1st day of April, 1981 or the 1st day of April, 1982 or the 1st day of April, 1983 or the 1st day of April, 1984 or the 1st day of April, 1985, or the 1st day of April, 1986, 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, 1979 to the ex-

tent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1980 or the 1st day of April, 1981 or the 1st day of April, 1982 or the 1st day of April, 1983 or the 1st day of April, 1984 or the 1st day of April, 1985 or the 1st day of April, 1986,

(*ii*) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1980, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1981 or the 1st day of April, 1982 or the 1st day of April, 1983 or the 1st day of April, 1984 or the 1st day of April, 1985 or the 1st day of April, 1986,

(*iii*) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1982, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1982 or the 1st day of April, 1983 or the 1st day of April, 1984 or the 1st day of April, 1985 or the 1st day of April, 1986,

(*iv*) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1982, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1983 or the 1st day of April, 1984 or the 1st day of April, 1985 or the 1st day of April, 1986,

(*v*) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1983, 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, 1984 or the 1st day of April, 1985 or the 1st day of April, 1986,

(*vi*) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1984, 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, 1985 or the 1st day of April, 1986,

(*vii*) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1985, 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, 1986, and

(*viii*) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1986,

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, 1987.

(2) Where the assessee has, in the previous year relevant to the assessment year commencing on the 1st day of April, 1989 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, 1980 or the 1st day of April, 1981 or the 1st day of April, 1982 or the 1st day of April, 1983 or the 1st day of April, 1984 or the 1st day of April, 1985 or the 1st day of April, 1986 or the 1st day of April, 1987, 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, 1980, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1981 or the 1st day of April, 1982 or the 1st day of April, 1983 or the 1st day of April, 1984 or the 1st day of April, 1985 or the 1st day of April, 1986 or the 1st day of April, 1987,

(*ii*) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1981, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 1982 or the 1st day of April, 1983 or the 1st day of April, 1984 or the 1st day of April, 1985 or the 1st day of April, 1986 or the 1st day of April, 1987,

(*iii*) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1982, to the extent, if any, such loss has not been off against the agricultural income for the previons year relevant to the assessment year commencing on the 1st day of April, 1983 or the 1st day of April, 1984 or the 1st day of April, 1985 or the 1st day of April, 1986 or the 1st day of April, 1987,

(*iv*) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1983, 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, 1984 or the 1st day of April, 1985 or the 1st day of April, 1986 or the 1st day of April, 1987,

(*v*) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1984, 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, 1985 or the 1st day of April, 1986 or the 1st day of April, 1987,

(*vi*) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1985, 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, 1986 or the 1st day of April, 1987,

(*vii*) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1986, 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, 1987, and

(*viii*) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 1987,

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, 1988 or the period aforesaid.

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

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

(*5*) Notwithstanding anything contained in this rule, no loss which has not been determined by the Income-tax Officer under the provisions of these rules or the rules contained in Part IV of the First Schedule to the Finance Act, 1979 or of the First Schedule to the Finance (No. 2) Act, 1980, or of the First Schedule to the Finance Act, 1981, or of the First Schedule to the Finance Act, 1982, or of the First Schedule to the Finance Act, 1983, or of the First Schedule to the Finance Act, 1984, or of the First Schedule to the Finance Act, 1985, or of the First Schedule to the Finance Act, 1986, shall be set off under sub-rule (*1*) or, as the case may be, sub-rule (*2*).

21 of 1979.
44 of 1980.
16 of 1981.
14 of 1982.
11 of 1983.
21 of 1984.
32 of 1985.
23 of 1986.

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 92)

PART I

In the First Schedule to the Customs Tariff Act,—

(*i*) in Chapter 27, in sub-heading No. 2709.00, for the entry in column (4), the entry "50% *plus* Rs. 1,000 per tonne" shall be substituted;

(*ii*) in Chapter 28, in sub-heading Nos. 2801.10, 2801.20, 2801.30, 2802.00, 2803.00, 2804.10, 2804.21, 2804.29, 2804.30, 2804.40, 2804.50, 2804.61, 2804.69, 2804.70, 2804.80, 2804.90, 2805.11, 2805.19, 2805.21, 2805.22, 2805.30, 2805.40, 2806.10, 2806.20, 2807.00, 2808.00, 2809.10, 2809.20, 2810.00, 2811.11, 2811.19, 2811.21, 2811.22, 2811.23, 2811.29, 2812.10, 2812.90, 2813.10, 2813.90, 2814.10, 2814.20, 2815.11, 2815.12, 2815.20, 2815.30, 2816.10, 2816.20, 2816.30, 2817.00, 2818.10, 2818.20, 2818.30, 2819.10, 2819.90, 2820.10, 2820.90, 2821.10, 2821.20, 2822.00, 2823.00, 2824.10, 2824.20, 2824.90, 2825.10, 2825.20, 2825.30, 2825.40, 2825.50, 2825.60, 2825.70, 2825.80, 2825.90, 2826.11, 2826.12, 2826.19, 2826.20, 2826.30, 2826.90, 2827.10, 2827.20, 2827.31, 2827.32, 2827.33, 2827.34, 2827.35, 2827.36, 2827.37, 2827.38, 2827.39, 2827.41, 2827.49, 2827.51, 2827.59, 2827.60, 2828.10, 2828.90, 2829.11, 2829.19, 2829.90, 2830.10, 2830.20, 2830.30, 2830.90, 2831.10, 2831.90, 2832.10, 2832.20, 2832.30, 2833.11, 2833.19, 2833.21, 2833.22, 2833.23, 2833.24, 2833.25, 2833.26, 2833.27, 2833.29, 2833.30, 2833.40, 2834.10, 2834.21, 2834.22, 2834.29, 2835.10, 2835.21, 2835.22, 2835.23, 2835.24, 2835.25, 2835.26, 2835.29, 2835.31, 2835.39, 2836.10, 2836.20, 2836.30, 2836.40, 2836.50, 2836.60, 2836.70, 2836.91, 2836.92, 2836.93, 2836.99, 2837.11, 2837.19, 2837.20, 2838.00, 2839.11, 2839.19, 2839.20, 2839.90, 2840.11, 2840.19, 2840.20, 2840.30, 2841.10, 2841.20, 2841.30, 2841.40, 2841.50, 2841.60, 2841.70, 2841.80, 2841.90, 2842.10, 2842.90, 2843.10, 2843.21, 2843.29, 2843.30, 2843.90, 2844.10, 2844.20, 2844.30, 2844.40, 2844.50, 2845.10, 2845.90, 2846.10, 2846.90, 2847.00, 2848.10, 2848.90, 2849.10, 2849.20, 2849.90, 2850.00 and 2851.00, for the entry in column (4), the entry "80% *plus* Rs. 25 per Kg." shall be substituted;

(*iii*) in Chapter 29,—

(*1*) in sub-heading Nos. 2901.10, 2901.21, 2901.22, 2901.23, 2901.24, 2901.29, 2902.11 and 2902.19, for the entry in column (4), the entry "80% *plus* Rs. 25 per Kg." shall be substituted;

(*2*) in sub-heading Nos. 2902.20 and 2902.30, for the entry in column (4), the entry "50% *plus* Rs. 10 per Kg." shall be substituted;

(*3*) in sub-heading Nos. 2902.41, 2902.42 and 2902.43, for the entry in column (4), the entry "80% *plus* Rs. 25 per Kg." shall be substitutd;

(*4*) in sub-heading No. 2902.44, for the entry in column (4), the entry "50% *plus* Rs. 10 per Kg." shall be substituted;

(*5*) in sub-heading No. 2902.50, for the entry in column (4), the entry "80% *plus* Rs. 25 per Kg." shall be substituted;

(*6*) in sub-heading No. 2902.60, for the entry in column (4), the entr y "50% *plus* Rs. 10 per Kg." shall be substituted;

(*7*) in sub-heading Nos. 2902.70, 2902.90, 2903.11, 2903.12, 2903.13, 2903.14, 2903.15, 2903.16, 2903.19, 2903.21, 2903.22, 2903.23, 2903.29, 2903.30, 2903.40, 2903.51, 2903.59, 2903.61, 2903.62, 2903.69, 2904.10,

2904.20, 2904.90, 2905.11, 2905.12, 2905.13, 2905.14, 2905.15, 2905.16, 2905.17, 2905.19, 2905.21, 2905.22, 2905.29, 2905.31, 2905.32, 2905.39, 2905.41, 2905.42, 2905.43, 2905.44, 2905.49, 2905.50, 2906.11, 2906.12, 2906.13, 2906.14, 2906.19, 2906.21, 2906.29, 2907.11, 2907.12, 2907.13, 2907.14, 2907.15, 2907.19, 2907.21, 2907.22, 2907.23, 2907.29, 2907.30 2908.10, 2908.20, 2908.90, 2909.11, 2909.19, 2909.20, 2909.30, 2909.41, 2909.42, 2909.43, 2909.44, 2909.49, 2909.50, 2909.60, 2910.10, 2910.20, 2910.30, 2910.90, 2911.00, 2912.11, 2912.12, 2912.13, 2912.19, 2912.21, 2912.29, 2912.30, 2912.41. 2912.42, 2912.49, 2912.50, 2912.60, 2913.00, 2914.11, 2914.12, 2914.13 and 2914.19, for the entry in column (4), the entry "80% *plus* Rs. 25 per Kg." shall be substituted;

(*8*) in sub-heading No. 2914.21, for the entry in column (4), the entry "150% *plus* Rs. 15 per Kg." shall be substituted;

(*9*) in sub-heading Nos. 2914.22, 2914.23, 2914.29, 2914.30, 2914.41, 2914.49, 2914.50 and 2914.61, for the entry in column (4), the entry "80% *plus* Rs. 25 per Kg." shall be substituted;

(*10*) in sub-heading No. 2914.69, for the entry in column (4), the entry "150% *plus* Rs. 15 per Kg." shall be substituted;

(*11*) in sub-heading Nos. 2914.70, 2915.11, 2915.12, 2915.13, 2915.21, 2915.22, 2915.23, 2915.24, 2915.29, 2915.31, 2915.32, 2915.33, 2915.34, 2915.35, 2915.39, 2915.40, 2915.50, 2915.60, 2915.70, 2915.90, 2916.11, 2916.12, 2916.13, 2916.14, 2916.15, 2916.19, 2916.20, 2916.31, 2916.32, 2916.33, 2916.39, 2917.11, 2917.12, 2917.13, 2917.14, 2917.19, 2917.20, 2917.31, 2917.32, 2917.33, 2917.34 and 2917.35, for the entry in column (4), the entry "80% *plus* Rs. 25 per Kg." shall be substituted;

(*12*) in sub-heading No. 2917.36, for the entry in column (4), the entry "150% *plus* Rs. 15 per Kg." shall be substituted;

(*13*) in sub-heading No. 2917.37, for the entries in columns (4) and (5), the entries "150% *plus* Rs. 15 per Kg." and "140% *plus* Rs. 15 per Kg." shall, respectively, be substituted;

(*14*) in sub-heading Nos. 2917.39, 2918.11, 2918.12, 2918.13, 2918.14, 2918.15, 2918.16, 2918.17, 2918.19, 2918.21, 2918.22, 2918.23, 2918.29, 2918.30, 2918.90, 2919.00, 2920.10, 2920.90, 2921.11, 2921.12, 2921.19, 2921.21, 2921.22, 2921.29 and 2921.30, for the entry in column (4), the entry "80% *plus* Rs. 25 per Kg." shall be substituted;

(*15*) in sub-heading Nos. 2921.41, 2921.42 and 2921.43, for the entry in column (4), the entry "150% *plus* Rs. 15 per Kg." shall be substituted;

(*16*) in sub-heading No. 2921.44, for the entry in column (4), the entry "80% *plus* Rs. 25 per Kg." shall be substituted;

(*17*) in sub-heading No. 2921.45, for the entry in column (4), the entry "150% *plus* Rs. 15 per Kg." shall be substituted;

(*18*) in sub-heading Nos. 2921.49 and 2921.51, for the entry in column (4), the entry "80% *plus* Rs. 25 per Kg." shall be substituted ;

(*19*) in sub-heading No. 2921.59, for the entry in column (4), the entry "150% *plus* Rs. 15 per Kg." shall be substituted;

(*20*) in sub-heading Nos. 2922.11, 2922.12, 2922.13, 2922.19, 2922.21, 2922.22, 2922.29, 2922.30, 2922.41, 2922.42 and 2922.49, for the entry in column (4), the entry "80% *plus* Rs. 25 per Kg." shall be substituted;

(*21*) in sub-heading No. 2922.50, for the entry in column (4), the entry "150% *plus* Rs. 15 per Kg." shall be substituted;

(*22*) in sub-heading Nos. 2923.10, 2923.20, 2923.90. 2924.10, 2924.21 and 2924.29, for the entry in column (4), the entry "80% *plus* Rs. 25 per Kg." shall be substituted;

(*23*) in sub-heading No. 2925.11, for the entry in column (4), the entry "Rs. 75 per Kg." shall be substituted;

(*24*) in sub-heading Nos. 2925.19, 2925.20, 2926.10, 2926.20, 2926.90, 2927.00. 2928.00. 2929.10, 2929.90, 2930.10, 2930.20, 2930.30, 2930.40, 2930.90, 2931.00, 2932.11, 2932.12, 2932.13, 2932.19, 2932.21, 2932.29, 2932.90, 2933.11, 2933.19, 2933.21, 2933.29, 2933.31, 2933.39, 2933.40, 2933.51, 2933.59, 2933.61 and 2933.69, for the entry in column (4), the entry "80% *plus* Rs. 25 per Kg." shall be substituted;

(*25*) in sub-heading No. 2933.71, for the entries in columns (4) and (5), the entries "150% *plus* Rs. 15 per Kg." and "140% *plus* Rs. 15 per Kg." shall, respectively, be substituted;

(*26*) in sub-heading Nos. 2933.79, 2933.90, 2934.10, 2934.20, 2934.30, 2934.90 and 2935.00, for the entry in column (4), the entry "80% *plus* Rs. 25 per Kg." shall be substituted;

(*27*) in sub-heading Nos. 2936.10, 2936.21, 2936.22, 2936.23, 2936.24, 2936.25, 2936.26, 2936.27, 2936.28, 2936.29 and 2936.90, for the entries in columns (4) and (5), the entries "80% *plus* Rs. 25 per Kg.' and "74% *plus* Rs. 25 per Kg." shall, respectively, be substituted;

(*28*) in sub-heading Nos. 2937.10, 2937.21, 2937.22, 2937.29, 2937.91, 2937.92 and 2937.99, for the entries in columns (4) and (5), the entries "80% *plus* Rs. 25 per Kg." and "70% *plus* Rs. 25 per Kg." shall, respectively, be substituted;

(*29*) in sub-heading Nos. 2938.10, 2938.90, 2939.10, 2939.21, 2939.29 and 2939.30, for the entry in column (4), the entry "80% *plus* Rs. 25 per Kg." shall be substituted;

(*30*) in sub-heading Nos. 2939.40 and 2939.50, for the entries in columns (4) and (5), the entries "80% *plus* Rs. 25 per Kg." and "70% *plus* Rs. 25 per Kg." shall, respectively, be substituted;

(*31*) in sub-heading Nos. 2939.60, 2939.70, 2939.90 and 2940.00 for the entry in column (4), the entry "80% *plus* Rs. 25 per Kg." shall be substituted;

(*32*) in sub-heading Nos. 2941.10, 2941.20, 2941.30, 2941.40, 2941.50 and 2941.90, for the entries in columns (4) and (5), the entries "80% *plus* Rs. 25 per Kg." and "74% *plus* Rs. 25 per Kg." shall, respectively, be substituted;

(*33*) in sub-heading No. 2942.00, for the entry in column (4), the entry "80% *plus* Rs. 25 per Kg." shall be substituted;

(*iv*) in Chapter 32,—

(*1*) in sub-heading Nos. 3201.10, 3201.20 and 3201.30, for the entry in column (4), the entry "50% *plus* Rs. 10 per Kg." shall be substituted;

(*2*) in sub-heading No. 3201.90, for the entries in columns (4) and (5), the entries "80% *plus* Rs. 25 per Kg." and "70% *plus* Rs. 25 per Kg." shall, respectively, be substituted.

(*3*) in sub-heading Nos. 3202.10 and 3202.90, for the entry in column (4), the entry "80% *plus* Rs. 25 per Kg." shall be substituted;

(*4*) in sub-heading Nos. 3202.00, 3204.11, 3204.12, 2304.13, 3204.14, 3204.15, 3204.16, 3204.17, 3204.19, 3204.20, 3204.90, 3205.00, 3206.10, 3206.20, 3206.30, 3206.41, 3206.42, 3206.43, 3206.49, 3206.50,

3207.10, 3207.20, 3207.30, 3207.40, 3208.10, 3208.20, 3208.90, 3209.10, 3209.90, 3210.00, 3211.00, 3212.10, 3212.90, 3213.10, 3213.90, 3214.10, and 3214.90, for the entry in column (4), the entry "150% *plus* Rs. 15 per Kg." shall be substituted;

(*5*) in sub-heading Nos. 3215.11, 3215.19 and 3215.90, for the entry in column (4), the entry "100% *plus* Rs. 25 per Kg." shall be substituted;

(*v*) in Chapter 33, in sub-heading Nos. 3301.11, 3301.12, 3301.13, 3301.14, 3301.19, 3301.21, 3301.22, 3301.23, 3301.24, 3301.25, 3301.26, 3301.29, 3301.30, 3301.90, 3302.10, 3302.90, 3303.00, 3304.10, 3304.20, 3304.30, 3304.91, 3304.99, 3305.10, 3305.20, 3305.30, 3305.90, 3306.10, 3306.90, 3307.10, 3307.20, 3307 30, 3307.41 3307.49 and 3307.90, for the entry in column (4), the entry "150% *plus* Rs. 25 per Kg." shall be substituted;

(*vi*) in Chapter 34,—

(*1*) in sub-heading Nos. 3401.11, 3401.19 and 3401.20, for the entry in column (4), the entry "150% *plus* Rs. 15 per Kg." shall be substituted;

(*2*) in sub-heading Nos. 3402.11, 3402.12, 3402.13 and 3402.19, for the entries in columns (4) and (5), the entries "160% *plus* Rs. 25 per Kg." and "90% *plus* Rs. 25 per Kg." shall, respectively, be substituted;

(*3*) in sub-heading Nos. 3402.20, 3402.90, 3403.11, 3403.19, 3403.91 and 3403.99, for the entry in column (4), the entry "150 % *plus* Rs. 15 per Kg." shall be substituted;

(*4*) in sub-heading Nos. 3404.10, 3404.20 and 3404.90, for the entry in column (4), the entry "100% *plus* Rs. 15 per Kg." shall be substituted;

(*5*) in sub-heading Nos. 3405.10, 3405.20, 3405.30, 3405.40, 3405.90, 3406.00 and 3407.00, for the entry in column (4) the entry "150% *plus* Rs. 15 per Kg. " shall be substituted;

(*vii*) in Chapter 35 in sub-heading Nos. 3501.10, 3501.90, 3502.10, 3502.90, 3503.00, 3504.00, 3505.10, 3505.20, 3506.10, 3506.91, 3506.99, 3507.10 and 3507.90, or the entry in column (4), the entry "100% *plus* Rs. 25 per Kg." shall be substituted;

(*viii*) in Chapter 38,—

(*1*) in sub-heading No. 3801.10- for the entries in columns (4) and (5), the entries "80% *plus* Rs. 25 per Kg." and "70% *plus* Rs. 25 per Kg." shall, respectively, be substituted;

(*2*) in sub-heading Nos. 3801.20, 3801.30 and 3801.90, for the entry in column (4), the entry "80% *plus* Rs. 25 per Kg." shall be substituted;

(*3*) in sub-heading No. 3802.10 for the entries in columns (4) and (5), the entries "80% *plus* Rs. 25 per Kg." and "70% *plus* Rs. 25 per Kg." shall, respectively, be substituted;

(*4*) in sub-heading Nos. 3802.90, 3803.00, 3804.00, 3805.10, 3805.20, 3805.90, 3806.10, 3806.20, 3806.30, 3806.90, 3807.00, 3808.10, 3808.20, 3808.30, 3808.40, 3808.90, 3809.10, 3809.91, 3809.92, 3809.99, 3810.10, 3810.90, 3811.11, 3811.19. 3811.21, 3811.29 and 3811.90, for the entry in column (4), the entry "80% *plus* Rs. 25 per Kg." shall be substituted;

(*5*) in sub-heading No. 3812.10, for the entries in columns (4) and (5), the entries "80% *plus* Rs. 25 per Kg." and "70% *plus* Rs. 25 per Kg." shall, respectively, be substituted;

(*6*) in sub-heading Nos. 3812.20, 3812.30, 3813.00 and 3814.00, for the entry in column (4), the entry "80% *plus* Rs. 25 per Kg." shall be substituted;

(7) in sub-heading Nos. 3815.11 and 3815.12, for the entries in columns (4) and (5), the entries "80% *plus* Rs. 25 per Kg." and "70% *plus* Rs. 25 per Kg." shall, respectively, be substituted;

(8) in sub-heading Nos. 3815.19, 3815.90, 3816.00, 3817.10, 3817.20, 3818.00, 3819.00, 3820.00, 3821.00, 3822.00, 3822.10, 3823.20, 3823.30, 3823.40, 3823.50, 3823.60 and 3823.90, for the entry in column (4), the entry "80% *plus* Rs. 25 per Kg." shall be substituted;

(*ix*) in Chapter 39,—

(1) in sub-heading Nos. 3901.10, 3901.20, 3901.30, 3901.90, 3902.10, 3902.20, 3902.30, 3902.90, 3903.11, 3903.19, 3903.20, 3903.30 and 3903.90, for the entry in column (4), the entry "150% *plus* Rs. 25 per Kg." shall be substituted;

(2) in sub-heading Nos. 3904.10, 3904.21 and 3904.22, for the entry in column (4), the entry "200% *plus* Rs. 15 per Kg." shall be substituted;

(3) in sub-heading Nos. 3904.30, 3904.40, 3904.50, 3904.61, 3904.69, 3904.90, 3905.11, 3905.19, 3905.20, 3905.90, 3906.10, 3906.90, 3907.10, 3907.20, 3907.30, 3907.40 and 3907.50, for the entry in column (4), the entry "150% *plus* Rs. 25 per Kg." shall be substituted;

(4) in sub-heading No. 3907.60, for the entry in column (4), the entry "200% *plus* Rs. 15 per Kg." shall be substituted;

(5) in sub-heading Nos. 3907.91, 3907.99, 3908.10, 3908.90, 3909.10, 3909.20, 3909.30, 3909.40, 3909.50, 3910.00, 3911.10, 3911.90, 3912.11, 3912.12, 3912.20, 3912.31, 3912.39, 3912.90, 3913.10, 3913.90, 3914.00, 3915.10, 3915.20, 3915.30, 3915.90, 3916.10, 3916.20, 3916.90, 3917.10, 3917.21, 3917.22, 3917.23, 3917.29, 3917.31, 3917.32, 3917.33 and 3917.39, for the entry in column (9), the entry "150% *plus* Rs. 25 per Kg." shall be substituted;

(6) in sub-heading Nos. 3918.10, 3918.90, 3919.10, 3919.90, 3920.10, 3920.20, 3920.30, 3920.41, 3920.42, 3920.51, 3920.59, 3920.61, 3920.62, 3920.63, 3920.69, 3920.71, 3920.72, 3920.73, 3920.79, 3920.91, 3920.92, 3920.93, 3920.94, 3920.99, 3921.11, 3921.12, 3921.13, 3921.14, 3921.19 and 3921.90, for the entry in column (4), the entry "150% *plus* Rs. 25 per Kg." shall be substituted;

(*x*) in Chapter 72,—

(1) in sub-heading Nos. 7206.10 and 7206.90, for the entry in column (4), the entry "50% *plus* Rs. 3,000 per tonne" shall be substituted;

(2) in sub-heading Nos. 7207.11, 7207.12, 7207.19 and 7207.20, for the entry in column (4), the entry "70% *plus* Rs. 3,500 per tonne" shall be substituted;

(3) in sub-heading Nos. 7208.11, 7208.12, 7208.13, 7208.14, 7208.21, 7208.22, 7208,23, 7208.24, 7208.31, 7208.32, 7208.33, 7208.34, 7208.35, 7208.41, 7208.42, 7208.43, 7208.44, 7208.45, 7208.90, 7209.11, 7209.12, 7209.13, 7209.14, 7209.21, 7209.22, 7209.23, 7209.24, 7209.31, 7209.32, 7209.33, 7209.34, 7209.41, 7209.42, 7209.43, 7209.44 and 7209.90, for the entry in column (4), the entry "80% *plus* Rs. 5,000 per tonne" shall be substituted;

(4) in sub-heading Nos. 7210.11, 7210.12, 7210.20, 7210.31, 7210.39, 7210.41 and 7210.49, for the entry in column (4), the entry "80% *plus* Rs. 7,000 per tonne" shall be substituted;

(5) in sub-heading No. 7210.50, for the entry in column (4), the entry "100% *plus* Rs. 7,000 per tonne" shall be substituted;

(6) in sub-heading Nos. 7210.60, 7210.70 and 7210.90, for the entry in column (4), the entry "80% *plus* Rs. 7,000 per tonne" shall be substituted;

(*7*) in sub-heading Nos. 7211.11, 7211.12, 7211.19, 7211.21, 7211.22, 7211.29, 7211.30, 7211.41, 7211.49 and 7211.90, for the entry in column (4), the entry "80% *plus* Rs. 5,000 per tonne" shall be substituted;

(*8*) in sub-heading Nos. 7212.10, 7212.21, 7212.29, 7212.30 and 7212.40, for the entry in column (4), the entry "80% *plus* Rs. 7,000 per tonne" shall be substituted;

(*9*) in sub-heading No. 7212.50, for the entry in column (4), the entry "100% *plus* Rs. 7,000 per tonne" shall be substituted;

(*10*) in sub-heading No. 7212.60, for the entry in column (4), the entry "80% *plus* Rs. 7,000 per tonne" shall be substituted;

(*11*) in sub-heading Nos. 7213.10 and 7213.20, for the entry in column (4), the entry "100% *plus* Rs. 5,000 per tonne" shall be substituted;

(*12*) in sub-heading Nos. 7213.31, 7213.39, 7213.41 and 7213.49, for the entry in column (4), the entry "60% *plus* Rs. 5,000 per tonne" shall be substituted;

(*13*) in sub-heading Nos. 7213.50, 7214.10, 7214.20 and 7214.30, for the entry in column (4), the entry "100% *plus* Rs. 5,000 per tonne" shall be substituted;

(*14*) in sub-heading Nos. 7214.40 and 7214.50, for the entry in column (4), the entry "60% *plus* Rs. 5,000 per tonne" shall be substituted;

(*15*) in sub-heading Nos. 7214.60 and 7215.10, for the entry in column (4) the entry "100% *plus* Rs. 5,000 per tonne" shall be substituted;

(*16*) in sub-heading Nos. 7215.20 and 7215.30, for the entry in column (4), the entry "60% *plus* Rs. 5,000 per tonne" shall be substituted;

(*17*) in sub-heading Nos. 7215.40 and 7215.90, for the entry in column (4), the entry "100% *plus* Rs. 5,000 per tonne" shall be substituted;

(*18*) in sub-heading Nos. 7216.10, 7216.21, 7216.22, 7216.31, 7216.32, 7216.33, 7216.40, 7216.50, 7216.60 and 7216.90, for the entry in column (4), the entry "80% *plus* Rs. 5,000 per tonne" shall be substituted;

(*19*) in sub-heading Nos. 7217.11, 7217.12, 7217.13, 7217.19, 7217.21, 7217.22, 7217.23 and 7217.29, for the entry in column (4), the entry "50% *plus* Rs. 5,000 per tonne" shall be substituted;

(*20*) in sub-heading Nos. 7217.31, 7217.32, 7217.33 and 7217.39, for the entry in column (4), the entry "80% *plus* Rs. 5,000 per tonne" shall be substituted;

(*21*) in sub-heading Nos. 7218.10, 7218.90, 7219.11, 7219.12, 7219.13, 7219.14, 7219.21, 7219.22, 7219.23, 7219.24, 7219.31, 7219.32, 7219.33, 7219.34, 7219.35, 7219.90, 7220.11, 7220.12, 7220.20, 7220.90, 7221.00, 7222.10, 7222.20, 7222.30, 7222.40 and 7223.00, for the entry in column (4), the entry "300% *plus* Rs. 25,000 per tonne" shall be substituted;

(*22*) in sub-heading Nos. 7224.10, 7224.90, 7225.10, 7225.20, 7225.30, 7225.40, 7225.50, 7225.90, 7226.10, 7226.20, 7226.91, 7226.92, 7226.99, 7227.10, 7227.20, 7227.90, 7228.10, 7228.20, 7228.30, 7228.40, 7228.50, 7228.60, 7228.70, 7228.80, 7229.10, 7229.20 and 7229.90, for the entry in column (4), the entry "80% *plus* Rs. 25,000 per tonne" shall be substituted;

(*xi*) in Chapter 98,—

(*1*) after NOTE 6, the following NOTES shall be inserted, namely:—

"7. Heading No. 98.06 does not cover:

(*a*) Ball or roller bearings of heading No. 84.82;

(*b*) Bearing housings of sub-heading Nos. 8483.20 and 8483.30;

(*c*) Parts of machinery of heading No. 84.71; and

(*d*) Any other part of machinery which the Central Government may, having regard to its nature of being a part having general application, notify in the Official Gazette in this behalf.

8. Goods which answer to the description of both the heading No. 98.01 and the heading No. 98.06 are to be classified under the heading No. 98.01.";

(*2*) in sub-heading No. 9801.00, for the entry in column (4), the entry "60%" shall be substituted.

PART II

Heading No.	Sub-heading No.	Description of article	Rate of duty	
			Standard	Preferential areas
(1)	(2)	(3)	(4)	(5)
In the First Schedule to the Customs Tariff Act, in Chapter 98, after heading No. 98·05, the following heading shall be inserted, namely:—				
"98·06	9806·00	PARTS OF, MACHINERY, EQUIPMENTS, APPLIANCES, INSTRUMENTS AND ARTICLES OF CHAPTERS 84, 85, 86, 89 AND 90	150%	..".

THE THIRD SCHEDULE

(*See* section 95)

PART I

In the Schedule to the Central Excise Tariff Act,—

(*1*) in Chapter 4, in sub-heading No. 0403.10, for the entry in column (4), the entry "20%" shall be substituted;

(*2*) in Chapter 9, in sub-heading No. 0903.10, for the entry in column (4), the entry "15%" shall be substituted;

(*3*) in Chapter 15, in sub-heading No. 1504.00, for the entry in column (4), the entry "Rs. 1,900 per tonne" shall be substituted;

(*4*) in Chapter 19,—

(*a*) in sub-heading Nos. 1901.19 and 1901.90, for the entry in column (4), the entry "20%" shall be substituted;

(*b*) in sub-heading No. 1903.10, for the entry in column (4), the entry "15%" shall be substituted;

(*c*) in sub-heading No. 1904.10, for the entry in column (3), the entry "-Put up in unit containers and ordinarily intended for sale" shall be substituted;

(*5*) in Chapter 21, in sub-heading No. 2106.11, for the entry in column (4), the entry "25% *plus* Rs. 20 per kilogram" shall be substituted;

(*6*) in Chapter 22,—

(*a*) in sub-heading No. 2201.11, for the entry in column (4), the entry "25 paise" shall be substituted;

(*b*) in sub-heading No. 2201.12, in column (4), for the figures and word "10 paise", the figures and word "25 paise" shall be substituted;

(*c*) in sub-heading No. 2201.19, for the entry in column (4), the entry "60%" shall be substituted;

(*d*) in sub-heading No. 2201.90, for the entry in column (4), the entry "15%" shall be substituted;

(*e*) in sub-heading No. 2202.11, for the entry in column (4), the entry "50 paise" shall be substituted;

(*f*) in sub-heading No. 2202.12, for the entry in column (4), the entry "55 paise" shall be substituted;

(*g*) in sub-heading No. 2202.13, for the entry in column (4), the entry "65 paise" shall be substituted;

(*h*) in sub-heading No. 2202.14, in column (4), for the figures and word "45 paise", the figures and word "65 paise" shall be substituted;

(*i*) in sub-heading No. 2202.19, for the entry in column (4), the entry "75%" shall be substituted;

(7) in Chapter 24,—

(a) after NOTE 3, the following NOTE shall be inserted, namely:—

'4. In this Chapter, the expression "cut-tobacco" means the prepared or processed cut-to-size tobacco which is generally blended or moisturised to a desired extent for use in the manufacture of machine-rolled cigarettes.';

(b) in heading No. 24.04, in column (3), for the words "-Smoking mixtures for pipes and cigarettes", the words "-Smoking mixtures for pipes and cigarettes; cut-tobacco" shall be substituted;

(8) in Chapter 28, in sub-heading No. 2817.10, for the entry in column (4), the entry "15%" shall be substituted;

(9) in Chapter 34, in sub-heading Nos. 3401.20 and 3402.90, for the entry in column (4), the entry "25%" shall be substituted;

(10) in Chapter 35, in sub-heading No. 3506.00, for the entry in column (4), the entry "40%" shall be substituted;

(11) in Chapter 39, in sub-heading No. 3907.80, in column (3), for the word "Polybutyl", the word "Polybutylene" shall be substituted;

(12) in Chapter 40,—

(a) in sub-heading Nos. 4006.10 and 4008.21, for the entry in column (4), the entry "Rs. 12 per kilogram" shall be substituted;

(b) in sub-heading No. 4010.90, for the entry in column (4), the entry "35%" shall be substituted;

(13) in Chapter 42, in sub-heading No. 4201.10, for the entry in column (4), the entry "35%" shall be substituted;

(14) in Chapter 44,—

(a) in sub-heading Nos. 4406.10, 4406.20, 4406.90, 4407.10 and 4407.90, for the entry in column (4), the entry "20%" shall be substituted;

(b) in sub-heading Nos. 4408.10 and 4408.20, for the entry in column (4), the entry "30%" shall be substituted;

(15) in Chapter 45, in sub-heading No. 4501.00, for the entry in column (4), the entry "15%" shall be substituted;

(16) in Chapter 48,—

(a) in sub-heading No. 4802.20, in column (4), for the abbreviation and figures "Rs. 575", the abbreviation and figures "Rs. 600" shall be substituted;

(b) in sub-heading No. 4802.91, in column (4), for the abbreviation and figures "Rs. 1,700", the abbreviation and figures "Rs. 1,800" shall be substituted;

(c) in sub-heading No. 4802.99, in column (4), for the abbreviation and figures "Rs. 1,300", the abbreviation and figures "Rs. 1,400" shall be substituted;

(d) in sub-heading No. 4803.00, in column (4), for the abbreviation and figures "Rs. 1,430", the abbreviation and figures "Rs. 1,550" shall be substituted;

(*e*) in sub-heading Nos. 4804.19, 4804.29 and 4804.30, in column (4), for the abbreviation and figures "Rs. 1,700", the abbreviation and figures "Rs. 1,800" shall be substituted;

(*f*) in sub-heading No. 4805.30, in column (4), for the abbreviation and figures "Rs. 2,000", the abbreviation and figures "Rs. 2,150" shall be substituted;

(*g*) in sub-heading No. 4805.90, in column (4), for the abbreviation and figures "Rs. 1,550", the abbreviation and figures "Rs. 1,600" shall be substituted;

(*h*) in sub-heading Nos. 4806.10 and 4806.20, in column (4), for the abbreviation and figures "Rs. 2,200", the abbreviation and figures "Rs. 2,300" shall be substituted;

(*i*) in sub-heading No. 4806.90, in column (4), for the abbreviation and figures "Rs. 1,930", the abbreviation and figures "Rs. 2,000" shall be substituted;

(*j*) in sub-heading Nos. 4807.10 and 4807.99, in column (4), for the abbreviation and figures "Rs. 1,550", the abbreviation and figures "Rs. 1,600" shall be substituted;

(*k*) in sub-heading Nos. 4808.10 and 4808.90, in column (4), for the abbreviation and figures "Rs. 1,550", the abbreviation and figures "Rs. 1,600" shall be substituted;

(*l*) in sub-heading Nos. 4809.10, 4809.20 and 4809.90, for the entry in column (4), the entry "40%" shall be substituted;

(*m*) in sub-heading No. 4810.10, in column (4), for the abbreviation and figures "Rs. 1,700", the abbreviation and figures "Rs. 1,800" shall be substituted;

(*n*) in sub-heading No. 4810.20, in column (4), for the abbreviation and figures "Rs. 2,200", the abbreviation and figures "Rs. 2,300" shall be substituted;

(*o*) in sub-heading No. 4810.90, in column (4), for the abbreviation and figures "Rs. 1,930", the abbreviation and figures "Rs. 2,000" shall be substituted;

(*p*) in sub-heading Nos. 4811.10 and 4811.20, in column (4), for the abbreviation and figures "Rs. 1,550", the abbreviation and figures "Rs. 1,600" shall be substituted;

(*q*) in sub-heading No. 4811.31, for the entry in column (4), the entry "10% *plus* Rs. 1,600 per tonne" shall be substituted;

(*r*) in sub-heading Nos. 4811.39 and 4811.40, in column (4), for the abbreviation and figures "Rs. 2,200", the abbreviation and figures "Rs. 2,300" shall be substituted;

(*s*) in sub-heading No. 4811.90, in column (4), for the abbreviation and figures "Rs. 1,930", the abbreviation and figures "Rs. 2,000" shall be substituted;

(*t*) in sub-heading No. 4812.00, for the entry in column (4), the entry "15%" shall be substituted;

(*u*) in sub-heading No. 4813.00, in column (4), for the abbreviation and figures "Rs. 2,200", the abbreviation and figures "Rs. 2,300" shall be substituted;

(*v*) in sub-heading No. 4814.00, in column (4), for the abbreviation and figures "Rs. 2,500", the abbreviation and figures "Rs. 2,700" shall be substituted;

(*w*) in sub-heading No. 4815.00, for the entry in column (4), the entry "15%" shall be substituted;

(*x*) in sub-heading No. 4816.00, for the entry in column (4), the entry "40%" shall be substituted;

(*y*) in sub-heading Nos. 4817.10, 4817.20 and 4817.90, in column (4), for the abbreviation and figures "Rs. 1,550", the abbreviation and figures "Rs. 1,600" shall be substituted;

(*17*) in Chapter 49, in heading No. 49.01, in column (3), for the words "PRODUCTS OF THE PAPER PRINTING INDUSTRY", the words "PRODUCTS OF THE PRINTING INDUSTRY" shall be substituted;

(*18*) in Chapter 52,—

(*a*) in sub-heading Nos. 5206.20 and 5207.20, in column (4), for the words, abbreviation and figures "sub-heading Nos. 5206.31 to 5206.39 and 5206.90", the words, abbreviation and figures "sub-heading Nos. 5206.31 to 5206·36 and 5206·91 to 5206·94" shall be substituted;

(*b*) in sub-heading Nos. 5207·90 and 5208.19, for the entry in column (4), the entry "Fifty per cent. of the duty leviable under sub-heading Nos. 5206.31 to 5206.36 and 5206·91 to 5206·94, as the case may be, depending upon the average count of yarn in the fabric and the value per square metre of the fabric" shall be substituted;

(*c*) in sub-heading Nos. 5208·22 and 5208.29, in column (4), for the words, abbreviation and figures "sub-heading Nos. 5206.31 to 5206.39 and 5206.90", the words, abbreviation and figures "sub-heading Nos. 5206.31 to 5206.36 and 5206.91 to 5206.94" shall be substituted;

(*d*) in sub-heading Nos. 5211.10 and 5211.20, for the entry in column (4), the entry "*Nil*" shall be substituted;

(*19*) in Chapter 54,—

(*a*) in sub-heading No. 5404.91, for the entry in column (4), the entry "Rs. 21.12 per kilogram" shall be substituted;

(*b*) in sub-heading No. 5404.92, for the entry in column (4), the entry "Rs. 13.77 per kilogram" shall be substituted;

(*c*) in sub-heading No. 5404.93, for the entry in column (4), the entry "Rs. 9.86 per kilogram" shall be substituted;

(*d*) in sub-heading No. 5404.94, for the entry in column (4), the entry "Rs. 8.18 per kilogram" shall be substituted;

(*e*) in sub-heading No. 5404.95, for the entry in column (4), the entry "Rs. 6.95 per kilogram" shall be substituted;

(*f*) in sub-heading No. 5404.96, for the entry in column (4), the entry "Rs. 4.71 per kilogram" shall be substituted;

(*g*) in sub-heading No. 5404.97, for the entry in column (4), the entry "Rs. 3.08 per kilogram" shall be substituted;

(*h*) in sub-heading No. 5409.10, for the entry in column (3), the entry "Of value not exceeding rupees ten per square metre" shall be substituted;

(*i*) in sub-heading No. 5409.20, for the entry in column (3), the entry "-Of value exceeding rupees ten but not exceeding rupees twenty per square metre" shall be substituted;

(*j*) in sub-heading No. 5409.30, for the entry in column (3), the entry "-Of value exceeding rupees twenty but not exceeding rupees twenty-five per square metre" shall be substituted;

(*k*) in sub-heading No. 5409.40, for the entry in column (3), the entry "-Of value exceeding rupees twenty-five but not exceeding rupees fifty per square metre" shall be substituted;

(*l*) in sub-heading No. 5409.50, for the entry in column (3), the entry "-Of value exceeding rupees fifty but not exceeding rupees one hundred per square metre" shall be substituted;

(*m*) in sub-heading No. 5409.60, for the entry in column (3), the entry "-Of value exceeding rupees one hundred per square metre" shall be substituted;

(*n*) sub-heading No. 5409.70 and the entries relating thereto shall be omitted;

(*20*) in Chapter 55,—

(*a*) sub-heading Nos. 5511.27 and 5511.28 shall be renumbered as sub-heading Nos. 5511.26 and 5511.27 respectively;

(*b*) sub-heading Nos. 5512.27 and 5512.28 shall be renumbered as sub-heading Nos. 5512.26 and 5512.27 respectively;

(*21*) in Chapter 59,—

(*a*) in sub-heading No. 5901.10, for the entry in column (4), the entry "10%" shall be substituted;

(*b*) in sub-heading Nos. 5902.10, 5902.20 and 5902.30, for the entry in column (4), the entry "Rs. 10 per kilogram" shall be substituted;

(*c*) in sub-heading No. 5903.11, for the entry in column (4), the entry "30% *plus* the duty for the time being leviable on base fabrics, if not already paid" shall be substituted;

(*d*) in sub-heading No. 5903.19, in column (4), for the abbreviation and figure "Rs. 6", the abbreviation and figure "Rs. 7" shall be substituted;

(*e*) in sub-heading No. 5903.21, for the entry in column (4), the entry "30% *plus* the duty for the time being leviable on base fabrics, if not already paid" shall be substituted;

(*f*) in sub-heading No. 5903.29, in column (4), for the abbreviation and figures "Rs. 7.50", the abbreviation and figures "Rs. 8.50" shall be substituted;

(*g*) in sub-heading No. 5903.91, for the entry in column (4), the entry "30% *plus* the duty for the time being leviable on base fabrics, if not already paid" shall be substituted;

(*h*) in sub-heading No. 5903.99, in column (4), for the abbreviation and figure "Rs. 8", the abbreviation and figure "Rs. 9" shall be substituted;

(*i*) in sub-heading Nos. 5905.10 and 5905.20, for the entry in column (4), the entry "10%" shall be substituted;

(*j*) in sub-heading No. 5908.00, for the entry in column (4), the entry "30%" shall be substituted;

(22) in Chapter 64,—

(a) in sub-heading No. 6401.11, for the entry in cloumn (4), the entry "20%" shall be substituted;

(b) in sub-heading No. 6401.91, for the entry in column (4), the entry "20%" shall be substituted;

(c) in sub-heading No. 6402.00, for the entry in column (4), the entry "15%" shall be substituted;

(23) in Chapter 68,—

(a) in sub-heading No. 6801.10, for the entry in column (4), the entry "20%" shall be substituted;

(b) in sub-heading No. 6802.00, for the entry in column (4), the entry "20%" shall be substituted;

(c) in sub-heading Nos. 6804.10, 6804.20, 6804.30 and 6804.90, for the entry in column (4), the entry "25%" shall be substituted;

(d) in sub-heading No. 6805.10, for the entry in column (4), the entry "25%" shall be substituted;

(e) in sub-heading No. 6806.10, for the entry in column (4), the entry "25%" shall be substituted;

(f) in sub-heading No. 6806.90, for the entry in column (4), the entry "20%" shall be substituted;

(g) in sub-heading No. 6807.00, for the entry in column (4), the entry "20%" shall be substituted;

(24) in Chapter 69,—

(a) in sub-heading Nos. 6901.00, 6902.10, 6902.90, 6903.10, 6903.90 and 6904.10, for the entry in column (4), the entry "15%" shall be substituted;

(b) in sub-heading No. 6908.10, for the entry in column (4), the entry "40%" shall be substituted;

(c) in sub-heading No. 6909.10, for the entry in column (4), the entry "20%" shall be substituted;

(d) in sub-heading No. 6909.20, for the entry in column (4), the entry "40%" shall be substituted;

(25) in Chapter 70,—

(a) in sub-heading No. 7002.10, in column (4), for the abbreviation and figures "Rs. 3.75", the abbreviation and figures "Rs. 10" shall be substituted;

(b) in sub-heading No. 7002.20, in column (4), for the abbreviation and figures "Rs. 3.50", the abbreviation and figures "Rs. 10" shall be substituted;

(c) in sub-heading No. 7003.00, in column (4), for the abbreviation and figures "Rs. 3.75", the abbreviation and figures "Rs. 10" shall be substituted;

(d) in sub-heading No. 7004.10, for the entry in column (4), the entr "40% *plus* Rs. 50 per millimetre thickness or part thereof per square metre" shall be substituted;

(e) in sub-heading No. 7004.20, for the entry in column (4), the entry "50% *plus* Rs. 50 per millimetre thickness or part thereof per square metre" shall be substituted;

(*f*) in sub-heading No. 7006.90, for the entry in column (4), the entry "40% *plus* Rs. 15 per millimetre thickness or part thereof per square metre" shall be substituted;

(*26*) in Chapter 74, in sub-heading No. 7405.90, for the entry in column (4), the entry "20%" shall be substituted;

(*27*) in Chapter 83, in sub-heading No. 8312.12, for the entry in column (4), the entry "20% *plus* Rs. 100 per container" shall be substituted;

(*28*) in Chapter 85,—

(*a*) in sub-heading No. 8501.00, for the entry in column (4), the entry "25%" shall be substituted;

(*b*) in sub-heading No. 8506.00, for the entry in column (4), the entry "35%" shall be substituted;

(*c*) in sub-heading No. 8539.00, for the entry in column (4), the entry "35% *plus* Rs. 10 per lamp" shall be substituted.

PART II

Heading No.	Sub-heading No.	Description of goods	Rate of duty
(1)	(2)	(3)	(4)

In the Schedule to the Central Excise Tariff Act,—

(*1*) in Chapter 19, for sub-heading Nos. 1902.10, 1902.20 and 1902.90, the following sub-headings shall be substituted, namely:—

"1902·10-Put up in unit containers and ordinarily intended for sale 15%

1902·90-Other *Nil*";

(*2*) in Chapter 24,—

(*a*) after sub-heading No. 2404.12, the following sub-heading shall be inserted, namely:—

"2404·13 - Cut-tobacco 10 paise per kilogram" ;

(*b*) for sub-heading Nos. 2404.41 and 2404.42, the following shall be substituted, namely:—

'-Chewing tobacco including preparations commonly known as "Khara Masala", "Kimam", "Dokta", "Zarda", "Sukha" and "Surti" :

2404·41- Bearing a brand name 20%';

(*c*) for sub-heading Nos. 2404.51 and 2404.52, the following sub-heading shall be substituted, namely:—

"2404·50-Snuff of tobacco 20%";

(*3*) in Chapter 28, for heading No. 28.29, the following heading shall be substituted, namely:—

"28·29 CHLORATES AND PERCHLORATES; BROMATES AND PERBROMATES; IODATES AND PERIODATES

2829·10 -Potassium Chlorate Rs. 100 per kilogram

2829.90 -Other 15%";

(1)	(2)	(3)	(4)

(4) in Chapter 34, for sub-heading Nos. 3401·11 and 3401.12, the following sub-heading shall be substituted, namely :—

"3401.10	- -Soap in any form	25%";

(5) in Chapter 52,—

(a) for sub-heading Nos. 5206.32, 5206.33, 5206.34, 5206.35 and 5206.36, the following sub-headings shall be substituted, namely:—

"5206.32	- -Of value exceeding rupees five but not exceeding rupees ten per square metre	20 paise per square metre
5206.33	- -Of value exceeding rupees ten but not exceeding rupees fifteen per square metre	50 Paise per square metre
5206.34	- -Of value exceeding rupees fifteen but not exceeding rupees twenty-five per square metre	80 paise per square metre
5206.35	- -Of value exceeding rupees twenty-five but not exceeding rupees fifty per square metre	8%
5206.36	- -Of value exceeding rupees fifty per square metre	8%";

(b) for sub-heading Nos. 5206.37, 5206.38, 5206.39 and 5206.90, the following sub-heading shall be substituted, namely:—

	"- -Other fabrics :	
5206.91	- -Of value not exceeding rupees fifteen per square metre	50 paise per square metre
5206.92	- -Of value exceeding rupees fifteen but not exceeding rupees twenty-five per square metre	80 paise per square metre
5206.93	- -Of value exceeding rupees twenty-five but not exceeding rupees fifty per square metre	8%
5206.94	- -Of value exceeding rupees fifty per square metre	8%";

(c) for heading No. 52.09, the following heading shall be substituted, namely:—

"52.09	COTTON FABRICS,—	
	(a) WOVEN,	
	(b) SUBJECTED TO THE PROCESS OF BLEACHING, MERCERISING, DYEING, PRINTING, WATERPROOFING, SHRINKPROOFING, ORGANDIE PROCESSING OR ANY OTHER PROCESS OR ANY TWO OR MORE OF THESE PROCESSES,	
	(c) CONTAINING (i) COTTON, AND (ii) POLYESTER STAPLE FIBRE OR POLYESTER FILAMENT YARN, OR BOTH (BUT NOT CONTAINING ANY OTHER TEXTILE MATERIAL), AND	
	(d) IN WHICH THE PROPORTION OF POLYESTER STAPLE FIBRE OR FILAMENT YARN OR BOTH IS MORE THAN 40% BY WEIGHT OF THE TOTAL FIBRE CONTENT	
5209.10	- -Of value not exceeding rupees twenty-five per square metre	*Nil*
5209.20	- -Of value exceeding rupees twenty-five per square metre	*Nil*";

(1)	(2)	(3)	(4)

(*d*) for sub-heading Nos. 5210.20 and 5210.30, the following sub-heading shall be substituted, namely:—

"5210.20	-Of value exceeding rupees twenty-five per square metre	*Nil*";

(*6*) in Chapter 54, for sub-heading No. 5412.30, the following sub-headings shall be substituted, namely:—

"5412.30	-Of value exceeding rupees fifty but not exceeding rupees one hundred per square metre	*Nil*
5412.40	-Of value exceeding rupees one hundred per square metre	*Nil*";

(*7*) in Chapter 55,—

(*a*) for heading No. 55.08, the following heading shall be substituted, namely:—

"55.08	FABRICS OF MAN-MADE STAPLE FIBRES, EXCLUDING FABRICS COVERED UNDER HEADING NOS. 55.11 AND 55.12,—	
	(*a*) WOVEN ON LOOMS OTHER THAN HANDLOOMS, AND	
	(*b*) SUBJECTED TO THE PROCESS OF BLEACHING, DYEING, PRINTING, SHRINKPROOFING, STENTERING, HEAT-SETTING, CREASE-RESISTANT PROCESSING OR ANY OTHER PROCESS OR ANY TWO OR MORE OF THESE PROCESSES WITH THE AID OF POWER OR STEAM	
5508.10	-Of value not exceeding rupees ten per square metre	*Nil*
5508.20	-Of value exceeding rupees ten but not exceeding rupees twenty per square metre	*Nil*
5508.30	-Of value exceeding rupees twenty but not exceeding rupees twenty-five per square metre	*Nil*
5508.40	-Of value exceeding rupees twenty-five but not exceeding rupees fifty per square metre	*Nil*
5508.50	-Of value exceeding rupees fifty but not exceeding rupees one hundred per square metre	*Nil*
5508.60	-Of value exceeding rupees one hundred per square metre	*Nil*";

(*b*) for sub-heading No. 5511.13, the following sub-headings shall be substituted, namely:—

"5511.13	-Of value exceeding rupees fifty but not exceeding rupees one hundred per square metre	*Nil*
5511.14	-Of value exceeding rupees one hundred per square metre	*Nil*";

(1)	(2)	(3)	(4)

(c) for sub-heading No. 5511.29, the following sub-headings shall be substituted, namely:—

"5511.28	-	-Other fabrics of value exceeding rupees fifty but not exceeding rupees one hundred per square metre	*Nil*
5511.29	-	-Other fabrics of value exceeding rupees one hundred per square metre	*Nil*";

(d) for sub-heading No. 5512.13, the following sub-headings shall be substituted, namely:—

"5512.13	-	-Of value exceeding rupees fifty but not exceeding rupees one hundred per square metre	*Nil*
5512.14	-	-Of value exceeding rupees one hundred per square metre	*Nil*";

(e) for sub-heading No. 5512.29, the following sub-headings shall be substituted, namely:—

"5512.28	-	-Other fabrics of value exceeding rupees fifty but not exceeding rupees one hundred per square metre	*Nil*
5512.29	-	-Other fabrics of value exceeding rupees one hundred per square metre	*Nil*";

(8) in Chapter 69, for sub-heading No. 6906.10, the following sub-heading shall be substituted, namely:—

"6906.10	-Glazed tiles	50%";

(9) in Chapter 84, after sub-heading No. 8414·10, the following sub-heading shall be inserted, namely:—

"8414.20	-Electric fans	15% *plus* Rs. 100 per fan";

(10) in Chapter 85, for heading No. 85.40, the following shall be substituted, namely:—

"85.40		THERMIONIC, COLD CATHODE OR PHOTO-CATHODE VALVES AND TUBES (FOR EXAMPLE, VACUUM OR VAPOUR OR GAS FILLED VALVES AND TUBES, MERCURY ARC RECTIFYING VALVES AND TUBES, CATHODE-RAY TUBES, TELEVISION CAMERA TUBES)	
		-Cathode-Ray television picture tubes:	
8540.11	-	-Colour	Rs. 600/- per tube
8540.12	-	-Black and White	Rs. 150/- per tube
8540.50		-Other	15%.".

THE FOURTH SCHEDULE

(*See* section 97)

PART I

In the First Schedule to the Additional Duties of Excise Act,—

(*1*) in sub-heading No. 1701.39, for the entry in column (4), the entry "Rs. 36 per quintal" shall be substituted;

(*2*) in heading No. 24.04, in column (3), in the portion occurring before sub-heading No. 2404.11, for the words " -Smoking mixtures of tobacco for pipes and cigarettes", the words " - Smoking mixtures of tobacco for pipes and cigarettes; cut-tobacco" shall be substituted;

(*3*) sub-heading No. 2404.32 shall be renumbered as sub-heading No. 2404.39;

(*4*) in sub-heading No. 5206.20, in column (4), for the words, abbreviation and figures "sub-heading Nos. 5206.31 to 5206.39 and 5206.90", the words, abbreviation and figures "sub-heading Nos. 5206.31 to 5206.36 and 5206.91 to 5206.94" shall be substituted ;

(*5*) in sub-heading No. 5206.32, for the entry in column (3), the entry "- -Of value exceeding rupees five but not exceeding rupees ten per square metre" shall be substituted;

(*6*) in sub-heading No. 5206.33, for the entry in column (3), the entry "- -Of value exceeding rupees ten but not exceeding rupees fifteen per square metre" shall be substituted;

(*7*) in sub-heading No. 5206.34, for the entry in column (3), the entry "- - Of value exceeding rupees fifteen but not exceeding rupees twenty-five per square metre" shall be substituted;

(*8*) in sub-heading No. 5206.35, for the entry in column (3), the entry "- -Of value exceeding rupees twenty-five but not exceeding rupees fifty per square metre" shall be substituted;

(*9*) in sub-heading No. 5206.36, for the entry in column (3), the entry "- -Of value exceeding rupees fifty per square metre" shall be substituted;

(*10*) in sub-heading No. 5207.20, in column (4), for the words, abbreviation and figures "sub-heading Nos. 5206.31 to 5206.39 and 5206.90", the words, abbreviation and figures "sub-heading Nos. 5206.31 to 5206.36 and 5206.91 to 5206.94" shall be substituted;

(*11*) in sub-heading Nos. 5207.90 and 5208.19, for the entry in column (4), the entry "Fifty per cent. of the duty leviable under sub-heading Nos. 5206.31 to 5206.36 and 5206.91 to 5206.94, as the case may be, depending upon the average count of the yarn in the fabric and the value per square metre of the fabric" shall be substituted;

(*12*) in sub-heading Nos. 5208.22 and 5208.29, in column (4), for the words, abbreviation and figures "sub-heading Nos. 5206.31 to 5206.39 and 5206.90", the words, abbreviation and figures "sub-heading Nos. 5206.31 to 5206.36 and 5206.91 to 5206.94" shall be substituted ;

(*13*) in sub-heading Nos. 5211.10 and 5211.20, for the entry in column (4), the entry "15 %" shall be substituted;

(14) sub-heading Nos. 5511.27 and 5511.28 shall be renumbered as sub-heading Nos. 5511.26 and 5511.27 respectively;

(15) sub-heading Nos. 5512.27 and 5512.28 shall be renumbered as sub-heading Nos. 5512.26 and 5512.27 respectively.

PART II

Heading No.	Sub-heading No.	Description of goods	Rate of additional duty
(1)	(2)	(3)	(4)

In the First Schedule to the Additional Duties of Excise Act,—

(1) after sub-heading No. 2404.12, the following sub-heading shall be inserted, namely:—

"2404.13 - - -Cut-tobacco *Nil*";

(2) for sub-heading Nos. 2404.41 and 2404.42, the following shall be substituted, namely:—

	-Chewing tobacco including preparations commonly known as "Khara Masala", "Kimam", "Dokta", "Zarda", "Sukha" and "Surti":	
2404.41	-Bearing a brand name	10%";

(3) for the portion occurring after sub-heading No. 2404.49 and sub-heading Nos. 2404.51 and 2404.52, the following sub-heading shall be substituted, namely:—

"2404.50 -Snuff of tobacco 10%";

(4) for sub-heading Nos. 5206.37, 5206.38, 5206.39 and 5206.90, the following sub-headings shall be substituted, namely:—

	"-Other fabrics:	
5206.91	-Of value not exceeding rupees fifteen per square metre	10% *plus* Rs. 5 per square metre
5206.92	-Of value exceeding rupees fifteen but not exceeding rupees twenty-five per square metre	10% *plus* Rs. 5 per square metre
5206.93	-Of value exceeding rupees twenty-five but not exceeding rupees fifty per square metre	10% *plus* Rs. 5 per square metre
5206.94	-Of value exceeding rupees fifty per sqaure metre	10% *plus* Rs. 5 per square metre.";

(5) for heading No. 52.09, the following heading shall be substituted, namely:—

"52.09 COTTON FABRICS,—

(a) WOVEN,

(b) SUBJECTED TO THE PROCESS OF BLEACHING, MERCERISING, DYEING, PRINTING, WATER-PROOFING, SHRINKPROOFING, ORGANDIE PROCESSING OR ANY OTHER PROCESS OR ANY TWO OR MORE OF THESE PROCESSES,

(1)	(2)	(3)	(4)
		(*c*) CONTAINING (i) COTTON, AND (ii) POLYESTER STAPLE FIBRE OR POLYESTER FILAMENT YARN, OR BOTH (BUT NOT CONTAINING ANY OTHER TEXTILE MATERIAL), AND	
		(*d*) IN WHICH THE PROPORTION OF POLYESTER STAPLE FIBRE OR FILAMENT YARN OR BOTH IS MORE THAN FORTY PER CENT. BY WEIGHT OF THE TOTAL FIBRE CONTENT	
	5209.10	-Of value not exceeding rupees twenty-five per square metre	10% *plus* Rs. 5 per square metre
	5209.20	-Of value exceeding rupees twenty-five per square metre	10% *plus* Rs. 5 per square metre";

(*6*) for sub-heading Nos. 5210.20 and 5210.30, the following sub-heading shall be substituted, namely:—

	"5210·20	-Of value exceeding rupees twenty-five per square metre	10% *plus* Rs. 5 per square metre";

(*7*) for heading No. 54.09, the following heading shall be substituted, namely:—

"54.09		FABRICS OF MAN-MADE FILAMENT YARN (INCLUDING FABRICS OBTAINED FROM MATERIALS OF HEADING NOS. 54·06 AND 54·07 BUT EXCLUDING FABRICS COVERED UNDER HEADING NO. 54.12),—	
		(*a*) WOVEN ON LOOMS OTHER THAN HANDLOOMS, AND	
		(*b*) SUBJECTED TO THE PROCESS OF BLEACHING DYEING, PRINTING, SHRINKPROOFING, STENTERING HEAT-SETTING, CREASE-RESISTANT PROCESSING OR ANY OTHER PROCESS OR ANY TWO OR MORE OF THESE PROCESSES WITH THE AID OF POWER OR STEAM	
	5409·10	-Of value not exceeding rupees ten per square metre	10% *plus* Rs. 5 per square metre
	5409·20	-Of value exceeding rupees ten but not exceeding rupees twenty per square metre	10% *plus* Rs. 5 per square metre
	5409·30	-Of value exceeding rupees twenty but not exceeding rupees twenty-five per square metre	10% *plus* Rs. 5 per square metre
	5409·40	-Of value exceeding rupees twenty-five but not exceeding rupees fifty per square metre	10% *plus* Rs. 5 per square metre
	5409·50	-Of value exceeding rupees fifty but not exceeding rupees one hundred per square metre	15%
	5409·60	-Of value exceeding rupees one hundred per square metre	20%";

(1)	(2)	(3)	(4)

(8) for sub-heading No. 5412.30, the following sub-headings shall be substituted, namely:—

"5412.30	-Of value exceeding rupees fifty but not exceeding rupees one hundred per square metre	15%
5412.40	-Of value exceeding rupees one hundred per square metre	20%";

(9) for heading No. 55.08, the following heading shall be substituted, namely:—

"55.08	FABRICS OF MAN-MADE STAPLE FIBRES (EXCLUDING FABRICS COVERED UNDER HEADING NOS. 55.11 AND 55.12),— (*a*) WOVEN ON LOOMS OTHER THAN HANDLOOMS, AND (*b*) SUBJECTED TO THE PROCESS OF BLEACHING, DYEING, PRINTING, SHRINKPROOFING, STENTERING, HEAT-SETTING, CREASE-RESISTANT PROCESSING OR ANY OTHER PROCESS OR ANY TWO OR MORE OF THESE PROCESSES WITH THE AID OF POWER OR STEAM	
5508.10	-Of value not exceeding rupees ten per square metre	10% *plus* Rs. 5 per square metre
5508.20	-Of value exceeding rupees ten but not exceeding rupees twenty per square metre	10% *plus* Rs. 5 per square metre
5508.30	-Of value exceeding rupees twenty but not exceeding rupees twenty-five per square metre	10% *plus* Rs. 5 per square metre
5508.40	-Of value exceeding rupees twenty-five but not exceeding rupees fifty per square meter	10% *plus* Rs. 5 per square metre
5508.50	-Of value exceeding rupees fifty but not exceeding rupees one hundred per square metre	15%
5508.60	-Of value exceeding rupees one hundred per square metre	20%";

(10) for sub-heading No. 5511.13, the following sub-headings shall be substituted, namely:—

"5511.13	- -Of value exceeding rupees fifty but not exceeding rupees one hundred per square metre	15%
5511.14	- -Of value exceeding rupees one hundred per square metre	20%";

(11) for sub-heading No. 5511.29, the following sub-headings shall be substituted, namely:—

"5511.28	- -Other fabrics of value exceeding rupees fifty but not exceeding rupees one hundred per square metre	15%
5511.29	- -Other fabrics of value exceeding rupees one hundred per square metre	20%";

(1)	(2)	(3)	(4)

(*12*) for sub-heading No. 5512.13, the following sub-headings shall be substituted, namely:—

"5512.13	- -Of value exceeding rupees fifty but not exceeding rupees one hundred per square metre	15%
5512.14	- -Of value exceeding rupees one hundred per square metre	20%";

(*13*) for sub-heading No. 5512.29, the following sub-headings shall be substituted, namely:—

"5512.28	- -Other fabrics of value exceeding rupees fifty but not exceeding rupees one hundred per square metre	15%
5512.29	- -Other fabrics of value exceeding rupees one hundred per square metre	20%".

THE KHADI AND VILLAGE INDUSTRIES COMMISSION (AMENDMENT) ACT, 1987

No. 12 OF 1987

[15*th May* 1987.]

An Act further to amend the Khadi and Village Industries Commission Act, 1956.

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

Short title and commencement.

1. (*1*) This Act may be called the Khadi and Village Industries Commission (Amendment) Act, 1987.

(*2*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint, and different dates[2] may be appointed for different provisions of this Act.

Amendment of section 2.

2. In section 2 of the Khadi and Village Industries Commission Act, 1956 (hereinafter referred to as the principal Act),— 61 of 1956.

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

'(*cc*) "fixed capital investment" includes investment in plant and machinery and land and building of an industry;';

(*b*) in clause (*e*), the words "and the vice-chairman" shall be omitted;

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

(*ff*) "rural area means the area comprised in any village, and includes the area comprised in any town, the population of which does not exceed ten thousand or such other figure as the Central Government may specify from time to time;';

(*d*) clause (*g*) shall be omitted;

(*e*) clause (*gg*) shall be omitted;

[1] 24-7-1987 Vide Notification No. S. O. 738 (E), dated 24-7-1987 (except sections 11 to 13 (both inclusive).

[2] 1-4-1988 Vide Notification No. S. O. 882 (E), dated 5-10-1987 (in respect of sections 11 to 13 (both inclusive)

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

'(*h*) "village industry" means,—

(*i*) any industry located in a rural area which produces any goods or renders any service with or without the use of power and in which the fixed capital investment per head of an artisan or a worker does not exceed fifteen thousand rupees or such other sum as may, by notification in the Official Gazette, be specified from time to time by the Central Government:

Provided that any industry specified in the Schedule and located in an area other than a rural area and recognised as a village industry at any time before the commencement of the Khadi and Village Industries Commission (Amendment) Act, 1987 shall, notwithstanding anything contained in this sub-clause, continue to be a village industry under this Act;

(*ii*) any other non-manufacturing unit established for the sole purpose of promoting, maintaining, assisting, servicing (including mother units) or managing any village industry;'.

Omission of section 3.

3. Section 3 of the principal Act shall be omitted.

Amendment of section 4.

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

"(*2*) The Commission shall consist of the following members appointed by the Central Government, namely:—

(*a*) six non-official members having specialised knowledge and experience of khadi and village industries and representing such six geographical zones of the country, as may be prescribed;

(*b*) two non-official members having expert knowledge and experience in one or more of the following disciplines, namely:—

Economics, Planning, Rural Development, Science and Technology or Technical Education and Training;

(*c*) one Financial Adviser, who shall also be the Chief Accounts Officer of the Commission, *ex officio*; and

(*d*) a Chief Executive Officer, *ex officio*:

Provided that the *ex officio* members shall not have the right to vote in any of the matters discussed at a meeting of the Commission.

(*3*) The Central Government may appoint one of the members appointed under clause (*a*) of sub-section (*2*) to be the chairman who shall be a full-time member.".

5. For sections 5 and 6 of the principal Act, the following sections shall be substituted, namely:— Substitution of new sections for sections 5 and 6.

"5. (1) The Chief Executive Officer appointed under clause (d) of sub-section (2) of section 4 shall exercise powers of general superintendence over the affairs of the Commission and its day-to-day management under the direction and control of the chairman. Powers and functions of the Chief Executive Officer.

(2) The Chief Executive Officer shall be responsible for the furnishing of all returns, reports and statements required to be furnished to the Central Government under section 24.

(3) It shall be the duty of the Chief Executive Officer to place before the Commission for its consideration and decision any matter of financial import if the Financial Adviser suggests to him in writing that such matter be placed before the Commission.

5A. The Financial Adviser appointed under clause (c) of sub-section (2) of section 4 shall be in charge of all financial matters of the Commission including its budget, accounts and audit and it shall be the duty of the Financial Adviser to bring to the notice of the Commission through the Chief Executive Officer any matter of financial import, which, in his opinion, requires consideration and decision by the Commission. Powers and functions of the Financial Adviser.

6. A person shall be disqualified for being appointed as, and for being, a member of the Commission— Disqualifications for membership of the Commission.

(a) if he is, or is found to be a lunatic or a person of unsound mind; or

(b) if he has been adjudged insolvent; or

(c) if he has been convicted of an offence involving moral turpitude; or

(d) if he has any financial interest in any subsisting contract made with or in any work being done by the Commission, except as a shareholder (other than a Director), in a company as defined in section 3 of the Companies Act, 1956: 1 of 1956.

Provided that where he is a shareholder, he shall disclose to the Central Government, the nature and extent of shares held by him in such a company; or

(e) if he has any financial interest in any business undertaking dealing with or any other village industry specified or deemed to be specified in the Schedule to the Act.

6A. The Central Government may, by notification in the Official Gazette, remove from office any member of the Commission who— Removal of Chairman, Member, etc., from the Commission.

(a) is or becomes subject to any of the disqualifications mentioned in section 6; or

(b) in the opinion of the Central Government has failed or is unable to carry out his duties; or

(c) absents himself from three consecutive meetings of the Commission without the leave of the Commission:

Provided that before issuing any such notification, the Central Government shall give an opportunity to the member concerned to show cause against such removal.".

Amendment of section 12.

6. In section 12 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) The chairman or, in his absence, any member (other than an *ex officio* member) chosen by the members present from among themselves, shall preside at a meeting of the Commission.".

Substitution of new section for section 13.

7. For section 13 of the principal Act, the following section shall be substituted, namely:—

Term of office and conditions of service of the chairman and other members.

"13. (1) Every member of the Commission, other than an *ex officio* member, shall hold office for a term of five years:

Provided that the chairman shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) The terms and conditions of service of the chairman, Chief Executive Officer, Financial Adviser and other members shall be such as may be prescribed.".

Amendment of section 14.

8. In section 14 of the principal Act,—

(a) sub-section (1) shall be omitted;

(b) in sub-section (2), the brackets and figure "(2)" and the proviso shall be omitted.

Substitution of new section for section 15.

9. For section 15 of the principal Act, the following section shall be substituted, namely:—

Functions of the Commission.

"15. (1) Subject to the provisions of this Act, the functions of the Commission shall generally be to plan, promote, organise and assist in the establishment and development of khadi and village industries in the rural area in coordination with other agencies engaged in rural development wherever necessary.

(2) In particular, and without prejudice to the generality of the foregoing power, the Commission may take such other steps as it may think fit,—

(a) to plan and organise training of persons employed or desirous of seeking employment in khadi and village industries;

(b) to build up reserves of raw materials and implements and supply them to persons engaged or likely to be engaged in

production of handspun yarn or khadi or village industries at such rates as the Commission may decide;

(*c*) to encourage and assist in the creation of common service facilities for the processing of raw materials or semi-finished goods and for otherwise facilitating production and marketing of khadi or products of village industries;

(*d*) to promote the sale and marketing of khadi or products of village industries or handicrafts and for this purpose forge links with established marketing agencies wherever necessary and feasible;

(*e*) to encourage and promote research in the technology used in khadi and village industries, including the use of non-conventional energy and electric power with a view to increasing productivity, eliminating drudgery and otherwise enhancing their competitive capacity and to arrange for dissemination of salient results obtained from such research;

(*f*) to undertake directly or through other agencies studies of the problems of khadi or village industries;

(*g*) to provide financial assistance to institutions or persons engaged in the development and operation of khadi or village industries and guide them through supply of designs, prototypes and other technical information for the purpose of producing goods and services for which there is effective demand in the opinion of the Commission;

(*h*) to undertake experiments or pilot projects which in the opinion of the Commission are necessary for the development of khadi and village industries;

(*i*) to establish and maintain separate organisations for the purpose of carrying out any or all of the above matters;

(*j*) to promote and encourage cooperative efforts among the manufacturers of khadi or persons engaged in village industries;

(*k*) to ensure genuineness and to set up standards of quality and ensure that products of khadi and village industries do conform to the said standards, including issue of certificates or letters of recognition to the concerned persons; and

(*l*) to carry out any other matters incidental to the above.".

10. In section 17A of the principal Act, for the words "or the development of village industries", the words "the development of village industries or the development of khadi and village industries" shall be substituted. Amendment of section 17A.

11. In section 18 of the principal Act, for sub-sections (*1*), (*1A*) and (*1B*), the following sub-sections shall be substituted, namely:— Amendment of section 18.

"(*1*) The Commission shall have three separate funds to be called the khadi fund, the village industries fund and the general and miscellaneous fund.

(*1A*) There shall be credited,—

(*a*) to the khadi fund, all sums received by the Commission for the purposes relating to khadi;

(*b*) to the village industries fund, all sums received by the Commission for the purposes relating to village industries and products of handicrafts;

(*c*) to the general and miscellaneous fund, all other sums received by the Commission:

Provided that if the amount available in any of the said funds is in excess of the requirements of that fund and the amount available in any other of the said funds is insufficient to meet the requirements of that fund, the Commission may, with the previous approval of the Central Government, transfer from the first mentioned fund the excess amount or such part thereof as may be necessary to the other fund.

Explanation.—For the purpose of computing the amount in any of the said funds, the amount received under section 17A shall not be taken into account.

(*1B*) The sums credited under sub-section (*1*),—

(*a*) to the khadi fund, shall be applied for the purposes relating to khadi;

(*b*) to the village industries fund, shall be applead for the purposes relating to village industries and products of handicrafts;

(*c*) to the general and miscellaneous fund, shall be applied for the purposes relating to khadi and village industries and for meeting the salary, allowances and other remuneration of the members, officers and other employees of the Commission and other administrative expenses of the Commission.".

Amendment of section 19A.

12. In section 19A of the principal Act, in sub-section (*1*), for the words "two funds", the words "three funds" shall be substituted.

Amendment of section 20.

13. In section 20 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) for the words "two separate budgets", the words "three separate budgets" shall be substituted;

(*ii*) for the words "and the village industries budget", the words ", the village industries budget and the general and miscellaneous budget" shall be substituted;

(*iii*) for the words "and village industries respectively", the words ", village industries and products of handicrafts and khadi and village industries respectively" shall be substituted;

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

'(*3*) The Commission may within the respective limits of the khadi budget, the village industries budget and the general and miscellaneous budget, sanction any reappropriation from one head of expenditure to another or from a provision made for one scheme to that in respect of another, but subject to the proviso to sub-section (*1*) of section 18, in no case shall a reappropriation of fund be made from one budget to any of the other two budgets:

Provided that no reappropriation from the head "Loan" to any other head of expenditure and *vice versa* in any of the budgets shall be sanctioned by the Commission, except with the previous approval of the Central Government.';

(*c*) in sub-section (*4*), for the words "either budget", the words "the budget" shall be substituted.

14. In section 26 of the principal Act,— Amendment of section 26.

(*a*) in sub-section (*2*),—

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

"(*a*) the manner of filling casual vacancies among the members of the Commission and the terms and conditions of service of the chairman, the Chief Executive Officer, the Financial Adviser and other members of the Commission including the salary and allowances to be paid to them and the travelling and daily allowances to be drawn by them when they are on tour;";

(*ii*) in clause (*b*), the words "the disqualifications for membership of the Commission and" shall be omitted;

(*iii*) clause (*cc*) and clause (*d*) shall be omitted;

(*b*) sub-section (*3*) shall be omitted.

15. In section 27 of the principal Act,— Amendment of section 27.

(*a*) in sub-section (*2*), in clauses (*a*) and (*c*), for the words "the Secretary", the words "the Chief Executive Officer" shall be substituted; and

(*b*) after sub-section (*2*), the following sub-section shall be inserted and shall be deemed always to have been inserted, namely:—

"(*2A*) The power to make regulations under this section with respect to the terms and conditions of service and the scales of pay and pension to be paid to the employees of the Commission shall include the power to give retrospective effect from a date not earlier than the commencement of this Act, to such regulations or any of them but no retrospective effect shall be given

to any such regulation so as to prejudicially affect the interest of any person to whom such regulation may be applicable.".

Insertion of new section 28.

16. In the principal Act, after section 27, the following section shall be inserted, namely:—

Rules and regulations to be laid before Parliament.

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

Amendment of the Schedule.

17. In the Schedule to the principal Act, for the heading "[*See* sections 2(*h*) and 3(*1*)]", the heading "[*See* section 2(*h*)]" shall be substituted.

THE MERCHANT SHIPPING (AMENDMENT) ACT, 1987

No. 13 OF 1987

[22nd *May*, 1987.]

An Act further to amend the Merchant Shipping Act, 1958.

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

1. (1) This Act may be called the Merchant Shipping (Amendment) Act, 1987. 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 and different dates may be appointed for different provisions of this Act.

44 of 1958. **2.** In Part VI of the Merchant Shipping Act, 1958 (hereinafter referred to as the principal Act), for the sub-heading "Masters, mates and engineers" the sub-heading "Masters, mates, engineers, skippers, etc." shall be substituted. Substitution of new sub-heading for sub-heading of Part VI.

3. For sections 75 and 76 of the principal Act, the following sections shall be substituted, namely:— Substitution of new sections for sections 75 and 76.

'75. This Part applies to— Application of Part.

(a) every sea-going Indian ship fitted with mechanical means of propulsion wherever it is; and

(b) every foreign ship while it is at a port or place in India.

75A. In this Part, unless the context otherwise requires,— Definitions.

(a) "contiguous zone" means the contiguous zone of India described, or notified as such for the time being under section 5 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976; 80 of 1976.

(b) "Convention" means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, signed at London on the 7th day of July, 1978, as amended from time to time;

Certificates of competency to be held by officers of ships.

76. (*1*) Every Indian ship, other than a home-trade ship of less than two hundred tons gross engaged in coasting trade of India, when going to sea from any port or place, shall be provided with officers duly certificated under this Act according to the following scale, namely:—

(*a*) in every case, with a duly certificated master;

(*b*) if the ship is a foreign-going ship, with an officer holding a certificate not lower than that of—

(*i*) first mate;

(*ii*) second mate; and

(*iii*) navigational watchkeeping officer;

(*c*) in the case of a home-trade ship, with an officer holding a certificate not lower than that of—

(*i*) a mate; and

(*ii*) a navigational watchkeeping officer.

(*2*) Every home-trade ship of less than two hundred tons gross and engaged in the coasting trade of India, when going to sea, shall be provided with officers duly certificated under this Act according to the following scale, namely:—

(*a*) with a duly certificated master; and

(*b*) with an officer holding a certificate not lower than that of a navigational watchkeeping officer.

(*3*) Every Indian ship when going to sea from any port or place shall be provided with engineers or engine drivers duly certificated under this Act according to the following scale, namely:—

(*a*) if the ship has a propulsion power of 3000 KW or more, with at least one marine engineer officer class I designated as chief engineer, one marine engineer officer class II designated as second engineer and one marine engineer officer class IV;

(*b*) if the ship has a propulsion power of 750 KW or more but less than 3000 KW, with at least one marine engineer officer class II having service endorsement on his certificate of competency in such form and manner as may be prescribed, and designated as chief engineer, one marine engineer officer class III designated as second engineer and one marine engineer officer class IV;

(*c*) if the ship has a propulsion power of 350 KW or more but less than 750 KW, with at least one marine engineer officer class III designated as chief engineer and one marine engineer officer class IV or engine driver of a sea-going ship designated as second engineer;

(*d*) if the ship has a propulsion power of less than 350 KW, with at least one engine driver of sea-going ship designated as engineer-in-charge.

(4) Every Indian fishing vessel when going to sea from any port or place in India, shall be provided—

(*a*) if the vessel is of twenty-four metres or more in length and is operating beyond the contiguous zone, with a certificated skipper grade I and a certificated mate of a fishing vessel;

(*b*) if the vessel is of twenty-four metres or more in length and is operating within the contiguous zone, with a certificated skipper grade II and a certificated mate of a fishing vessel;

(*c*) if the vessel is of less than twenty-four metres in length and is operating beyond the contiguous zone, with a certificated skipper grade II and a certificated mate of a fishing vessel;

(*d*) if the vessel is less than twenty-four metres in length and is operating within the contiguous zone, with a certificated skipper grade II;

(*e*) if the vessel has a propulsion power of 750 KW or more, with at least one engineer of a fishing vessel, who shall be designated as chief engineer and one engine driver of a fishing vessel;

(*f*) if the vessel has a propulsion power of 350 KW or more but less than 750 KW, with at least one engineer of a fishing vessel who shall be designated as chief engineer;

(*g*) if the vessel has a propulsion power of less than 350 KW, with at least one engine driver of a fishing vessel who shall be designated as engineer-in-charge.

(5) Every ship, whether at sea or in any port or place, shall engage such number of persons and with such qualifications as may be prescribed for maintaining watches.

Explanation.—For the purposes of clauses (*e*) and (*f*) of sub-section (4), any person holding a certificate of competency as a marine engineer officer class I or class II shall be deemed to be a duly certificated engineer of a fishing vessel, and for the purposes of clause (*g*) of that sub-section, a person holding a certificate of competency as engine driver of a sea-going ship shall be deemed to be a duly certificated engine driver of a fishing vessel.'.

Substitution of new section for section 78.

4. For section 78 of the principal Act, the following section shall be substituted, namely:—

Grades of certificates of competency.

"78. (1) Certificates of competency shall be granted in accordance with the provisions of this Act for each of the following grades, namely:—

extra Master;

master of a foreign-going ship;

first mate of a foreign-going ship;

second mate of a foreign-going ship;

master of a home-trade ship;

mate of a home-trade ship;

navigational watchkeeping officer;
extra first class engineer;
marine engineer officer class I;
marine engineer officer class II;
marine engineer officer class III;
marine engineer officer class IV;
engine driver of a sea-going ship;
skipper grade I of a fishing vessel;
skipper grade II of a fishing vessel;
mate of a fishing vessel;
engineer of a fishing vessel;
engine driver of a fishing vessel;
dredger master grade I;
dredger master grade II;
dredger mate grade I;
dredger mate grade II;
dredger engineer grade I;
dredger engineer grade II;
dredger driver grade I;
dredger driver grade II.

(2) A certificate of competency granted for any grade of engineer or engine driver shall state whether it entitles the holder to act as engineer of ships or fishing vessels fitted with steam or motor engines or with any other type of engines and the holder shall not be entitled to act as engineer of a ship fitted with a type of engine not stated in the certificate.

(3) Certificates issued to masters, mates and engineers who have to work on board ships carrying dangerous goods shall require endorsement as to the additional qualifications that may be prescribed.

(4) If it appears to the Central Government that certificates of competency for grades, other than those referred to in sub-section (1) may be granted, it may, by notification in the Official Gazette, specify the other grades in respect of which certificates of competency may be granted.

(5) A certificate of competency for a foreign-going ship shall be deemed to be of a higher grade than the corresponding certificate of a home-trade ship, and shall entitle the lawful holder thereof to go to sea in the corresponding grade in such home-trade ship; but no certificate for a home-trade ship shall entitle the holder to go to sea as a master or mate of a foreign-going ship.

(6) A certificate of competency as extra master shall be deemed to be of a higher grade than any other certificate of competency as master or mate of a foreign-going ship or a home-trade ship or navigational watchkeeping officer.

(7) A certificate of competency as extra first class engineer shall be deemed to be of a higher grade than any other certificate of

competency as marine engineer officer, engineer or engine driver of a fishing vessel or engine driver of a sea-going ship.".

5. In sectio n79 of the principal Act, after subsection (*2*), the following sub-section shall be inserted, namely:— Amendment of section 79.

"(*3*) Every certificate granted under sub-section (*2*), shall be valid for such period as may be prescribed.".

6. In section 84 of the principal Act, in sub-section (*1*),— Amendment of section 84.

(*i*) in clause (*a*),—

(*A*) for the words "master, mate, engineers and engine drivers", the words "mates and engineers" shall be substituted;

(*B*) the word "and" at the end shall be omitted;

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

"(*c*) who is not required to sign the agreement with the crew, shall submit before commencing the first voyage from any port to the Mercantile Marine Department having jurisdiction over such port, a list of crew with the particulars of grades of certificates of master, mates and engineers and shall also report to that Department of any later change in the list of the crew before any subsequent voyage.".

7. After section 86 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 86A.

"86A. (*1*) Every master of a foreign ship shall, before proceeding to sea from any port or place in India, ensure that the ship has the requisite number of officers and engineers of appropriate grades as specified by the Convention. Foreign ships not to sail without certificated officers.

(*2*) A surveyor or any person authorised in this behalf by the Central Government may, at any reasonable time, go on board a ship to which any of the provisions of this Part applies for the purpose of ensuring that the officers holding certificates issued in accordance with the Convention are actually appointed and are present, and satisfy himself about the adequacy of such officers for the watch-keeping duties in ports and at sea.

(*3*) If any report made under sub-section (*2*) by a surveyor or any person authorised in this behalf by the Central Government, reveals any deficiency in a foreign ship in relation to the requirements of the Convention and the Central Government is satisfied that it will be unsafe for such ship to proceed to sea, that ship may be detained by the officer authorised for this purpose till such requirements are fulfilled.".

8. For section 87 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 87.

"87. (*1*) The Central Government may make rules to carry out the provisions of this Part. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the form and manner in which a service endorsement shall be made on the certificate of competency of a marine engineer officer class II;

(*b*) the number of persons and the qualifications they may possess for maintaining watches by a ship at sea or in any port or place;

(*c*) the conduct of the examination of persons desirous of obtaining certificates of competency and endorsements thereon for the grades falling under section 78;

(*d*) the qualifications to be required of persons desirous of obtaining certificates of competency for the grades falling under section 78;

(*e*) the fees to be paid by applicants for examination;

(*f*) the period for which certificate granted under sub-section (2) of section 79 shall be valid;

(*g*) the form of such certificates and the manner in which copies of certificates are to be kept and recorded;

(*h*) the circumstances or cases in which certificates of competency may be cancelled or suspended.".

Amendment of section 436.

9. In section 436 of the principal Act, in sub-section (2), in the Table, for Serial Number 17 and the entries relating thereto, the following Serial Number and entries shall be substituted, namely:—

1	2	3	4
"17	If—		
	(*a*) any person causes a ship or fishing vessel to proceed to sea without the required certificated personnel.	General	Imprisonment which may extend to six months or fine which may extend to ten thousand rupees, or both.
	(*b*) any person having been engaged as one of the officers referred to in section 76 goes to sea a such officer without being duly certificated.	76	Imprisonment which may extend to six months or fine which may extend to five thousand rupees, or both.
	(*c*) any master fails to submit the required crew list or fails to report the changes made in the list before commencing the relevant voyage.	84(i)(*c*)	Fine which may extend to five thousand rupees, and in addition, a fine which may extend to one thousand rupees for every day during which the offence continues after conviction.".

Saving

10. Notwithstanding anything contained in this Act, the amendments made to the principal Act by this Act shall not apply to, or in relation to, any certificate of competency granted under section 78 or recognised under section 86 of the principal Act before the commencement of this Act; and the principal Act shall continue to apply in relation to such certificates as if this Act had not been enacted.

THE MENTAL HEALTH ACT, 1987

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THE MENTAL HEALTH ACT, 1987

No. 14 OF 1987

[22nd May, 1987.]

An Act to consolidate and amend the law relating to the treatment and care of mentally ill persons, to make better provision with respect to their property and affairs and for matters connected therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (1) This Act may be called the Mental Health Act, 1987.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification, appoint and different dates may be appointed for different States and for different provisions of this Act, and any reference in any provision to the commencement of this Act in a State shall be construed as a reference to the coming into force of that provision in that State.

Definitions.

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

(a) "cost of maintenance", in relation to a mentally ill person admitted in a psychiatric hospital or psychiatric nursing home, shall mean the cost of such items as the State Government may, by general or special order, specify in this behalf;

(b) "District Court" means, in any area for which there is a city civil court, that court, and in any other area the principal civil court of original jurisdiction, and includes any other civil court which the State Government may, by notification, specify as the court competent to deal with all or any of the matters specified in this Act;

(c) "Inspecting Officer" means a person authorised by the State Government or by the licensing authority to inspect any psychiatric hospital or psychiatric nursing home;

(d) "licence" means a licence granted under section 8;

(e) "licensee" means the holder of a licence;

(*f*) "licensed psychiatric hospital" or "licensed psychiatric nursing home" means a psychiatric hospital or psychiatric nursing home, as the case may be, licensed, or deemed to be licensed, under this Act;

(*g*) "licensing authority" means such officer or authority as may be specified by the State Government to be the licensing authority for the purposes of this Act;

(*h*) "Magistrate" means,—

(*1*) in relation to a metropolitan area within the meaning of clause (*k*) of section 2 of the Code of Criminal Procedure, 1973, a Metropolitan Magistrate; 2 of 1974.

(*2*) in relation to any other area, the Chief Judicial Magistrate, Sub-Divisional Judicial Magistrate or such other Judicial Magistrate of the first class as the State Government may, by notification, empower to perform the functions of a Magistrate under this Act;

(*i*) "medical officer" means a gazetted medical officer in the service of Government and includes a medical practitioner declared, by a general or special order of the State Government, to be a medical officer for the purposes of this Act;

(*j*) "medical officer in charge", in relation to any psychiatric hospital or psychiatric nursing home, means the medical officer who, for the time being, is in charge of that hospital or nursing home;

(*k*) "medical practitioner" means a person who possesses a recognised medical qualification as defined—

(*i*) in clause (*h*) of section 2 of the Indian Medical Council Act, 1956, and whose name has been entered in a State Medical Register, as defined in clause (*k*) of that section; 102 of 1956.

(*ii*) in clause (*h*) of sub-section (*1*) of section 2 of the Indian Medicine Central Council Act, 1970, and whose name has been entered in a State Register of Indian Medicine, as defined in clause (*j*) of sub-section (*1*) of that section; and 48 of 1970.

(*iii*) in clause (*g*) of sub-section (*1*) of section 2 of the Homoeopathy Central Council Act, 1973, and whose name has been entered in a State Register of Homoeopathy, as defined in clause (*i*) of sub-section (*1*) of that section; 59 of 1973.

(*l*) "mentally ill person" means a person who is in need of treatment by reason of any mental disorder other than mental retardation;

(*m*) "mentally ill prisoner" means a mentally ill person for whose detention in, or removal to, a psychiatric hospital, psychiatric nursing home, jail or other place of safe custody, an order referred to in section 27 has been made;

(*n*) "minor" means a person who has not completed the age of eighteen years;

(*o*) "notification" means a notification published in the Official Gazette;

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

(*q*) "psychiatric hospital" or "psychiatric nursing home" means a hospital or, as the case may be, a nursing home established or maintained by the Government or any other person for the treatment and care of mentally ill persons and includes a convalescent home established or maintained by the Government or any other person for such mentally ill persons; but does not include any general hospital or general nursing home established or maintained by the Government and which provides also for psychiatric services;

(*r*) "psychiatrist" means a medical practitioner possessing a post-graduate degree or diploma in psychiatry, recognised by the Medical Council of India, constituted under the Indian Medical Council Act, 1956, and includes, in relation to any State, any medical officer who, having regard to his knowledge and experience in psychiatry, has been declared by the Government of that State to be a psychiatrist for the purposes of this Act;

102 of 1956.

(*s*) "reception order" means an order made under the provisions of this Act for the admission and detention of a mentally ill person in a psychiatric hospital or psychiatric nursing home;

(*t*) "relative" includes any person related to the mentally ill person by blood, marriage or adoption;

(*u*) "State Government", in relation to a Union territory, means the Administrator thereof.

CHAPTER II

MENTAL HEALTH AUTHORITIES

Central Authority for Mental Health Services.

3. (*1*) The Central Government shall establish an Authority for mental health with such designation as it may deem fit.

(*2*) The Authority established under sub-section (*1*) shall be subject to the superintendence, direction and control of the Central Government.

(*3*) The Authority established under sub-section (*1*) shall—

(*a*) be in charge of regulation, development, direction and co-ordination with respect to Mental Health Services under the Central Government and all other matters which, under this Act, are the concern of the Central Government or any officer or authority subordinate to the Central Government;

(*b*) supervise the psychiatric hospitals and psychiatric nursing homes and other Mental Health Service Agencies (including places in which mentally ill persons may be kept or detained) under the control of the Central Government;

(*c*) advise the Central Government on all matters relating to mental health; and

(*d*) discharge such other functions with respect to matters relating to mental health as the Central Government may require.

Explanation.—For the purposes of this section and section 4, "Mental Health Services" include, in addition to psychiatric hospitals and psychiatric nursing homes, observation wards, day-care centres, inpatient treatment in general hospitals, ambulatory treatment facilities and other facilities, convalescent homes and half-way-homes for mentally ill persons.

State Authority for Mental Health Services.

4. (*1*) The State Government shall establish an Authority for mental health with such designation as it may deem fit.

(*2*) The Authority established under sub-section (*1*) shall be subject to the superintendence, direction and control of the State Government.

(*3*) The Authority established under sub-section (*1*) shall—

(*a*) be in charge of regulation, development and co-ordination with respect to Mental Health Services under the State Government and all other matters which, under this Act, are the concern of the State Government or any officer or authority subordinate to the State Government;

(*b*) supervise the psychiatric hospitals and psychiatric nursing homes and other Mental Health Service Agencies (including places in which mentally ill persons may be kept or detained) under the control of the State Government;

(*c*) advise the State Government on all matters relating to mental health; and

(*d*) discharge such other functions with respect to matters relating to mental health as the State Government may require.

CHAPTER III

PSYCHIATRIC HOSPITALS AND PSYCHIATRIC NURSING HOMES

Establishment or maintenance of psychiatric hospitals and psychiatric nursing homes.

5. (*1*) The Central Government may, in any part of India, or the State Government may, within the limits of its jurisdiction, establish or maintain psychiatric hospitals or psychiatric nursing homes for the admission, treatment and care of mentally ill persons at such places as it thinks fit; and separate psychiatric hospitals and psychiatric nursing homes may be established or maintained for,—

(*a*) those who are under the age of sixteen years;

(*b*) those who are addicted to alcohol or other drugs which lead to behavioural changes in a person;

(*c*) those who have been convicted of any offence; and

(*d*) those belonging to such other class or category of persons as may be prescribed.

(*2*) Where a psychiatric hospital or psychiatric nursing home is established or maintained by the Central Government, any reference in

this Act to the State Government shall, in relation to such hospital or nursing home, be construed as a reference to the Central Government.

Establishment or maintenance of psychiatric hospitals or psychiatric nursing homes only with licence.

6. (1) On and after the commencement of this Act, no person shall establish or maintain a psychiatric hospital or psychiatric nursing home unless he holds a valid licence granted to him under this Act:

Provided that a psychiatric hospital or psychiatric nursing home (whether called asylum or by any other name) licensed by the Central Government or any State Government and maintained as such immediately before the commencement of this Act may continue to be maintained, and shall be deemed to be a licensed psychiatric hospital or licensed psychiatric nursing home, as the case may be, under this Act,—

(a) for a period of three months from such commencement, or

(b) if an application made in accordance with section 7 for a licence is pending on the expiry of the period specified in clause (a), till the disposal of such application.

(2) Nothing contained in sub-section (1) shall apply to a psychiatric hospital or psychiatric nursing home established or maintained by the Central Government or a State Government.

Application for licence.

7. (1) Every person, who holds, at the commencement of this Act, a valid licence authorising that person to establish or maintain any psychiatric hospital or psychiatric nursing home, shall, if the said person intends to establish or continue the maintenance of such hospital or nursing home after the expiry of the period referred to in clause (a) of the proviso to sub-section (1) of section 6, make, at least one month before the expiry of such period, an application to the licensing authority for the grant of a fresh licence for the establishment or maintenance of such hospital or nursing home, as the case may be.

(2) A person, who intends to establish or maintain, after the commencement of this Act, a psychiatric hospital or psychiatric nursing home, shall, unless the said person already holds a valid licence, make an application to the licensing authority for the grant of a licence.

(3) Every application under sub-section (1) or sub-section (2) shall be in such form and be accompanied by such fee as may be prescribed.

Grant or refusal of licence.

8. On receipt of an application under section 7, the licensing authority shall make such inquiries at it may deem fit and where it is satisfied that—

(a) the establishment or maintenance of the psychiatric hospital or psychiatric nursing home or the continuance of the maintenance of any such hospital or nursing home established before the commencement of this Act is necessary;

(b) the applicant is in a position to provide the minimum facilities prescribed for the admission, treatment and care of mentally ill persons; and

(c) the psychiatric hospital or psychiatric nursing home, will be under the charge of a medical officer who is a psychiatrist,

it shall grant a licence to the applicant in the prescribed form, and, where it is not so satisfied, the licensing authority shall, by order, refuse to grant the licence applied for:

Provided that, before making any order refusing to grant a licence, the licensing authority shall give to the applicant a reasonable opportunity of being heard and every order of refusal to grant a licence shall set out therein the reasons for such refusal and such reasons shall be communicated to the applicant in such manner as may be prescribed.

Duration and renewal of licence.

9. (*1*) A licence shall not be transferable or heritable.

(*2*) Where a licensee is unable to function as such for any reason or where a licensee dies, the licensee or, as the case may be, the legal representative of such licensee shall forthwith report the matter in the prescribed manner to the licensing authority and notwithstanding anything contained in sub-section (*1*), the psychiatric hospital or psychiatric nursing home concerned may continue to be maintained and shall be deemed to be a licensed psychiatric hospital or licensed psychiatric nursing home, as the case may be,—

(*a*) for a period of three months from the date of such report or in the case of the death of the licensee from the date of his death, or

(*b*) if an application made in accordance with sub-section (*3*) for a licence is pending on the expiry of the period specified in clause (*a*), till the disposal of such application.

(*3*) The legal representative of the licensee referred to in sub-section (*2*), shall, if he intends to continue the maintenance of the psychiatric hospital or psychiatric nursing home after the expiry of the period referred to in sub-section (*2*), make, at least one month before the expiry of such period, an application to the licensing authority for the grant of a fresh licence for the maintenance of such hospital or nursing home, as the case may be, and the provisions of section 8 shall apply in relation to such application as they apply in relation to an application made under section 7.

(*4*) Every licence shall, unless revoked earlier under section 11, be valid for a period of five years from the date on which it is granted.

(*5*) A licence may be renewed, from time to time, on an application made in that behalf to the licensing authority, in such form and accompanied by such fee, as may be prescribed, and every such application shall be made not less than one year before the date on which the period of validity of the licence is due to expire:

Provided that the renewal of a licence shall not be refused unless the licensing authority is satisfied that—

(*i*) the licensee is not in a position to provide in a psychiatric hospital or psychiatric nursing home, the minimum facilities prescribed for the admission, treatment and care therein of mentally ill persons; or

(*ii*) the licensee is not in a position to provide a medical officer who is a psychiatrist to take charge of the psychiatric hospital or psychiatric nursing home; or

(*iii*) the licensee has contravened any of the provisions of this Act or any rule made thereunder.

10. Every psychiatric hospital or psychiatric nursing home shall be maintained in such manner and subject to such conditions as may be prescribed.

Psychiatric hospital and psychiatric nursing home to be maintained in accordance with prescribed conditions.

11. (*1*) The licensing authority may, without prejudice to any other penalty that may be imposed on the licensee, by order in writing, revoke the licence if it is satisfied that—

Revocation of licence.

(*a*) the psychiatric hospital or psychiatric nursing home is not being maintained by the licensee in accordance with the provisions of this Act or the rules made thereunder; or

(*b*) the maintenance of the psychiatric hospital or psychiatric nursing home is being carried on in a manner detrimental to the moral, mental or physical well-being of the inpatients thereof:

Provided that no such order shall be made except after giving the licensee a reasonable opportunity of being heard, and every such order shall set out therein the grounds for the revocation of the licence and such grounds shall be communicated to the licensee in such manner as may be prescribed.

(*2*) Every order made under sub-section (*1*) shall contain a direction that the inpatients of the psychiatric hospital or psychiatric nursing home shall be transferred to such other psychiatric hospital or psychiatric nursing home as may be specified in that order and it shall also contain such provisions (including provisions by way of directions) as to the care and custody of such inpatients pending such transfer.

(*3*) Every order made under sub-section (*1*) shall take effect,—

(*a*) where no appeal has been preferred against such order under section 12, immediately on the expiry of the period prescribed for such appeal; and

(*b*) where such appeal has been preferred and the same has been dismissed, from the date of the order of such dismissal.

12. (*1*) Any person, aggrieved by an order of the licensing authority refusing to grant or renew a licence, or revoking a licence, may, in such manner and within such period as may be prescribed, prefer an appeal to the State Government:

Appeal.

Provided that the State Government may entertain an appeal preferred after the expiry of the prescribed period if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

(2) Every appeal under sub-section (1) shall be made in such form and be accompanied by such fee as may be prescribed.

Inspection of psychiatric hospitals and psychiatric nursing homes and visiting of patients.

13. (1) An Inspecting Officer may, at any time, enter and inspect any psychiatric hospital or psychiatric nursing home and require the production of any records, which are required to be kept in accordance with the rules made in this behalf, for inspection:

Provided that any personal records of a patient so inspected shall be kept confidential except for the purposes of sub-section (3).

(2) The Inspecting Officer may interview in private any patient receiving treatment and care therein—

(a) for the purpose of inquiring into any complaint made by or on behalf of such patient as to the treatment and care, or

(b) in any case, where the Inspecting Officer has reason to believe that any inpatient is not receiving proper treatment and care.

(3) Where the Inspecting Officer is satisfied that any inpatient in a psychiatric hospital or psychiatric nursing home is not receiving proper treatment and care, he may report the matter to the licensing authority and thereupon the licensing authority may issue such direction as it may deem fit to the medical officer in charge or the licensee of the psychiatric hospital, or, as the case may be, the psychiatric nursing home and every such medical officer in charge or licensee shall be bound to comply with such directions.

Treatment of out-patients.

14. Provision shall be made in every psychiatric hospital or psychiatric nursing home for such facilities as may be prescribed for the treatment of every mentally ill person, whose condition does not warrant his admission as an inpatient or who, for the time being, is not undergoing treatment as inpatient.

CHAPTER IV

ADMISSION AND DETENTION IN PSYCHIATRIC HOSPITAL OR PSYCHIATRIC NURSING HOME

PART I

Admission on voluntary basis

Request by major for admission as voluntary patient.

15. Any person (not being a minor), who considers himself to be a mentally ill person and desires to be admitted to any psychiatric hospital or psychiatric nursing home for treatment, may request the medical officer in charge for being admitted as a voluntary patient.

16. Where the guardian of a minor considers such minor to be a mentally ill person and desires to admit such minor in any psychiatric hospital or psychiatric nursing home for treatment, he may request the medical officer in charge for admitting such minor as a voluntary patient.

Request by guardian for admission of a ward.

17. (*1*) On receipt of a request under section 15 or section 16, the medical officer in charge shall make such inquiry as he may deem fit within a period not exceeding twenty-four hours and if satisfied that the applicant or, as the case may be, the minor requires treatment as an inpatient in the psychiatric hospital or psychiatric nursing home, he may admit therein such applicant or, as the case may be, minor as a voluntary patient.

Admission of, and regulation with respect to, voluntary patients.

(*2*) Every voluntary patient admitted to a psychiatric hospital or psychiatric nursing home shall be bound to abide by such regulations as may be made by the medical officer in charge or the licensee of the psychiatric hospital or psychiatric nursing home.

18. (*1*) The medical officer in charge of a psychiatric hospital or psychiatric nursing home shall, on a request made in that behalf,—

Discharge of voluntary patients.

(*a*) by any voluntary patient; and

(*b*) by the guardian of the patient, if he is a minor voluntary patient,

discharge, subject to the provisions of sub-section (*3*) and within twenty-four hours of the receipt of such request, the patient from the psychiatric hospital or psychiatric nursing home.

(*2*) Where a minor voluntary patient who is admitted as an inpatient in any psychiatric hospital or psychiatric nursing home attains majority, the medical officer in charge of such hospital or nursing home shall, as soon as may be, intimate the patient that he has attained majority and that unless a request for his continuance as an inpatient is made by him within a period of one month of such intimation, he shall be discharged, and if, before the expiry of the said period, no request is made to the medical officer in charge for his continuance as an inpatient, he shall, subject to the provisions of sub-section (*3*), be discharged on the expiry of the said period.

(*3*) Notwithstanding anything contained in sub-section (*1*) or sub-section (*2*), where the medical officer in charge of a psychiatric hospital or psychiatric nursing home is satisfied that the discharge of a voluntary patient under sub-section (*1*) or sub-section (*2*) will not be in the interest of such voluntary patient, he shall, within seventy-two hours of the receipt of a request under sub-section (*1*), or, if no request under sub-section (*2*) has been made by the voluntary patient before the expiry of the period mentioned in that sub-section, within seventy-two hours of such expiry constitute a Board consisting of two medical officers and seek its opinion as to whether such voluntary patient needs further treatment and if the Board is of the opinion that such voluntary patient needs further treatment in the psychiatric hospital or psychiatric nursing home, the medical officer shall not discharge the voluntary patient, but continue his treatment for a period not exceeding ninety days at a time.

PART II

Admission under special circumstances

Admission of mentally ill persons under certain special circumstances.

19. (*1*) Any mentally ill person who does not, or is unable to, express his willingness for admission as a voluntary patient, may be admitted and kept as an inpatient in a psychiatric hospital or psychiatric nursing home on an application made in that behalf by a relative or a friend of the mentally ill person if the medical officer in charge is satisfied that in the interests of the mentally ill person it is necessary so to do:

Provided that no person so admitted as an inpatient shall be kept in the psychiatric hospital or psychiatric nursing home as an inpatient for a period exceeding ninety days except in accordance with the other provisions of this Act.

(*2*) Every application under sub-section (*1*) shall be in the prescribed form and be accompanied by two medical certificates, from two medical practitioners of whom one shall be a medical practitioner in the service of Government, to the effect that the condition of such mentally ill person is such that he should be kept under observation and treatment as an inpatient in a psychiatric hospital or psychiatric nursing home:

Provided that the medical officer, in charge of the psychiatric hospital or psychiatric nursing home concerned may, if satisfied that it is proper so to do, cause a mentally ill person to be examined by two medical practitioners working in the hospital or in the nursing home instead of requiring such certificates.

(*3*) Any mentally ill person admitted under sub-section (*1*) or his relative or friend may apply to the Magistrate for his discharge and the Magistrate may, after giving notice to the person at whose instance he was admitted to the psychiatric hospital or psychiatric nursing home and after making such inquiry as he may deem fit either allow or dismiss the application.

(*4*) The provisions of the foregoing sub-section shall be without prejudice to the powers exercisable by a Magistrate before whom the case of a mentally ill person is brought, whether under this section or under any other provision of this Act, to pass a reception order, if he is satisfied that it is necessary so to do in accordance with the relevant provisions of this Act.

PART III

Reception orders

A.—*Reception orders on applications*

Application for reception order.

20. (*1*) An application for a reception order may be made by—

(*a*) the medical officer in charge of a psychiatric hospital or psychiatric nursing home, or

(*b*) by the husband, wife or any other relative of the mentally ill person.

(2) Where a medical officer in charge of a psychiatric hospital or psychiatric nursing home in which a mentally ill person is undergoing treatment under a temporary treatment order is satisfied that—

(*a*) the mentally ill person is suffering from mental disorder of such a nature and degree that his treatment in the psychiatric hospital or, as the case may be, psychiatric nursing home is required to be continued for more than six months, or

(*b*) it is necessary in the interests of the health and personal safety of the mentally ill person or for the protection of others that such person shall be detained in a psychiatric hospital or psychiatric nursing home,

he may make an application to the Magistrate within the local limits of whose jurisdiction the psychiatric hospital or, as the case may be, psychiatric nursing home is situated, for the detention of such mentally ill person under a reception order in such psychiatric hospital or psychiatric nursing home, as the case may be.

(3) Subject to the provisions of sub-section (5), the husband or wife of a person who is alleged to be mentally ill or, where there is no husband or wife, or where the husband or wife is prevented by reason of any illness or absence from India or otherwise from making the application, any other relative of such person may make an application to the Magistrate within the local limits of whose jurisdiction the said person ordinarily resides, for the detention of the alleged mentally ill person under a reception order in a psychiatric hospital or psychiatric nursing home.

(4) Where the husband or wife of the alleged mentally ill person is not the applicant, the application shall contain the reasons for the application not being made by the husband or wife and shall indicate the relationship of the applicant with the alleged mentally ill person and the circumstances under which the application is being made.

(5) No person,—

(*i*) who is a minor, or

(*ii*) who, within fourteen days before the date of the application, has not seen the alleged mentally ill person,

shall make an application under this section.

(6) Every application under sub-section (3) shall be made in the prescribed form and shall be signed and verified in the prescribed manner and shall state whether any previous application had been made for inquiry into the mental condition of the alleged mentally ill person and shall be accompanied by two medical certificates from two medical practitioners of whom one shall be a medical practitioner in the service of Government.

21. Every medical certificate referred to in sub-section (6) of section 20 shall contain a statement,— **Form and contents of medical certificates.**

(*a*) that each of the medical practitioners referred to in that sub-section has independently examined the alleged mentally ill

person and has formed his opinion on the basis of his own observations and from the particulars communicated to him; and

(*b*) that in the opinion of each such medical practitioner the alleged mentally ill person is suffering from mental disorder of such a nature and degree as to warrant the detention of such person in a psychiatric hospital or psychiatric nursing home and that such detention is necessary in the interests of the health and personal safety of that person or for the protection of others.

Procedure upon application for reception order.

22. (*1*) On receipt of an application under sub-section (*2*) of section 20, the Magistrate may make a reception order, if he is satisfied that—

(*i*) the mentally ill person is suffering from mental disorder of such a nature and degree that it is necessary to detain him in a psychiatric hospital or psychiatric nursing home for treatment; or

(*ii*) it is necessary in the interests of the health and personal safety of the mentally ill person or for the protection of others that he should be so detained, and a temporary treatment order would not be adequate in the circumstances of the case and it is necessary to make a reception order.

(*2*) On receipt of an application under sub-section (*3*) of section 20, the Magistrate shall consider the statements made in the application and the evidence of mental illness as disclosed by the medical certificates.

(*3*) If the Magistrate considers that there are sufficient grounds for proceeding further, he shall personally examine the alleged mentally ill person unless, for reasons to be recorded in writing, he thinks that it is not necessary or expedient to do so.

(*4*) If the Magistrate is satisfied that a reception order may properly be made forthwith, he may make such order, and if the Magistrate is not so satisfied, he shall fix a date for further consideration of the application and may make such inquiries concerning the alleged mentally ill person as he thinks fit.

(*5*) The notice of the date fixed under sub-section (*4*) shall be given to the applicant and to any other person to whom, in the opinion of the Magistrate, such notice shall be given.

(*6*) If the Magistrate fixes a date under sub-section (*4*) for further consideration of the application, he may make such order as he thinks fit, for the proper care and custody of the alleged mentally ill person pending disposal of the application.

(*7*) On the date fixed under sub-section (*4*), or on such further date as may be fixed by the Magistrate, he shall proceed to consider the application *in camera*, in the presence of—

(*i*) the applicant;

(*ii*) the alleged mentally ill person (unless the Magistrate in his discretion otherwise directs);

(*iii*) the person who may be appointed by the alleged mentally ill person to represent him; and

(iv) such other person as the Magistrate thinks fit,

and if the Magistrate is satisfied that the alleged mentally ill person, in relation to whom the application is made, is so mentally ill that in the interests of the health and personal safety of that person or for the protection of others it is necessary to detain him in a psychiatric hospital or psychiatric nursing home for treatment, he may pass a reception order for that purpose and if he is not so satisfied, he shall dismiss the application and any such order may provide for the payment of the costs of the inquiry by the applicant personally or from out of the estate of the mentally ill person, as the Magistrate may deem appropriate.

(8) If any application is dismissed under sub-section (7), the Magistrate shall record the reasons for such dismissal and a copy of the order shall be furnished to the applicant.

B.—*Reception orders on production of mentally ill persons before Magistrate*

Powers and duties of police officers in respect of certain mentally ill persons.

23. (1) Every officer in charge of a police station,—

(a) may take or cause to be taken into protection any person found wandering at large within the limits of his station whom he has reason to believe to be so mentally ill as to be incapable of taking care of himself, and

(b) shall take or cause to be taken into protection any person within the limits of his station whom he has reason to believe to be dangerous by reason of mental illness.

(2) No person taken into protection under sub-section (1) shall be detained by the police without being informed, as soon as may be, of the grounds for taking him into such protection, or where, in the opinion of the officer taking the person into protection, such person is not capable of understanding those grounds, without his relatives or friends, if any, being informed of such grounds.

(3) Every person who is taken into protection and detained under this section shall be produced before the nearest Magistrate within a period of twenty-four hours of taking him into such protection excluding the time necessary for the journey from the place where he was taken into such protection to the Court of the Magistrate and shall not be detained beyond the said period without the authority of the Magistrate.

Procedure on production of mentally ill person.

24. (1) If a person is produced before a Magistrate under sub-section (3) of section 23, and if, in his opinion, there are sufficient grounds for proceeding further, the Magistrate shall—

(a) examine the person to assess his capacity to understand,

(b) cause him to be examined by a medical officer, and

(c) make such inquiries in relation to such person as he may deem necessary.

(2) After the completion of the proceedings under sub-section (1), the Magistrate may pass a reception order authorising the detention of

the said person as an inpatient in a psychiatric hospital or psychiatric nursing home,—

(*a*) if the medical officer certifies such person to be a mentally ill person, and

(*b*) if the Magistrate is satisfied that the said person is a mentally ill person and that in the interests of the health and personal safety of that person or for the protection of others, it is necessary to pass such order:

Provided that if any relative or friend of the mentally ill person desires that the mentally ill person be sent to any particular licensed psychiatric hospital or licensed psychiatric nursing home for treatment therein and undertakes in writing to the satisfaction of the Magistrate to pay the cost of maintenance of the mentally ill person in such hospital or nursing home, the Magistrate shall, if the medical officer in charge of such hospital or nursing home consents, make a reception order for the admission of the mentally ill person into that hospital or nursing home and detention therein:

Provided further that if any relative or friend of the mentally ill person enters into a bond, with or without sureties for such amount as the Magistrate may determine, undertaking that such mentally ill person will be properly taken care of and shall be prevented from doing any injury to himself or to others, the Magistrate may, instead of making a reception order, hand him over to the care of such relative or friend.

Order in case of mentally ill person cruelly treated or not under proper care and control.

25. (*1*) Every officer in charge of a police station, who has reason to believe that any person within the limits of his station is mentally ill and is not under proper care and control, or is ill-treated or neglected by any relative or other person having charge of such mentally ill person, shall forthwith report the fact to the Magistrate within the local limits of whose jurisdiction the mentally ill person resides.

(*2*) Any private person who has reason to believe that any person is mentally ill and is not under proper care and control, or is ill-treated or neglected by any relative or other person having charge of such mentally ill person, may report the fact to the Magistrate within the local limits of whose jurisdiction the mentally ill person resides.

(*3*) If it appears to the Magistrate, on the report of a police officer or on the report or information derived from any other person, or otherwise that any mentally ill person within the local limits of his jurisdiction is not under proper care and control, or is ill-treated or neglected by any relative or other person having the charge of such mentally ill person, the Magistrate may cause the mentally ill person to be produced before him, and summon such relative or other person who is, or who ought to be in charge of, such mentally ill person.

(*4*) If such relative or any other person is legally bound to maintain the mentally ill person, the Magistrate may, by order, require the relative or the other person to take proper care of such mentally ill person and where such relative or other person wilfully neglects to comply with the said order, he shall be punishable with fine which may extend to two thousand rupees.

(5) If there is no person legally bound to maintain the mentally ill person, or if the person legally bound to maintain the mentally ill person refuses or neglects to maintain such person, or if, for any other reason, the Magistrate thinks fit so to do, he may cause the mentally ill person to be produced before him and, without prejudice to any action that may be taken under sub-section (4), proceed in the manner provided in section 24 as if such person had been produced before him under sub-section (3) of section 23.

C.—Further provisions regarding admission and detention of certain mentally ill persons

Admission as inpatient after inquisition.

26. If any District Court holding an inquisition under Chapter VI regarding any person who is found to be mentally ill is of opinion that it is necessary so to do in the interests of such person, it may, by order, direct that such person shall be admitted and kept as an inpatient in a psychiatric hospital or psychiatric nursing home and every such order may be varied from time to time or revoked by the District Court.

Admission and detention of mentally ill prisoner.

3 of 1900.
45 of 1950.
46 of 1950.
62 of 1957.
2 of 1974.

27. An order under section 30 of the Prisoners Act, 1900, or under section 144 of the Air Force Act, 1950, or under section 145 of the Army Act, 1950, or under section 143 or section 144 of the Navy Act, 1957, or under section 330 or section 335 of the Code of Criminal Procedure, 1973, directing the reception of a mentally ill prisoner into any psychiatric hospital or psychiatric nursing home, shall be sufficient authority for the admission of such person in such hospital or, as the case may be, such nursing home or any other psychiatric hospital or psychiatric nursing home to which such person may be lawfully transferred for detention therein.

Detention of alleged mentally ill person pending report by medical officer.

28. (1) When any person alleged to be a mentally ill person appears or is brought before a Magistrate under section 23 or section 25, the Magistrate may, by order in writing, authorise the detention of the alleged mentally ill person under proper medical custody in an observation ward of a general hospital or general nursing home or psychiatric hospital or psychiatric nursing home or in any other suitable place for such period not exceeding ten days as the Magistrate may consider necessary for enabling any medical officer to determine whether a medical certificate in respect of that alleged mentally ill person may properly be given under clause (a) of sub-section (2) of section 24.

(2) The Magistrate may, from time to time, for the purpose mentioned in sub-section (1), by order in writing, authorise such further detention of the alleged mentally ill person for periods not exceeding ten days at a time as he may deem necessary:

Provided that no person shall be authorised to be detained under this sub-section for a continuous period exceeding thirty days in the aggregate.

Detention of mentally ill person pending

29. Whenever any reception order is made by a Magistrate under section 22, section 24 or section 25, he may, for reasons to be recorded in writing, direct that the mentally ill person in respect of whom the order is made may be detained for such period not exceeding thirty days

his removal to psychiatric hospital or psychiatric nursing home.

in such place as he may deem appropriate, pending the removal of such person to a psychiatric hospital or psychiatric nursing home.

D.—*Miscellaneous provisions in relation to orders under this Chapter*

Time and manner of medical examination of mentally ill person.

30. Where any order under this Chapter is required to be made on the basis of a medical certificate, such order shall not be made unless the person who has signed the medical certificate, or where such order is required to be made on the basis of two medical certificates, the signatory of the respective certificates, has certified that he has personally examined the alleged mentally, ill person,—

(*i*) in the case of an order made on an application, not earlier than ten clear days immediately before the date on which such application is made; and

(*ii*) in any other case, not earlier than ten clear days immediately before the date of such order:

Provided that where a reception order is required to be made on the basis of two medical certificates such order shall not be made unless the certificates show that the signatory of each certificate examined the alleged mentally ill person independently of the signatory of the other certificate.

Authority for reception order.

31. A reception order made under this Chapter shall be sufficient authority—

(*i*) for the applicant or any person authorised by him, or

(*ii*) in the case of a reception order made otherwise than on an application, for the person authorised so to do by the authority making the order,

to take the mentally ill person to the place mentioned in such order or for his admission and treatment as an inpatient in the psychiatric hospital or psychiatric nursing home specified in the order or, as the case may be, for his admission and detention therein, or in any psychiatric hospital or psychiatric nursing home to which he may be removed in accordance with the provisions of this Act, and the medical officer in charge shall be bound to comply with such order:

Provided that in any case where the medical officer in charge finds accommodation in the psychiatric hospital or psychiatric nursing home inadequate, he shall, after according admission, intimate that fact to the Magistrate or the District Court which passed the order and thereupon the Magistrate or the District Court, as the case may be, shall pass such order as he or it may deem fit:

Provided further that every reception order shall cease to have effect—

(*a*) on the expiry of thirty days from the date on which it was made, unless within that period, the mentally ill person has been admitted to the place mentioned therein, and

(b) on the discharge, in accordance with the provisions of this Act, of the mentally ill person.

32. Every Magistrate or District Court making a reception order shall forthwith send a certified copy thereof together with copies of the requisite medical certificates and the statement of particulars to the medical officer in charge of the psychiatric hospital or psychiatric nursing home to which the mentally ill person is to be admitted.

Copy of reception order to be sent to medical officer in charge.

33. No Magistrate or District Court shall pass a reception order for the admission as an inpatient to, or for the detention of any mentally ill person in, any psychiatric hospital or psychiatric nursing home outside the State in which the Magistrate or the District Court exercises jurisdiction:

Restriction as to psychiatric nursing homes into which reception order may direct admission.

Provided that an order for admission or detention into or in a psychiatric hospital or psychiatric nursing home situated in any other State may be passed if the State Government has, by general or special order and after obtaining the consent of the Government of such other State, authorised the Magistrate or the District Court in that behalf.

34. If, after the admission of any mentally ill person to any psychiatric hospital or psychiatric nursing home under a reception order, it appears that the order under which he was admitted or detained or any of the documents on the basis of which such order was made is defective or incorrect, the same may, at any time thereafter, be amended with the permission of the Magistrate or the District Court, by the person or persons who signed the same and upon such amendment being made, the order shall have effect and shall be deemed always to have had effect as if it had been originally made as so amended, or, as the case be, the documents upon which it was made had been originally furnished as so amended.

Amendment of order or document.

35. (1) Subject to the provisions of this section the Magistrate may, by order in writing (hereinafter referred to as the order of substitution), transfer the duties and responsibilities under this Act, of the person on whose application a reception order was made, to any other person who is willing to undertake the same and such other person shall thereupon be deemed for the purposes of this Act to be the person on whose application the reception order was made and all references in this Act to the latter person shall be construed accordingly:

Power to appoint substitute for person upon whose application reception order has been made.

Provided that no such order of substitution shall absolve the person upon whose application the reception order was made or, if he is dead, his legal representatives, from any liability incurred before the date of the order of substitution.

(2) Before making any order of substitution, the Magistrate shall send a notice to the person on whose application the reception order was made, if he is alive, and to any relative of the mentally ill person who, in the opinion of the Magistrate, shall have notice.

(3) The notice under sub-section (2) shall specify the name of the person in whose favour it is proposed to make the order of substitution and the date (which shall be not less than twenty days from the date

of issue of the notice) on which objections, if any, to the making of such order shall be considered.

(4) On the date specified under sub-section (3), or on any subsequent date to which the proceedings may be adjourned, the Magistrate shall consider any objection made by any person to whom notice was sent, or by any other relative of the mentally ill person, and shall receive all such evidence as may be produced by or on behalf of any such person or relative and after making such inquiry as the Magistrate may deem fit, make or refrain from making the order of substitution:

Provided that, if the person on whose application the reception order was made is dead and any other person is willing and is, in the opinion of the Magistrate, fit to undertake the duties and responsibilities under this Act of the former person, the Magistrate shall, subject to the provisions contained in the proviso to sub-section (1), make an order to that effect.

(5) In making any substitution order under this section, the Magistrate shall give preference to the person who is the nearest relative of the mentally ill person, unless, for reasons to be recorded in writing the Magistrate considers that giving such preference will not be in the interests of the mentally ill person.

(6) The Magistrate may make such order for the payment of the costs of an inquiry under this section by any person or from out of the estate of the mentally ill person as he thinks fit.

(7) Any notice under sub-section (2) may be sent by post to the last known address of the person for whom it is intended.

Officers competent to exercise powers and discharge functions of Magistrate under certain sections.

36. In any area where a Commissioner of Police has been appointed, all the powers and functions of the Magistrate under sections 23, 24, 25 and 28 may be exercised or discharged by the Commissioner of Police and all the functions of an officer in charge of a police station under this Act may be discharged by any police officer not below the rank of an Inspector.

CHAPTER V

INSPECTION, DISCHARGE, LEAVE OF ABSENCE AND REMOVAL OF MENTALLY ILL PERSONS

PART I

Inspection

Appointment of Visitors.

37. (1) The State Government or the Central Government, as the case may be, shall appoint for every psychiatric hospital and every psychiatric nursing home, not less than five Visitors, of whom at least one shall be a medical officer, preferably a psychiatrist and two social workers.

(2) The head of the Medical Services of the State or his nominee preferably a psychiatrist shall be an *ex officio* Visitor of all the psychiatric hospitals and psychiatiric nursing homes in the State.

(3) The qualifications of persons to be appointed as Visitors under sub-section (1) and the terms and conditions of their appointment shall be such as may be prescribed.

Monthly inspection by Visitors.

38. Not less than three Visitors shall, at least once in every month, make a joint inspection of every part of the psychiatric hospital or psychiatric nursing home in respect of which they have been appointed and examine every minor admitted as a voluntary patient under section 17 and, as far as circumstances will permit, every other mentally ill person admitted therein and the order for the admission of, and the medical certificates relating to, every mentally ill person admitted subsequent to the joint inspection immediately preceding, and shall enter in a book kept for that purpose such remarks as they deem appropriate in regard to the management and condition of such hospital or nursing home and of the inpatients thereof:

Provided that the Visitors shall not be entitled to inspect any personal records of an inpatient which in the opinion of the medical officer in charge are confidential in nature:

Provided further that if any of the Visitors does not participate in the joint inspection of the psychiatric hospital or psychiatric nursing home in respect of which he was appointed a Visitor for three consecutive months, he shall cease to hold office as such Visitor.

Inspection of mentally ill prisoners.

45 of 1950. 46 of 1950. 62 of 1957. 2 of 1974.

39. (1) Notwithstanding anything contained in section 38, where any person is detained under the provisions of section 144 of the Air Force Act, 1950, or section 145 of the Army Act, 1950, or section 143 or section 144 of the Navy Act, 1957, or section 330 or section 335 of the Code of Criminal Procedure, 1973,—

(i) the Inspector-General of Prisons, where such person is detained in a jail; and

(ii) all or any three of the Visitors including at least one social worker appointed under sub-section (1) of section 37, where such person is detained in a psychiatric hospital or psychiatric nursing home,

shall once in every three months, visit such person at the place where he is detained, in order to assess the state of mind of such person and make a report thereon to the authority under whose order such person is so detained.

(2) The State Government may empower any of its officers to discharge all or any of the functions of the Inspector-General of Prisons under sub-section (1).

(3) The medical officer in charge of a psychiatric hospital or psychiatric nursing home wherein any person referred to in sub-section (1) is detained, shall once in every six months, make a special report regarding the mental and physical condition of such person to the authority under whose order such person is detained.

(4) Every person who is detained in jail under the provisions of various Acts referred to in sub-section (1) shall be visited at least once in every three months by a psychiatrist, or, where a psychiatrist is not available, by a medical officer empowered by the State Government in

this behalf and such psychiatrist or, as the case may be, such medical officer shall make a special report regarding the mental and physical condition of such person to the authority under whose order such person is detained.

PART II

Discharge

Order of discharge by medical officer in charge.

40. (*1*) Notwithstanding anything contained in Chapter IV, the medical officer in charge of a psychiatric hospital or psychiatric nursing home may, on the recommendation of two medical practitioners one of whom shall preferably by a psychiatrist, by order in writing, direct the discharge of any person, other than a voluntary patient detained or undergoing treatment therein as an inpatient, and such person shall thereupon be discharged from the psychiatric hospital or psychiatric nursing home:

Provided that no order under this sub-section shall be made in respect of a mentally ill prisoner otherwise than as provided in section 30 of the Prisoners Act, 1900 or in any other relevant law. 3 of 1900.

(*2*) Where any order of discharge is made under sub-section (*1*) in respect of a person who has been detained or is undergoing treatment as inpatient in pursuance of an order of any authority, a copy of such order shall be immediately forwarded to that authority by the medical officer in charge.

Discharge of mentally ill persons on application.

41. Any person detained in a psychiatric hospital or psychiatric nursing home under an order made in pursuance of an application made under this Act, shall be discharged on an application made in that behalf to the medical officer in charge by the person on whose application the order was made:

Provided that no person shall be discharged under this section if the medical officer in charge certifies in writing that the person is dangerous and unfit to be at large.

Order of discharge on the undertaking of relatives or friends, etc., for due care of mentally ill person.

42. (*1*) Where any relative or friend of a mentally ill person detained in a psychiatric hospital or psychiatric nursing home under section 22, section 24 or section 25 desires that such person shall be delivered over to his care and custody, he may make an application to the medical officer in charge who shall forward it together with his remarks thereon to the authority under whose orders the mentally ill person is detained.

(*2*) Where an application is received under sub-section (*1*), the authority shall, on such relative or friend furnishing a bond, with or without sureties, for such amount as such authority may specify in this behalf, undertaking to take proper care of such mentally ill person, and ensuring that the mentally ill person shall be prevented from causing injury to himself or to others, make an order of discharge and thereupon the mentally ill person shall be discharged.

Discharge of person on his request.

43. (*1*) Any person (not being a mentally ill prisoner) detained in pursuance of an order made under this Act who feels that he has recovered from his mental illness, may make an application to the Magistrate, where necessary under the provisions of this Act, for his discharge from the psychiatric hospital or psychiatric nursing home.

(2) An application made under sub-section (1) shall be supported by a certificate either from the medical officer in charge of the psychiatric hospital or psychiatric nursing home where the applicant is undergoing treatment or from a psychiatrist.

(3) The Magistrate may, after making such inquiry as he may deem fit, pass an order discharging the person or dismissing the application.

Discharge of person subsequently found on inquisition to be of sound mind.

44. If any person detained in a psychiatric hospital or psychiatric nursing home in pursuance of a reception order made under this Act is subsequently found, on an inquisition held in accordance with the provisions of Chapter VI, to be of sound mind or capable of taking care of himself and managing his affairs, the medical officer in charge shall forthwith, on the production of a copy of such finding duly certified by the District Court, discharge such person from such hospital or nursing home.

PART III

Leave of absence

Leave of absence.

45. (1) An application for leave of absence on behalf of any mentally ill person (not being a mentally ill prisoner) undergoing treatment as an inpatient in any psychiatric hospital or psychiatric nursing home may be made to the medical officer in charge,—

(a) in the case of a person who was admitted on the application of the husband or wife, by the husband or wife of such mentally ill person, or where by reason of mental or physical illness, absence from India or otherwise, the husband or wife is not in a position to make such application, by any other relative of the mentally ill person duly authorised by the husband or wife, or

(b) in the case of any other person, by the person on whose application the mentally ill person was admitted:

Provided that no application under this sub-section shall be made by a person who has not attained the age of majority.

(2) Every application under sub-section (1) shall be accompanied by a bond, with or without sureties for such amount as the medical officer in charge may specify, undertaking—

(i) to take proper care of the mentally ill person,

(ii) to prevent the mentally ill person from causing injury to himself or to others, and

(iii) to bring back the mentally ill person to the psychiatric hospital or, as the case may be, psychiatric nursing home, on the expiry of the period of leave.

(3) On receipt of an application under sub-section (1), the medical officer in charge may grant leave of absence to the mentally ill person for such period as the medical officer in charge may deem necessary and subject to such conditions as may, in the interests of the health and personal safety of the mentally ill person or for the protection of others, be specified in the order:

Provided that the total number of days for which leave of absence may be granted to a patient under this sub-section shall not exceed sixty days.

(4) Where the mentally ill person is not brought back to the psychiatric hospital or psychiatric nursing home on the expiry of the leave granted to him under this section, the medical officer in charge shall forthwith report that fact to the Magistrate within the local limits of whose jurisdiction such hospital or nursing home is situate and the Magistrate may, after making such inquiry as he may deem fit, make an order directing him to be brought back to the psychiatric hospital or psychiatric nursing home, as the case may be.

(5) Nothing contained in this section shall apply to a voluntary patient referred to in section 15 or section 16 and the provisions of section 18 shall apply to him.

Grant of leave of absence by magistrate.

46. (*1*) Where the medical officer in charge refuses to grant leave of absence to a mentally ill person under section 45, the applicant may apply to the Magistrate within the local limits of whose jurisdiction the psychiatric hospital or psychiatric nursing home wherein the mentally ill person is detained is situate, for the grant of leave of absence to the mentally ill person and the Magistrate may, if he is satisfied that it is necessary so to do, and on the applicant entering into a bond in accordance with the provisions of sub-section (*2*), by order, grant leave of absence to the mentally ill person for such period and subject to such conditions as may be specified in the order.

(*2*) Every bond referred to in sub-section (*1*) shall be with or without sureties and for such amount as the Magistrate may decide and shall contain the undertaking referred to in sub-section (*2*) of section 45.

(*3*) The Magistrate shall forward a copy of his order to the medical officer in charge and on receipt of such order the medical officer in charge shall entrust the mentally ill person to the person on whose application the leave of absence was granted under this section.

PART IV

Removal

Removal of mentally ill person from one psychiatric hospital or psychiatric nursing home to any other psychiatric hospital or psychiatric nursing home.

47. (*1*) Any mentally ill person other than a voluntary patient referred to in section 15 or section 16 may, subject to any general or special order of the State Government, be removed from any psychiatric hospital or psychiatric nursing home to any other psychiatric hospital or psychiatric nursing home within the State, or to any other psychiatric hospital or psychiatric nursing home in any other State with the consent of the Government of that other State:

Provided that no mentally ill person admitted to a psychiatric hospital or psychiatric nursing home under an order made in pursuance of an application made under this Act shall be so removed unless intimation thereof has been given to the applicant.

(*2*) The State Government may make such general or special order as it thinks fit directing the removal of any mentally ill prisoner from the place where he is for the time being detained, to any psychiatric hospital, psychiatric nursing home, jail or other place of safe custody in the

State or to any psychiatric hospital, psychiatric nursing home, jail or other place of safe custody in any other State with the consent of the Government of that other State.

Admission, detention and re-taking in certain cases.

48. Every person brought into a psychiatric hospital or psychiatric nursing home under any order made under this Act, may be detained or, as the case may be, admitted as an inpatient therein until he is removed or is discharged under any law, and in case of his escape from such hospital or nursing home he may, by virtue of such order, be retaken by any police officer or by the medical officer incharge or any officer or servant of such hospital or nursing home, or by any other person authorised in that behalf by the medical officer in charge, and conveyed to, and received and detained or, as the case may be, kept as an inpatient in such hospital or nursing home:

Provided that in the case of a mentally ill person (not being a mentally ill prisoner) the power to retake as aforesaid under this section shall not be exercisable after the expiry of a period of one month from the date of his escape.

Appeal from orders of Magistrate.

49. Any person aggrieved by any order of a Magistrate, passed under any of the foregoing provisions may, within sixty days from the date of the order, appeal against that order to the District Court within the local limits of whose jurisdiction the Magistrate exercised the powers and the decision of the District Court on such appeal shall be final.

CHAPTER VI

JUDICIAL INQUISITION REGARDING ALLEGED MENTALLY ILL PERSON POSSESSING PROPERTY, CUSTODY OF HIS PERSON AND MANAGEMENT OF HIS PROPERTY

Application for judicial inquisition.

50. (*1*) Where an alleged mentally ill person is possessed of property, an application for holding an inquisition into the mental condition of such person may be made either—

(*a*) by any of his relatives, or

(*b*) by a public curator appointed under the Indian Succession Act, 1925, or

39 of 1925.

(*c*) by the Advocate-General of the State in which the alleged mentally ill person resides, or

(*d*) where the property of the alleged mentally ill person comprises land or interest in land, or where the property or part thereof is of such a nature as can lawfully be entrusted for management to a Court of Wards established under any law for the time being in force in the State, by the Collector of the District in which such land is situate,

to the District Court within the local limits of whose jurisdiction the alleged mentally ill person resides.

(*2*) On receipt of an application under sub-section (*1*), the District Court shall, by personal service or by such other mode of service as it may deem fit, serve a notice on the alleged mentally ill person to attend

at such place and at such time as may be specified in the notice or shall, in like manner, serve a notice on the person having the custody of the alleged mentally ill person to produce such person at the said place and at the said time, for being examined by the District Court or by any other person from whom the District Court may call for a report concerning the mentally ill person:

Provided that, if the alleged mentally ill person is a woman, who according to the custom prevailing in the area where she resides or according to the religion to which she belongs, ought not to be compelled to appear in public, the District Court may cause her to be examined by issuing a commission as provided in the Code of Civil Procedure, 1908. 5 of 1908.

(*3*) A copy of the notice under sub-section (*2*) shall also be served upon the applicant and upon any relative of the alleged mentally ill person or other person who, in the opinion of the District Court, shall have notice of judicial inquisition to be held by it.

(*4*) For the purpose of holding the inquisition applied for, the District Court may appoint two or more persons to act as assessors.

Issues on which finding should be given by District Court after inquisition.

51. On completion of the inquisition, the District Court shall record its findings on,—

(*i*) whether the alleged mentally ill person is in fact mentally ill or not, and

(*ii*) where such person is mentally ill, whether he is incapable of taking care of himself and of managing his property, or incapable of managing his property only.

Provision for appointing guardian of mentally ill person and for manager of property.

52. (*1*) Where the District Court records a finding that the alleged mentally ill person is in fact mentally ill and is incapable of taking care of himself and of managing his property, it shall make an order for the appointment of a guardian under section 53 to take care of his person and of a manager under section 54 for the management of his property.

(*2*) Where the District Court records a finding that the alleged mentally ill person is in fact mentally ill and is incapable of managing his property but capable of taking care of himself, it shall make an order under section 54 regarding the management of his property.

(*3*) Where the District Court records a finding that the alleged mentally ill person is not mentally ill, it shall dismiss the application.

(*4*) Where the District Court deems fit, it may appoint under sub-section (*1*) the same person to be the guardian and manager.

Appointment of guardian of mentally ill person.

53. (*1*) Where the mentally ill person is incapable of taking care of himself, the District Court or, where a direction has been issued under sub-section (*2*) of section 54, the Collector of the District, may appoint any suitable person to be his guardian.

(*2*) In the discharge of his functions under sub-section (*1*), the Collector shall be subject to the supervision and control of the State Government or of any authority appointed by it in that behalf.

Appointment of manager for management of property of mentally ill person.

54. (1) Where the property of the mentally ill person who is incapable of managing it is such as can be taken charge of by a Court of Wards under any law for the time being in force, the District Court shall authorise the Court of Wards to take charge of such property, and thereupon notwithstanding anything contained in such law, the Court of Wards shall assume the management of such property in accordance with that law.

(2) Where the property of the mentally ill person consists in whole or in part of land or of any interest in land which cannot be taken charge of by the Court of Wards, the District Court may, after obtaining the consent of the Collector of the District in which the land is situate, direct the Collector to take charge of the person and such part of the property or interest therein of the mentally ill person as cannot be taken charge of by the Court of Wards.

(3) Where the management of the property of the mentally ill person cannot be entrusted to the Court of Wards or to the Collector under sub-section (1) or sub-section (2), as the case may be, the District Court shall appoint any suitable person to be the manager of such property.

Appointment of manager by Collector.

55. Where the property of a mentally ill person has been entrusted to the Collector by the District Court under sub-section (2) of section 54, he may, subject to the control of the State Government or of any authority appointed by it in that behalf, appoint any suitable person for the management of the property of the mentally ill person.

Manager of property to execute bond.

56. Every person who is appointed as the manager of the property of a mentally ill person by the District Court or by the Collector shall, if so required by the appointing authority, enter into a bond for such sum, in such form and with such sureties as that authority, may specify, to account for all receipts from the property of the mentally ill person.

Appointment and remuneration of guardians and managers.

57. (1) No person, who is the legal heir or a mentally ill person shall be appointed under section 53, 54 or 55 to be the guardian of such mentally ill person or, as the case may be, the manager of his property unless the District Court or, as the case may be, the Collector, for reasons to be recorded in writing, considers that such appointment is for the benefit of the mentally ill person.

(2) The guardian of a mentally ill person or the manager of the property or both appointed under this Act shall be paid, from out of the property of the mentally ill person, such allowance as the appointing authority may determine.

Duties of guardian and manager.

58. (1) Every person appointed as a guardian of a mentally ill person or manager of his property, or of both, under this Act shall have the care of the mentally ill person or his property, or of both, and be responsible for the maintenance of the mentally ill person and of such members of his family as are dependent on him.

(2) Where the person appointed as guardian of a mentally ill person is different from the person appointed as the manager of his property, the manager of his property shall pay to the guardian of the mentally ill person such allowance as may be fixed by the authority appointing the guardian for the maintenance of the mentally ill person and of such members of his family as are dependent on him.

Powers of manager.

59. (1) Every manager appointed under this Act shall, subject to the provisions of this Act, exercise the same powers in regard to the management of the property of the mentally ill person in respect of which he is appointed as manager, as the mentally ill person would have exercised as owner of the property had he not been mentally ill, and shall realise all claims due to the estate of the mentally ill person and pay all debts and discharge all liabilities legally due from that estate:

Provided that the manager shall not mortgage, create any charge on, or, transfer by sale, gift, exchange or otherwise, any immovable property of the mentally ill person or lease out any such property for a period exceeding five years, unless he obtains the permission of the District Court in that behalf.

(2) The District Court may, on an application made by the manager, grant him permission to mortgage, create a charge on, or, transfer by sale, gift, exchange or otherwise, any immovable property of the mentally ill person or to lease out any such property for a period exceeding five years, subject to such conditions or restrictions as that Court may think fit to impose.

(3) The District Court shall cause notice of every application for permission to be served on any relative or friend of the mentally ill person and after considering objections, if any, received from the relative or friend and after making such inquiries as it may deem necessary, grant or refuse permission having regard to the interests of the mentally ill person.

Manager to furnish inventory and annual accounts.

60. (1) Every manager appointed under this Act shall, within a period of six months from the date of his appointment, deliver to the authority, which appointed him, an inventory of the immovable property belonging to the mentally ill person and of all assets and other movable property received on behalf of the mentally ill person, together with a statement of all claims due to and all debts and liabilities due by, such mentally ill person.

(2) Every such manager shall also furnish to the said appointing authority within a period of three months of the close of every financial year, an account of the property and assets in his charge, the sums received and disbursed on account of the mentally ill person and the balance remaining with him.

Manager's power to execute conveyances under orders of District Court.

61. Every manager appointed under this Act, may in the name and on behalf of the mentally ill person,—

(a) execute all such conveyances and instruments of transfers by way of sale, mortgage or otherwise of property of the mentally ill person as may be permitted by the District Court; and

(b) subject to the orders of the District Court, exercise all powers vested in that behalf in the mentally ill person, in his individual capacity or in his capacity as a trustee or as a guardian.

Manager to perform contracts directed by District Court.

62. Where the mentally ill person had, before his mental illness, contracted to sell or otherwise dispose of his property or any portion thereof, and if such contract is, in the opinion of the District Court, of such a nature as ought to be performed, the District Court may direct the manager appointed under this Act to perform such contract and to do such other acts in fulfilment of the contract as the Court considers necessary and thereupon the manager shall be bound to act accordingly.

63. Where a mentally ill person had been engaged in business before he became mentally ill, the District Court may, if it appears to be for the benefit of the mentally ill person to dispose of his business premises, direct the manager appointed under this Act in relation to the property of such person, to sell and dispose of such premises and to apply the sale proceeds thereof in such manner as the District Court may direct and thereupon the manager shall be bound to act accordingly.

Disposal of business premises.

64. Where a mentally ill person is entitled to a lease or underlease, and it appears to the manager appointed under this Act in relation to the property of such person that it would be for the benefit of the mentally ill person to dispose of such lease or underlease, such manager may, after obtaining the orders of the District Court, surrender, assign or otherwise dispose of such lease or underlease to such person for such consideration and upon such terms and conditions as the Court may direct.

Manager may dispose of leases.

65. The District Court may, on an application made to it by any person concerning any matter whatsoever connected with the mentally ill person or his property, make such order, subject to the provisions of this Chapter, in relation to that matter as in the circumstances it thinks fit.

Power to make order concerning any matter connected with mentally ill person.

66. If any relative of the mentally ill person or the Collector impugns, by a petition to the District Court, the accuracy of the inventory or statement referred to in sub-section (1), or, as the case may be, any annual account referred to in sub-section (2), of section 60, the Court may summon the manager and summarily inquire into the matter and make such order thereon as it thinks fit:

Proceeding if accuracy of inventory or accounts is impugned.

Provided that the District Court may, in its discretion, refer such petition to any Court subordinate to it, or to the Collector in any case where the manager was appointed by the Collector and the petition is not presented by the Collector.

67. All sums received by a manager on account of any estate in excess of what may be required for the current expenses of the mentally ill person or for the management of his property, shall be paid into the public treasury on account of the estate, and shall be invested from time to time in any of the securities specified in section 20 of the Indian Trusts Act, 1882, unless the authority which appointed him, for reasons to be recorded in writing, directs that, in the interests of the mentally ill person such sums be otherwise invested or applied.

2 of 1882.

Payment into public treasury and investment of proceeds of estate.

68. Any relative of a mentally ill person may, with the leave of the District Court, sue for an account from any manager appointed under this Act, or from any such person after his removal from office or trust, or from his legal representative in the case of his death, in respect of any property then or formerly under his management or of any sums of money or other property received by him on account of such property.

Relative may sue for account.

69. (1) The manager of the property of a mentally ill person may, for sufficient cause and for reasons to be recorded in writing, be removed by the authority which appointed him and such authority may appoint a new manager in his place.

Removal of managers and guardians.

(2) Any manager removed under sub-section (1) shall be bound to deliver the charge of all property of the mentally ill person to the new manager, and to account for all moneys received or disbursed by him.

(3) The District Court may, for sufficient cause, remove any guardian of a mentally ill person and appoint in his place a new guardian.

Dissolution and disposal of property of partnership on a member becoming mentally ill.

70. (1) Where a person, being a member of a partnership firm, is found to be mentally ill, the District Court may, on the application of any other partner for the dissolution of partnership or on the application of any person who appears to that Court to be entitled to seek such dissolution, dissolve the partnership.

(2) Upon the dissolution under sub-section (1), or otherwise, in due course of law, of a partnership firm to which that sub-section applies, the manager appointed under this Act may, in the name and on behalf of the mentally ill person, join with the other partners in disposing of the partnership property upon such terms, and shall do all such acts for carrying into effect the dissolution of the partnership, as the District Court may direct.

Power to apply property for maintenance of mentally ill person without appointing manager in certain cases.

71. (1) Notwithstanding anything contained in the foregoing provisions, the District Court may, instead of appointing a manager of the estate, order that in the case of cash, the cash and in the case of any other property the produce thereof, shall be realised and paid or delivered to such person as may be appointed by the District Court in this behalf, to be applied for the maintenance of the mentally ill person and of such members of his family as are dependent on him.

(2) A receipt given by the person appointed under sub-section (1) shall be valid discharge to any person who pays money or delivers any property of the mentally ill person to the person so appointed.

Power to order transfer of stock, securities or shares belonging to mentally ill person in certain cases.

72. Where any stock or Government securities or any share in a company (transferable within India or the dividends of which are payable therein) is or are standing in the name of, or vested in, a mentally ill person beneficially entitled thereto, or in the manager appointed under this Act or in a trustee for him, and the manager dies intestate, or himself becomes mentally ill, or is out of the jurisdiction of the District Court, or it is uncertain whether the manager is living or dead, or he neglects or refuses to transfer the stock, securities or shares, or to receive and pay over thereof the dividends to a new manager appointed in his place, within fourteen days after being required by the Court to do so, then the District Court may direct the company or Government concerned to make such transfer, or to transfer the same, and to receive and pay over the dividends in such manner as it may direct.

Power to order transfer of stock, securities or shares of mentally ill person residing out of India.

73. Where any stock or Government securities or share in a company is or are standing in the name of, or vested in, any person residing out of India, the District Court upon being satisfied that such person has been declared to be mentally ill and that his personal estate has been vested in a person appointed for the management thereof, according to the law of the place where he is residing, may direct the company or Government concerned to make such transfer of the stock, securities or shares or of any part thereof, to or into the name of the person so appointed or otherwise, and also to receive and pay over the dividends and proceeds, as the District Court thinks fit.

74. If it appears to the District Court that the mental illness of a mentally ill person is in its nature temporary, and that it is expedient to make provision for a temporary period, for his maintenance or for the maintenance of such members of his family as are dependent on him, the District Court may, in like manner as under section 71, direct his property or a sufficient part thereof to be applied for the purpose specified therein.

Power to apply property for mentally ill person's maintenance in case of temporary mental illness.

75. (*1*) Where the District Court has reason to believe that any person who was found to be mentally ill after inquisition under this Chapter has ceased to be mentally ill, it may direct any court subordinate to it to inquire whether such person has ceased to be mentally ill.

(*2*) An inquiry under sub-section (*1*) shall, so far as may be, be conducted in the same manner as an inquisition conducted under this Chapter.

(*3*) If after an inquiry under this section, it is found that the mental illness of a person has ceased, the District Court shall order all actions taken in respect of the mentally ill person under this Act to be set aside on such terms and conditions as that Court thinks fit to impose.

Action taken in respect of mentally ill person to be set aside if District Court finds that his mental illness has ceased.

76. An appeal shall lie to the High Court from every order made by a District Court under this Chapter.

Appeals.

77. The District Court may, from time to time, make regulations for the purpose of carrying out the provisions of this Chapter.

Power of District Court to make regulations.

CHAPTER VII

LIABILITY TO MEET COST OF MAINTENANCE OF MENTALLY ILL PERSONS DETAINED IN PSYCHIATRIC HOSPITAL OR PSYCHIATRIC NURSING HOME

78. The cost of maintenance of a mentally ill person detained as an inpatient in any psychiatric hospital or psychiatric nursing home shall, unless otherwise provided for by any law for the time being in force, be borne by the Government of the State wherein the authority which passed the order in relation to the mentally ill person is subordinate, if—

Cost of maintenance to be borne by Government in certain cases.

(*a*) that authority which made the order has not taken an undertaking from any person to bear the cost of maintenance of such mentally ill person, and

(*b*) no provision for bearing the cost of maintenance of such a District Court under this Chapter.

79. (*1*) Where any mentally ill person detained in a psychiatric hospital or psychiatric nursing home has an estate or where any person legally bound to maintain such person has the means to maintain such person, the Government liable to pay the cost of maintenance of such person under section 78 or any local authority liable to bear the cost of maintenance of such mentally ill person under any law for the time

Application to District Court for payment of cost of maintenance

out of estate of mentally ill person or from a person legally bound to maintain him.

being in force, may make an application to the District Court within whose jurisdiction the estate of the mentally ill person is situate or the person legally bound to maintain the mentally ill person and having the means therefor resides, for an order authorising it to apply the estate of the mentally ill person to the cost of maintenance or, as the case may be, directing the person legally bound to maintain the mentally ill person and having the means therefor to bear the cost of maintenance of such mentally ill person.

(2) An order made by the District Court under sub-section (1) shall be enforced in the same manner, shall have the same force and effect and be subject to appeal, as a decree made by such Court in a suit in respect of the property or person mentioned therein.

Persons legally bound to maintain mentally ill person not absolved from sucl liability.

80. Nothing contained in the foregoing provisions shall be deemed to absolve a person legally bound to maintain a mentally ill person from maintaining such mentally ill person.

CHAPTER VIII

PROTECTION OF HUMAN RIGHTS OF MENTALLY ILL PERSONS

Mentally ill persons to be treated without violation of human rights.

81. (1) No mentally ill person shall be subjected during treatment to any indignity (whether physical or mental) or cruelty.

(2) No mentally ill person under treatment shall be used for purposes of research, unless—

(*i*) such research is of direct benefit to him for purposes of diagnosis or treatment; or

(*ii*) such person, being a voluntary patient, has given his consent in writing or where such person (whether or not a voluntary patient) is incompetent, by reason of minority or otherwise, to give valid consent, the guardian or other person competent to give consent on his behalf, has given his consent in writing, for such research.

(3) Subject to any rules made in this behalf under section 94 for the purpose of preventing vexatious or defamatory communications or communications prejudicial to the treatment of mentally ill persons, no letters or other communications sent by or to a mentally ill persons under treatment shall be intercepted, detained or destroyed.

CHAPTER IX

PENALTIES AND PROCEDURE

Penalty for establishment or maintenance of

82. (1) Any person who establishes or maintains a psychiatric hospital or psychiatric nursing home in contravention of the provisions of Chapter III shall, on conviction, be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both, and in the case of a second or subse-

quent offence, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

psychiatric hospital or psychiatric nursing home in contravention of Chapter III.

(2) Whoever, after conviction under sub-section (1) continues to maintain a psychiatric hospital or psychiatric nursing home in contravention of the provisions of Chapter III shall, on conviction, be punishable with fine which may extend to one hundred rupees for every day after the first day during which the contravention is continued.

Penalty for improper reception of mentally ill person.

83. Any person who receives or detains or keeps a mentally ill person in a psychiatric hospital or psychiatric nursing home otherwise than in accordance with the provisions of this Act, shall, on conviction, be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

Penalty for contravention of sections 60 and 69.

84. Any manager appointed under this Act to manage the property of a mentally ill person, who contravenes the provisions of section 60 or sub-section (2) of section 69, shall, on conviction, be punishable with fine which may extend to two thousand rupees and may be detained in a civil prison till he complies with the said provisions.

General provision for punishment of other offences.

85. Any person who contravenes any of the provisions of this Act or of any rule or regulation made thereunder, for the contravention of which no penalty is expressly provided, in this Act, shall, on conviction, 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.

Offences by companies.

86. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

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

Explanation.—For the purposes of this section,—

(a) "company" means a 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.

Sanction for prosecutions.

87. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no court shall take cognizance of any offence punishable under section 82, except with the previous sanction of the licensing authority. 2 of 1974.

CHAPTER X

MISCELLANEOUS

Provision as to bonds

88. The provisions of Chapter XXXIII of the Code of Criminal Procedure, 1973, shall, as far as may be, apply to bonds taken under this Act. 2 of 1974.

Report by medical officer.

89. The medical officer in charge of a psychiatric hospital or psychiatric nursing home shall, as soon as may be, after any mentally ill person detained therein has been discharged make a report in respect of his mental and physical condition to the authority under whose orders such person had been so detained.

Pension, etc., of mentally ill person payable by Government.

90. (*1*) Where any sum is payable in respect of pay, pension, gratuity or any allowance to any person by any Government and the person to whom the sum is payable is certified by a Magistrate under this Act to be a mentally ill person, the officer under whose authority such sum would be payable, may pay to the person having charge of the mentally ill person so much of the said sum, as he thinks fit, having regard to the cost of maintenance of such person and may pay to such members of the family of the mentally ill person as are dependent on him for maintenance, the surplus, if any, or such part thereof, as he thinks fit, having regard to the cost of maintenance of such members.

(*2*) Where there is any further surplus amount available out of the funds specified in sub-section (*1*) after making payments as provided in that sub-section, the Government shall hold the same to be dealt with as follows, namely:—

(*a*) where the mentally ill person is certified to have ceased to be mentally ill by the District Court within the local limits of whose jurisdiction such person resides or is kept or detained, the whole of the surplus amount shall be paid back to that person;

(*b*) where the mentally ill person dies before payment, the whole of the surplus amount shall be paid over to those of his heirs who are legally entitled to receive the same;

(*c*) where the mentally ill person dies during his mental illness without leaving any person legally entitled to succeed to his estate, the whole of the surplus amount shall, with the prior permission of the District Court, be utilised for such charitable purpose as may be approved by the District Court.

(*3*) The Central Government or the State Government, as the case may be, shall be discharged of all liability in respect of any amounts paid in accordance with this section.

Legal aid to mentally ill person at State expense in certain cases.

91. (*1*) Where a mentally ill person is not represented by a legal practitioner in any proceeding under this Act before a District Court or a Magistrate and it appears to the District Court or Magistrate that such person has not sufficient means to engage a legal practitioner, the District Court or Magistrate shall assign a legal practitioner to represent him at the expense of the State.

(2) Where a mentally ill person having sufficient means to engage a legal practitioner is not represented by a legal practitioner in any proceeding under this Act before a District Court or a Magistrate and it appears to the District Court or Magistrate, having regard to all the circumstances of the case, that such person ought to be represented by a legal practitioner, the District Court or Magistrate may assign a legal practitioner to represent him and direct the State to bear the expenses with respect thereto and recover the same from out of the property of such person.

(3) The High Court may, with the previous approval of the State Government, make rules providing for—

(a) the mode of selecting legal practitioners for the purpose of sub-sections (1) and (2);

(b) the facilities to be allowed to such legal practitioners;

(c) the fees payable to such legal practitioners by the Government and generally for carrying out the purpose of sub-sections (1) and (2).

Explanation.—In this section "legal practitioner" shall have the meaning assigned to it in clause (i) of section 2 of the Advocates Act, 1961.

25 of 1961.

Projection of action taken in good faith.

92. (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 this Act or any rules, regulations or orders made thereunder.

(2) No suit or other legal proceeding shall lie against the 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 this Act or any rules, regulations or orders made thereunder.

Construction of references to certain laws, etc.

93. (1) Any reference in this Act to a law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area.

(2) Any reference in this Act to any officer or authority shall, in relation to any area in which there is no officer or authority with the same designation, be construed as a reference to such officer or authority as may be specified by the Central Government by notification.

Power of Central Government and State government to make rules.

94. (1) The Central Government may, by notification, make rules providing for the qualifications of persons who may be appointed as Mental Health Authority under section 3 and the terms and conditions subject to which they may be appointed under that section and all other matters relating to such authority.

(2) Subject to the provisions of sub-section (1), the State Government, with the previous approval of the Central Government may, by notification, make rules for carrying out the provisions of this Act:

Provided that the first rules shall be made by the Central Government by notification.

(3) In particular, and without prejudice to the generality of the foregoing power, rules made under sub-section (2) may provide for all or any of the following matters, namely:—

(*a*) the qualifications of persons who may be appointed as Mental Health Authority and the terms and conditions subject to which they may be appointed under section 4 and all other matters relating to such authority;

(*b*) the class or category of persons for whom separate psychiatric hospitals and psychiatric nursing homes may be established and maintained under clause (*d*) of sub-section (*1*) of section 5;

(*c*) the form in which,—

(*i*) an application may be made for grant or renewal of a licence and the fee payable in respect thereof under section 7 or, as the case may be, section 9;

(*ii*) a licence may be granted for the establishment or maintenance of a psychiatric hospital or a psychiatric nursing home under section 8;

(*iii*) an application may be made for a reception order under section 20;

(*d*) the manner in which an order refusing to grant, or revoking, a licence shall be communicated under section 8 or, as the case may be, section 11;

(*e*) the manner in which a report may be made to the licensing authority under sub-section (*2*) of section 9;

(*f*) the minimum facilities referred to in the proviso to sub-section (*5*) of section 9, including,—

(*i*) psychiatrist—patient ratio;

(*ii*) other medical or para-medical staff;

(*iii*) space requirement;

(*iv*) treatment facilities; and

(*v*) equipment;

(*g*) the manner in which and the conditions subject to which a psychiatric hospital or psychiatric nursing home shall be maintained under section 10;

(*h*) the form and manner in which and the period within which an appeal against any order refusing to grant or renew a licence or revoking a licence shall be preferred and the fee payable in respect thereof under section 12;

(*i*) the manner in which records shall be maintained under sub-section (*1*) of section 13;

(*j*) the facilities to be provided under section 14 for the treatment of a mentally ill person as an outpatient;

(*k*) the manner in which application for a reception order shall be signed and verified under sub-section (*6*) of section 20;

(*l*) the qualifications of persons who may be appointed as Visitors and the terms and conditions on which they may be appointed, under section 37 and their functions;

(*m*) prevention of vexatious or defamatory communications and other matters referred to in sub-section (*3*) of section 81;

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

Rules made by Central Government or the State Government to be laid before the Legislature.

95. (*1*) 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.

(*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.

Effect of Act on other laws.

96. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force and to the extent of such inconsistency that other law shall be deemed to have no effect.

Power to remove difficulty.

97. If any difficulty arises in giving effect to the provisions of this Act in any State, the State Government may, by order, do anything not inconsistent with such provisions which appears to it to be necessary or expedient for the purpose of removing the difficulty:

Provided that no order shall be made under this section in relation to any State after the expiry of two years from the date on which this Act comes into force in that State.

Repeal and saving.

4 of 1912. Jammu and Kashmir Act 25 of 1977 (1920 AD).

98. (*1*) The Indian Lunacy Act, 1912 and the Lunacy Act, 1977, are hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken under either of the said Acts shall, in so far as such thing or action is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act and shall continue in force until superseded by anything done or any action taken under this Act.

THE LABOUR WELFARE FUND LAWS (AMENDMENT) ACT, 1987

No. 15 OF 1987

[22nd May, 1987.]

An Act further to amend the Mica Mines Labour Welfare Fund Act, 1946, the Limestone and Dolomite Mines Labour Welfare Fund Act, 1972, the Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Act, 1976 and the Beedi Workers Welfare Fund Act, 1976.

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

CHAPTER I

PRELIMINARY

Short title.

1. This Act may be called the Labour Welfare Fund Laws (Amendment) Act, 1987.

CHAPTER II

AMENDMENT TO THE MICA MINES LABOUR WELFARE FUND ACT, 1946

Amendment of section 3.

2. In section 3 of the Mica Mines Labour Welfare Fund Act, 1946, in sub-section (2), in clause (*a*), after sub-clause (*v*), the following sub-clause shall be inserted, namely:— 22 of 1946.

"(*vi*) the provision of family welfare, including family planning education and services;".

CHAPTER III

AMENDMENT TO THE LIMESTONE AND DOLOMITE MINES LABOUR WELFARE FUND ACT, 1972

Amendment of section 5.

3. In section 5 of the Limestone and Dolomite Mines Labour Welfare Fund Act, 1972, in sub-section (2), in clause (*a*), in sub-clause (*iii*), the word "and" occurring at the end shall be omitted and after sub-clause (*iv*), the following sub-clause shall be inserted, namely:— 62 of 1972.

'(*v*) the provision of family welfare, including family planning education and services;".

CHAPTER IV

AMENDMENT TO THE IRON ORE MINES, MANGANESE ORE MINES AND CHROME ORE MINES LABOUR WELFARE FUND ACT, 1976

61 of 1976.

4. In section 4 of the Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Act, 1976, in clause (*a*), after sub-clause (*v*), the following sub-clause shall be inserted, namely:— **Amendment of section 4.**

"(*vi*) the provision of family welfare, including family planning education and services;".

CHAPTER V

AMENDMENT TO THE BEEDI WORKERS WELFARE FUND ACT, 1976

62 of 1976.

5. In section 4 of the Beedi Workers Welfare Fund Act, 1976 (hereafter in this Chapter referred to as the Beedi Fund Act), in sub-section (*1*),— **Amendment of section 4.**

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

"(*iva*) the provision of family welfare, including family planning education and services;".

(*ii*) in clause (*c*),—

(*a*) for the words "or a local authority or to an employer", the words "or to a local authority or to an agency which satisfies the prescribed criteria (hereinafter referred to as the agency) or to an employer" shall be substituted;

(*b*) for the words "local authority", the words "local authority, agency" shall be substituted.

6. In section 11 of the Beedi Fund Act, after the words "or a local authority", the words "or the agency" shall be inserted. **Amendment of section 11.**

7. In section 12 of the Beedi Fund Act,— **Amendment of section 12.**

(*i*) in sub-section (*2*),—

(*a*) in clause (*i*), after the words "or a local authority", the words "or the agency" shall be inserted;

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

"(*ja*) the form in which an identity card is to be issued by an employer to a person engaged in a beedi establishment;";

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

"(*3*) In making any rule under sub-section (*2*), the Central Government may direct that a breach of—

(*a*) any rule made under clause (*i*) or clause (*j*) thereof shall be punishable with fine which may extend to five hundred rupees;

(*b*) any rule made under clause (*ja*) thereof shall be punishable with fine which may extend to two thousand rupees.".

THE GOA, DAMAN AND DIU MINING CONCESSIONS (ABOLITION AND DECLARATION AS MINING LEASES) ACT, 1987

No. 16 OF 1987

[23rd May, 1987.]

An Act to provide for the abolition of the mining concessions in operation in the Union territory of Goa, Daman and Diu and specified in the First and the Second Schedules, and for the declaration of such mining concessions as mining leases under the Mines and Minerals (Regulation and Development) Act, 1957, with a view to the regulation of the mines to which such concessions relate and for the development of minerals under the control of the Union and for matters connected therewith or incidental thereto.

WHEREAS certain mining concessions have been granted in perpetuity under the former Portuguese Mining Laws (Decree of 20th day of September, 1906) in the territories now included in the Union territory of Goa, Daman and Diu by the former Portuguese Government and by the Government of Goa, Daman and Diu;

AND WHEREAS the aforesaid mining laws have ceased to be in force and doubts have been expressed as to whether such mining concessions are mining leases within the meaning of the Mines and Minerals (Regulation and Development) Act, 1957; 67 of 1957.

AND WHEREAS it is expedient in the public interest to abolish such mining concessions and declare them as mining leases under the aforesaid Act for the purpose of making the provisions of that Act applicable to the mines to which such concessions relate with a view to the regulation of such mines and for the development of minerals under the control of the Union so as to subserve the common good;

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

CHAPTER I

PRELIMINARY

1. This Act may be called the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987. Short title.

Definitions.

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

(*a*) "appointed day" means the 20th day of December, 1961;

(*b*) "Commissioner" means the Commissioner of Payments appointed under section 8;

(*c*) "concession holder" means a person who has been granted a mining concession;

(*d*) "date of assent" means the date on which the assent is given by the President to this Act;

(*e*) "Goa, Daman and Diu" means the Union territory of Goa, Daman and Diu;

(*f*) "Mines and Minerals Act" means the Mines and Minerals (Regulation and Development) Act, 1957; 67 of 1957.

(*g*) "mining concession" means a mining concession granted under the Portuguese Colonial Mining Laws, 1906 (Decree of 20th September, 1906);

(*h*) "notification" means a notification published in the Official Gazette;

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

(*j*) "specified date" means such date as the Central Government may, for the purpose of any provision of this Act, by notification, specify; and different dates may be specified for different provisions of this Act;

(*k*) words and expressions used and not defined, but defined in the Mines Act, 1952 or the Mines and Minerals Act, shall have the meanings, respectively, assigned to them in those Acts. 35 of 1952.

Act override all other enactments, etc.

3. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment (other than this Act), or any judgment, decree or order of any court, tribunal or other authority or any instrument having effect by virtue of any enactment other than this Act.

CHAPTER II

ABOLITION OF MINING CONCESSIONS AND DECLARATION AS MINING LEASES UNDER THE MINES AND MINERALS ACT

Abolition, etc., of mining concessions.

4. (*1*) Every mining concession specified in the First Schedule shall, on and from the appointed day, be deemed to have been abolished, and shall, with effect from that day, be deemed to be a mining lease granted under the Mines and Minerals Act, and the provisions of that Act shall, save as otherwise provided in this Act, apply to such mining lease.

(2) Every mining concession specified in the Second Schedule shall, on and from the day next after the date of grant of the said concession and specified in the corresponding entry in the eighth column of the said

Schedule, be deemed to have been abolished, and shall, with effect from that day, be deemed to be a mining lease granted under the Mines and Minerals Act, and the provisions of that Act shall, save as otherwise provided in this Act, apply to such mining lease.

(3) If, after the date of assent, the Central Government is satisfied, whether from any information received by it or otherwise, that there has been any error, omission or misdescription in relation to the particulars of any mining concession or the name and residence of any concession holder specified in the First or the Second Schedule, it may, by notification, correct such error, omission or misdescription, and on the issue of such notification, the First or the Second Schedule, as the case may be, shall be deemed to have been amended accordingly.

General effect of declaring the mining concessions to be mining leases.

5. (1) Where a mining concession has been deemed to be a mining lease under section 4, the concession holder shall, on and from the day mentioned in that section, be deemed to have become the holder of such mining lease under the Mines and Minerals Act in relation to the mine to which the mining concession relates, subject to the condition that the period of such lease shall, notwithstanding anything contained in that Act, extend up to a period of six months from the date of assent.

(2) On the expiry of the period of any mining lease under sub-section (1), it may, if so desired by the holder of such lease and on an application being made by him in accordance with the provisions of the Mines and Minerals Act and the rules made thereunder, be renewed on such terms and conditions, and up to the maximum period, for which such lease can be renewed under the provisions of that Act and the rules made thereunder.

CHAPTER III

PAYMENT OF AMOUNTS

Payment or amounts to concession holders.

6. Every concession holder specified in the second column of the First and the Second Schedules shall be given by the Central Government, in cash, and in the manner specified in Chapter IV, for the abolition of the mining concession held by him, and declaring it as a mining lease, under section 4, an amount equal to the amount specified against him in the corresponding entry in the eighth column of the First Schedule and the ninth column of the Second Schedule, as the case may be.

Payment of further amount.

7. (1) There shall also be given by the Central Government, in cash, to every concession holder specified in the second column of the First and the Second Schedules, simple interest at the rate of four per cent. per annum on the amount specified against such concession holder in the corresponding entry in the eighth column of the First Schedule and the ninth column of the Second Schedule, as the case may be, for the period commencing on the date of assent and ending on the date of payment of such amount to the Commissioner.

(2) The amount referred to in sub-section (1) shall be in addition to the amount specified in the First Schedule or the Second Schedule, as the case may be.

CHAPTER IV

COMMISSIONER OF PAYMENTS

Commissioner of Payments to be appointed.

8. (1) For the purpose of disbursing the amounts payable to the concession holders under this Act, the Central Government shall appoint such person as it may think fit to be the 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 the Central Government to the Commissioner.

9. (1) The Central Government shall, within thirty days from the specified date, pay, in cash, to the Commissioner, for payment to the concession holders, a sum equal to the sum specified against the mining concessions in the First and the Second Schedules, together with the amount of interest referred to 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 the said deposit account shall be operated by the Commissioner.

(3) Records shall be maintained by the Commissioner in respect of each of the concession holder 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 concession holders.

Claims to be made to the Commissioner.

10. (1) Every concession holder, having a claim for the payment of the amount referred to in section 6, 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.

(2) The Commissioner shall fix a certain date on or before which every claimant shall file the proof of his claim.

(3) Not less than fourteen days' notice of the date so fixed shall be given by advertisement in one issue of the daily newspaper in the English language and one issue of any daily newspaper in the 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 time specified in the advertisement.

(4) Every claimant, who fails to file the proof of his claim within the time specified by the Commissioner, shall be excluded from the disbursement made by the Commissioner.

(5) The Commissioner shall, after such investigation as may, in his opinion, be necessary and after giving the concession holder, a reasonable opportunity of being heard, by order in writing admit or reject the claim in whole or in part.

(6) 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:— 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 any witnesses.

(7) 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.

(8) 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 relevant mine is situated.

11. 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 Central Government in respect of such claim shall stand discharged. Liability of Central Government to end on payment of claim.

12. In the event of there being a doubt or dispute as to the right of a person to receive the whole or any part of the amount referred to in section 6 or section 7, the Commissioner shall refer the matter to the court for a decision, and shall make the disbursement in accordance with the decision of the court. Disputes how to be dealt with.

Explanation.—In this section "court", in relation to a mining concession, means the principal civil court of original jurisdiction within the local limits of whose jurisdiction the mines relating to such concession is situated.

Undisbursed or unclaimed amount to be deposited to the general revenue account.

13. Any money paid to the Commissioner which remains undisbursed or unclaimed after such payment for a period of three years shall be transferred by the Commissioner to the general revenue account of the Central Government; but a claim to any money transferred may be preferred to the Central Government by the concession holder entitled to such payment and shall be dealt with as if such transfer had not been made, the order, if any, for the payment of the claim being treated as an order for the refund of revenue.

CHAPTER V

MISCELLANEOUS

Amendment of Act 67 of 1957.

14. In the Mines and Minerals (Regulation and Development) Act, 1957, in sub-section (*1*) of section 4, after the second proviso, the following proviso shall be inserted and shall be deemed to have been inserted with effect from the 1st day of October, 1963, namely:—

"Provided also that nothing in this sub-section shall apply to any mining lease (whether called mining lease, mining concession or by any other name) in force immediately before the commencement of this Act in the Union territory of Goa, Daman and Diu.".

Penalties.

15. Any person who contravenes the provisions of this Act shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to two thousand rupees, or with both.

Offences by companies.

16. (*1*) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

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

Protection of action taken in good faith.

17. (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 person authorised by that Government 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 any 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.

Delegation of powers.

18. (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 20 and 21, 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.

Declaration as to the policy of the State.

19. It is hereby declared that this Act 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.

Explanation.—In this section, "State" has the same meaning as in article 12 of the Constitution.

Power to make rules.

20. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

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

Power to remove difficulties.

21. 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 date of assent.

Validation.

22. (1) Notwithstanding anything contained in any other law for the time being in force or any judgment, decree or order of any court, tribunal or other authority,—

(a) every concession holder shall, for the period commencing on and from the date when his mining concession had been declared to

be a mining lease and ending with the date of expiry of the period of his lease under the provisions of this Act (hereafter in this section referred to as the said period), be liable to pay the dead rent or, as the case may be, royalty, due in respect of such lease under the provisions of the Mines and Minerals Act and the rules made thereunder, and such amount shall, save as otherwise provided in this section, be recoverable from him;

(*b*) any amount paid by the concession holder for the said period, either as a fixed tax or as a proportional tax, or both, or as a royalty under protest shall be deemed to have been dead rent or, as the case may be, royalty, paid in accordance with law and such amounts shall not be liable to be refunded; and

(*c*) due credit of all such amounts paid by a concession holder under clause (*b*) shall be given to him in determining the dead rent or, as the case may be, royalty payable by him under clause (*a*),

as if this Act and the Mines and Minerals Act and the rules made thereunder had been in force at all material times, and accordingly—

(*i*) no suit or other proceeding shall be instituted, maintained or continued in any court or other authority against the Government or any person or authority whatsoever for the refund of any amounts paid by a concession holder under clause (*b*); and

(*ii*) no court shall enforce any decree or order directing the refund of any amounts so paid,

on the ground that the mining concession is not a mining lease.

(2) For the removal of doubts, it is hereby declared that nothing in sub-section (1) shall be construed as preventing any person,—

(*a*) from questioning, in accordance with the provisions of the Mines and Minerals Act and the rules made thereunder, the assessment of any dead rent or royalty for the said period; or

(*b*) from claiming refund of any dead rent or royalty paid by him in excess of the amount due from him under the Mines and Minerals Act and the rules made thereunder.

THE FIRST SCHEDULE

[*See* sections 4(*1*), 6, 7 and 9(*1*)]

DETAILS OF MINING CONCESSIONS ABOLISHED AND DECLARED AS MINING LEASES ON AND FROM THE APPOINTED DAY

Sl. No.	Name of the concession holder and his residence	Denomination of the mine	Nature	Situation		Number and date of title	Amount (in Rs.)
				Village	Taluka		
1	2	3	4	5	6	7	8
1.	Maria Severina Fernandes ora Camilo Agostinho Elias Fernandes, of Aldona (cabesacasal)	Anvalitembo	Fe/Mang	Vadem	Sanguem	2 of 30-1-1929	14,300
2.	Domingos Jose Fernandes, of Aldona.	Paicatembo	Ditto	Netorlim	Ditto	1 of 26-8-1931	13,900
3.	Naria Alice Sodder Pereira, of Vasco da Gama.	Aili Vagurbem	Ditto	Sancordem	Ditto	1 of 4-4-1937	14,300
4.	Timblo Irmaos Ltda, of Margao.	Bandodongor Cumbiadongor	Ditto	Verlem	Ditto	1 of 19-3-1941	9,300
5.	Xeo Abdul Kadat, of Sanguem.	Cudoitembo	Ditto	Bati	Ditto	3 of 19-3-1941	7,900
6.	Maria Seani Rephael, of Curchorem.	Amvandongor	Ditto	Curpem	Ditto	5 of 19-3-1941	12,500
7.	Maria Seani Rephael, of Curchorem.	Nidgulamoll dongor	Iron	Calem	Ditto	6 of 19-3-1941	11,900
8.	Empresa Minero Comercila, of Goa.	Choriacho tembo dongor	Ditto	Bimbol of Calem	Ditto	7 of 19-3-1941	13,900
9.	Gangadhar N. Agrawal, of Margao.	Huldool dongor	Ditto	Ditto	Ditto	8 of 19-3-1941	14,300
10.	Companhia Nacional Agency, of Ponda.	Mollo or Moroda	Fe/Mang	Darbandora	Ditto	9 of 19-3-1941	14,300
11.	Rajarama Naraina X Bandecar, of Vasco da Gama.	Nundem deulavoril dongor	Ditto	Nundem	Ditto	10 of 20-8-1941	14,200
12.	Comphania Mineira Dempo and Souza Ltda, of Goa.	Lamgao	Iron	Lamgao	Bicholim	11 of 20-8-1941	14,300
13.	Comphania Mineira Dempo & Souza Ltda, of Goa.	Vagachiper	Ditto	Bicholim	Ditto	12 of 20-8-1941	14,300

Sl. No.	Name of the concession holder and his residence	Denomination of the mine	Nature	Situation		Number and date of title	Amount (in Rs.)
				Village	Taluka		
1	2	3	4	5	6	7	8
14.	Comphania Mineira Dempo and Souza Ltda, of Goa.	Gaotoor	Iron	Bordem	Bicholim	13 of 20-8-1941	14,300
15.	Comphania Mineira Dempo & Souza Ltda, of Goa.	Toticho mor dongor	Ditto	Mulgao	Ditto	14 of 20-8-1941	14,300
16.	Comphania Mineira Dempo & Souza Ltda, of Goa.	Mandurbaga	Ditto	Ditto	Ditto	15 of 20-8-1941	14,300
17.	Firm Elesbao Pereira & Sons Ltda, of Mormugao.	Padepanos	Fe/Mang	Sancordem	Sanguem	17 of 22-10-1941	2,900
18.	Kurnool M.V. Maneer, of Bellery.	Vaguem	Ditto	Melauli	Satari	1 of 8-7-1942	14,400
19.	Hiri Bombo Gaunco, of Margao.	Santana tembo	Ditto	Vichundrem	Sanguem	1 of 6-10-1947	2,900
20.	Companhia Nacional Agency, of Penda.	Gonoxirem	Ditto	Verlem	Ditto	2 of 24-4-1949	13,400
21.	Firm S. Kantilal & Cia. Ltda, of Margao.	Shirgal Muddi	Ditto	Salauli	Ditto	3 of 13-6-1949	14,300
22.	Shri Rajaram N.X. Bandekar, of Vasco.	Monte de Sirigao	Iron	Sirigao	Bicholim	4 of 17-6-1949	14,300
23.	Firm Chowgule & Cia. Ltd., of Marmagao.	Cudplegaicho-Guer-Dongor	Ditto	Ditto	Ditto	5 of 8-7-1949	14,300
24.	Hiralal Khodidas, of Goa.	Gogoro or Gulcan Dongor	Fe/Mang	Colomba	Sanguem	6 of 11-7-1949	10,100
25.	Lidia Belinda Simoes, of Goa.	Vagatto	Ditto	Ditto	Ditto	7 of 5-8-1949	9,900
26.	Bascora Seguna Corpo, of Vasco.	Cuncdacho Gholl	Ditto	Gudnem	Bicholim	8 of 12-8-1949	14,000
27.	Sociedade Mineira Goesa, of Panaji.	Macarxendo & Mauling-todcho Dongor	Ditto	Maulinguem	Ditto	9 of 23-9-1949	13,30(
28.	Sociedade Mineira Goesa, of Panaji.	Chireachea Ambeacodil Dongurli & Cantonachi tembo	Ditto	Ditto	Ditto	10 of 23-9-1949	11,30(
29.	Gurudas Timblo, of Margao.	Gogolatembo	Ditto	Malcornem	Quepem	11 of 4-11-1949	9,40

Sl. No.	Name of the concession holder and his residence	Denomination of the mine	Nature	Situation		Number and date of title	Amou (in Rs
				Village	Taluka		
1	2	3	4	5	6	7	8
30.	Firm Chowgule & Cia. Ltd., of Marmagao.	Goigonem	Iron	Mahem	Bicholim	13 of 18-11-1949	10,40
31.	Eurico da Silva Ataide e T. De Noronha, of Maem.	Orpale Anturlichem, etc.	Fe/Mang	Ditto	Ditto	14 of 18-11-1949	13,80
32.	Firm S. Kantilal & Cia. Ltd., of Margao.	Molhadvona, Concramoli	Iron	Sancordem	Sanguem	16 of 23-12-1949	12,200
33.	Atmarama X. Poi Palondicar, of Margao.	Hunantlo Dongor	Fe/Mang	Colomba	Ditto	17 of 23-12-1949	6,400
34.	Aleixo Caetano Cardoso, of Raia.	Sem denom. esp.	Ditto	Navelim	Ditto	1 of 13-1-1950	3,200
35.	Gopinata Sinai Garco, of S. Lourenco.	Arembata	Ditto	Aturli	Bicholim	3 of 13-1-1950	3, 000
36.	Firm Chowgule & Cia. Ltd., of Marmagao.	Govala	Ditto	Gautona	Ditto	4 of 13-1-1950	7,300
37.	Firm S. Kantilal & Cia. Ltd., of Margao.	Paicatembo	Ditto	Villiena	Sanguem	5 of 23-1-1950	10,400
38.	Quiteria Maria Gonsalves Noronha.	Godhodo	Ditto	Colomba	Ditto	6 of 27-1-1950	5,600
39.	Firm V.S. Dempo & Cia. Ltd., of Goa.	Culnavoril Sodo	Ditto	Dudal	Ditto	7 of 30-1-1950	5,600
40.	Rajaram Rangaji Poinguincar, of Ponguinim.	Chirabande Vali	Ditto	Patiem	Ditto	8 of 24-2-1950	11,800
41.	Mahamed Osman Muhamed Hashan of Margao.	Cuditembo	Ditto	Curpem	Ditto	10 of 24-2-1950	8,900
42.	Firm Damodar Mangalji & Cia. Ltd., of Goa.	Costimol	Ditto	Costi	Ditto	11 of 24-2-1950	4,900
43.	Xec Abdul Kadar, of Sanguem.	Usqui Mordi	Ditto	Netorlim	Ditto	12 of 27-2-1950	14,300
44.	Xec Abdul Kadar, of Sanguem.	Chinchigalchi Calmati	Ditto	Tudou	Ditto	13 of 27-2-1950	14,200
45.	Firm Metha & Cia. Ltd., of Vasco da Gama.	Tilo dongor, etc.	Ditto	Curdi	Ditto	14 of 27-2-1950	4,900
46.	Roguvir Naraina Lotlecar, of Margao.	Bandadongor	Ditto	Verlem	Ditto	15 of 13-3-1950	10,100
47.	Roguvir Naraina Lotlecar, of Margao.	Bonquidongor or Bonquitembo	Ditto	Ditto	Ditto	16 of 13-3-1950	8,100

Sl. No.	Name of the concession holder and his residence	Denomination of the mine	Nature	Situation		Number and date of title	Amount (in Rs.)
				Village	Taluka		
1	2	3	4	5	6	7	8
48.	Gurudas Timblo, of Margao.	Ondea Cail Mol, etc.	Fe/Mang	Pale	Bicholim	17 of 27-3-1950	13,200
49.	Firm Damodar Mangalji & Cia. Ltd., of Goa.	Maulingmolo	Ditto	Carapur	Ditto	19 of 21-4-1950	3,100
50.	Quiteria Maria Gonsalves Noronha, of Margao.	Udo Dongor	Ditto	Colomba	Sanguem	20 of 21-4-1950	14,300
51.	Firm Chowgule & Cia. Ltd., of Margao.	Deureamvoilo tembo	Ditto	Vichundrem	Ditto	21 of 5-5-1950	7,400
52.	Firm Chowgule & Cia. Ltd., of Margao.	Paratembo Dongurli, etc.	Ditto	Costi	Ditto	22 of 5-5-1950	9,000
53.	Mandyan A. Parthasarthy, of Pernem.	Sem denominacao especial	Ditto	Zorulem	Pernem	23 of 8-5-1950	14,300
54.	Firm V.M. Salgaoncar e Irmao Ltd., of Vasco da Gama.	Dudaliacha Gaunt-onavoril Sodo e Gitoneasoda	Iron	Dudal	Sanguem	24 of 12-5-1950	13,000
55.	Sociedade Shri Mahalaximi Cia. Mineira Ltd., of Netorlim.	Maccdeatolem Mamatembo	Fe/Mang	Jaqui of Netorlim	Ditto	27 of 5-6-1950	10,400
56.	Marcos Marcelino P. De Souza, of Pilerne.	Tasmsurly	Ditto	Dandola	Ponda	28 of 12-6-1950	12,900
57.	Marcos Marcelino P. De Souza, of Pilerne.	Calamatembi	Ditto	Tiurem	Ditto	29 of 12-6-1950	13,800
58.	Prafula Rajarama Hede, of Goa.	Godcavadea Javalachem Upor & Nagonim Buroda	Iron	Colem	Sanguem	30 of 16-6-1950	11,800
59.	Sociedade Timblo Irmaos Ltd., of Margao.	Devandongor	Fe/Mang	Rivona	Ditto	31 of 7-7-1950	8,900
60.	Firm V. M. Salgaoncar e Irmao Ltd., of Vasco da Gama.	Motto	Ditto	Revora	Bardez	32 of 7-7-1950	4,900
61.	Sociedade Timblo Irmaos Ltd., of Margao.	Borga	Ditto	Rivona	Sanguem	34 of 2-10-1950	12,800
62.	Gangadhar Narsingdas Agrawal, of Margao.	Chandsuriacho Fatravoril dongor	Ditto	Netorlim	Ditto	35 of 2-10-1950	14,200
63.	Raia Porobo Baticar, of Sanguem.	Perchotembo	Ditto	Batie Cumbari	Ditto	37 of 10-10-1950	10,000

Sl. No.	Name of the concession holder and his residence	Denomination of the mine	Nature	Situation		Number and date of title	Amoun (in Rs.)
				Village	Taluka		
1	2	3	4	5	6	7	8
64.	Nilconta Jaganata Coulecar, of Mapusa.	Codeachem Devonavoril Molentil Zaga	Fe/Mang	Sanvordem	Satari	38 of 10-11-1950	14,300
65.	Manohar H.N. Naik, Parulekar.	Gundegally or Chendo	Ditto	Dargalim	Pernem	39 of 11-12-1950	14,300
66.	Vishwasrao D. Chowgule, of Vasco da Gama.	Citeiros que ficam de ambos os lados de linha ferrea, etc.	Iron	Calem	Sanguem	40 of 22-12-1950	12,300
67.	Lidia Belinda Simoes, of Goa.	Molietembo Maquerim	Fe/ Mang	Rivona	Ditto	42 of 29-12-1950	7,300
68.	Xec Mohamed Issac, of Goa.	Devapan or Devadongor	Ditto	Caurem	Quepem	1 of 8-1-1951	14,300
69.	Madeva Upendra Sinai Talaulikar, Panaji.	Saniem	Iron	Sancordem	Sanguem	2 of 8-1-1951	7,200
70.	Firm V.S. Dempo & Cia. Ltd., of Goa.	Cantor	Fe/ Mang	Curpem	Ditto	3 of 19-1-1951	14,000
71.	Vassudeva N. Sarmalkar, of Margao.	Vagagholl	Ditto	Molcornem	Quepem	4 of 2-2-1951	3,800
72.	Dinanata Muc-unda S. Cuvelcar, of Raia.	Zamblimol & Cicilitembo	Ditto	Colomba	Sanguem	5 of 2-2-1951	7,200
73.	Gurudas Timblo, of Margao.	Chivanritembo or Chivaridongor	Ditto	Dongor	Ditto	7 of 9-2-1951	13,300
74.	Gurdas Timblo, of Margao.	Paicapanacho dongor	Ditto	Pirla	Quepem	8 of 9-2-1951	13,900
75.	Bhanudas Bablo S. Cossombo, of Sanguem.	Convorzoritembo Motatembo Bandoli dongor	Ditto	Curpem	Sanguem	9 of 12-2-1951	14,200
76.	Haider Caximo Can of Sanguem.	Vangi Bindi Advona, etc.	Ditto	Sulcorna	Quepem	10 of 23-2-1951	11,900
77.	Zoirama Bicaji Neugui, of Mapuca.	Avalladongor	Ditto	Molcornem	Ditto	11 of 23-2-1951	11,400
78.	Francisca Sequeira of Nuvem.	Gorditembo	Ditto	Netorlim	Sanguem	12 of 26-2-1951	6,700
79.	Vishwasrao D. Chowgule, of Vasco da Gama.	Cararemdongor	Ditto	Colomba	Ditto	14 of 2-3-1951	14,300
80.	Vishwasrao D. Chowgule, of Vasco da Gama.	Partimsodo, etc.	Iron	Molem	Ditto	15 of 2-3-1951	11,500

Sl. No.	Name of the concession holder and his residence	Denomination of the mine	Nature	Situation		Number and date of title	Amount (in Rs.)
				Village	Taluka		
1	2	3	4	5	6	7	8
81.	Vishwasrao D. Chowgule, of Vasco da Gama.	Pundavamgavoril Sodo	Iron	Dudal	Sanguem	16 of 2-3-1951	11,800
82.	S. Kantilal & Cia. Ltd., of Margao.	Gottovo Dongor	Fe/Mang	Netorlim	Ditto	17 of 2-3-1951	6,300
83.	Xec. Alub, of Sanguem.	Zambutolem	Ditto	Tudou of Verlem	Ditto	19 of 9-3-1951	11,500
84.	Tulxidas Madeva X. Deulcar of Calem.	Careacodil Upri, Adam Tembo, etc.	Ditto	Maulinguem	Ditto	20 of 9-3-1951	12,500
85.	Zoiram Bhicaji Neugmi of Mapuca.	Madiacho tembo Candalanche mol or Gormodi	Ditto	Cauremi	Quepem	21 of 19-3-1951	12,400
86.	Roguvir Sinai Garco, of S. Lourenco de Agacaim.	Casarman	Ditto	Salguinim Verlem	Sanguem	22 of 30-3-1951	4,700
87.	Gurudas Timblo, of Margao.	Moliadongor	Ditto	Tudou of Verlem	Ditto	23 of 30-3-1951	10,000
88.	Horichondra Saunlo N. Tari, of Sanguem.	Sadezamotil Rica	Ditto	Cumbari	Ditto	26 of 6-4-1951	11,900
89.	Firma Sesa Goa Ltd., of Goa.	Botvadeacho dongor	Ditto	Pissurlem	Satari	28 of 6-4-1951	3,500
90.	Damum Naique, of Curchorem.	Cosmoichem Mola	Ditto	Sulcorna	Quepem	29 of 13-4-1951	3,500
91.	Mineira Prometedora Ltd., of Netorlim.	Folsadando or Vadvol	Ditto	Netorlim	Sanguem	32 of 13-4-1951	5,400
92.	Xec Adam Xac. Abubakar, of Margao.	Nissorval	Ditto	Colomba	Ditto	34 of 20-4-1951	14,000
93.	Gajanana P.N. Cormoli of Cacora.	Chiunim Dongor, etc.	Ditto	Rivona	Ditto	35 of 20-4-1951	11,500
94.	Xec Abdul Gofur X.A. Agis of Sanguem.	Cumartolem Dongor, etc.	Ditto	Curpem	Ditto	37 of 20-4-1951	5,300
95.	Firm Chowgule & Cia, Ltd., of Marmagao.	Casana, Costimola, etc.	Iron	Costi	Ditto	38 of 20-4-1951	14,300
96.	Narahari S.S. Narvenkar, of Goa.	Pandava Xetavoilo Soddo & Vozro Sodo	Ditto	Santona of Quirlapale	Ditto	40 of 27-4-1951	14,200
97.	Roguvir R. Poinguincar, of Poinguinim.	Gurmulem	Fe/Mang	Cudnem	Bicholim	41 of 11-5-1951	9,600

Sl. No.	Name of the concession holder and his residence	Denomination of the mine	Nature	Situation		Number and date of title	Amount (in Rs.)
				Village	Taluka		
1	2	3	4	5	6	7	8
98.	Firm Shantilal Kushaldas Irmaos, of Margao.	Gotton Sorad tembo	Fe/Mang	Netorlim	Sanguem	42 of 18-5-1951	9,100
99.	Firm V.S. Denpo & Cia, Ltd., of Goa.	Navientil Galivoril Advona Nagona, etc.	Ditto	Aglote	Ditto	43 of 18-5-1951	14,300
100.	Sociedade Shantilal Kushaldas & Irmaos, of Margao.	Joleracho dongor	Ditto	Maina	Quepem	44 of 18-5-1951	8,800
101.	Xembu Zoideva X. Moratto, of Sanguem.	Dhabella mola	Ditto	Undorna	Ditto	45 of 8-6-1951	13,300
102.	Vassantaram G. Metha, of Vasco da Gama.	Vatasur	Ditto	Colomba	Sanguem	46 of 15-6-1951	3,100
103.	Ramacrishna Dottu P. Loundo, of Sanquelim.	Goddibaim	Ditto	Navelim	Bicholim	47 of 18-6-1951	5,500
104.	Vicente J.F. Figeiredo, of Loutulim.	Madda-xeta-Jetona	Ditto	Netorlim	Sanguem	48 of 25-6-1951	14,300
105.	Sociedade Mineira N. Ltd., of Margao.	Poicul Compro	Ditto	Melauli	Satari	49 of 6-7-1951	10,100
106.	Vassudeva N. Sarmalcar, of Margao.	Gola dongor	Ditto	Sulcorna	Quepem	50 of 6-7-1951	12,600
107.	Gurdas Timblo, of Margao.	Bhutabaincho dongor	Ditto	Verlem	Sanguem	51 of 20-7-1951	9,700
108.	Roguvir R. Poinguincar, of Poinguinim.	Thatatem Soddo	Iron	Darbandora	Ditto	52 of 23-7-1951	14,300
109.	Aec Abdul Gofur X.A. Agis, of Sanguem.	Pola dongore Dongore	Fe/Mang	Curpem	Ditto	53 of 3-8-1951	4,400
110.	Jose Azavedo Duarte, of Sanguem.	Zamblidando	Ditto	Verlem	Ditto	54 of 3-8-1951	5,200
111.	Manchar H. N. Parulecar, of Mapusa.	Guellieme Gaval	Iron	Pissurlem	Satari	55 of 24-8-1951	12,600
112.	Daue Khan, of Sanguem	Matta Conda	Fe/Mang	Rivona	Sanguem	58 of 3-9-1951	12,600
113.	Zoiram B. Neugui, of Mapuca.	Iembeche dongor	Ditto	Maina	Quepem	59 of 3-9-1951	14,200
114.	Minguel Mascarenhas, of Sanvordem.	Canelidongor	Ditto	Vichundrem	Sanguem	60 of 14-9-1951	11,800
115.	Mineira Nacional Ltd. of Panaji.	Cuddeagalivoril Sodo dongor	Iron	Santona Quirlapale	Ditto	62 of 1-10-1951	13,100
116.	Chandracanta F. Naigue, of Curchorem.	Gobaim or Cuntiem	Fe/Mang	Curpem	Ditto	63 of 19-10-1951	10,000

Sl. No.	Name of the concession holder and his residence	Denomination of the mine	Nature	Situation		Number and date of title	Amount (in Rs.)
				Village	Taluka		
1	2	3	4	5	6	7	8
117.	Amalia Rodrigues G. Figueiredo, of Loutulim.	Polo Dongor & Dongor	Fe/Mang	Curpem	Sanguem	65 of 7-12-1951	8,400
118.	Firm S. Kantilal & Cia Ltd., of Margao.	Poxelacho Sodo	Ditto	Maida of Colem	Ditto	66 of 14-12-1951	14,200
119.	Firm S. Kantilal & Cia Ltd., of Margao.	Gonesgudi Dongor	Ditto	Rumademo of Netorlim	Ditto	67 of 14-12-1951	4,900
120.	Mingoa Sociedade Mineira Goesa, SARL, of Goa.	Maindvolicho Sodo & Codeculnavoril Sodo	Iron	Codli	Ditto	69 of 14-12-1951	14,300
121.	Ramakanta, Xetie of Bicholim.	Deulem	Ditto	Pissurlem	Satari	70 of 17-12-1951	14,300
122.	Firma V.M. Salgoancar & Irmao Ltd., of Vasco da Gama.	Madei	Fe/Mang	Vantem	Ditto	71 of 21-12-1951	11,400
123.	Firm S. Kantilal & Cia, of Margao.	Anavladongor	Ditto	Molcornem	Quepem	1 of 4-1-1952	5,500
124.	Quiteria Maria Gonsalves, Noronha, of Mapusa.	Cormol-dad dongor	Ditto	Colomba	Sanguem	3 of 11-1-952	12,900
125.	Firm S. Kantilal & Cia, Ltd., Margao.	Melcadongor	Ditto	Sancordem	Ditto	4 of 1-2-1952	10,600
126.	Ailiabhai S. Cacodcar, of Cacora.	Vancali temb	Ditto	Colomba	Ditto	5 of 1-2-1952	3,200
127.	Arnaldo Reis. Cruz of Bena alim.	Fondiatolia-voridongor	Ditto	Netorlim	Ditto	7 of 1-2-1952	4,100
128.	Gopal Visvonata Godekar de Councolim.	Ubefatracodi-I dongri	Ditto	Maina	Quepem	8 of 1-2-1952	8,000
129.	Sociedade Timblo Irmaos Ltd., of Margao.	Santona Guro	Ditto	Sigao	Sanguem	9 of 1-2-1952	11,000
130.	Esvonta Datatraia Sadecar, of Margao.	Pandavamsodo	Ditto	Rivona	Ditto	10 of 1-2-1952	4,600
131.	Firm Damodar Mangalji & Cia. Ltd., of Goa.	Dobdobo	Ditto	Bicholim	Bicholim	11 of 4-2-1952	7,200
132.	Narahari S.S. Narvenkar of Goa.	Mainantil Murdi	Ditto	Santana of Quirlapale	Sanguem	12 of 8-2-1952	11,100
133.	Rucminibai S. Bhobe, wife of late Krishna Bhobe or Quexarbai, of Mapusa.	Apteachem-boroda	Ditto	Onda	Satari	13 of 22-2-1952	3,700
134.	Badrudin Bavani, of Margao.	Nomoxitembo	Ditto	Rivona	Sanguem	14 of 22-2-1952	14,300

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				Village	Taluka		
1	2	3	4	5	6	7	8
135.	Sadassiva D. Tiroder Margao.	Pistem	Fe/Mang	Latambarcem	Bicholim	15 of 22-2-1952	8,900
136.	Sociedade Timblo Irmaos Ltd., of Margao.	Ambegal Jeddit moddi	Ditto	Salginim of Verlem	Sanguem	16 of 25-2-1952	9,000
137.	Firm S. Kantilal & Cia. Ltd., of Margao.	Toliavolli, Zambod, etc.	Ditto	Villiena	Ditto	17 of 29-2-1952	13,600
138.	Firm S. Kantilal & Cia. Ltd. of Margao.	Kairad & Talaoili	Ditto	Villiena of Bati	Ditto	18 of 29-2-1952	6,700
139.	Firm V.M. Salgaocar Irmao Ltd., of Vasco da Gama.	Molcornem	Ditto	Aglote	Ditto	19 of 29-2-1952	14,300
140.	Harichandra S.N. Tari, of Sanguem.	Vagamollofodaguir, etc.	Ditto	Vichundrem	Ditto	21 of 29-2-1952	8,700
141.	Roque Santana Baneto, of Loutim.	Zambeamollo	Ditto	Rivona	Ditto	25 of 21-3-1952	7,100
142.	Firm Shantilal K. & Bros., of Margao.	Chumimolo or Xissoria tembo	Ditto	Ditto	Ditto	28 of 28-3-1952	6,200
143.	Vasudeva D.S. Cosombo of Sanguem.	Borgadongrachem Fall, etc.	Ditto	Rivona	Ditto	29 of 28-3-1952	10,200
144.*							
145.	Vassantaram G. Metha, of Vasco da Gama.	Navelem	Ditto	Curpem	Ditto	33 of 28-3-1952	8,200
146.	Firm V.S. Dempo & Cia. Ltd. of Goa.	Tambessodo	Ditto	Colomba	Ditto	35 of 4-4-1952	14,100
147.	Firm V.S. Dempo & Cia. Ltd., of Goa.	Candulgo	Iron	Codali or Carapur	Bicholim	37 of 4-4-1952	14,300
148.	Hiru Bombo Gaunco, of Margao.	Santonatembo Bandaxetachem	Fe/Mang	Vichundrem	Sanguem	38 of 14-4-1952	14,300
149.	Vammona M. Zoixi, of Oxel.	Tialachem temba B. dongor, etc.	Ditto	Ozorim	Pernem	39 of 18-4-1952	14,300
150.	Roguvir, S. Garco. of S. Luurencorde Agacaim.	Margamodil Dongor	Ditto	Salginem	Sanguem	40 of 18-4-1952	6,300
151.	Tucarama P.X. Parcar, of Colem.	Malia dongor	Ditto	Vadem	Ditto	41 of 21-4-1952	10,400
152.	Kamlanata N. Xetio, of Goa.	Batolem Dramafalential	Ditto	Betqui	Ponda	42 of 21-4-1952	11,500

Sl. No.	Name of the concession holder and his residence	Denomination of the mine	Nature	Situation		Number and date of title	Amount (in Rs.)
				Village	Taluka		
1	2	3	4	5	6	7	8
153.	Sociedace Timblo Irmaos Ltd., of Margao.	Vagini dongor or Vagini Tembo	Fe/Mang	Salginem	Sanguem	44 of 5-5-1952	3,200
154.	Sociedade Timblo Irmaos Ltd., of Margao.	Cormolem & Brog	Ditto	Cudnem	Bicholim	45 of 5-5-1952	5,800
155.	Joao Santana Gomes, Margao.	Bomaoatto	Ditto	Malauli	Satari	46 of 5-5-1952	5,100
156.	Joao Hugo Eduardo Sequeria, of Goa.	Chiudiadvona, etc.	Ditto	Darbandora	Saunguem	47 of 5-5-1952	14,300
157.	Xec Mohamed Issac, of Sanguem.	Undirgala or Temache-avadiachem advona, etc.	Ditto	Cotarli	Ditto	48 of 30-5-1952	5,000
158.	Firm S. Kantilal & Cia. Ltd., of Margao.	Nansaconda or Nassaconda	Ditto	Naiquinim	Ditto	50 of 2-6-1952	6,900
159.	Roguvir Sinai Garco, of S. Lourenco de Agacaim.	Cazreanchem Culde e Adj.	Iron	Cudnem	Bicholim	51 of 6-6-1952	11,400
160.	Raia Dotu S. Lade, Sanvordem	Navelem dongor	Fe/ Mang	Curpem	Sanguem	53 of 13-6-1952	4,500
161.	Raia Porobo Baticar, Sanguem.	Perchotembo	Ditto	Bati e Cumbari	Ditto	54 of 13-6-1952	6,000
162.	Shantilal Khushaldas & Bros, of Margao.	Rumadolem	Ditto	Curdi	Ditto	55 of 20-8-1952	13,200
163.	Visvasrao D. Chowgule, Vasco da Gama.	Khirnim dongor	Ditto	Salginim	Ditto	58 of 11-7-1952	3,000
164.	Quexcwa Sinai Cundo, of Margao.	Patiafala	Ditto	Colomba	Ditto	59 of 18-7-1952	14,000
165.	Firm S. Kantilal & Cia. Ltd., of Margao.	Asni dongor	Ditto	Curdi	Ditto	60 of 18-7-1952	6,300
166.	Firm S. Kantilal & Cia. Ltd., of Margao.	Zamsodo or Capiacodichem	Ditto	Bati & Cumbari	Ditto	61 of 18-7-1952	7,300
167.	Vassudeva Madeva Salgaocar, of Vasco da Gama.	Matt e Dando	Iron	Velguem	Bicholim	62 b of 18-7-1952	7,600
168.	D.B. Bandodkar of Panjim	Ditto	Ditto	Ditto	Ditto	62 a of 18-7-1952	7,000
169.	Atchuta Vishnu S. Velingear, of Velinga.	Vansvolate-mbo or xim-evoril dongor	Fe/Mang	Vichundrem & Netorlim.	Sanguem	67 of 18-8-1952	8,600
170.	Malbe Madeva S.R. Sar Dessai of Verem.	Vitcantor	Ditto	Virdi	Bicholim	68 of 18-8-1952	14,000

Sl. No.	Name of the concession holder and his residence	Denomination of the mine	Nature	Situation		Number and date of title	Amount (in Rs.)
				Village	Taluka		
1	2	3	4	5	6	7	8
171.	Mingoa Sociedade Mineira Goesa, of Goa.	Gurmel	Fe/Mang	Codli of Quirlapale	Sanguem	70 of 18-8-1952	14,300
172.	Firm Damodar Mangalj & Cia. Ltd., of Goa.	Zambol & terr. adj.	Ditto	Villiena	Ditto	71 of 18-8-1952	4,300
173.	Sociedade Timblo Irmaos Ltd., of Margao.	Dobar, Tanca & Aglote Sodo	Ditto	Aglote	Ditto	73 of 18-8-1952	13,800
174.	Sociedade Verencar & Cia. Ltd., of Surla.	Dabo	Ditto	Surla	Bicholim	74 of 22-8-1952	14,300
175.	Voicunta Cadnekar of Margao.	Chunimol or Gotifondatembo	Ditto	Colomba	Sanguem	75 of 29-8-1952	12,600
176.	Firm Sesa Goa Ltd., Goa.	Orasso dongor	Iron	Adolpale	Bicholim	76 of 8-9-1952	14,200
177.	Firm V.M. Salgaoncar & Irmaos Ltd., of Vasco da Gama.	Pet Page-dongor, Bainem	Fe/Mang	Doro of Sanvordem	Sanguem	77 of 12-9-1952	8,600
178.	Soid Adam, of Quepem.	Deudongro	Ditto	Colomba	Ditto	78 of 19-9-1952	3,800
179.	Mineira Prometadora Ltd., Netorlim.	Eroca	Ditto	Netorlim	Ditto	81 of 26-9-1952	5,200
180.	Roguvira S. Garco of S. Lourenco de Agacaim.	Pedamolla	Ditto	Colomba	Ditto	82 of 26-9-1952	14,300
181.	Firm V.M. Salgaoncar & I. Ltd., of Vasco da Gama.	Mardando & Barcati	Iron	Surla	Bicholim	83 of 26-9-1952	13,500
182.	Rajaram Narayan X. Bandekar of Vasco da Gama.	Jaquel or Jacadevicho dongor	Fe/Mang	Pale	Ditto	84 of 3-10-1952	14,300
183.	Mussa Usman Ali, of Goa.	Gadichem Advona	Ditto	Curpem	Sanguem	85 of 10-10-1952	10,800
184.	Visnum S. Churchorcar of Chandor.	Moscaurem of Cornol	Ditto	Rivona	Ditto	86 of 18-10-1952	13,700
185.	Firm V.S. Dempo & Cia. Ltd., of Goa.	Chedeudongor & Dardongor	Iron	Nuem	Canacona	87 of 13-10-1952	13,300
186.	Sociedade Timblo Irmaos Ltd. of Margao.	Copila gaichem Paul	Ditto	Sigao	Sanguem	88 of 7-11-1952	13,500

Sl. No.	Name of the concession holder and his residence	Denomination of the mine	Nature	Situation		Number and date of title	Amount (in Rs.)
				Village	Taluka		
1	2	3	4	5	6	7	8
187.	Sociedade Litheferro Ltd., of Mapusa.	Calsanichomato de Oilemol Devachem udic & Golicoilo, etc.	Iron	Advolpale	Bicholim	89 of 7-11-1952	6,800
188.	Balkrishna Porob Padgaoncar of Saligao.	Bamnavado e outros	Ditto	Latambarcem	Ditto	90 of 7-11-1952	7,100
189.	Babol Sanvlo N. Tari of Sanguem.	Ambadasorvo	Fe/Mang	Cotarli & Xeldem	Sanguem	91 of 7-11-1952	13,500
190.	Sociedade Timblo Irmoas Ltd., of Margao.	Dignem	Iron	Cudnem	Bicholim	92 of 14-11-1952	5,800
191.	Firm Chowgule & Cia. Ltd., of Marmagoa.	Monte Udo	Fe/Mang	Colomba	Sanguem	93 of 14-11-1952	10,600
192.	Firm V.S. Dempo & Cia. Ltd., of Goa.	Marsoddo	Fe/Mang	Pissurlem	Satari	95 of 14-11-1952	14,200
193.	Firm S. Kantilal & Cia. Ltd., of Margao.	Cajucodil mola, Calia Mordi Magdiatemboe out. ter	Ditto	Viliena of Bati	Sanguem	96 of 14-11-1952	4,600
194.	Balcrisna Bahirji Patil, of Margao.	Sisso Calli dongor, etc.	Ditto	Curpem	Ditto	97 of 5-12-1952	8,400
195.	Firm Chowgule & Cia. Ltd., of Marmagoa.	Cazchemrame outroster adj.	Iron	Onda	Satari	98 of 5-12-1952	10,700
196.	Gangadhar Narsingdas Agrawal, of Margao.	Borchem Daticho Dongracho, etc.	Ditto	Sarvona	Vicholim	99 of 5-12-1952	14,300
197.	Gangadhar Narsingdas Agrawal, of Margao.	Apteachea Dativorli dongor	Ditto	Bordem	Ditto	100 of 5-12-1952	4,900
198.	Vamona Govinda Sinde, of Mapuca.	Caratuti de Deulvado	Fe/Mang	Morlem	Satari	102 of 15-12-1952	13,200
199.	Roguvira N. Lotlecar, of Margao.	Paicatembo or Cotlam da	Ditto	Netorlim	Sanguem	103 of 15-12-1952	7,100
200.	Viswasrao D. Chowgule, of Vasco da Gama.	Toliachem advona	Ditto	Aglote	Ditto	1 of 9-1-1953	11,200
201.	Viswasrao D. Chowgule, of Vasco da Gama.	Massana Moddi de Camoluem dongor	Ditto	Candola	Ponda	2 of 9-1-1953	3,200
202.	Firm V.M. Salgaocar e Irmaos Ltd., of Vasco da Gama.	Poicul of Congorem	Ditto	Melauli & Conquirem	Satari	4 of 6-2-1953	11,400

Sl. No.	Name of the concession holder and his residence	Denomination of the mine	Nature	Situation		Number and date of title	Amount (in Rs.)
				Village	Taluka		
1	2	3	4	5	6	7	8
203.	Martinho Coutinho Cuncolim.	Sem denominacao especial	Fe/Mang	Tudou & Patiem	Sanguem	5 of 6-2-1953	13,600
204.	Crisna Mucunda Camotim of Assolna.	Bencremdando & Cadiabandavoril dongor	Ditto	Jaqui of Netorlim	Ditto	6 of 6-2-1953	8,400
205.	Shantilal Kushaldas & Bros., of Margao.	Magmepan & Satarcarachem, etc.	Ditto	Maina	Quepem	9 of 13-2-1953	3,300
206.	Lidia Belinda Simoes, of Goa.	Coti dongor	Ditto	Pirla	Ditto	10 of 13-2-1953	11,300
207.	Voicunta Canecar, of Margao.	Bateagal or Bateaxembugal	Ditto	Maina	Ditto	12 of 20-2-1953	4,500
208.	Sociedade Timblo Irmaos Ltd., of Margao.	Soddo	Iron	Surla	Bicholim	13 of 20-2-1953	12,700
209.	Sociedade Timblo Irmoas Ltd., of Margao.	Quelchem Tour, Tambdi Mati	Ditto	Cudnem	Ditto	14 of 20-2-1953	10,600
210.	Firm Oriente Ltd., of Margao.	Bibel Pata	Fe/Mang	Netorlim	Sanguem	15 of 2-3-1953	8,400
211.	Firm Damodar Mangalji & Cia. (India) Ltd., of Goa.	Conquirem Canvavoril dongor	Iron	Conquirem	Satari	18 of 6-3-1953	12,900
212.	Abdul Satar Abdul Kadar Soudagar of Margao.	Undrdvona & Odlotembo	Fe/Mang	Netorlim	Sanguem	20 of 6-3-1953	7,500
213.	Gangadhar Narsingdas Agrawal, of Margao.	Passariatembo	Ditto	Colomba	Ditto	21 of 9 -3-1953	4,600
214.	Damodar Jaganata Amoncar, of Margao.	Ordolo dongor	Ditto	Sancordem	Ditto	22 of 13-3-1953	3,300
215.	Empresa Minero Commercial de Goa Ltd., of Margao.	Chorianchо tembo dongor	Iron	Bimbol of Colem	Sanguem	23 of 6-4-1953	13,200
216.	Joao Santana Gomes, Junior of Margao.	Xelnemtembo, Costiadvona	Fe/Mang	Aglote of Sancordem	Ditto	25 of 10-4-1953	14,000
217.	Atchuta Panduronga P. Dessai, of Netorlim	Borcotea dongor	Ditto	Vichundrem	Ditto	26 of 13-4-1953	10,800
218.	Firm V.M. Salgaocar & I. Ltd., of Vasco da Gama.	Tanque de Bonconem	Ditto	Aglote	Ditto	27 of 13-4-1953	11,200
219.	Narayan Ganesh Prabhu Zantye Bicholim.	Ontichem ran or Ponecanem & Bagaeta Ticana, etc.	Iron	Sarvona	Bicholim	28 of 24-4-1953	10,300

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				Village	Taluka		
1	2	3	4	5	6	7	8
220.	Narayan Ganesh Prabhu Zantye Bicholim.	Conosiavoril, Gonesi achedativoril dongrachem Cutumbona, etc.	Fe/Mang	Sarvona	Bicholim	29 of 24-4-1953	11,300
221.	Sociedade Timblo Irmaos Ltd., of Margao	Bonvorfon-ditembo e outros	Ditto	Netorlim	Sanguem	30 of 24-4-1953	4,500
222.	Firm Chowgule & Cia. Ltd., of Marmagoa.	Pale dongor	Iron	Pale	Bicholim	31 of 24-4-1953	12,000
223.	Narahari Shivram X. Narvadednear of Goa.	Palietembo & Baqueriz	Fe/Mang	Curdi	Sanguem	32 of 24-4-1953	9,800
224.	Firm Damodar Mangalji & Cia., Ltd. of Goa.	Marsodo	Ditto	Surla	Bicholim	33 of 24-4-1953	11,200
225.	Nalini Camotim Sancoalkar or Nalini Manohar Kamat, Cacora.	Metacodil Anvlitembo	Ditto	Vadem & Siggonem	Ditto	35 of 15-5-1953	4,400
226.	Esvonta Visnum P. Raiturcar, of Margao.	Bagueatembo	Ditto	Netorlim	Ditto	36 of 15-5-1953	6,300
227.	Esvonta Visnum P. Raiturcar, of Margao.	Murmeatembo or Anvalicodop	Ditto	Curdi	Ditto	37 of 15-5-1953	4,600
228.	Marcos Marcelino P. de Souza of Pilerne.	Sem denomin-acao especial	Ditto	Mopa	Pernem	38 of 15-5-1953	9,400
229.	Lekhraj Nathurmal of Goa.	Oilem Anvalem	Ditto	Arvalem	Bicholim	39 of 15-5-1953	12,300
230.	Xec Mahidin Xec Daud, of Vasco da Gama.	Kholricho dongor	Ditto	Sancordem	Sanguem	40 of 15-5-1953	4,800
231.	Vassantram Ganpa-tram Metha of Vasco da Gama.	Caliemola ou Calzarigogo	Ditto	Colomba	Ditto	41 of 22-5-1953	9,900
232.	Firm Damodar Man-galji & Cia., (India) Ltd., of Goa.	Oriemola	Ditto	Moicalem (Colem)	Ditto	42 of 25-5-1953	10,000
233.	Xec Abdul Gofor, Xec Abdul Aziz of Curchorem.	Qiteiro Divodgal	Ditto	Curpem & Curdi	Ditto	43 of 25-5-1953	4,900
234.	Vicente Joao Filomeno Figueredo, of outulim	Ganali dongor	Ditto	Varlem	Ditto	44 of 29-5-1953	6,700
235.	Jorge Anibal de Matos sequeira, of Goa.	Gungurem Belagal, etc.	Ditto	Mirancal	Ponda	46 of 1-6-1953	13,200

Sl. No.	Name of the concession holder and his residence	Denomination of the mine	Nature	Situation		Number and date of title	Amount (in Rs.)
				Village	Taluka		
1	2	3	4	5	6	7	8
236.	Damodar Dundolica Moncar, of Ponchovadi.	Bogvota Cumiatembo	Fe/Mang	Quirlapale	Sanguem	47 of 1-6-1953	9,100
237.	Sayad Issac, of Sanguem.	Deucol Cunbasai Escapaco	Ditto	Adcolna	Ponda	49 of 8-6-1953	11,300
238.	Firm V.M., Salgaocar & India, Ltda., of Vasco da Gama.	Madiem	Ditto	Sigao	Sanguem	50 of 8-6-1953	6,900
239.	Sripada Voicunta Naique of Bicholim.	Laquerem e out ter adj.	Ditto	Bordem	Bicholim	54 of 12-6-1953	9,700
240.	Zacarias Antao, of Petalbatim.	Monte Iranqui	Ditto	Potrem	Sanguem	55 of 19-6-1953	11,300
241.	Firm Chowgule & Cia. Ltda., of Vasco da Gama.	Khuntiemolem	Ditto	Sulcorna	Quepem	57 of 19-6-1953	14,200
242.	Vishvasrao D. Chowgule, of Vasco da Gama.	Ganvancodil tod, etc.	Ditto	Gavancodil	Satari	59 of 26-6-1953	12,200
243.	Surlaji Sinari Cacodkar	Cuntiemola Buido	Ditto	Molcornem	Quepem	60 of 26-6-1953	13,800
244.	Sociedade Timblo Irmaos Ltda., of Margao.	Bondradvona Daucona & Tanca	Iron	Codli & Darbandora	Sanguem	61 of 3-7-1953	11,800
245.	Sociedade Timblo Irmaos Ltda., of Margao.	Zanodem Soda	Fe/Mang	Molcornem	Quepem	62 of 3-7-1953	13,300
246.	Sripada Voicunta naique, of Bicholim.	Medianchem ran or etc.	Ditto	Cotorem	Satari	64 of 10-7-1953	11,000
247.	Firm Sesa Goa Ltda., of Goa.	Potvol, Modlovado, etc.	Ditto	Velgem	Ditto	65 of 17-7-1953	11,200
248.	Anibal Gabriel Pereira of Margao.	Guladvona	Ditto	Codar	Ponda	67 of 17-7-1953	7,700
249.	Vicente Fernandes of Merces.	Mortegal Mordi	Ditto	Uguem	Sanguem	68 of 17-7-1953	10,100
250.	Firm S. Kantilal & Cia., Ltd., of Margao.	Dobacho Dongore ter. adj.	Ditto	Netorlim	Ditto	70 of 31-7-1953	3,200
251.	Vinaeca Naraina Bandekar, of Panaji.	Dongorvado & Curdado	Ditto	Sanco dem	Ditto	71 of 31-7-1953	11,500
252.	Jaganata Crisnanata P. Mambro, of Mapusa.	Gantcaracho Dongor	Ditto	Bordem	Bicholim	72 of 10-8-1953	9,000

Sl. No.	Name of the concession holder and his residence	Denomination of the mine	Nature	Situation		Number and date of title	Amount (in Rs.)
				Village	Taluka		
1	2	3	4	5	6	7	8
253.	Erasmo de Jesus Sequeira, of Goa.	Quegdicho Cono & Toleachem Advona	Fe/Mang	Cotorem	Satari	73 of 10-8-1953	13,300
254.	Crisna Butu Saunto, of Borim.	Careadega Advona	Ditto	Codar	Ponda	75 of 10-8-1953	12,200
255.	Firm Damodar Mangalji & Cia (I) Ltda., of Goa.	Biptamol	Ditto	Sanvordem	Sanguem	76 of 10-8-1953	3,200
256.	Nalini Camotim Sancoalcar, of Cacova.	Tirtha	Ditto	Naroa	Bicholim	77 of 10-8-1953	14,000
257.	Rauji Raia Sinai Quirtonim, of Goa.	Hedultembo	Iron	Pissurlem	Satari	80 of 14-8-1953	8,100
258.	Firm Shantilal K. & Bros., of Margao.	Goiband Mattem	Fe/Mang	Velguem	Bicholim	81 of 28-8-1953	4,600
259.	Gasa Goa Ltda., of Margao.	Suctoli Chimtecalavoril	Ditto	Sangod	Sanguem	82 of 28-8-1953	13,900
260.	Firm Damodar Mangalji & Cia (I) Ltda., of Goa.	Solla	Ditto	Colomba	Ditto	84 of 28-8-1953	11,800
261.	Vassudeva Madeva Salgaocar of Vasco da Gama.	Purmar and Parvedhat, etc.	Iron	Pale	Bicholim	86 of 4-9-1953	13,600
262.	M/s. Sociedade Timblo Iramao's Ltd., of Margao.	Advona Tolemata & Caliguro	Ditto	Siago	Sanguem	87 of 7-9-1953	7,200
263.	Sociedade Timblo (I) Ltda., of Margao.	Cornol	Fe/Mang	Colomba	Ditto	88 of 11-9-1953	7,700
264.	Sociedade Timblo (I) Ltda., of Margao.	Chanfiadongor Vagantto	Ditto	Verlem	Ditto	89 of 11-9-1953	13,100
265.	Sociadade Timblo (I) Ltda., of Margao.	Nassamordie ter adj.	Ditto	Salginem	Ditto	90 of 11-9-1953	13,000
266.	Sociedade Javerbai & Cia, Ltd., of Margao.	Vegreaugundo	Ditto	Maina	Quepem	91 of 11-9-1953	8,200
267.	Fulgencio Francisco Monte, D'silva, Margao.	Dadiavoril Sodo, etc.	Ditto	Xelpi of Birondem	Satari	92 of 11-9-1953	14,200
268.	Viswasrao D. Chowgule, of Vasco da Gama.	Khind dongor & Uro tembo	Iron	Vaguriem	Ditto	93 of 21-9-1953	8,900
269.	Motiram Data Gound olcar, of Margao.	Gudiemola	Fe/Mang	Nirancal	Ponda	95 of 2-10-1953	12,700

Sl. No.	Name of the concession holder and his residence	Denomination of the mine	Nature	Situation		Number and date of title	Amount (in Rs.)
				Village	Taluka		
1	2	3	4	5	6	7	8
270.	Sociedade Timblo, (I) Ltda., of Margao.	Bonquivol of Bonquivoladongor	Fe/Mang	Rivona	Sanguem	96 of 2-10-1953	4,900
271.	Vassudeva M. Salgaocar, of Vasco da Gama.	Calafondicho sodo, etc.	Ditto	Sigao	Ditto	97 of 2-10-1953	8,600
272.	Sadassiva Sinai, Gaitondo, of Goa.	Conatto	Iron	Surla	Bicholim	98 of 2-10-1953	14,200
273.	Rosario Mascarenhas of Xeivona Quepem.	Jacolichem Battavoril dongor or Nagzor	Fe/Mang	Boma	Ponda	99 of 9-10-1953	5,900
274.	Raia Dotu sinai Dade Sarvordem.	Canvorem Dongrachem advona or Navelim Dongrachem Palsona	Ditto	Canvorem of Colomba	Sanguem	100 of 9-10-1953	3,200
275.	Balcrisna Bhairji, of Margao.	Vagem	Ditto	Siroda	Ponda	102 of 9-10-1953	4,500
276.	Sripada Voicunta Naique, of Bicholim.	Godecondichem mola	Ditto	Bordem	Bicholim	104 of 16-10-1953	7,400
277.	Sripada Voicunta Naique, of Bicholim.	Baga e Murvo ou Borga Cudguichea, etc.	Ditto	Piligao	Ditto	105 of 16-10-1953	9,500
278.	Vishwasrao D. Chowgule, of Vasco da Gama.	Ximechi Muddi Sopandta	Iron	Surla	Ditto	106 of 16-10-1953	12,800
279.	Viswasrao D. Chowgule of Vasco da Gama.	Chicuchem mol	Ditto	Ditto	Ditto	107 of 16-10-1953	11,000
280.	V.N. Bandekar, of Panaji.	Curado e Potcalem	Fe/Mang	Sancordem	Sanguem	108 of 16-10-1953	4,800
281.	Jose Cosme da Costa, of Curtorim.	Gavall	Iron	Pissurlem	Satari	110 of 16-10-1953	9,800
282.	Jaganata Genekar, of Panda.	Godacho dongor	Fe/Mang	Dabolim of Siroda	Ponda	111 of 16-10-1953	7,900
283.	Ismail bin adulaif, of Goa.	Santlaunem	Ditto	Sancordem	Sanguem	112 of 23-10-1953	14,100
284.	Firm V.M. Salgeocar & Irmao Ltda., of Vasco da Gama.	Issoreim Vanganavoril dongor	Iron	Melauli	Satari	115 of 30-10-1953	13,000

Sl. No.	Name of the concession holder and his residence	Denomination of the mine	Nature	Situation		Number and date of title	Amount (in Rs.)
				Village	Taluka		
1	2	3	4	5	6	7	8
285.	Firm Chowgule & Cia Ltda., of Margao.	Bandavoril Tueda	Fe/Mang	Vagurbem	Ponda	116 of 30-10-1953	8,900
286.	Xec Cadar Xec Usman, of Goa.	Carva Sorio Carva Advona	Ditto	Vichundrem	Sanguem	120 of 2-11-1953	5,500
287.	Sociedade Timblo Irmaos Ltda., of Margao.	Mata of Velquemcho dongor	Iron	Velguem	Bicholim	121 of 13-11-1953	6,700
288.	Vicente Joao Filomeno de Sequeiredo, of Loutulim.	Tarcem Moli	Fe/Mang	Quirlapale e Codli	Sanguem	123 of 4-12-1953	14,100
289.	Vicente Joao Filomeno de Sequeredo of Loutulim.	Codguicho Dongor etc.	Ditto	Quirlapale	Ditto	124 of 4-12-1953	14,200
290.	Vicente Joao Filomeno de Sequeiredo, of Loutulim.	Bigsorvo or Bissorvo	Ditto	Cormonem	Ditto	125 of 4-12-1953	14,100
291.	Mingoa Sociedade Mineira Goesa, of Goa.	Caodia Soddo	Iron	Codli	Ditto	126 of 4-12-1953	14,300
292.	Pundolica P. Xete Narvencar, of Sanguem.	Gorbata e ter. adj.	Fe/Mang	Salauli	Ditto	128 of 4-12-1953	6,400
293.	Pundolica P. Xete Narvencar Sanguem.	Ditto	Ditto	Ditto	Ditto	128 of 4-12-1953	6,400
294.	Sociedade Timblo Irmao Ltda., of Margao.	Nos aforamentos Particulares de Dinacor Amencar	Ditto	Madapsi of Orgao	Ponda	130 of 18-12-1953	4,500
295.	Sociedade Timblo Irmao Ltda., of Margao.	Bibiamordi	Ditto	Vichundrem	Sanguem	132 of 18-12-1953	13,600
296.	Sociedade Timblo Irmao Ltda., of Margao.	Manbea Gudo e Alvantini mollo	Ditto	Verlam	Ditto	133 of 18-12-1953	14,000
297.	Sociedade Timblo Irmao Ltda., of Margao.	Navetem Dongor	Ditto	Salginem	Ditto	135 of 18-12-1953	9,400
298.	Sociedade Timblo Irmao Ltda., of Margao.	Chanfeadongor	Ditto	Verlem	Ditto	137 of 18-12-1953	14,300
299.	Sociedade Timblo Irmao Ltda., of Margao.	Pigadapada	Ditto	Verlem of Netorlim	Ditto	138 of 18-12-1953	13,600
300.	Sociedade Timblo Irmao Ltd., of Margao.	Murmunem	Ditto	Melauli	Satari	139 of 18-12-1953	13,200
301.	Sociedade Timblo Irmao Ltd., of Margao.	Ghottimolli	Ditto	Surla	Bicholim	140 of 18-12-1953	6,700

Sl. No.	Name of the concession holder and his residence	Denomination of the mine	Nature	Situation		Number and date of title	Amount (in Rs.)
				Village	Taluka		
1	2	3	4	5	6	7	8
302.	Firm Oriente Limitada, of Margao.	Soutigundo	Fe/Mang	Nanuz	Bicholim	141 of 18-12-1953	4,200
303.	Baburao Anta Raicar, of Margao.	Temculi & Santorem	Ditto	Siroda	Ponda	142 of 18-12-1953	4,400
304.	Sociedade Timblo Irmaos Ltda., of Margao.	Sailetembo	Iron	Sangod	Sanguem	143 of 18-12-1953	14,300
305.	Narahari Siuram Shet Narvenkar, of Goa.	Vacanlitil Temculi	Fe/Mang	Vacoli of Cimada	Ponda	144 of 18-12-1953	12,200
306.	Vicente Jaso F. de Figueirodo.	Arvodem	Ditto	Loutulim	Salcete	1 of 4-1-1954	6,000
307.	Sucilabal Ananda Keni, of Goa.	Purnicoda & Pevanchem Conn.	Ditto	Advoi	Satari	2 of 4-1-1954	5,600
308.	Mingoa Soc. Mineira Goesa, SARL., of Goa.	Cancagalleu Tolope Borchemtemb	Iron	Maulinguem	Bicholim	3 of 15-1-1954	4,600
309.	Mablu Saunto Gaunco Dessai, of Xeldem.	Fdutembo ou Edumola.	Fe/Mang	Bati	Sanguem	4 of 15-1-1954	12,700
310.	Firm V.S. Dempo & Cia, Ltda., of Goa.	Onvalienchi Math.	Ditto	Onvaliem	Satari	5 of 22-1-1954	13,900
311.	Firm Shantilal Kushaldas & Bros., of Margao.	Oxelavoril dongor	Ditto	Naundem	Sanguem	7 of 1-2-1954	2,500
312.	Raia Porobo Baticar, of Sanguem.	Pedadongor	Ditto	Mangal	Quepem	8 of 5-2-1954	6,200
313.	Atchuta Visnum S. Velingcar, of Velinga.	Dovormeacodil doirem e outs.	Ditto	Rivona	Sanguem	11 of 16-2-1954	11,200
314.	Jorge Anibal de Matos Sequeira, of Goa.	Chanfericho Advo dongor	Ditto	Govanem	Satari	12 of 16-2-1954	4,900
315.	Ramabai Ananta Avde, of Quepem.	Moiandega e Penota	Ditto	Curdi	Sanguem	13 of 19-2-1954	4,300
316.	Visnudas Narotemdes, of Goa.	Raigodda Ambe Botacho	Ditto	Ussopa	Bicholim	14 of 19-2-1954	12,800
317.	Vassudeva Madeva Salgaocar, of Vasco da Gama.	Caraichem Mol, Aforamento do Mouros e Godeachi Mosone	Ditto	Siroda	Ponda	15 of 19-2-1954	7,000

Sl. No.	Name of the concession holder and his residence	Denomination of the mine	Nature	Situation		Number and date of title	Amount (in Rs.)
				Village	Taluka		
1	2	3	4	5	6	7	8
318.	Sociedade Timblo I. Ltda., of Margao.	Edumola Ou Visnumgal	Fe/Mang	Rivona	Sanguem	16 of 22-2-1954	13,800
319.	Sociedade Timblo I. Ltda., of Margao.	Godmadongor Aram Mordi	Ditto	Salginem	Ditto	17 of 22-2-1954	13,400
320.	Gangadhar Naringdas Agrawal, of Margao.	Ambeachodongor	Ditto	Bordem	Bicholim	18 of 1-3-1954	6,700
321.	Roguvir Sinai Garco, of Agacaim.	Culnamol or Culna.	Ditto	Tudou	Sanguem	19 of 1-3-1954	12,000
322.	Firma V.S. Dempo & Cia Ltda., of Goa.	Onvaliechem Paltona	Iron	Ouvaliem	Satari	20 of 5-3-1954	13,000
323.	Firm V.S. Dempo & Cia Ltda., of Goa.	Tolpi e Mardando	Ditto	Cudnem e Surla	Bicholim	21 of 5-3-1954	9,400
324.	Voicunta Srinivassa Dempo, of Goa.	Borcotem	Fe/Mang	Colem	Sanguem	22 of 5-3-1954	10,000
325.	Hari Visnum Lotlecar, of Margao.	Vitalachem Xetavorchi Maddi e Nilaula	Ditto	Talauli	Ditto	23 of 8-3-1954	9,700
326.	Vassudeva M. Salgaocar, of Marmagao.	Pedichem Tour	Ditto	Vantem	Satari	25 of 19-3-1954	7,500
327.	Crispino Rodrigues, of Sanguem.	Dando Cajumolaoilo Soddo	Ditto	Muguli	Sanguem	27 of 22-3-1954	12,900
328.	Firma Shantilal Kushaldas e Irmaos of Margao.	Ponsivadivoril Advona	Ditto	Aglote	Ditto	28 of 9-4-1954	3,300
329.	V.M. Salgaocar e Irmao, of Vasco da Gama.	Mardando	Iron	Surla	Bicholim	29 of 19-4-1954	10,500
330.	Firma Chowgule & Cia Ltda., of Vasco da Gama.	Dongrado Goleacho dongor Mata e Carhal	Ditto	Nadora	Bardez	30 of 19-4-1954	11,200
331.	Viswasrao D. Chowgule, of Vasco da Gama.	Semdenominacao especial	Fe/Mang	Sancordem	Sanguem	31 of 4-6-1954	12,300
332.	Firma Caxinata D. Naique Ltda., of Margao.	Suriagalivoril Mordi	Ditto	Talauli	Ditto	32 of 23-7-1954	9,300
333.	Gangadhar N. Agrawal, f Margao.	Culnamol e outros terrenos	Ditto	Muguli	Ditto	33 of 6-6-1954	14,100
334.	Caetano Jose Hugo V. Rodrigues, of Sanguem.	Ambdeabuttiho tembo or Penchem	Ditto	Salauli	Ditto	35 of 6-9-1954	11,800

Sl. No.	Name of the concession holder and his residence	Denomination of the mine	Nature	Situation		Number and date of title	Amount (in Rs.)
				Village	Taluka		
1	2	3	4	5	6	7	8
335.	Minguel Santana T. de Souza, of Sancdcuelim.	Tambdeamaticho tembo or navigal	Iron	Carapur	Bicholim	37 of 15-10-1954	6,700
336.	Firm Damodar Nangalji e Irmoas Ltda., of Goa.	Baladongor	Fe/Mang	Candeapar	Ponda	38 of 18-10-1954	10,300
337.	Firm Shantilal Kushaldas & Bros., of Margao.	Rameagolli talsaie topiagal	Iron	Sancordem e Darbandora	Sanguem	39 of 22-10-1954	8,000
338.	Firma V.S. Dempo & Cia. Ltda., of Goa.	Sem denominacao especial	Fe/Mang	Curpem	Ditto	40 of 22-10-1954	7,300
339.	Ailiabai Dessai, of Goa.	Culna Soddo	Iron	Cormonem	Ditto	41 of 5-11-1954	11,800
340.	Sociedade Timblo I. Ltda., of Margao.	Caximordid e caxidongor	Fe/Mang	Salginem	Ditto	42 of 26-11-1954	7,400
341.	Firm S. Kantilal Cia. & Ltda., of Margao.	Doro	Iron	Nanora de Latambarcem	Bicholim	44 of 6-12-1954	13,400
342.	Bhalchandra A. Avde, of Quepem.	Odamolla	Ditto	Sangod	Sanguem	45 of 6-12-1954	12,300
343.	Viswasrao D. Chowgule of Vasco da Gama.	Chinvor Ghol	Ditto	Pirna	Bardez	46 of 6-12-1954	14,200
344.	Vassudeva M. Salgaocar, of Vasco da Gama.	Calafondicho soddo, etc.	Ditto	Sigao	Sanguem	47 of 6-12-1954	8,100
345.	Salvador Fernandes, of Sanguem.	Gholl Dongor	Fe/Mang	Curpem	Ditto	48 of 6-12-1954	11,500
346.	Vassudeva M. Salgaocar, of Marmagao.	Moitem Cumarvado e xaimartodd	Iron	Advolpale, Latambarcem e Moitem	Bicholim	49 of 6-12-1954	8,600
347.	Firm Damodar Mangalji & Cia. Ltda., Goa.	Ambeavelem Boroda	Fe/Mang	Surla	Ditto	1 of 14-1-1955	4,200
348.	Vinaeca Naraina Bandecar, Panaji.	Ocambo	Ditto	Piliem	Sanguem	2 of 14-1-1955	10,000
349.	Firm V.M. Salgamcare Irmaos Ltda, of Vasco da Gama.	Datimola	Ditto	Sancordem	Ditto	3 of 31-1-1955	13,400
350.	Sociedade Marzok & Cadar Ltda., of Margao.	Devachi Raim	Iron	Darbandora	Ditto	4 of 7-2-1955	11,100
351.	Narandas Popotlal, of Goa.	Coutemdongor	Fe/Mang	Sigonem	Ditto	5 of 11-2-1955	8,800

Sl. No.	Name of the concession holder and his residence	Denomination of the mine	Nature	Situation		Number and date of title	Amount (in Rs.)
				Village	Taluka		
1	2	3	4	5	6	7	8
352.	Sociedade Timblo Irmao Ltda., of Margao.	Mareta ou Marasoddo, etc.	Iron	Onda	Satari	6 of 18-2-1955	3,900
353.	Metelo X. Diniz.	Mandaadvona	Fe/Mang	Calem	Sanguem	8 of 26-3-1955	5,600
354.	Sociedade Mineiro Goesa Ltda., of Goa.	Maulingtodcho dongor	Iron	Maulinguem	Bicholim	9 of 2-4-1955	4,800
355.	Firma N.B. Kamat & Filhos Ltda., of Margao.	Chanfericho advo	Fe/Mang	Malpona	Satari	10 of 16-4-1955	14,000
356.	Abubakar Noor Mohamed (Buda Shet) of Panaji.	Sanvri batacho sodo	Iron	Velguem	Bicholim	12 of 30-4-1955	5,000
357.	Firma V.M. Salgaocar e Irmao Ltda., of Vasco da Gama.	Visnuporba-chem Ariagall Iron e Chon-dra Vito ba Dessai	Ditto	Sigao e	Sanguem	13 of 30-4-1955	10,100
358.	Abubaker Noor Mohamed (Budda Xete), of Goa.	Banastarime adjacen tes	Fe/Mang	Banastarim	Ponda	14 of 14-5-1955	3,200
359.	Francisco Xavier Patrocinio Furtado, of Benaulim.	Tollem e Cazumodi	Ditto	Ambeli	Satari	15 of 21-5-1955	14,100
360.	Vassudeva Guiri Quenim, of Goa.	Semdenomin acao especial	Iron	Sonus Von Voliem	Ditto	16 of 18-6-1955	8,200
361.	Lidia Belinda Simoes, of Goa.	Ponsana-dongor	Fe/Mang	Codi	Sanguem	17 of 25-6-1955	14,300
362.	Firm V.M. Salgaocar & Irmao Ltda., of Vasco da Gama.	Malpona Vanganvoril dongor	Ditto	Malpona	Satari	18 of 2-7-1955	12,100
363.	Sociedade Timblo Irmaos Ltd., of Margao.	Bondumollo	Iron	Molen	Sanguem	19 of 9-7-1955	14,200
364.	Sociedade Timblo Irmaos Ltd., of Margao.	Siroli Culna	Ditto	Darban dora	Ditto	20 of 9-7-1955	14,100
365.	Sociedade Timblo Irmaos Ltd., of Margao.	Ordosoddo	Ditto	Cormonem E Codli	Ditto	21 of 9-7-1955	14,000
366.	Sociedade Timblo Irmaos Ltd., of Margao.	Odavoril tour	Ditto	Quirlapale	Ditto	22 of 9-7-1955	14,200
367.	Ramacrisna Bandari, of Goa.	Unia dongor	Iron	Querim	Ponda	23 of 9-7-1955	10,300
368.	Caxinata Panduronaga Xete Parcar, of Cur-chorem.	Vellem Poicul e Daisaunto	Fe/Mang	Darbandora	Sanguem	25 of 9-7-1955	9,900

Sl. No.	Name of the Concession holder and his residence	Denomination of the mine	Nature	Situation		Number and date of title	Amount (in Rs.)
				Village	Taluka		
1	2	3	4	5	6	7	8
369.	Firma Sesa Goa Ltda., of Goa.	Cajumolla, etc.	Fe/Mang	Sancordem	Sanguem	26 of 9-7-1955	6,200
370.	Firm S. Kantilal & Cia. Ltda., of Margao.	Udolxem e Madia vangana	Ditto	Ditto	Ditto	28 of 16-7-1955	13,900
371.	Atchuta Vishum S. velingcar, of Velinga.	Lacavelem upor-gaovatta	Ditto	Agllote	Ditto	29 of 23-7-1955	7,500
372.	Quessova Sinai Cundo, of Margao.	Zorla ou Zolla	Ditto	Xellpem	Ditto	30 of 30-7-1955	7,100
373.	Firma Chowgule & Cia Ltda., of Vasco da Gama.	Dangarvado outroz	Iron	Gavanem	Satari	31 of 30-7-1955	14,100
374.	Firm Sesa Goa Limiteda, of Goa.	Semdenom inacao especial	Fe/Mang	Pirna Nadora	Bardez	32 of 30-6-1955	6,200
375.	Antonio Francisco Sales de Andrade, of Sanguem.	Eduando ou mad everin	Ditto	Tudou	Sanguem	33 of 6-8-1955	14,200
376.	Gajanan Panduranga Xete Parcer.	Santonachi Upri	Iron	Dabal	Ditto	34 of 13-8-1955	14,100
377.	Sociedade Timblo Irmaos Ltd., of Margao.	Mauco eatodichi Nuli	Ditto	Pale	Bicholim	35 of 13-8-1955	13,000
378.	Sociedade Timblo Irmaos Ltd., of Margao.	Umoriem Tican	Ditto	Surla	Surla	36 of 13-8-1955	5,100
379.	Sociedade Timblo Irmaos Ltd., of Margao.	Kirmolachem	Ditto	Ditto	Bicholim	37 of 13-8-1955	8,700
380.	Sociedade Mineira Goesa Ltd., of Goa.	Millem dongor	Ditto	Darbonora	Sanguem	38 of 3-9-1955	14,300
381.	Sociedade Mineira Goesa Ltd., of Goa.	Xirvolculna	Ditto	Ditto	Ditto	39 of 3-9-1955	17,800
382.	V.M. Salgaoncar e Irmaos Ltda., Vasco da Gama.	Quella	Ditto	Tivim	Bardez	41 of 5-11-1955	11,000
383.	Caetano F. Ciprianode Souza of Sanquelim.	Deulacodil tour	Fe/Mang	Nirancal	Ponda	1 of 18-1-1956	14,000
384.	Eurico da Silva de Ataide e Teive de Noronha, of Porvo rim.	Bicholicho Choll	Iron	Mahem	Bicholim	2 of 18-1-1956	14,100
385.	Firm V.M. Salgaoncar Irmaos Ltda., of Vasco da Gama.	Goteacho tembo ougoteacho molli	Fe/Mang	Malpona	Satari	3 of 1-2-1956	14,300
386.	Shantilal Khushal das and Bros. of Margao.	Baburli sodo	Ditto	Cormonem	Sanguem	4 of 1-2-1956	14,300

Sl. No.	Name of the Concession holder and his residence	Denomination of the mine	Nature	Situation		Number and date of title	Amount (in Rs.)
				Village	Taluka		
1	2	3	4	5	6	7	8
387.	S. Kantilal & Cia. Ltda., of Margao.	Niulitembo, Fatratembo	Iron	Bati, Valcem	Sanguem	5 of 8-2-1956	14,30
388.	Marcos Marcelino P. de Souza, of Goa.	Gogol	Fe/Mang	Usgao	Bicholim	7 of 21-3-1956	14,00
389.	Badrudin Hussenbhai Ramjee, of Goa.	Coro Pimpla codil Borod, etc.	Iron	Bordem	Ditto	8 of 28-3-1956	3,20
390.	Shantilal Kushaldas Bros., of Margao.	Aforamento de Burculo Sounsar	Fe/Mang	Arvalem	Ditto	9 of 28-3-1956	10,60
391.	Gopinata Sinai Garco, of Agacalm.	Gauntona ou Undorna e cormal, etc.	Ditto	Molcornem	Quepem	11 of 11-4-1956	13,50
392.	Maria Anamalia V.B. Mascarenhas Baganza, of Margao.	Mida	Ditto	Naiquinim	Sanguem	12 of 11-4-1956	7,5
393.	Jaising Maganalal, of Goa.	Derguna	Ditto	Vagurim	Satari	14 of 11-4-1956	6,5
394.	Marzook Cadar Ltda., of Margao.	Borgalle	Ditto	Colomba	Sanguem	18 of 18-4-1956	12,6
395.	Sociedade Lithoferro Ltda., of Mapusa.	Deugoti-molavoril dongor	Iron	Sangod	Ditto	19 of 18-4-1956	12,1
396.	Hirabai Hegde, of Margao.	Bencre dando	Fe/Mang	Cumbari	Ditto	20 of 25-4-1956	7,6
397.	Roguvir Naraina Lotle ecar, of Margao.	Paicachi Zor, etc.	Ditto	Maina	Quepem	21 of 2-5-1956	8,6
398.	Roguvir Naraina Lotle ecar, of Margao.	Xeme-Vain anchea dongor	Ditto	Gangem	Satari	22 of 2-5-1956	13,9
399.	Roguvir Naraina Lotle ecar, of Margao.	Lalbag ou Maticho Zaga	Ditto	Carapur	Bicholim	23 of 2-5-1956	3,6
400.	Badrudin Hussenbhai Ramjee, of Margao.	Evalem Deulamol	Ditto	Costi	Sanguem	24 of 16-5-1956	13,
401.	Sheik Kadar Sheik Husman, of Goa.	Carpadegga, etc.	Ditto	Codli	Ditto	25 of 16-5-1956	5,
402.	Pedro Nolasco D. Souza, of Vasco da Gama.	Vis a Vis de estacao de ferro	Iron	Colem	Ditto	27 of 27-6-1956	8,
403.	S. Kantilal & Cia. Ltda., of Margao.	Vilipiares	Ditto	Bati	Ditto	29A of 22-8-1956	14,

Sl. No.	Name of the concession holder and his residence	Denomination of the mine	Nature	Situation		Number and date of title	Amount (in Rs.)
				Village	Taluka		
1	2	3	4	5	6	7	8
404.	S. Kantilal & Cia. Ltda., of Margao.	Gonsumoddi	Iron	Bati	Sanguem	30 of 22-8-1956	12,100
405.	Vinaeca Naique, of Margao.	Madiencho Soddo	Ditto	Saigao	Ditto	31 of 22-8-1956	14,100
406.	Damodar Mangalji & Cia. Ltda., of Goa.	Quitalmotta, etc.	Ditto	Arvalem	Bicholim	33 of 22-8-1956	14,000
407.	Damodar Mangalji & Cia. Ltda., of Goa.	Dob e adjacentes	Ditto	Saigao	Sanguem	34 of 22-8-1956	7,500
408.	S. Kantilal & Cia. Ltd., of Margao.	Bamannul-cadem e outres	Ditto	Talauli Cumbari e Bati	Ditto	36 of 22-8-1956	14,000
409.	Vassudeva Madeva Salgaocar of Vasco da Gama.	Aglotesoddo	Ditto	Aglote	Ditto	38 of 17-10-1956	4,300
410.	V.M. Sangaocar & Bros. Pvt. Ltd.	Malpona Cul-navoril dongor	Ditto	Malpona	Satari	39 of 17-10-1956	7,700
411.	Firm V.M. Salgaocar I Ltda., of Vasco da Gama.	Gainvadd dongor	Ditto	Aglote	Sanguem	40 of 17-10-1956	13,500
412.	Chowgule & Cia. Ltda., of Marmagao.	Cuntichem Tollem	Ditto	Ponocem	Satari	41 of 24-10-1956	9,900
413.	Roguvir Sinai Garco, of Margao.	Carcareatemba	Fe/Mang	Tudoru	Sanguem	42 of 24-10-1956	11,200
414.	Joao Hugo Eduardo Sequeira, of Goa.	Tolpavaddo, etc.	Iron	Darbandora	Ditto	43 of 31-10-1956	14,300
415.	Firm V.M. Salgaocar e Irmaos, of Vasco da Gama.	Surlavain ganacho Vandivoril	Ditto	Aglote	Ditto	44 of 7-11-1956	13,300
416.	Avelino Francisco Fernandes, of Cur-chorem.	Purna e Gogoll	Ditto	Costi e Cananguinim	Ditto	45 of 12-12-1956	14,300
417.	Damodar Mangalji & Cia. Ltd., of Goa.	Vaguna Kuddo	Iron	Dabal	Sanguem	46 of 12-12-1956	9,200
418.	Prakash Rajaram Hede, of Goa.	Moliem Manga-ddo	Fe/Mang	Corlim	Goa	48 of 19-12-1956	10,200
419.	Firm S. Kantilal & Cia. Ltda., of Margao.	Kariamola, etc.	Iron	Bati	Sanguem	49 of 19-12-1956	12,100
420.	Jorge Anibal de Matos Sequeira of Goa.	Gorbatta Matti-deviculna	Fe/Mang	Maina	Quepem	50 of 19-12-1956	9,100

Sl. No.	Name of the concession holder and his residence	Denomination of the mine	Nature	Situation		Number and date of title	Amount (in Rs.)
				Village	Taluka		
1	2	3	4	5	6	7	8
421.	Martinho Coutinho, Cuncollim.	Ubeafatricho dongor	Fe/Mang	Pirla e Maina	Quepem	1 of 2-1-1957	9,200
422.	Roguvir S. Garco, of Margao.	Zamblimollacho Soddo	Iron	Muguli	Sanguem	2 of 16-1-1957	13,000
423.	R.S. Garco, of Margao	Anvaliamola, etc.	Ditto	Patiem e Tudou	Ditto	3 of 28-1-1957	14,300
424.	Naraina R.X. Amoncar, of Goa (Seguna Sitaram Sirasat Legal heir).	Oileamola-voril Soddo	Ditto	Velguem	Satari	5 of 6-2-1957	12,400
425.	Atchuta Visnum Sinai Velingcar, of Velinga.	Purso Boto e Prediavoril Moddi	Fe/Mang	Rivona	Sanguem	6 of 6-2-1957	2,900
426.	Abdul Aziz Mohomed Jalal, of Goa.	Xelpem e Adjacents	Ditto	Xelpem	Ditto	7 of 13-2-1957	12,800
427.	Jose Maximiano S.O. Menezes Cota, of Agacaim	Sem denominacao especial	Ditto	Marna Assagao, Cuchelim e Mapusa	Bardez	8 of 27-2-1957	13,900
428	Shaik, Aiyula, of Sanguem.	Oiteiro Matir, etc.	Iron	Candola	Ponda	10 of 25-3-1957	13,600
429.	Firm Damodar Mangalji & Cia., Ltda., of Goa.	Periudoc e Masticulnachem Advona	Ditto	Santona	Sanguem	11 of 29-4-1957	9,300
430.	Firm Chowgule & Cia. Ltda , of Mormugao.	Bozruguro, predio Pantovoril vall, etc.	Ditto	Costi Dudal	Ditto	12 of 29-4-1957	2,900
431.	Sociedada Timblo Irmos Ltda., of Margao.	Carela e Dandia dongor	Fe/Mang	Xelpem	Ditto	13 of 6-5-1957	10,000
432.	Francisco Cecilio Jorge Sequira, of Goa.	Dolicho dongor e ter. adjts	Ditto	Aturli e Naroa	Bicholim	14 of 6-5-1957	10,000
433.	Joaquim Antonio Maria Baptista of Silva.	Moticho Dongor	Ditto	Nanzu Ganguem	Ditto	18 of 13-5-1957	14,900
434.	Sociedade Timblo Irmos Ltda., of Margao.	Davoscoramolo Vaddo	Iron	Carapur	Ditto	18A of 20-5-1957	8,300
435.	Francisco Cecilio, Jorge Sequejra, of Goa.	Predio Ambexim	Ditto	Pale	Ditto	19 of 20-5-1957	14,300
436.	Sociedade Timblo Irmaos Ltda., of Margao.	Oiterio Fanascantem e Mas galicho soddo	Ditto	Quirlapale	Sanguem	20 of 20-5-1957	14,300

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				Village	Taluka		
1	2	3	4	5	6	7	8
437.	Sociedade Timblo Irmaos Ltda., of Margao.	Suriagal Murdi	Fe/Mang	Bati	Sanguem	21 of 20-5-1957	8,500
438.	Sociedade Timblo Irmaos Ltda., of Margao.	Cancamolla e Halditembo	Ditto	Rivona	Ditto	22 of 20-5-1957	3,900
439.	Krishna Vamona, Keni, of Goa.	Don ou Dudo nem e Polpi entre si ligados	Ditto	Nanora	Bicholim	23 of 20-5-1957	4,000
440.	Ramacanta Visnum Sinai Velingcar, of Velinga.	Corpadega, Valuco predio parna, etc.	Iron	Darbandora	Sanguem	24 of 3-6-1957	8,600
441.	Viswasrao Dataji Chowgule, of Marmagoa.	Conquichem Ran	Fe/Mang	Piocul e Darbandora	Satari Sanguem	25 of 3-6-1957	10,800
442.	Firm Chowgule & Cia. Ltda., of Marmagoa.	Bimbol dongor e ter adjits	Iron	Xelopo Curado	Satari	26 of 3-6-1957	14,300
443.	Mussa Xeque Usman, of Goa.	Dudagal culna, etc.	Ditto	Colem	Sanguem	27 of 3-6-1957	12,000
444.	Santana Fernandes, of Margao.	Soddo	Ditto	Curtorim	Salcete	28 of 1-7-1957	14,300
445.	S. Kantilal & Cia. Ltda., of Margao.	Carimol Charidimol	Ditto	Cumbari	Sanguem	31 of 12-8-1957	14,100
446.	S. Kantilal & Cia. Ltda., of Margao.	Madanrica	Ditto	Bati	Ditto	32 of 12-8-1957	16,700
447.	Roguvir Sinai Garco, of S. Lourenoo.	Tolem Bibla, etc.	Ditto	Rudou	Ditto	33 of 12-8-1957	13,800
448.	Firm Shantilal Kushaldas and Bros., of Margao.	Iranqui	Ditto	Potrem	Ditto	34 of 26-8-1957	7,600
449.	Ghanaxama Naraher Thaker, Panaji-Goa.	Tacaoilo dongor	Ditto	Pissurlem e Onda	Satari	37 of 9-9-1957	5,500
450.	Firm Chowgule & Cia. Ltda., of Margagoa.	Peguaca-Juncho Tembo	Ditto	Tudou	Sanguem	40 of 16-9-1957	11,500
451.	Firm Chowgule & Cia. Ltda., of Margagoa.	Moransoddo Motto	Ditto	Ditto	Ditto	42 of 16-9-1957	13,100
452.	Shri D. B. Bandodkar, of Panaji.	Goteacodlo Cud. etc.	Fe/Mang	Codqui	Satari	43 of 30-9-1957	13,600
453.	Firm Damodar Mangalji & Cia. (I) Ltda., of Goa.	Madapor, Moson, etc.	Iron	Oragao	Ponda	44 of 14-10-1957	6,000
454.	Firm Damodar Mangalji & Cia. (I) Ltda., of Goa.	Sancodecho Dando, etc.	Fe/Mang	Cormonem	Sanguem	45 of 14-10-1957	13,500

Sl. No.	Name of the concession holder and his residence	Denomination of the mine	Nature	Situation		Number and date of title	Amount (in Rs.)
				Village	Taluka		
1	2	3	4	5	6	7	8
455.	Hori P. Curchorcar, of Goa.	Chafer, etc.	Iron	Querim	Ponda	47 of 14-10-1957	10,700
456.	Hori P. Curchorcar, of Goa.	Canfendongor, etc.	Fe/Mang	Nirabaga	Sanguem	48 of 14-10-1957	13,700
457.	S. Kantilal & Cia Ltda., of Margao.	Kalledongor	Ditto	Dongor	Ditto	50 of 14-10-1957	13,900
458.	Roguvir Sinai Garco, of Agacaim.	Cairik, Colle-anchemped, etc.	Iron	Bordem	Bicholim	59 of 9-12-1957	13,900
459.	Tilu Madeva Xete Par-car of Ponda.	Godeasoddo e outros	Ditto	Calem	Sanguem	60 of 16-12-1957	10,600
460.	Tito Trinidade P. Moraes, of Cuncolim.	Dapotcachem	Fe/Mang	Curdi	Ditto	61 of 23-12-1957	14,300
461.	Francisco C. Jorge Sequeria, of Goa.	Baucui Connan Dongor, etc.	Iron	Maem	Bicholim	62 of 25-12-1957	12,700
462.	Francisco C. Jorge Sequeria, of Goa.	Vainguinim don-gor e outros	Ditto	Vainguinim	Ditto	63 of 25-12-1957	14,000
463.	Vicente Fernandes, of Merces.	Talichem Molle outros	Ditto	Davem	Satari	1 of 6-1-1958	14,300
464.	Joao Hugo Eduardo Sequeira, of Goa.	Dangarvaddo Suraguinchi	Ditto	Ditto	Ditto	2 of 13-1-1958	13,000
465.	Joao Hugo Eduardo Sequeira, of Goa.	Uro dongor e adjacentes	Ditto	Sanvordem	Ditto	3 of 13-1-1958	13,900
466.	Sociedade Marzook & Cadar Ltda., of Vsaco da Gama.	Nirancarichi	Ditto	Sonal	Ditto	4 of 13-1-1958	14,300
467.	Caetona Francisco C. de Souza, of Sanguelim.	Vagler e outros	Ditto	Colem	Sanguem	7 of 20-1-1958	13,80(
468.	Venctexa Ananta P. Raicar, of Verem.	Cantor e Cantorli, etc.	Ditto	Verem	Ponda	8 of 20-1-1958	14,30(
469.	Nilconta Jaganata Coulecar, of Goa.	Sem denominaco especial	Ditto	Davem	Satari	10 of 3-2-1958	14,30
470.	Sitarama Atmarama Naique, of Mapusa.	Karidongor e outros	Fe/Mang	Begalim	Pernem	12 of 10-2-1958	14,30
471.	Shantaram, S. Samat, of Panaji.	Hoticho ondea-voril dongor	Iron	Ladpem	Bicholim	13 of 24-2-1958	14,10
472.	Sociedade Timblo Irmaos Ltda., of Margoa.	Gaoteona e Dusri fall	Ditto	Codil	Sanguem	14 of 24-2-1958	5,9(

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				Village	Taluka		
1	2	3	4	5	6	7	8
473.	Firma Damodar M. (India) Ltda., of Goa.	Masticule nachem Advona	Iron	Santona	Sanguem	15 of 3-3-1958	13,200
474.	Abdul Rajak, Panaji	Pongrea Holdim	Fe/Mang	Calm	Ditto	16 of 10-3-1958	14,300
475.	Tomas Caetano de Sousa, of Raia.	Godecoe e tar adjts	Ditto	Ela	Goa	17 of 24-3-1958	13,800
476.	Sripad P. Dhungh at, of Margao.	Capila gaechem Guedd.	Iron	Arvlem	Bicholim	18 of 9-5-1958	14,300
477.	Vivian Coutinho of Margao.	Marsode achem Pal sona	Ditto	Sons Vono liem	Satari	19 of 16-6-1958	9,600
478.	Ramakrisna Bandari, of Goa.	Unia dongor e adjacentes	Ditto	Querim	Ponda	21 of 13-6-1958	14,300
479.	Dorotia E.E. Aldemira, Pereira of Diwar.	Magititem b Mat tidongor	Ditto	Ditto	Ditto	22 of 13-6-1958	14,300
480.	Raguvir Xamba Naique of Mapusa.	Todguevoril Mordi	Fe/Mang	Navelim	Bicholim	23 of 13-6-1958	14,200
481.	Viruparapa Basappa, of Margao.	Botvadi e Vorvedeac odil	Iron	Maem	Ditto	24 of 13-6-1958	14,300
482.	Shantilal Kushaldas & Bros. of Margao.	Aralimolacho Tembo	Ditto	Canangui nim	Quepem	27 of 21-7-1958	14,300
483.	Adolfo Patrocinio E. Gomes of Margao.	Batimola e Zemblisoddo	Ditto	Bati	Sanguem	28 of 28-7-1958	12,300
484.	Heramba Ragoba Dolvi, of Pale.	Calguinicho Canno	Fe/Mang	Pale	Bicholim	30 of 28-7-1958	6,400
485.	Babol Saunlo Naique Tari, of Sanguem.	Choromoll e adjacentes	Iron	Bati	Sanguem	31 of 28-7-1958	6,000
486.	Firm Shantilal Kushaldas & Bros. of Margao.	Page mol e Saunri-Moll	Ditto	Ugem e Cotarli	Ditto	33 of 11-8-1958	1,000
487.	Daiananda B. Bandorcar, of Goa.	Sorvoi e Ambleanchem Moll	Fe/Mang	Boma	Ponda	34 of 11-8-1958	14,300
488.	Daiananda B. Bandorcar, of Goa.	Dolcachem Tolop	Iron	Mulgao	Bicholim	35 of 11-8-1958	13,000
489.	Firm V.M. Salgaocar e Irmaos Ltda., of Vasco da Gama.	Foliadondongor	Ditto	Morlem	Satari	36 of 11-8-1958	14,100
490.	Firm V.M. Salgaocar e Irmaos Ltda., of Vasco da Gama.	Unio de Zamboli	Ditto	Molem	Sanguem	37 of 11-8-1958	14,000

Sl. No.	Name of the concession holder and his residence	Denomination of the mine	Nature	Situation		Number and date of title	Amount (in Rs.)
				Village	Taluka		
1	2	3	4	5	6	7	8
491.	Firm Sesa Goa Ltda., of Goa.	Toleachi add, etc.	Iron	Arvelem	Bicholim	38 of 11-8-1958	14,300
492.	Firm Sesa Goa Ltda., of Goa.	Ambaeculna	Ditto	Santona	Sanguem	39 of 11-8-1958	13,200
493.	Vassudeva M. Salgaocar, of Vasco da Gama.	Kalasco-ndichem, etc.	Ditto	Latambar-cem e sataro Ond-a	Bicholim	40 of 11-8-1958	14,200
494.	Vassudeva M. Salgaocar, of Vasco da Gama.	Durgea pan ou Durgaso	Fe/Mang	Curpem	Sanguem	41 of 29-8-1958	10,300
495.	Vassudeva M. Salgaocar, of Vasco da Gama.	Padispo-nnos Taria-Voilem, etc.	Iron	Sancor dem	Ditto	42 of 29-8-1958	14,300
496.	Vassudeva M. Salgaocar, of Vasco da Gama.	Coirim olavoril advena	Ditto	Sigao	Ditto	43 of 29-8-1958	8,300
497.	Vassudeva M. Salgaocar, of Vasco da Gama.	Cotgui nem, Va guriem e Deus uam	Ditto	Melauli	Satari	44 of 29-8-1958	13,500
498.	Vassudeva M. Salgaocar, of Vasco da Gama.	Agapuri xeta	Fe/Mang	Amona	Bicholim	45 of 29-8-1958	5,000
499.	Firm V.M. Salgaocar e Irmaos Ltda., of Vasco da Gama.	Gulapa slacho temb, etc.	Iron	Melauli	Satari	46 of 29-8-1958	14,200
500.	Caxinata Deu Saunto Talaulicar, of Ponda.	Cormola chem Moll e Anio temb	Ditto	Cudnem	Bicholim	48 of 29-8-1958	14,000
501.	Firm V.M. Salgaocar e Irmaos Ltda., of Vasco da Gama.	Xedichem Advona	Fe/ Mang	Porie m e podoce m.	Satari	47 of 29-8-1958	13,600
502.	Firm S. Kantilal & Cia. Ltda., of Margao.	Paicatem-bo e adjacentes	Iron	Bati	Sanguem	49 of 12-9-1958	4,300
503.	Mohanlal S. Rege. of Quepem.	Cotuevade achi tembo	Ditto	Colam	Ditto	50 of 12-9-1958	4,800
504.	Firm Chowgule and Cia. Ltda., of Marmagoa.	Patea oilo tembo, Co rldongrac hem Palso na e adja-centes	Ditto	Ambeli	Satari	51 of 29-9-1958	14,300

Sl. No.	Name of the concession holder and his residence	Denomination of the mine	Nature	Situation		Number and date of title	Amount (in Rs.)
				Village	Taluka		
1	2	3	4	5	6	7	8
505.	Firm Chowgule and Cia. Ltda., of Marmagoa.	Sastachoa dyo o ter adjts.	Iron	Navelim Amona	Bicholim	52 of 22-9-1958	13,000
506.	Firm Chowgule and Cia. Ltda., of Marmagoa.	Godemsod-ddo eter adjts.	Ditto	Sigao Colem	Sanguem	53 of 22-9-1958	11,300
507.	Ismail Bin Abdul Latif, of Goa.	Camarali e adjacentes	Ditto	Codar	Ponda	55 of 22-9-1958	4,600
508.	Rodolfo Gomes, of Margao.	Tatode, Devichi Rain, etc.	Ditto	Darban dora	Sanguem	59 of 29-9-1958	12,500
509.	Mineria Prometedo-ra Ltda., of Natorlim.	Bonquitem ba	Ditto	Vichundrem	Ditto	66 of 17-10-1958	14,200
510.	Vassudeva P.P. Velguencar, of Curcho rem.	Madtudad e ter, adjts.	Ditto	Nirancal	Ponda	67 of 17-10-1958	5,100
511.	Firm Chowgule & Cia. Ltda., of Marmagoa.	Godamsod-do Goule vadd, etc.	Ditto	Sigao	Sanguem	70 of 24-11-1958	8,700
512.	Firm Chowgule and Cia. Ltda., of Marmagoa.	Deunacho Dongor e ter adjts.	Ditto	Sanvordem	Satari	71 of 28-11-1958	8,200
513.	Firm Chowgule and Cia. Ltda., of Marmagoa.	Aldonaveddi e ter adjts.	Ditto	Maem	Bicholim	73 of 28-11-1958	14,300
514.	Gangadhar Narsingdas Agrawal, of Margao.	Sem deno Minacao especial	Ditto	Navelim	Ditto	74 of 28-11-1958	14,100
515.	Jaganata Ganecar, of Goa.	Cupadongor adam tembo, etc.	Ditto	Sancordem	Sanguem	75 of 22-12-1958	14,000
516.	Firm Shantilal Kushaldas & Bros. of Margao.	Novelim dar e ter adjts.	Fe/Mang	Arvalem	Bicholim	76 of 26-12-1958	5,500
517.	Vassudeva Panduronga Velguencar, of Curchorem.	Morancho tembo	Iron	Sarvona	Ditto	1 of 9-3-1959	11,000
518.	Ramakanta Rajarama Panguincar, of Margao.	Datachem Fatrimola, etc.	Fe/Mang	Sangordem	Satari	3 of 23-3-1959	8,500
519.	D. Maria Georgina Correia M.e. Lopes of Goa.	Loban Molo	Iron	Poriem	Ditto	4 of 6-4-1959	12,500
520.	Rama Nilu Naique of Carambolim.	Bindimo la e ter adjts.	Mang	Betqui	Ponda	5 of 27-4-1959	7,700

Sl. No.	Name of the concession holder and his residence	Denomination of the mine	Nature	Situation		Number and date of title	Amount (in Rs.)
				Village	Taluka		
1	2	3	4	5	6	7	8
521.	Pundolica Poi Vernencar of Merces (c/o Manibai P. Varekar).	Ondolo e terrenos adjts.	Iron	Darb-andora	Sanguem	7 of 9-5-1959	4,100
522.	Sripada Gopinata Carco of Margao.	Marvan dega e ter adjts.	Ditto	Ditto	Ditto	8 of 9-5-1959	12,900
523.	Xembu Govinda Sinai, Cuvelcar, of Goa.	Vatoli Mordi etc.	Fe/Mang	Curdi	Sanguem	11 of 9-5-1959	3,400
524.	Ranum Dottu P. Loundo, of Goa.	Damonehemcho advo e ter adj.	Iron	Damocem Guleli	Satari	14 of 9-5-1959	10,30(
525.	Ranum Dottu P. Loundo, of Goa.	Santone soddo e ter adjts.	Ditto	Advoi Paddoli	Ditto	15 of 9-5-1959	10,10(
526.	Firm Damodar Mangalji & Cia. Ltda., of Goa.	Cott e ter adjts.	Iron	Betqui	Ponda	16 of 9-5-1959	9,60(
527.	Jaganata C. Port abo Mambro, of Mapusa.	Gantcarach dongor	Ditto	Bordem	Bicholim	17 of 9-5-1959	7,20(
528.	Xarachandra J. Zarapcar of Mapusa.	Querem Kapreacho Tan Deugui	Mang	Chorao	Goa	18 of 9-5-1959	6,20(
529.	Panduronga Sinai Garco of Margao.	Mortimolavoril soddo e teri adjacentes	Iron	Conquirem	Satari	21 of 9-5-1959	12,50
530.	Tulxides Madeva Xete Deulcar of Calem.	Deugotimola, Pilagal, Gogala etc.	Ditto	Maulinguem	Sanguem	22 of 8 -6-1959	11,70
531.	Vinaeca Naique, of Margao.	Carada, Bindi-temba etc.	Ditto	Codar	Ponda	24 of 8-6-1959	13,40
532.	Antoni F. Querino Gomes of Cavellossim.	Margalicho soddo etc.	Ditto	Calam	Sanguem	29 of 29-6-1959	14,30
533.	Narahari Siurama X. Narvencar of Goa.	Era Venganavoril Mordi	Fe/Mang	Molcor nem	Quepem	30 of 29-6-1959	11,5(
534.	Narahari Siurama X. Narvencar of Goa.	Ambeadeoc e out ross ter adj.	Iron	Santona Rumbrem	Sanguem	31 of 29 6-1959	13,0(
535.	Sripada A.S. Sanvo Sanvordencar of Curchorem.	Tolichem advona e ter adjts.	Ditto	Bandoli Codli	Ditto	33 of 29-6-1959	10,4(
536.	Joaquim Milagres Piedade Dias of Goa.	Cott e parte de Chinchecho Soddo etc.	Ditto	Priol	Ponda	35 of 29-6-1959	14,3(
537.	Mucunda Saruz S. Saleicar of Sanguem.	Butermola Antre mola Dudemol etc.	Ditto	Curdi	Sanguem	36 of 29-6-1959	13,8(

Sl. No.	Name of the concession holder and his residence	Denomination of the mine	Nature	Situation		Number and date of title	Amount (in Rs.)
				Village	Taluka		
1	2	3	4	5	6	7	8
538.	Firm V.S. Dempo & Cia. Ltda., of Goa.	Rajabaga e terrenos adjacentes	Fe/Mang	Cananguinim (Cola)	Canacona	37 of 29-6-1959	14,300
539.	Shantilal Kushaldas & Bros. Ltd., of Margao.	Duriamodi e terrenos adjacentes	Ditto	Antoriem	Sanguem	38 of 29-6-1959	11,000
540.	Sociedade Mineira Explora dora of Sanguem.	Cargal Tervole Santonamorbi, etc.	Ditto	Muguli	Ditto	43 of 31-8-1959	14,300
541.	Narahari Siurama X. Narvencar of Goa.	Mata Nacional, Talsai, etc.	Ditto	Curdi	Ditto	44 of 31-8-1959	10,500
542.	Firm Mineira Nacional Ltda., of Margao.	Pedicho soddo e Bomachem Vadio soddo	Iron	Boma e Cunoolim	Ponda	47 of 21-9-1959	12,200
543.	Xec Ayub of Sanguem	Vagulped ou Vaguemor di e ter adj.	Ditto	Curdi	Sanguem	49 of 21-9-1959	3,100
544.	Bascora Saguna Corpe of Valpoi.	Fofande, Cuzreacho tembo Zori oilo dongor e ter adjts.	Fe/Mang	Massordem	Satari	50 of 21-9-1959	9,300
545.	Caximo Can Moraji Can of Margao.	Pondichi Mat e golxi Dhat, etc.	Iron	Anmona	Bicholem	52 of 21-9-1959	7,100
546.	Manoharlal Damodar of Goa.	Oiteiro Tolto e adjacentes	Ditto	Att. Estavan	Goa	54 of 21-9-1959	4,600
547.	Sociedade Lithoferro Ltdá., of Mapusa.	Camanchem tembo e ter adjts.	Ditto	Pissusurlem	Satari	57 of 27-9-1959	14,300
548.	Sociedade Lithoferro Ltda., of Mapusa.	Matiecho donger e ter adjts.	Ditto	Mololem	Sanguem	58 of 27-9-1959	14,300
549.	Ramcrisna Dattu Porab Loundo of Panaji.	Karut Umola Panorcem Anio temb, etc.	Ditto	Cudnem e e Navelim	Bicholem	59 of 27-9-1959	14,200
550.	Firm S. Kantilal & Cia. Ltda., of Margao.	Poini Salauli e ter adjacentes	Ditto	Selailauli	Sanguem	62 of 28-9-1959	12,500
551.	Firm Sesa Goa Ltda., of Goa.	Santona Vadi Soddo e ter adjts.	Ditto	Santona	Ditto	64 of 28-9-1959	14,100
552.	Sociedade S. Kantilal & Cia. Ltda., of Margao.	Dignem soddo Gantonamola	Ditto	Curdi	Ditto	65 of 28-9-1959	13,900
553.	Firm S. Kantilal & Cia. Ltda., of Margao.	Gogol e Galli sorod	Ditto	Cumbari	Ditto	68 of 28-9-1959	3,300
554.	Mohanlal Vassudeva Salgaocar, of Vasco da Gama.	Govindachi Gatti e ter adjts.	Ditto	Fatorpa	Quepem	70 of 28-9-1959	14,300

Sl. No.	Name of the concession holder and his residence	Denomination of the mine	Nature	Situation		Number and date of title	Amount (in Rs.)
				Village	Taluka		
1	2	3	4	5	6	7	8
555.	Lidia Bolinda Simoes, of Goa.	Edumolavoril dongri ou Cancuta	Fe/Mang	Netorlim	Sanguem	71 of 28-9-1959	5,700
556.	Manohar Sinai Quirtonim, of Margao.	Sem denominacao especial	Iron	Colomba	Ditto	72 of 28-9-1959	14,300
557.	Xarachandra Janardana Zarapoar, of Mapusa.	Bomacanto Dob e Matarimoli Deuguimol	Mang	Molauli e Agolte	Satari Sanguem	73 of 28-9-1959	7,400
558.	Lidia Belinda Simoes, of Goa.	Devabaga e ter adjts.	Iron	Caurem	Quepem	74 of 28-9-1959	11,900
559.	Rauji Raia Quirtonim, of Goa.	Simeacha Molavoril dongor etc.	Ditto	Guleli	Satari	76 of 7-10-1959	11,000
560.	Lidia Belinda Simoes, of Goa.	Musfodavoril Mordi e ter adjts.	Fe/Mang	Maina	Quepem	77 of 13-10-1959	13,600
561.	Firm Sesa Goa Ltda., of Goa.	Casulem Casuleancho Condo etc.	Ditto	Sancordem	Sanguem	78 of 13-10-1959	9,300
562.	Firm Sesa Goa Ltda., of Goa.	Vagacho dongor Marseanglacho etc.	Iron	Xelopa	Satari	79 of 7-10-1959	14,200
563.	Jaising Maganlal, Panaji.	Careamol	Ditto	Pirla	Quepem	80 of 16-11-1959	14,200
564.	Naracinva Purshottam Suquercar, of Margao.	Coladongor	Fe/Mang	Piliem	Sanguem	81 of 16-11-1959	10,400
565.	Loximona Porobo' Concar, of Margao.	Doro ou Camprempeda	Iron	Cuncoliem	Ponda	82 of 30-11-1959	13,200
566.	Vassudeva Madeva Salgaocar, of Vasco da Gama.	Arunem e Vandimal-xeucar	Mang	Poriem e Moriem	Satari	83 of 14-12-1959	12,100
567.	Krisna Vamona Keni, of Goa.	Vissanvarshi Dhat etc.	Fe/Mang	Cuxirem	Ditto	84 of 14-12-1959	6,700
568.	Loximona Concar, of Margao.	Pimplamola Chmeterichem advona Datrem	Iron	Dabal	Sanguem	85 of 14-12-1959	6,300
569.	Tulxidas Madeva Deucar, of Calem.	Santona codil Raim etc.	Ditto	Sircodem de Calem	Ditto	3 of 18-1-1960	14,000
570.	S. Kantilal & Cia. Ltda., of Margao.	Matas de Sida	Ditto	Salauli	Ditto	5 of 29-1-1960	13,500
571.	Sesa Goa Ltda., of Goa.	Nagonem Borod	Ditto	Colem	Ditto	6 of 29-1-1960	9,600
572.	Sesa Goa Ltda., of Goa.	Bag Moitem de Palvel	Ditto	Advolpale e Assonora	Bicholim Bardes	7 of 5-2-1960	14,300

Sl. No.	Name of the concession holder and his residence	Denomination of the mine	Nature	Situation		Number and date of title	Amount (in Rs.)
				Village	Taluka		
1	2	3	4	5	6	7	8
573.	Loximona Crisna Saunto, of Ponda.	Sem denominacao especial	Fe/Mang	Codar	Ponda	8 of 5-2-1960	14,100
574.	Sociedade Timblo Irmaos Ltda., of Margao.	Cormolcantem	Iron	Colem Sigao	Sanguem	10 of 22-2-1960	10,700
575.	Rodolfo Gomes, of Margao.	Labala ou Dabala	Fe/Mang	Dabal e Nicancal	Ponda	12 of 22-2-1960	10,400
576.	Ananta Poi Polondicar of Margao.	Sem denominacao especial	Iron	Sircodem de Calem	Sanguem	11 of 22-2-1960	7,300
577.	Romeo lamartinho Gomes, of Margao.	Piliem e Ocambo	Ditto	Darbandora	Ditto	13 of 22-2-1960	11,400
578.	Firm Damodar Mangalji Cia. Ltda., of Goa.	Hoddo Codem Bindisodo	Ditto	Cormonem Calem	Ditto	15 of 29-4-1960	14,300
579.	V.S. Dempo & Cia. Ltda., of Goa.	Gorbaim Golacho tembe	Ditto	Navelim e Surla	Bicholim	17 of 29-4-1960	10,100
580.	S. Kantilal & Cia. Ltda., of Margao.	Madatembo e Tolietembo	Ditto	Bati	Sanguem	20 of 17-6-1960	13,300
581.	Esvonta Govinda X. Verencar of Colem.	Cordaho Voll, Tiptachi Gali	Fe/Mang	Revora	Bardez	22 of 17-6-1960	3,900
582.	Raguvir P. Pissurlekar of Mapusa.	Bindichi Goll	Iron	Vagalem	Satari	23 of 17-6-1960	11,600
583.	Shantilal Kushaldas & Brothers Ltd., of Margao.	Tancamo lavoilo soddo	Ditto	Quirlapale	Sanguem	24 of 17-6-1960	4,200
584.	Rauji Raja Sinai Quirtonim of Goa.	Cunneatulea Xentatulo	Fe/Mang	Netorlim	Ditto	25 of 20-6-1960	9,500
585.	Damodar Mangalji & Cia. Ltda., of Goa.	Teramola e Bandora tembo	Iron	Codli	Ditto	26 of 22-8-1960	14,300
586.	Shantilal Kushaldas & Bros. Ltd., of Margao.	Goinchem Molan Cassal Gali	Fe/Mang	Curpem	Ditto	1 of 9-1-1961	4,700
587.	Xembu Govinda Sinai Cuvelcar of Goa.	Pelembata e outros	Iron	Orgao e Tiurem	Ponda	3 of 10-2-1961	6,400
588.	Panduronga N. Sanvordencar, of Sanvordem.	Sircodem Culna	Ditto	Sircodem	Sanguem	4 of 24-8-1961	8,100
589.	Gangadhar Narsingdas Agrawal, of Margao.	Borchem mordi	Fe/Mang	Maina	Quepem	6 of 24-8-1961	14,300
590.	Cosme Simeao Moraes, Cuncolim.	Satiasmoli e Dongri	Iron	Maina e Colombo	Ditto Sanguem	7 of 30-8-1961	13,900
591.	Bhaskar Hari Dalvi Pale.	Madachem bata	Ditto	Pale	Bicholim	8 of 30-8-1961	9,300

THE SECOND SCHEDULE

[*See* sections 4(*z*), 6, 7 and 9(*r*)]

DETAILS OF MINING CONCESSIONS ABOLISHED AND DECLARED AS MINING LEASES ON AND FROM A DATE SUBSEQUENT TO THE APPOINTED DAY

Sl. No.	Name of the concession holder and his residence	Denomination of the mine	Nature	Situation		Number and date of title	Date of abolition and declaration of any mining lease	Amount (in Rs.)
				Village	Taluka			
1	2	3	4	5	6	7	8	9
1.	Georgina Filomena de Figueiredo, of Loutulim.	Predico Oiteiral do Estado e Outros	Fe/ Mang	Colem	Sanguem	2 of 11-7-1963	12-7-1963	11,200
2.	Vassudeva Guiri Quenim, of Goa.	Culnasoddo e outros	Iron	Bali	Quepem	3 of 11-7-1963	12-7-1963	11,200
3.	Firma Mineria Nacinol Ltd., of Margao.	Vagmolo Perisodo	Fe/ Mang	Curdi	Sanguem	4 of 11-7-1963	12-7-1963	8,200
4.	Firma Mineria Nacinal Ltd., of Margao.	Namosmodi	Ditto	Ditto	Ditto	5 of 11-7-1963	12-7-1963	9,500
5.	Companhia Mineria Progresso limitada, of Sanguem.	Morga Foncul ou Chicolmolo	Ditto	Vichundrem	Ditto	6 of 10-8-1963	11-8-1963	11,600

THE GOVERNORS (EMOLUMENTS, ALLOWANCES AND PRIVILEGES) AMENDMENT ACT, 1987

No. 17 OF 1987

[23rd *May*, 1987.]

An Act to amend the Governors (Emoluments, Allowances and Privileges) Act, 1982.

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

1. This Act may be called the Governors (Emoluments, Allowances and Privileges) Amendment Act, 1987. Short title.

2. In section 3 of the Governors (Emoluments, Allowances and Privileges) Act, 1982, for the words "rupees five thousand five hundred per mensem", the words "rupees eleven thousand per mensem" shall be substituted, and the said section 3 as so amended shall be deemed to have come into force with effect from the 1st day of April, 1986. Amendment of Act 43 of 1982.

THE GOA, DAMAN AND DIU REORGANISATION ACT, 1987

ARRANGEMENT OF SECTIONS

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3. Formation of State of Goa.
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5. Amendment of the First Schedule to the Constitution.

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6. Amendment of the Fourth Schedule to the Constitution.
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9. Parliamentary constituency of the Union territory of Daman and Diu.
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17. Delimitation of constituencies.
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THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

THE GOA, DAMAN AND DIU REORGANISATION ACT, 1987

No. 18 OF 1987

[23rd *May*, 1987.]

An Act to provide for the reorganisation of the Union territory of Goa, Daman and Diu and for matters connected therewith.

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

PART I

PRELIMINARY

1. This Act may be called the Goa, Daman and Diu Reorganisation Act, 1987. Short title.

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

(*a*) "Administrator" means the administrator appointed by the President under article 239;

(*b*) "appointed day"[1] means the day which the Central Government may, by notification, appoint;

(c) "article" means an article of the Constitution;

(*d*) "assembly constituency" and "parliamentary constituency" have the same meanings as in the Representation of the People Act, 1950; 43 of 1950.

(*e*) "Election Commission" means the Election Commission appointed by the President under article 324;

(*f*) "existing Union territory" means the Union territory of Goa, Daman and Diu as existing immediately before the appointed day;

(*g*) "law" includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having immediately before the appointed day, the force of law in the whole or any part of the existing Union territory;

(*h*) "notification" means a notification published in the Official Gazette;

(*i*) "population ratio", in relation to the State of Goa and the Union, means the ratio of 42:3.25;

(*j*) "sitting member", in relation to the House of the People or of the Legislative Assembly of the existing Union territory,

[1]30-5-1987 *vide* Notification No. S.O. 518(E), dated 26-5-1987.

means a person who, immediately before the appointed day, is a member of that House or that Assembly;

(*k*) "treasury" includes a sub-treasury.

PART II

REORGANISATION OF THE UNION TERRITORY OF GOA, DAMAN AND DIU

Formation of State of Goa.

3. On and from the appointed day, there shall be formed a new State to be known as the State of Goa comprising the territories which immediately before that day were comprised in the Goa district of the existing Union territory.

Formation of Union territory of Daman and Diu.

4. On and from the appointed day, there shall be formed a new Union territory to be known as the Union territory of Daman and Diu comprising the territories which, immediately before that day, were comprised in the Daman and Diu districts of the existing Union territory.

Amendment of the First Schedule to the Constitution.

5. On and from the appointed day, in the First Schedule to the Constitution,—

(*a*) under the heading "I. THE STATES", after entry 24, the following entry shall be inserted, namely:—

"25. Goa	The territories specified in section 3 of the Goa, Daman and Diu Reorganisation Act, 1987.";

(*b*) under the heading "II. THE UNION TERRITORIES", for entry 5, the following entry shall be substituted, namely:—

"5. Daman and Diu	The territories specified in section 4 of the Goa, Daman and Diu Reorganisation Act, 1987.".

PART III

REPRESENTATION IN THE LEGISLATURES

The Council of States

Amendment of the Fourth Schedule to the Constitution.

6. On and from the appointed day, in the Fourth Schedule to the Constitution, in the Table,—

(*a*) entries 4 to 26 shall be renumbered as entries 5 to 27 respectively;

(*b*) after entry 3, the following entry shall be inserted, namely:—

"4. Goa.....1";

(*c*) for the figures "232", the figures "233" shall be substituted.

Election to fill the seat allotted to the State of Goa.

7. As soon as may be after the appointed day, election shall be held to fill the seat allotted in the Council of States to the State of Goa.

The House of the People

8. On and from the appointed day, there shall be allotted two seats to the State of Goa, and one seat to the Union territory of Daman and Diu in the House of the People and the First Schedule to the Representation of the People Act, 1950 shall be deemed to be amended accordingly. Allocation of seats in the House of the People.

43 of 1950.

9. The whole of the Union territory of Daman and Diu shall form one parliamentary constituency to be called the Daman and Diu parliamentary constituency and as soon as may be after the appointed day, election shall be held to the House of the People to elect a representative from that constituency, as if the seat of the member elected to the House of the People from that constituency has become vacant and the provisions of section 149 of the Representation of the People, Act, 1951 shall, so far as may be, apply in relation to such election. Parliamentary constituency of the Union territory of Daman and Diu.

43 of 1951.

10. On and from the appointed day,— Parliamentary constituencies.

(a) the Panaji parliamentary constituency, excluding the Daman and Diu assembly constituencies, and the Mormugao parliamentary constituency in the existing Union territory shall be deemed to be the parliamentary constituencies of the State of Goa and accordingly, in Part A of Schedule XXVI to the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, for the figures and words "12-Cumbarjua, 13-Santo Andre, 29-Daman and 30-Diu", the figures and words "12-Cumbarjua and 13-Santo Andre" shall be substituted;

(b) the Daman and Diu assembly constituencies in the existing Union territory shall be deemed to comprise the parliamentary constituency of the Union territory of Daman and Diu.

11. (1) The sitting member of the House of the People representing the Panaji parliamentary constituency which, on the appointed day, by virtue of the provisions of clause (a) of section 10 stands altered and becomes a parliamentary constituency of the State of Goa shall, as from that day, be deemed to have been duly elected to that House by that constituency as so altered. Provisions as to sitting members.

(2) The sitting member of the House of the People representing the Mormugao parliamentary constituency which, on the appointed day, by virtue of the provisions of clause (a) of section 10 becomes a parliamentary constituency of the State of Goa shall, as from that day, be deemed to have been duly elected to that House by that constituency in that State.

The Legislative Assembly

12. On and from the appointed day, the total number of seats in the Legislative Assembly of the State of Goa to be filled by persons, chosen by direct election from assembly constituencies shall be forty and the Second Schedule to the Representation of the People Act, 1950, shall be deemed to be amended accordingly. Provisions as to Legislative Assembly.

43 of 1950.

Provisional Legislative Assembly.

13. (*1*) Notwithstanding anything contained in this Act (including provisions relating to the strength of the Legislative Assembly of the State of Goa), on and from the appointed day and until the Legislative Assembly of that State has been duly constituted and summoned to meet for the first session, there shall be a provisional Legislative Assembly which shall consist of,—

(*a*) members elected by the territorial constituencies of the Legislative Assembly of the existing Union territory, other than those members elected by the territorial constituencies of Daman and Diu; and

(*b*) members nominated to that Assembly.

(*2*) The period of five years referred to in clause (1) of article 172 shall, in the case of provisional Legislative Assembly referred to in sub-section (*1*), be deemed to have commenced on the date on which the duration of the Legislative Assembly of the existing Union territory commenced under section 5 of the Government of Union Territories Act, 1963. 20 of 1963.

(*3*) For so long as the provisional Legislative Assembly constituted under this section is in existence,—

(*a*) it shall be deemed to be the Legislative Assembly of the State of Goa duly constituted under the Constitution and shall be competent to discharge all the functions of a Legislative Assembly of a State under the Constitution; and

(*b*) the members thereof, referred to in clause (*a*) of sub-section (*1*), shall be deemed to be the members of the Legislative Assembly of the State of Goa duly elected under the Constitution.

Amendment of Delimitation Order.

14. In Part B of Schedule XXVI to the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, the headings "DAMAN DISTRICT" and "DIU DISTRICT" and entries thereunder shall be omitted.

Speaker of the provisional Legislative Assembly.

15. The person who immediately before the appointed day is the Speaker of the Legislative Assembly of the existing Union territory shall, on and from that day, be the Speaker of the provisional Legislative Assembly.

Rules of procedure.

16. The rules of procedure and conduct of business of the Legislative Assembly of the existing Union territory, as in force immediately before the appointed day shall, until rules are made under clause (1) of article 208, be the rules of procedure and conduct of business of the provisional Legislative Assembly referred to in section 13; subject to such modifications and adaptations as may be made therein by the Speaker thereof.

Delimitation of constituencies

Delimitation of constituencies.

17. (*1*) The Election Commission shall, in the manner herein provided, distribute, whether before or after the appointed day, the seats assigned to the Legislative Assembly of the State of Goa under section 12 to single-member territorial constituencies and delimit them having regard

to the provisions of the Constitution and to the following provisions, namely:—

(a) all constituencies shall, as far as practicable, be geographically compact areas, and in delimiting them regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and convenience to the public; and

(b) constituencies in which seats are reserved for the Scheduled Castes and the Scheduled Tribes shall, as far as practicable, be located in areas where the proportion of their population to the total population is the largest.

(2) For the purpose of assisting it in the performance of its functions under sub-section (1), the Election Commission shall associate with itself as associate members,—

(a) the sitting members of the House of the People referred to in section 11; and

(b) such six of the members of the Legislative Assembly of the existing Union territory or, as the case may be, the provisional Legislative Assembly referred to in section 13 as the Speaker thereof may nominate:

Provided that none of the associate members shall have a right to vote or to sign any decision of the Election Commission.

(3) If, owing to death or resignation, the office of an associate member falls vacant, it shall be filled if practicable, in accordance with the provisions of sub-section (2).

(4) The Election Commission shall—

(a) publish its proposals for the delimitation of constituencies together with the dissenting proposals, if any, of any associate member who desires publication thereof, in the Official Gazette and in such other manner as the Commission may consider fit, together with a notice inviting objections and suggestions in relation to the proposals and specifying a date on or after which the proposals will be further considered by it;

(b) consider all objections and suggestions which may have been received by it before the date so specified;

(c) after considering all objections and suggestions which may have been received by it before the date so specified, determine by one or more orders the delimitation of constitutencies and cause such order or orders to be published in the Official Gazette; and upon such publication, the order or orders shall have the full force of law and shall not be called in question in any court.

(5) As soon as may be after such publication, every such order relating to assembly constituencies shall be laid before the Legislative Assembly of the existing Union territory or, as the case may be, the provisional Legislative Assembly referred to in section 13.

Power of Election Commission to maintain delimitation orders up-to-date.

18. (1) The Election Commission may, from time to time, by notification in the Official Gazette,—

(a) correct any printing mistakes in any order made under section 17 or any error arising therein from inadvertent slip or omission;

(b) where the boundaries or name of any territorial division mentioned in any such order are or is altered, make such amendments as appear to it to be necessary or expedient for bringing such order up-to-date.

(2) Every notification under this section relating to an assembly constituency shall be laid, as soon as may be after it is issued, before the Legislative Assembly of the existing Union territory, the provisional Legislative Assembly referred to in section 13 or the Legislative Assembly of the State of Goa, as the case may be.

Amendment of Scheduled Castes and Scheduled Tribes Orders.

19. On and from the appointed day,—

(a) the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Castes) (Union Territories) Order, 1951 shall stand amended as directed in the First Schedule and the Constitution (Goa, Daman and Diu) Scheduled Castes Order, 1968, shall stand repealed;

(b) the Constitution (Scheduled Tribes) Order, 1950 and the Constitution (Scheduled Tribes) (Union Territories) Order, 1951 shall stand amended as directed in the Second Schedule and the Constitution (Goa, Daman and Diu) Scheduled Tribes Order, 1968, shall stand repealed.

PART IV

HIGH COURT

Common High Court for Maharashtra, Goa, Dadra and Nagar Haveli and Daman and Diu.

20. (1) On and from the appointed day,—

(a) there shall be a common High Court for the States of Maharashtra and Goa, and for the Union territories of Dadra and Nagar Haveli, and Daman and Diu, to be called the High Court of Bombay (hereinafter referred to as the common High Court);

(b) the Judges of the High Court of Bombay (hereinafter referred to as the existing High Court), holding office immediately before that day shall, unless they have elected otherwise, become, on that day, the Judges of the common High Court.

(2) The expenditure in respect of the salaries and allowances of the Judges of the common High Court shall be allocated amongst the States of Maharashtra and Goa and the Union in such proportion as the President may, by order, determine.

(3) On and from the appointed day, the common High Court shall have, in respect of the territories comprised in the States of Maharashtra and Goa and the Union territories of Dadra and Nagar Haveli and Daman and Diu, all such jurisdiction, powers and authority as, under the law in force immediately before the appointed day, are exercisable in respect of those territories by the High Court of Bombay.

21. (1) On and from the appointed day,— Provision as to advocates.

25 of 1961. (a) in the Advocates Act, 1961, in section 3, in sub-section (1), for clause (ccc), the following clause shall be substituted, namely:—

"(ccc) for the States of Maharashtra and Goa and the Union territories of Dadra and Nagar Haveli and Daman and Diu, to be known as the Bar Council of Maharashtra and Goa;";

(b) the Bar Council of Maharashtra shall be deemed to be the Bar Council of Maharashtra and Goa with the Advocate-General of the State of Goa also as an *ex officio* member.

(2) Any person who, immediately before the appointed day, is an advocate entitled to practise in the existing High Court shall be entitled to practise as an advocate in the common High Court.

(3) All persons who, immediately before the appointed day, are advocates on the roll of the Bar Council of Maharashtra, shall, as from that day, become advocates on the roll of the Bar Council of Maharashtra and Goa.

(4) The right of audience in the common High Court shall be regulated in accordance with the like principles as, immediately before the appointed day, are in force with respect to the right of audience in the existing High Court:

Provided that as between the Advocates-General of the States of Maharashtra and Goa, the right of audience shall be determined with reference to their dates of enrolment as advocates.

22. Subject to the provisions of this Part, the law in force immediately before the appointed day with respect to practice and procedure in the existing High Court shall, with the necessary modifications, apply in relation to the common High Court. Practice and procedure in the common High Court.

23. The law in force immediately before the appointed day with respect to the custody of the seal of the existing High Court shall, with the necessary modifications, apply with respect to the custody of the seal of the common High Court. Custody of seal of the common High Court.

24. The law in force immediately before the appointed day with respect to the form of writs and other processes used, issued or awarded by the existing High Court shall, with necessary modifications, apply with respect to the form of writs and other processes used, issued or awarded by the common High Court. Form of writs and other processes.

25. The law in force immediately before the appointed day with respect to the powers of the Chief Justice, single Judges and division courts of the existing High Court and with respect to all matters, ancillary to the exercise of those powers shall, with the necessary modification, apply in relation to the common High Court. Powers of Judges.

Principal seat and other places of sitting of the common High Court.

26. (1) The principal seat of the common High Court shall be at the same place at which the principal seat of the existing High Court is located immediately before the appointed day.

(2) The President may, by notified order, provide for the establishment of a permanent bench or benches of the common High Court at one or more places within the territories to which the jurisdiction of the High Court extends, other than the principal seat of the High Court, and for any matters connected therewith:

Provided that before issuing any order under this sub-section, the President shall consult the Chief Justice of the common High Court, and the Governor of the State in which the bench or benches is or are proposed to be established.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the Judges and division courts of the common High Court may also sit at such other place or places within the territories to which the jurisdiction of that High Court extends as the Chief Justice of that High Court may, with the approval of the Governor of the State or the Administrator of the Union territory concerned, appoint.

Procedure as to appeals to Supreme Court.

27. The law in force immediately before the appointed day relating to appeals to the Supreme Court from the existing High Court and the Judges and division courts thereof shall, with the necessary modifications, apply in relation to the common High Court.

Transfer of proceedings to the common High Court.

28. (1) All proceedings pending in the existing High Court immediately before the appointed day shall, from such day, stand transferred to the common High Court.

(2) Every proceeding transferred under sub-section (1) shall be disposed of by the common High Court as if such proceeding was entertained by that High Court.

Interpretation, etc.

29. (1) For the purposes of section 28,—

(a) proceedings shall be deemed to be pending in a court until that court has disposed of all issues between the parties, including any issues with respect to the taxation of the costs of the proceedings and shall include appeals, application for leave to appeal to the Supreme Court, applications for review, petitions for revision and petitions for writs; and

(b) references to a High Court shall be construed as including references to a Judge or division court thereof and references to an order made by a court or a Judge shall be construed as including references to a sentence, judgment or decree passed or made by that court or Judge.

(2) Any person who, immediately before the appointed day, is an advocate entitled to practise in the existing High Court and was authorised to appear or to act in any proceedings transferred from that High Court to the common High Court under section 28 shall have the right to appear or to act, as the case may be, in the common High Court in relation to those proceedings.

30. Nothing in this Part shall affect the application to the common High Court of any provisions of the Constitution, and this Part shall have effect subject to any provision that may be made on or after the appointed day with respect to that High Court by any Legislature or other authority having power to make such provision. Saving.

PART V

AUTHORISATION OF EXPENDITURE AND DISTRIBUTION OF REVENUES

31. (*1*) The President may, at any time before the appointed day, authorise by order such expenditure from the Consolidated Fund of the State of Goa as he deems necessary for a period of not more than six months beginning with the appointed day, pending the sanction of such expenditure by the Legislative Assembly of the State of Goa: Authorisation of expenditure pending its sanction by the Legislature.

Provided that the Governor of Goa may, after the appointed day, authorise by order such further expenditure as he deems necessary from the Consolidated Fund of the State of Goa for any period not extending beyond the said period of six months.

(*2*) The President or, as the case may be, the Governor of Goa shall make separate orders under sub-section (*1*) in respect of periods falling in different financial years.

(*3*) The President may, at any time, before or after the appointed day, authorise by order such expenditure from the Consolidated Fund of India as he deems necessary for a period of not more than six months beginning with the appointed day for the administration of the affairs of the Union territory of Daman and Diu pending the sanction of such expenditure by Parliament.

32. (*1*) The reports of the Comptroller and Auditor-General of India referred to in section 49 of the Government of Union Territories Act, 1963, relating to the accounts of the existing Union territory in respect of any period prior to the appointed day, shall be submitted to the Governor of the State of Goa and the President who shall cause them to be laid before the Legislative Assembly of that State or the House of the People, as the case may be. Reports relating to the accounts of the existing Union territory.

20 of 1963.

(*2*) The Governor may, by order,—

(*a*) declare any expenditure incurred out of the Consolidated Fund of the existing Union territory on any service in respect of any period prior to the appointed day during the financial year 1987-88 or in respect of any earlier financial year in excess of the amount granted for that service and for that year as disclosed in the report referred to in sub-section (*1*) to have been duly authorised; and

(*b*) provide for any action to be taken on any matter arising out of the said reports.

33. The President shall, by order, determine the grants-in-aid of the revenues of the State of Goa and the share of that State in the Union duties of excise, estate duty and taxes on income and for that purpose amend thereby the relevant provisions of the Additional Duties of Excise (Goods of Special Importance) Act, 1957, the Union Duties of Distribution of revenues.

58 of 1957.

Excise (Distribution) Act, 1979, the Estate Duty (Distribution) Act, 1962 and the Constitution (Distribution of Revenues) Order, 1985 in such manner as he thinks fit. 24 of 1979. 9 of 1962.

PART VI

ASSETS AND LIABILITIES

Definition.

34. In this Part "Union purposes" means the purposes of Government relatable to any of the matters mentioned in List I in the Seventh Schedule to the Constitution.

Land and goods.

35. (*1*) Subject to the other provisions of this Part, all land and all stores, articles and other goods held immediately before the appointed day, by the Union for the purposes of the governance of the existing Union territory, shall, on and from that day, pass to the State of Goa, unless any such land, stores, articles or goods are situate in the districts of Daman and Diu of the existing Union territory or are held for Union purposes:

Provided that where the Central Government is of the opinion that any goods or class of goods should be distributed otherwise than according to the situation of the goods, the Central Government may issue such directions as it thinks fit for a just and equitable distribution of the goods.

(*2*) The stores held for specific purposes, such as use or utilisation in particular institutions, workshops or undertakings or on particular works under construction, shall be retained by the Union if such institution, workshop, undertaking or work is situated in the districts of Daman and Diu of the existing Union territory.

(*3*) In this section, the expression "land" includes immovable property of every kind and any rights in or over such property.

Cash balances.

36. The total of the cash balances in all treasuries, the Reserve Bank of India, the State Bank of India and any nationalised bank, of the existing Union territory immediately before the appointed day shall be divided between the State of Goa and the Union according to the population ratio:

Provided that for the purposes of such division, there shall be no transfer of cash balances from any treasury to any other treasury and the apportionment shall be effected by adjusting the balance in the books of the Reserve Bank of India.

Explanation.—In this section, "balance" includes a debit balance.

Arrears of taxes.

37. (*1*) The right to recover arrears of any tax or duty (including arrears of land revenue) on any property situated in the district of Goa of the existing Union territory shall belong to the State of Goa.

(*2*) The right to recover arrears of any tax or duty, other than a tax or duty specified in sub-section (*1*), shall belong to the State of Goa if the place of assessment of that tax or duty is included in the district of Goa of the existing Union territory.

38. The right to recover any loans or advances made by the Union before the appointed day to any local body, society, agriculturist or other person in the district of Goa of the existing Union territory shall belong to the State of Goa:

Right to recover loans and advances.

Provided that the right to recover loans or advances of pay and travelling allowance to a Government servant made before the appointed day by the Administrator shall pass to the State of Goa if such Government servant is allotted to that State.

39. Where any body corporate constituted under a Central Act or a State Act for the existing Union territory, or any part thereof, has, by virtue of the provisions of Part II, become an inter-State body corporate, the investments in, or loans or advances to any such body by the Union made before the appointed day shall be divided between the State of Goa and the Union in such manner as may be agreed between them before the expiration of one year from the appointed day, or in default of such agreement in such manner as the Central Government may, by order, direct.

Investments in and loans, etc., to certain corporate bodies.

40. The assets and liabilities relating to any commercial undertaking of the existing Union territory shall,—

Assets and liabilities of State undertakings.

(*a*) if the undertaking is located in the district of Goa of the existing Union territory, pass to the State of Goa;

(*b*) if the undertaking is located in the district of Goa, as well as the districts of Daman and Diu, of the existing Union territory, be divided in such manner as may be agreed upon between the State of Goa and the Union before the expiration of one year from the appointed day, or in default of such agreement, as the Central Government may, by order, direct.

41. The liability of the Union to refund—

Refund of taxes collected in excess.

(*a*) any tax or duty on property, including land revenue collected in excess shall go to the State of Goa if the property is situated in the district of Goa of the existing Union territory;

(*b*) any other tax or duty collected in excess shall go to the State of Goa if the place of assessment of that tax or duty is included in the district of Goa of the existing Union territory.

42. The liability of the Union in respect of any civil deposit or local fund shall, on and from the appointed day, be the liability of the State of Goa, if the deposit has been made in the district of Goa of the existing Union territory.

Certain deposits.

43. (*1*) The liability of the Union in respect of the provident fund account of a Government servant employed in connection with the administration of the existing Union territory and in service on the appointed day shall, on and from that day, be the liability of the State of Goa if that Government servant is permanently allotted to that State.

Provident fund.

(*2*) The liability of the Union in respect of the provident fund account of a Government servant employed in connection with the administration of the existing Union territory who has retired from service before the appointed day shall be the liability of the State of

Goa in the first instance and shall be adjusted between the State of Goa and the Union according to the population ratio.

Pensions granted by the Administrator, etc.

44. (1) Subject to the adjustments mentioned in sub-section (4), the State of Goa shall, in respect of pensions granted before the appointed day by the Administrator, pay the pensions drawn in the treasuries in the Goa district of the existing Union territory.

(2) Subject to the adjustments mentioned in sub-section (4), the liability in respect of pensions of Government servants employed in connection with the affairs of the existing Union territory who retire or proceed on leave preparatory to retirement before the appointed day but whose claims for pensions are outstanding immediately before that day, shall be the liability of the State of Goa.

(3) The liability of the Union in respect of pensions granted before the appointed day by the Administrator and drawn in any treasury outside the existing Union territory shall be the liability of the State of Goa subject to adjustments to be made in accordance with sub-section (4), as if such pensions had been drawn in the treasuries referred to in sub-section (1).

(4) In respect of the period commencing on the appointed day and ending on the 31st day of March, 1988, and in respect of each subsequent financial year, the total payments made by the State of Goa in respect of pensions referred to in sub-section (1) and sub-section (2) shall be apportioned between the State of Goa and the Union in the population ratio.

(5) The liability in respect of the pension of any Government servant employed immediately before the appointed day in connection with the affairs of the existing Union territory and retiring on or after that day, shall be that of the State of Goa or the Union, as the case may be, but the portion of the pension in respect of the period of service of any such Government servant before the appointed day shall be apportioned between the State of Goa and the Union in the population ratio.

(6) Any reference in this section to a pension shall be construed as including a reference to the commuted value of the pension.

Contracts.

45. (1) Where before the appointed day, the Union has made any contract in the exercise of its executive power for any purposes of the existing Union territory that contract shall be deemed to have been made in the exercise of the executive power of the State of Goa,—

(a) if the purposes of the contract are, on and from the appointed day, exclusively purposes of that State; and

(b) if the purposes of the contract are, on and from that day, not exclusively purposes of any area in the districts of Daman and Diu of the existing Union territory,

and all rights and liabilities which have accrued, or may accrue, under any such contract shall, to the extent to which they would have been rights or liabilities of the Union, be rights or liabilities of the State of Goa:

Provided that in any such case as is referred to in clause (*b*), the initial allocation of rights and liabilities made by this sub-section shall be subject to such financial adjustments as may be agreed upon between the State of Goa and the Union or in default of such agreement, as the Central Government may, by order, direct.

(*2*) For the purposes of this section, there shall be deemed to be included in the liabilities which have accrued or may accrue under any contract—

(*a*) any liability to satisfy an order or award made by any court or other tribunal in proceedings relating to the contract; and

(*b*) any liability in respect of expenses incurred in, or in connection with, any such proceedings.

(*3*) This section shall have effect subject to the other provisions of this Part relating to the apportionment of liabilities in respect of loans, guarantees and other financial obligations.

Liability in respect of actionable wrong.

46. Where, immediately before the appointed day, the Union in connection with the governance of the existing Union territory is subject to any liability in respect of an actionable wrong, other than breach of contract, that liability shall,—

(*a*) if the cause of action arose wholly within the district of Goa of the existing Union territory, be a liability of the State of Goa; and

(*b*) in any other case, be initially a liability of the State of Goa but subject to such financial adjustments as may be agreed upon between the State of Goa and the Union, or in default of such agreement, as the Central Government may, by order, direct.

Liability as guarantor of co-operative societies.

47. Where, immediately before the appointed day, the Union in connection with the governance of the existing Union territory is liable as guarantor in respect of any liability of a registered co-operative society or other person, that liability of the Union shall be a liability of the State of Goa—

(*a*) if the area of the operations of such society or person is limited to the territories in the district of Goa of the existing Union territory; and

(*b*) if the area of the operations of such society or person extends to the whole of the existing Union territory:

Provided that in any such case as is referred to in clause (*b*), the initial allocation of liabilities under this section shall be subject to such financial adjustments as may be agreed upon between the State of Goa and the Union or in default of such agreement, as the Central Government may, by order, direct.

Items in suspense.

48. If any item in suspense is ultimately found to affect an asset or liability of the nature referred to in any of the foregoing provisions of this Part, it shall be dealt with in accordance with that provision.

Residuary provision.

49. The benefit or burden of any assets or liabilities of the Union in connection with the governance of the existing Union territory not dealt with in the foregoing provisions of this Part shall be retained by the Union for the purposes of the governance of the Union territory of Daman and Diu.

Apportionment of assets or liabilities by agreement.

50. Where the State of Goa and the Union agree that the benefit or burden of any particular asset or liability should be apportioned between them in a manner other than that provided for in the foregoing provisions of this Part, then, notwithstanding anything contained therein, the benefit or burden of that asset or liability shall be apportioned in the manner agreed upon.

Power of Central Government to order allocation or adjustment in certain cases.

51. Where, by virtue of any of the provisions of this Part, the Union becomes entitled to any property or obtains any benefits or the State of Goa becomes subject to any liability, and the Central Government is of opinion on a reference made within a period of three years from the appointed day by the State of Goa that it is just and equitable that that property or those benefits should be transferred to, or shared with, the State of Goa or that a contribution towards that liability should be made by the Union the said property or benefits shall be allocated in such manner, or the Union shall make to the State of Goa such contribution in respect thereof, as the Central Government may, after consultation with the Government of the State of Goa by order, determine.

PART VII

PROVISIONS AS TO ARRANGEMENTS, CORPORATIONS AND INTER-STATE AGREEMENTS

Continuance of certain arrangements.

52. Where any arrangement in regard to the supply of electric power or the supply of water for any area in the districts of Daman and Diu of the existing Union territory or in regard to the execution of any project for such supply from an area included in the State of Goa by the provisions of Part II exists, such arrangement will be continued, unless terminated by agreement, between the State of Goa and the Union in accordance with such terms and conditions as may be mutually agreed upon by the State Government of Goa and the Union within a period of one year from the appointed day, and, where no such agreement is arrived at within such period, the Central Government may give such directions as it deems fit to that State Government or the authority concerned for the continuance, so far as is practicable, of the previous arrangement.

Provision as to co-operative banks.

53. Notwithstanding anything contained in section 22 of the Banking Regulation Act, 1949, where by virtue of the provisions of Part II, a co-operative bank is newly formed on the appointed day or within three months thereof in the State of Goa or the Union territory of Daman and Diu, it may commence and conduct banking business without obtaining a licence under that section from the Reserve Bank of India, until it is granted such a licence or until it is informed by the Reserve Bank of India that such a licence cannot be granted to it: 10 of 1949.

Provided that such bank applies to the Reserve Bank of India for such a licence within a period of three months from the date of formation of the Bank.

General provisions as to

54. (*1*) Where any body corporate constituted under any Central Act, State Act or Provincial Act for the existing Union territory or any part thereof has, by virtue of the provisions of Part II, become an inter-State bady corporate, then, the body corporate shall, on and from the appointed

day, continue to function and operate in those areas in respect of which it was functioning and operating immediately before that day, subject to such directions as may from time to time be issued by the Central Government until other provision is made by law in respect of the said body corporate.

statutory corporations.

(2) Any direction issued by the Central Government under sub-section (1) in respect of any such body corporate may include a direction that any law by which the said body corporate is governed shall, in its application to that body corporate, have effect, subject to such exceptions and modifications as may be specified in the direction.

4 of 1939.

55. (1) Notwithstanding anything contained in section 63 of the Motor Vehicles Act, 1939, a permit granted in the existing Union territory shall, if such permit was immediately before the appointed day, valid and effective in any area therein, be deemed to continue to be valid and effective in that area up to the 31st day of March, 1988, subjct to the provisions of that Act as for the time being in force in that area and it shall not be necessary for any such permit to be countersigned by any State or Regional Transport Authority for the purpose of validating it for use in such area:

Temporary provisions as to continuance of certain existing road transport permits.

Provided that the Central Government may, after consultation with the State Government of Goa add to, amend or vary the conditions attached to the permit by the authority by which the permit was granted.

(2) No toll, entrance fees or other charges of a like nature shall be levied for a period up to and inclusive of the 31st day of March, 1988, in respect of any transport vehicle for its operations in either the State of Goa or the Union territory of Daman and Diu under any such permit, if such vehicle was immediately before that day exempt from the payment of any such toll, entrance fees or other charges for its operations within the existing Union territory:

Provided that the Central Government may, after consultation with the State Government of Goa authorise the levy of any such toll, entrance fees or other charges, as the case may be.

56. Where, by virtue of the provisions of Part II, any body corporate constituted under a Central Act, State Act or Provincial Act, any co-operative society registered under any law relating to co-operative societies or any commercial or industrial undertaking is reconstituted or reorganised in any manner whatsoever or is amalgamated with any other body corporate, co-operative society or undertaking, or is dissolved, and in consequence of such reconstitution, reorganisation, amalgamation or dissolution, any workman employed by such body corporate or any such co-operative society or undertaking, is transferred to, or re-employed by any other body corporate, or in any other co-operative society or undertaking, then, notwithstanding anything contained in section 25F, section 25FF or section 25FFF, of the Industrial Disputes Act, 1947, such transfer or re-employment shall not entitle him to any compensation under that section:

Special provision relating to retrenchment compensation in certain cases.

14 of 1947.

Provided that—

(a) the terms and conditions of service applicable to the workman after such transfer or re-employment are not less favourable to

the workman than those applicable to him immediately before the transfer or re-employment; and

(*b*) the employer in relation to the body corporate, the co-operative society or the undertaking where the workman transferred or re-employed, is by agreement or otherwise, legally liable to pay to the workman, in the event of his retrenchment, compensation under section 25F, section 25FF or section 25FFF of the Industrial Disputes Act, 1947, on the basis that his service has been continuous and has not been interrupted by the transfer or re-employment. 14 of 1947.

Special provision as to income-tax.

57. Where the assets, rights and liabilities of any body corporate carrying on business are, under the provisions of this Part, transferred to any other bodies corporate which after the transfer carry on the same business, the losses of profits or gains sustained by the body corporate first mentioned which, but for such transfer, would have been allowed to be carried forward and set off in accordance with the provisions of Chapter VI of the Income-tax Act, 1961 shall be apportioned amongst the transferee bodies corporate in accordance with the rules to be made by the Central Government in this behalf and, upon such apportionment, the share of loss allotted to each transferee body corporate shall be dealt with in accordance with the provisions of Chapter VI of the said Act as if the transferee body corporate had itself sustained such loss in a business carried on by it in the years in which these losses were sustained. 43 of 1961.

Continuance of existing facilities in certain institutions.

58. On and from the appointed day, the Government of Goa shall, in respect of the technical institutions located in the State of Goa continue to provide facilities to the persons resident in the territories comprising the Union territory of Daman and Diu which shall not in any respect be less favourable than those which were being provided to them immediately before that day upon such terms and conditions (including those relating to any contribution or payment to be made for the provisions of such facilities) as may be agreed upon between the State of Goa and the Union before the 1st day of April, 1988, or if no such agreement is reached by the said date, as may be fixed by the order of the Central Government.

PART VIII

PROVISIONS AS TO SERVICES

Provisions relating to All India Services.

59. (*1*) In this section, the expression "State Cadre",—

(*a*) in relation to the Indian Administrative Service, has the meaning assigned to it in the Indian Administrative Service (Cadre) Rules, 1954;

(*b*) in relation to the Indian Police Service, has the meaning assigned to it in the Indian Police Service (Cadre) Rules, 1954, and

(*c*) in relation to the Indian Forest Service, has the meaning assigned to fit in the Indian Forest Service (Cadre) Rules, 1966.

(*2*) The strength and composition of the State Cadre of Goa shall, on and from the appointed day, be such as is determined by the Central Government in consultation with the State Government.

(3) The members of each of the said Services borne on the Union territories cadre immediately before the appointed day shall continue to be in the cadre of the same service of the Union territory in which they stand allocated before the appointed day.

(4) Nothing in this section shall be deemed to affect the operation, on or after the appointed day, of the All India Services Act, 1951, or the rules made thereunder, in relation to the State cadres of the said services and in relation to the members of those services borne on the said cadres.

61 of 1951.

Provisions relating to other services.

60. (1) Every person employed in connection with the affairs of the Union territory or the State of Goa and serving, immediately before the appointed day, in the district of Goa of the existing Union territory shall, on and from that day,—

(a) continue to serve in connection with the affairs of the State of Goa; and

(b) be deemed to be provisionally allotted to serve in connection with the affairs of the said State:

Provided that nothing in clause (b) shall apply to a person to whom the provisions of section 59 apply or to a person on deputation from any State.

(2) As soon as may be after the appointed day, the Central Government shall by general or special order, determine whether every person referred to in clause (b) of sub-section (1) shall be finally allotted for service in the State of Goa or under the Union in connection with the affairs of the Union territory of Daman and Diu and the date with effect from which such allotment shall take effect or be deemed to have taken effect.

(3) Every person who is finally allotted under the provisions of sub-section (2) to the State of Goa or the Union shall, if he is not already serving therein or thereunder be made available for serving in that State or under the Union from such date as may be agreed upon between the State of Goa and the Union or in default of such agreement, as may be determined by the Central Government.

(4) As soon as may be after the Central Government passes orders finally allotting an employee in terms of sub-section (2), the State of Goa or the Union shall take steps to integrate him into the services under its control in accordance with such special or general orders or instructions as may be issued by the Central Government from time to time in this behalf.

(5) The Central Government may, by order establish one or more Advisory Committees for the purpose of assisting it in regard to—

(a) the division of the services between the State of Goa and the Union; and

(b) the ensuring of fair and equitable treatment to all persons affected by the provisions of this section and the proper consideration of any representations made by such persons:

Provided that notwithstanding anything to the contrary contained in any law or rule for the time being in force, no representation shall lie against any order passed by the competent authority on matters arising

out of the division and integration of services under this Act, on the expiry of three months from the date of publication or service, whichever is earlier, of such order:

Provided further, that, notwithstanding anything contained in the preceding proviso, the Central Government may *suo moto* or otherwise and for reasons to be recorded, reopen any matter and pass such orders thereon, as may appear to it to be appropriate if it is satisfied that it is necessary so to do, in order to prevent any miscarriage of justice to any affected employee.

(6) Nothing in this section shall be deemed to affect, on or after the appointed day, the operation of the provisions of Chapter I of Part XIV of the Constitution in relation to the determination of the conditions of service of persons serving in connection with the affairs of the State of Goa or the Union:

Provided that the conditions of service applicable immediately before the appointed day to the case of any person referred to in sub-section (1) or sub-section (2) shall not be varied to his disadvantage except with the previous approval of the Central Government.

(7) All service prior to the appointed day rendered by a person allotted under sub-section (2) in connection with the affairs of the existing Union territory shall for purposes of the rules regarding his conditions of service, be deemed to have been rendered in connection with the affairs of the State or the Union to which he is finally allotted.

(8) The provisions of this section other than clause (a) of sub-section (1) shall not apply in relation to any person to whom the provisions of section 59 apply.

Provisions as to continuance of officers in the same posts.

61. Every person who immediately before the appointed day is holding or discharging the duties of any post or office in connection with the affairs of the existing Union territory shall continue to hold the same post or office and shall be deemed, on and from that day, to have been duly appointed on the same terms and conditions of appointment and on the same tenure to that post or office by the Government of, or the other appropriate authority, in the State of Goa or of the Union, as the case may be:

Provided that nothing in this section shall be deemed to prevent a competent authority, on or after the appointed day, from passing in relation to such person any order affecting his continuance in such post or office.

Powers of Central Government to give directions.

62. The Central Government may give such directions to the State Government as may appear to it to be necessary for the purpose of giving effect to the foregoing provisions of this Part and the said Government shall comply with such directions.

PART IX

LEGAL AND MISCELLANEOUS PROVISIONS

Amendment of certain articles.

63. On and from the appointed day,—

(a) in article 81, in clause (1), in sub-clause (d), for the words "five hundred and twenty-five members", the words "five hundred and thirty members" shall be substituted;

(b) in article 210, in clause (2), in the second proviso, for the words "Arunachal Pradesh and Mizoram", the words "Arunachal Pradesh, Goa and Mizoram" shall be substituted;

(c) in article 239A, in clause (1), for the words "for any of the Union territories of Goa, Daman and Diu and Pondicherry", the words "for the Union territory of Pondicherry" shall be substituted;

(d) in article 239B, in clause (1), for the words, brackets, figures and letter "a Union territory referred to in clause (1) of article 239A", the words "the Union territory of Pondicherry" shall be substituted;

(e) in article 240, in clause (1),—

(i) for entry (d), the following entry shall be substituted, namely:—

"(d) Daman and Diu;";

(ii) in the provisos, for the words "Goa, Daman and Diu or Pondicherry", the word "Pondicherry" shall be substituted.

Amendment of Act 37 of 1956.

64. On and from the appointed day, in section 15 of the States Reorganisation Act, 1956, for clause (d), the following clause shall be substituted, namely:—

"(d) the Western Zone, comprising the States of Goa, Gujarat and Maharashtra and the Union territories of Dadra and Nagar Haveli and Daman and Diu; and".

Amendment of Act 20 of 1963.

65. On and from the appointed day, in the Government of Union Territories Act, 1963,—

(a) throughout the Act, for the words "a Union territory", "any Union territory" or "every Union territory", wherever they occur, the words "the Union territory" shall be substituted;

(b) in section 2, in sub-section (1), for clause (h), the following clause shall be substituted, namely:—

'(h) "Union territory" means the Union territory of Pondicherry.';

(c) in section 3,—

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

"(4) Seats shall be reserved for the Scheduled Castes in the Legislative Assembly of the Union territory.";

(ii) for sub-section (6), the following sub-section shall be substituted, namely:—

"(6) Notwithstanding anything in sub-section (4), the reservation of seats for the Scheduled Castes in the Legislative Assembly of the Union territory shall cease to have effect on the same date on which the reservation of seats for the Scheduled Castes in the House of the People shall cease to have effect under article 334:

Provided that nothing in this sub-section shall affect any representation in the Legislative Assembly of the Union

territory until the dissolution of the then existing Assembly.".

Territorial extent of laws.

66. The provisions of Part II shall not be deemed to have effected any change in the territories to which any law in force immediately before the appointed day extends or applies, and the territorial references in any such law to the existing Union territory shall, until otherwise provided by a competent Legislature or other competent authority, be construed as meaning the territories within the existing Union territory before the appointed day.

Power to adapt laws.

67. For the purpose of facilitating the application in relation to the State of Goa or the Union territory of Daman and Diu of any law made before the appointed day, the appropriate Government may, within two years from that day, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority.

Explanation.—In this section, the expression "appropriate Government" means, as respects any law relating to a matter enumerated in the Union List in the Seventh Schedule to the Constitution, the Central Government, and as respects any other law,

(*i*) in its application to the State of Goa, the State Government, and

(*ii*) in its application to the Union territory of Daman and Diu, the Central Government.

Power to construe laws.

68. Notwithstanding that no provision or insufficient provision has been made under section 67 for the adaptation of a law made before the appointed day, any court, tribunal or authority required or empowered to enforce such law may, for the purpose of facilitating its application in relation to the State of Goa, or the Union territory of Daman and Diu construe the law in such manner not affecting the substance as may be necessary or proper in regard to the matter before the court, tribunal or authority, as the case may be.

Provisions as to continuance of courts, etc.

69. All courts and tribunals and all authorities discharging lawful functions throughout the existing Union territory or any part thereof immediately before the appointed day shall unless their continuance is inconsistent with the provisions of this Act or until other provision is made by a competent Legislature or other competent authority, continue to exercise their respective functions.

Effect of provisions of Act inconsistent with other laws.

70. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

Power to remove difficulties.

71. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the President may, by order, do anything not inconsistent with such provisions which appears to him to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of three years from the appointed day.

(2) Every order made under this section shall be laid before each House of Parliament.

72. (1) The Central Government may, by notification, make rules to give effect to the provisions of this Act. Power to make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two 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 FIRST SCHEDULE

[*See* section 19(*a*)]

PART I

AMENDMENTS TO THE CONSTITUTION (SCHEDULED CASTES) ORDER, 1950

In the Constitution (Scheduled Castes) Order, 1950,—

(1) in paragraph 2, for the figures "XXI", the figures "XXII" shall be substituted;

(2) in the Schedule, after Part XXI, the following Part shall be inserted, namely:—

"PART XXII—GOA

1. Bhangi (Hadi)
2. Chambhar
3. Mahar
4. Mahyavanshi (Vankar)
5. Mang.".

PART II

AMENDMENTS TO THE CONSTITUTION (SCHEDULED CASTES) (UNION TERRITORIES) ORDER, 1951

In the Constitution (Scheduled Castes) (Union Territories) Order, 1951,—

(1) in paragraph 2, for the words and figures "Parts I and II", the words and figures "Parts I to III" shall be substituted;

(2) for paragraph 4, the following paragraph shall be substituted, namely:—

"4. Any reference in this Order to a Union territory in Part I of the Schedule shall be construed as a reference to the territory constituted as a Union territory as from the first day of November, 1956, any reference to a Union territory in Part II of the Schedule shall be construed as a reference to the territory constituted as a Union territory as from the first day of November, 1966 and any reference to a Union territory in Part III of the Schedule shall be construed as a reference to the territory constituted as a Union territory as from the day appointed under clause (*b*) of section 2 of the Goa, Daman and Diu Reorganisation Act, 1987.".

(3) in the Schedule, after Part II, the following Part shall be inserted, namely:—

"PART III—DAMAN AND DIU

Throughout the Union territory:—

1. Bhangi (Hadi)
2. Chambhar
3. Mahar
4. Mahyavanshi (Vankar)
5. Mang.".

THE SECOND SCHEDULE

[*See* section 19(b)]

PART I

AMENDMENTS TO THE CONSTITUTION (SCHEDULED TRIBES) ORDER, 1950

In the Constitution (Scheduled Tribes) Order, 1950,—

(1) for the figures "XVIII", the figures "XIX" shall be substituted,

(2) in the Schedule, after Part XVIII, the following Part shall be inserted, namely:—

"PART XIX.—GOA

1. Dhodia
2. Dubla (Halpati)
3. Naikda (Talavia)
4. Siddi (Nayaka)
5. Varli."

PART II

AMENDMENTS TO THE CONSTITUTION (SCHEDULED TRIBES) (UNION TERRITORIES) ORDER, 1951

In the Constitution (Scheduled Tribes) (Union Territories) Order, 1951,—

(*1*) in paragraph 2, for the word and figure "PART I", the words and figures "PARTS I AND II" shall be substituted;

(*2*) in paragraph 3, the words, figures and brackets "and any reference to a Union territory in Part II of the Schedule shall be construed as a reference to the territory constituted as a Union territory as from the day appointed under clause (*b*) of section 2 of the Goa, Daman and Diu Reorganisation Act, 1987" shall be added at the end;

(*3*) in the Schedule, after Part I, the following Part shall be inserted, namely:—

"PART II.—DAMAN AND DIU

Throughout the Union territory:—

1. Dhodia
2. Dubla (Halpati)
3. Naikda (Talavia)
4. Siddi (Nayaka)
5. Varli.".

THE STATE OF ARUNACHAL PRADESH (AMENDMENT) ACT, 1987

No. 19 OF 1987

[23rd *May*, 1987.]

An Act to amend the State of Arunachal Pradesh Act, 1986.

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

Short title and commencement.

1. (*1*) This Act may be called the State of Arunachal Pradesh (Amendment) Act, 1987.

(*2*) It shall be deemed to have come into force on the 20th day of February, 1987.

Amendment of Act 69 of 1986.

2. In section 11 of the State of Arunachal Pradesh Act, 1986,—

(*a*) in sub-section (*1*), for the words "which shall consist of members elected by the territorial constituencies of the Legislative Assembly of the existing Union territory of Arunachal Pradesh", the following shall be substituted, namely:—

"which shall consist of—

(*a*) members elected by the territorial constituencies of; and

(*b*) members nominated to,

the Legislative Assembly of the existing Union territory of Arunachal Pradesh";

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

"(*3*) For so long as the provisional Legislative Assembly constituted under this section is in existence,—

(*a*) it shall be deemed to be the Legislative Assembly of the State of Arunachal Pradesh duly constituted under the Constitution and shall be competent to discharge all the functions of a Legislative Assembly of a State under the Constitution; and

(*b*) the members thereof, referred to in clause (*a*) of sub-section (*1*), shall be deemed to be the members of the Legislative Assembly of the State of Arunachal Pradesh duly elected under the Constitution.".

THE FACTORIES (AMENDMENT) ACT, 1987

No. 20 OF 1987

[23rd *May*, 1987.]

An Act further to amend the Factories Act, 1948.

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

Short title and commencement.

1. (*1*) This Act may be called the Factories (Amendment) Act, 1987.

(*2*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint, and different dates[1] may be appointed for different provisions of this Act.

Amendment of section 2.

63 of 1948.

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

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

'(*ca*) "competent person", in relation to any provision of this Act, means a person or an institution recognised as such by the Chief Inspector for the purposes of carrying out tests, examinations and inspections required to be done in a factory under the provisions of this Act having regard to—

(*i*) the qualifications and experience of the person and facilities available at his disposal; or

(*ii*) the qualifications and experience of the persons employed in such institution and facilities available therein,

with regard to the conduct of such tests, examinations and inspections, and more than one person or institution can be recognised as a competent person in relation to a factory;

(*cb*) "hazardous process" means any process or activity in relation to an industry specified in the First Schedule where, unless special care is taken, raw materials used therein or the intermediate or finished products, bye-products, wastes or effluents thereof would—

(*i*) cause material impairment to the health of the persons engaged in or connected therewith, or

---

[1]The provisions of sections 2,3,4 (so far as it relates to new section 7A), 5,6,7,8,9,10, 11,12,13,14,15,16,17,18,19,20 (so far as it relates to new sections 41A, 41B, 41C, 41D, 41E, 41G and 41H), 21,22,23,24,25,26,27,28,29,30,31,32,33,34,35,36,37,38,39,40,41 42,43,44,45 (so far as it relates to the First Schedule) and 46 shall come into force on 1-12-1987; and

The provisions of sections 4 (so far as it relates to new Section 7B), 20 (so far as it relates to new section 41F including the Schedule referred to therein) and 45 (so far as it relates to Second Schedule) shall come into force on 1-6-1988.

Vide Notification No. S.O. 961(E), dated 29-10-1987.

(*ii*) result in the pollution of the general environment:

Provided that the State Government may, by notification in the Official Gazette, amend the First Schedule by way of addition, omission or variation of any industry specified in the said Schedule;";

(*ii*) in clause (*m*),—

(*a*) the existing *Explanation* shall be numbered as *Explanation I* and in *Explanation I* as so numbered, for the words "different relays", the words "different groups and relays" shall be substituted;

(*b*) after *Explanation I* as so numbered, the following *Explanation* shall be inserted, namely:—

"*Explanation II.*—For the purposes of this clause, the mere fact that an Electronic Data Processing Unit or a Computer Unit is installed in any premises or part thereof, shall not be construed to make it a factory if no manufacturing process is being carried on in such premises or part thereof;";

(*iii*) in clause (*n*),—

(*a*) in the opening paragraph, the portion beginning with the words ", and where the said affairs", and ending with the words "occupier of the factory" shall be omitted;

(*b*) before the proviso, the following proviso shall be inserted, namely:—

"Provided that—

(*i*) in the case of a firm or other association of individuals, any one of the individual partners or members thereof shall be deemed to be the occupier;

(*ii*) in the case of a company, any one of the directors shall be deemed to be the occupier;

(*iii*) in the case of a factory owned or controlled by the Central Government or any State Government, or any local authority, the person or persons appointed to manage the affairs of the factory by the Central Government, the State Government or the local authority, as the case may be, shall be deemed to be the occupier:";

(*c*) in the existing proviso,—

(*i*) for the words "Provided that", the words "Provided further that" shall be substituted;

(*ii*) in sub-clause (*a*) of clause (*1*), after the word and figure "section 7,", the words, figures and letters "section 7A, section 7B," shall be inserted;

(*iv*) clause (*o*) shall be omitted;

(v) in clause (r), for the word "relay", the words ' "group" or "relay" ' shall be substituted.

3. In section 4 of the principal Act,— Amendment of section 4.

(a) after the words "The State Government may,", the words "on its own or" shall be inserted;

(b) after the words "in writing", the words "and subject to such conditions as it may deem fit" shall be inserted;

(c) the following proviso shall be added, namely:—

"Provided that no order under this section shall be made by the State Government on its own motion unless an opportunity of being heard is given to the occupier.".

4. In Chapter II of the principal Act, after section 7, the following sections shall be inserted, namely:— Insertion of new sections 7A and 7B.

'7A. (1) Every occupier shall ensure, so far as is reasonably practicable, the health, safety and welfare of all workers while they are at work in the factory. General duties of the occupier.

(2) Without prejudice to the generality of the provisions of sub-section (1), the matters to which such duty extends, shall include—

(a) the provision and maintenance of plant and systems of work in the factory that are safe and without risks to health;

(b) the arrangements in the factory for ensuring safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances;

(c) the provision of such information, instruction, training and supervision as are necessary to ensure the health and safety of all workers at work;

(d) the maintenance of all places of work in the factory in a condition that is safe and without risks to health and the provision and maintenance of such means of access to, and egress from, such places as are safe and without such risks;

(e) the provision, maintenance or monitoring of such working environment in the factory for the workers that is safe, without risks to health and adequate as regards facilities and arrangements for their welfare at work.

(3) Except in such cases as may be prescribed, every occupier shall prepare, and, as often as may be appropriate, revise, a written statement of his general policy with respect to the health and safety of the workers at work and the organisation and arrangements for the time being in force for carrying out that policy, and to bring the statement and any revision thereof to the notice of all the workers in such manner as may be prescribed.

General duties of manufacturers, etc., as regards articles and substances for use in factories.

7B. (*1*) Every person who designs, manufactures, imports or supplies any article for use in any factory shall—

(*a*) ensure, so far as is reasonably practicable, that the article is so designed and constructed as to be safe and without risks to the health of the workers when properly used;

(*b*) carry out or arrange for the carrying out of such tests and examination as may be considered necessary for the effective implementation of the provisions of clause (*a*);

(*c*) take such steps as may be necessary to ensure that adequate information will be available—

(*i*) in connection with the use of the article in any factory;

(*ii*) about the use for which it is designed and tested; and

(*iii*) about any conditions necessary to ensure that the article, when put to such use, will be safe, and without risks to the health of the workers:

Provided that where an article is designed or manufactured outside India, it shall be obligatory on the part of the importer to see—

(*a*) that the article conforms to the same standards if such article is manufactured in India, or

(*b*) if the standards adopted in the country outside for the manufacture of such article is above the standards adopted in India, that the article conforms to such standards.

(*2*) Every person, who undertakes to design or manufacture any article for use in any factory, may carry out or arrange for the carrying out of necessary research with a view to the discovery and, so far as is reasonably practicable, the elimination or minimisation of any risks to the health or safety of the workers to which the design or article may give rise.

(*3*) Nothing contained in sub-sections (*1*) and (*2*) shall be construed to require a person to repeat the testing, examination or research which has been carried out otherwise than by him or at his instance in so far as it is reasonable for him to rely on the results thereof for the purposes of the said sub-sections.

(*4*) Any duty imposed on any person by sub-sections (*1*) and (*2*) shall extend only to things done in the course of business carried on by him and to matters within his control.

(*5*) Where a person designs, manufactures, imports or supplies an article on the basis of a written undertaking by the user of such article to take the steps specified in such undertaking to ensure, so far as is reasonably practicable, that the article will be safe and without risks to the health of the workers when properly used, the

undertaking shall have the effect of relieving the person designing, manufacturing, importing or supplying the article from the duty imposed by clause (*a*) of sub-section (*1*) to such extent as is reasonable having regard to the terms of the undertaking.

(*6*) For the purposes of this section, an article is not to be regarded as properly used if it is used without regard to any information or advice relating to its use which has been made available by the person who has designed, manufactured, imported or supplied the article.

Explanation.—For the purposes of this section, "article" shall include plant and machinery.'.

5. In section 9 of the principal Act,— Amendment of section 9.

(*i*) in clause (*a*), after the words "other public authority,", the words "or with an expert" shall be inserted;

(*ii*) for clauses (*b*) and (*c*), the following clauses shall be substituted, namely:—

"(*b*) make examination of the premises, plant, machinery, article or substance;

(*c*) inquire into any accident or dangerous occurrence, whether resulting in bodily injury, disability or not, and take on the spot or otherwise statements of any person which he may consider necessary for such inquiry;

(*d*) require the production of any prescribed register or any other document relating to the factory;

(*e*) seize, or take copies of, any register, record or other document or any portion thereof, as he may consider necessary in respect of any offence under this Act, which he has reason to believe, has been committed;

(*f*) direct the occupier that any premises or any part thereof, or anything lying therein, shall be left undisturbed (whether generally or in particular respects) for so long as is necessary for the purpose of any examination under clause (*b*);

(*g*) take measurements and photographs and make such recordings as he considers necessary for the purpose of any examination under clause (*b*), taking with him any necessary instrument or equipment;

(*h*) in case of any article or substance found in any premises, being an article or substance which appears to him as having caused or is likely to cause danger to the health or safety of the workers, direct it to be dismantled or subject it to any process or test (but not so as to damage or destroy it unless the same is, in the circumstances necessary, for carrying out the purposes of this Act), and take possession of any such article or substance or a part thereof, and detain it for so long as is necessary for such examination;

(*i*) exercise such other powers as may be prescribed.".

Amendment of section 13.

6. In section 13 of the principal Act,—

(*a*) in sub-section (*2*), for the portion beginning with the words "a thermometer" and ending with the words "as may be specified.", the following shall be substituted, namely:—

"proper measuring instruments, at such places and in such position as may be specified, shall be provided and such records, as may be prescribed, shall be maintained.";

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

"(*3*) If it appears to the Chief Inspector that excessively high temperatures in any factory can be reduced by the adoption of suitable measures, he may, without prejudice to the rules made under sub-section (*2*), serve on the occupier, an order in writing specifying the measures which, in his opinion, should be adopted, and requiring them to be carried out before a specified date.".

Amendment of section 16.

7. In section 16 of the principal Act, in sub-section (*2*),—

(*a*) for the words "three hundred and fifty cubic feet", the figures and words "9.9 cubic metres" shall be substituted;

(*b*) for the words "five hundred cubic feet", the figures and words "14.2 cubic metres" shall be substituted;

(*c*) for the words "fourteen feet", the figures and word "4.2 metres" shall be substituted.

Amendment of section 18.

8. In section 18 of the principal Act, in sub-section (*2*), for the words "twenty feet of any washing place, urinal or latrine", the words "six metres of any washing place, urinal, latrine, spittoon, open drain carrying sullage or effluent or any other source of contamination" shall be substituted.

Amendment of section 19.

9. In section 19 of the principal Act, in sub-section (*2*), in clause (*b*), for the words "three feet", the words "ninety centimetres" shall be substituted.

Amendment of section 23.

10. In section 23 of the principal Act, in sub-section (*1*), for the words "shall work", the words "shall be required or allowed to work" shall be substituted.

Amendment of section 25.

11. In section 25 of the principal Act, for the words "eighteen inches", the words "forty-five centimetres" shall be substituted.

Amendment of section 28.

12. In section 28 of the principal Act, the following *Explanation* shall be inserted at the end, namely:—

"*Explanation.*—For the purposes of this section, no lifting machine or appliance shall be deemed to be a hoist or lift unless it has a platform or cage, the direction or movement of which is restricted by a guide or guides.".

Amendment of section 29.

13. In section 29 of the principal Act,—

(*i*) in sub-section (*1*), in clause (*c*), for the words "twenty feet", the words "six metres" shall be substituted;

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

'(*b*) "lifting tackle" means any chain sling, rope sling, hook, shackle, swivel, coupling, socket, clamp, tray or similar appliance, whether fixed or movable, used in connection with the raising or lowering of persons, or loads by use of lifting machines.'.

14. In section 30 of the principal Act, in sub-section (*1*), for the words "In every room in a factory", the words "In every factory" shall be substituted. Amendment of section 30.

15. In section 31 of the principal Act, for sub-section (*1*), the following sub-section shall be substituted, namely:— Amendment of section 31.

"(*1*) If in any factory, any plant or machinery or any part thereof is operated at a pressure above atmospheric pressure, effective measures shall be taken to ensure that the safe working pressure of such plant or machinery or part is not exceeded.".

16. In section 32 of the principal Act, for clause (*c*), the following clause shall be substituted, namely:— Amendment of section 32.

"(*c*) when any person has to work at a height from where he is likely to fall, provision shall be made, so far as is reasonably practicable, by fencing or otherwise, to ensure the safety of the person so working.".

17. For section 36 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 36.

"36. (*1*) No person shall be required or allowed to enter any chamber, tank, vat, pit, pipe, flue or other confined space in any factory in which any gas, fume, vapour or dust is likely to be present to such an extent as to involve risk to persons being overcome thereby, unless it is provided with a manhole of adequate size or other effective means of egress. Precautions against dangerous fumes, gases, etc.

(*2*) No person shall be required or allowed to enter any confined space as is referred to in sub-section (*1*), until all practicable measures have been taken to remove any gas, fume, vapour or dust, which may be present so as to bring its level within the permissible limits and to prevent any ingress of such gas, fume, vapour or dust and unless—

(*a*) a certificate in writing has been given by a competent person, based on a test carried out by himself that the space is reasonably free from dangerous gas, fume, vapour or dust; or

(*b*) such person is wearing suitable breathing apparatus and a belt securely attached to a rope the free end of which is held by a person outside the confined space.".

18. In section 36A of the principal Act, in clause (*a*), after the words "or other confined space", the words "unless adequate safety devices are provided" shall be inserted. Amendment of section 36A.

Substitution of new section for section 38.

19. For section 38 of the principal Act, the following section shall be substituted, namely:—

Precautions in case of fire.

"38. (1) In every factory, all practicable measures shall be taken to prevent outbreak of fire and its spread, both internally and externally, and to provide and maintain—

(a) safe means of escape for all persons in the event of a fire, and

(b) the necessary equipment and facilities for extinguishing fire.

(2) Effective measures shall be taken to ensure that in every factory all the workers are familiar with the means of escape in case of fire and have been adequately trained in the routine to be followed in such cases.

(3) The State Government may make rules, in respect of any factory or class or description of factories, requiring the measures to be adopted to give effect to the provisions of sub-sections (1) and (2).

(4) Notwithstanding anything contained in clause (a) of sub-section (1) or sub-section (2), if the Chief Inspector, having regard to the nature of the work carried on in any factory, the construction of such factory, special risk to life or safety, or any other circumstances, is of the opinion that the measures provided in the factory, whether as prescribed or not, for the purposes of clause (a) of sub-section (1) or sub-section (2), are inadequate, he may, by order in writing, require that such additional measures as he may consider reasonable and necessary, be provided in the factory before such date as is specified in the order.".

Insertion of new Chapter IVA.

20. In the principal Act, after Chapter IV, the following Chapter shall be inserted, namely:—

"CHAPTER IVA

PROVISIONS RELATING TO HAZARDOUS PROCESSES

Constitution of Site Appraisal Committees.

41A. (1) The State Government may, for purposes of advising it to consider applications for grant of permission for the initial location of a factory involving a hazardous process or for the expansion of any such factory, appoint a Site Appraisal Committee consisting of—

(a) the Chief Inspector of the State who shall be its Chairman;

(b) a representative of the Central Board for the Prevention and Control of Water Pollution appointed by the Central Government under section 3 of the Water (Prevention and Control of Pollution) Act, 1974; 6 of 1974.

(*c*) a representative of the Central Board for the Prevention and Control of Air Pollution referred to in section 3 of the Air (Prevention and Control of Pollution) Act, 1981; 14 of 1981.

(*d*) a representative of the State Board appointed under section 4 of the Water (Prevention and Control of Pollution) Act, 1974; 6 of 1974.

(*e*) a representative of the State Board for the Prevention and Control of Air Pollution referred to in section 5 of the Air (Prevention and Control of Pollution) Act, 1981; 14 of 1981.

(*f*) a representative of the Department of Environment in the State;

(*g*) a representative of the Meteorological Department of the Government of India;

(*h*) an expert in the field of occupational health; and

(*i*) a representative of the Town Planning Department of the State Government,

and not more than five other members who may be co-opted by the State Government who shall be—

(*i*) a scientist having specialised knowledge of the hazardous process which will be involved in the factory,

(*ii*) a representative of the local authority within whose jurisdiction the factory is to be established, and

(*iii*) not more than three other persons as deemed fit by the State Government.

(2) The Site Appraisal Committee shall examine an application for the establishment of a factory involving hazardous process and make its recommendation to the State Government within a period of ninety days of the receipt of such application in the prescribed form.

(3) Where any process relates to a factory owned or controlled by the Central Government or to a corporation or a company owned or controlled by the Central Government, the State Government shall co-opt in the Site Appraisal Committee a representative nominated by the Central Government as a member of that Committee.

(4) The Site Appraisal Committee shall have power to call for any information from the person making an application for the establishment or expansion of a factory involving a hazardous process.

(5) Where the State Government has granted approval to an application for the establishment or expansion of a factory involving a hazardous process, it shall not be necessary for an applicant to obtain a further approval from the Central Board or the State Board established under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. 6 of 1974. 14 of 1981.

Compulsory disclosure of information by the occupier.

41B. (*1*) The occupier of every factory involving a hazardous process shall disclose in the manner prescribed all information regarding dangers, including health hazards and the measures to overcome such hazards arising from the exposure to or handling of the materials or substances in the manufacture, transportation, storage and other processes, to the workers employed in the factory, the Chief Inspector, the local authority within whose jurisdiction the factory is situate and the general public in the vicinity.

(*2*) The occupier shall, at the time of registering the factory involving a hazardous process, lay down a detailed policy with respect to the health and safety of the workers employed therein and intimate such policy to the Chief Inspector and the local authority and, thereafter, at such intervals as may be prescribed, inform the Chief Inspector and the local authority of any change made in the said policy.

(*3*) The information furnished under sub-section (*1*) shall include accurate information as to the quantity, specifications and other characteristics of wastes and the manner of their disposal.

(*4*) Every occupier shall, with the approval of the Chief Inspector, draw up an on-site emergency plan and detailed disaster control measures for his factory and make known to the workers employed therein and to the general public living in the vicinity of the factory the safety measures required to be taken in the event of an accident taking place.

(*5*) Every occupier of a factory shall,—

(*a*) if such factory engaged in a hazardous process on the commencement of the Factories (Amendment) Act, 1987, within a period of thirty days of such commencement; and

(*b*) if such factory proposes to engage in a hazardous process at any time after such commencement, within a period of thirty days before the commencement of such process,

inform the Chief Inspector of the nature and details of the process in such form and in such manner as may be prescribed.

(*6*) Where any occupier of a factory contravenes the provisions of sub-section (*5*), the licence issued under section 6 to such factory shall, notwithstanding any penalty to which the occupier or factory shall be subjected to under the provisions of this Act, be liable for cancellation.

(*7*) The occupier of a factory involving a hazardous process shall, with the previous approval of the Chief Inspector, lay down measures for the handling, usage, transportation and storage of hazardous substances inside the factory premises and the disposal of such substances outside the factory premises and publicise them in the manner prescribed among the workers and the general public living in the vicinity.

41C. Every occupier of a factory involving any hazardous process shall— Specific responsibility of the occupier in relation to hazardous processes.

(*a*) maintain accurate and up-to-date health records or, as the case may be, medical records, of the workers in the factory who are exposed to any chemical, toxic or any other harmful substances which are manufactured, stored, handled or transported and such records shall be accessible to the workers subject to such conditions as may be prescribed;

(*b*) appoint persons who possess qualifications and experience in handling hazardous substances and are competent to supervise such handling within the factory and to provide at the working place all the necessary facilities for protecting the workers in the manner prescribed:

Provided that where any question arises as to the qualifications and experience of a person so appointed, the decision of the Chief Inspector shall be final;

(*c*) provide for medical examination of every worker—

(*a*) before such worker is assigned to a job involving the handling of, or working with, a hazardous substance, and

(*b*) while continuing in such job, and after he has ceased to work in such job, at intervals not exceeding twelve months, in such manner as may be prescribed.

41D. (*1*) The Central Government may, in the event of the occurrence of an extraordinary situation involving a factory engaged in a hazardous process, appoint an Inquiry Committee to inquire into the standards of health and safety observed in the factory with a view to finding out the causes of any failure or neglect in the adoption of any measures or standards prescribed for the health and safety of the workers employed in the factory or the general public affected, or likely to be affected, due to such failure or neglect and for the prevention and recurrence of such extraordinary situations in future in such factory or elsewhere. Power of Central Government to appoint Inquiry Committee.

(*2*) The Committee appointed under sub-section (*1*) shall consist of a Chairman and two other members and the terms of reference of the Committee and the tenure of office of its members shall be such as may be determined by the Central Government according to the requirements of the situation.

(*3*) The recommendations of the Committee shall be advisory in nature.

41E. (*1*) Where the Central Government is satisfied that no standards of safety have been prescribed in respect of a hazardous process or class of hazardous processes, or where the standards so prescribed are inadequate, it may direct the Director-General of Factory Advice Service and Labour Institutes or any institution specialised in matters relating to standards of safety in hazardous processes, to lay down emergency standards for enforcement of suitable standards in respect of such hazardous processes. Emergency standards.

(2) The emergency standards laid down under sub-section (1) shall, until they are incorporated in the rules made under this Act, be enforceable and have the same effect as if they had been incorporated in the rules made under this Act.

Permissible limits of exposure of chemical and toxic substances.

41F. (1) The maximum permissible threshold limits of exposure of chemical and toxic substances in manufacturing processes (whether hazardous or otherwise) in any factory shall be of the value indicated in the Second Schedule.

(2) The Central Government may, at any time, for the purpose of giving effect to any scientific proof obtained from specialised institutions or experts in the field, by notification in the Official Gazette, make suitable changes in the said Schedule.

Workers' participation in safety management.

41G. (1) The occupier shall, in every factory where a hazardous process takes place, or where hazardous substances are used or handled, set up a Safety Committee consisting of equal number of representatives of workers and management to promote cooperation between the workers and the management in maintaining proper safety and health at work and to review periodically the measures taken in that behalf:

Provided that the State Government may, by order in writing and for reasons to be recorded, exempt the occupier of any factory or class of factories from setting up such Committee.

(2) The composition of the Safety Committee, the tenure of office of its members and their rights and duties shall be such as may be prescribed.

Right of workers to warn about imminent danger.

41H. (1) Where the workers employed in any factory engaged in a hazardous process have reasonable apprehension that there is a likelihood of imminent danger to their lives or health due to any accident, they may bring the same to the notice of the occupier, agent, manager or any other person who is incharge of the factory or the process concerned directly or through their representatives in the Safety Committee and simultaneously bring the same to the notice of the Inspector.

(2) It shall be the duty of such occupier, agent, manager or the person incharge of the factory or process to take immediate remedial action if he is satisfied about the existence of such imminent danger and send a report forthwith of the action taken to the nearest Inspector.

(3) If the occupier, agent, manager or the person incharge referred to in sub-section (2) is not satisfied about the existence of any imminent danger as apprehended by the workers, he shall, nevertheless, refer the matter forthwith to the nearest Inspector whose decision on the question of the existence of such imminent danger shall be final.".

Amendment of section 64.

21. In section 64 of the principal Act, in the proviso to sub-section (1), for the words "does not exceed rupees seven hundred and fifty per month", the words, brackets and figures "does not exceed the wage limit specified in sub-section (6) of section 1 of the Payment of Wages Act, 1936, as amended from time to time" shall be substituted. 4 of 1936.

22. In section 70 of the principal Act,— Amendment of section 70.

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

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

"(*1A*) No female adolescent or a male adolescent who has not attained the age of seventeen years but who has been granted a certificate of fitness to work in a factory as an adult, shall be required or allowed to work in any factory except between 6 A.M. and 7 P.M.:

Provided that the State Government may, by notification in the Official Gazette, in respect of any factory or group or class or description of factories,—

(*i*) vary the limits laid down in this sub-section so, however, that no such section shall authorise the employment of any female adolescent between 10 P.M. and 5 A.M.;

(*ii*) grant exemption from the provisions of this sub-section in case of serious emergency where national interest is involved.".

23. In section 71 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:— Amendment of section 71.

"(5) No female child shall be required or allowed to work in any factory except between 8 A.M. and 7 P.M.".

24. In section 80 of the principal Act, in sub-section (*1*),— Amendment of section 80.

(*a*) for the words "shall be paid", the words "shall be entitled to wages" shall be substituted;

(*b*) the following proviso shall be inserted, namely:—

"Provided that in the case of a worker who has not worked on any day during the calendar month immediately preceding his leave, he shall be paid at a rate equal to the daily average of his total full time earnings for the days on which he actually worked during the last calendar month preceding his leave, in which he actually worked, exclusive of any overtime and bonus but inclusive of dearness allowance and the cash equivalent of the advantage accruing through the concessional sale to the workers of foodgrains and other articles.".

25. In section 87 of the principal Act, clause (*g*) shall be omitted. Amendment of section 87.

26. After section 87 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 87A.

"87A. (*1*) Where it appears to the Inspector that conditions in a factory or part thereof are such that they may cause serious hazard by way of injury or death to the persons employed therein or to the general public in the vicinity, he may, by order in writing to the occupier of the factory, state the particulars in respect of which he considers the factory or part thereof to be the cause of such Power to prohibit employment on account of serious hazard.

serious hazard and prohibit such occupier from employing any person in the factory or any part thereof other than the minimum number of persons necessary to attend to the minimum tasks till the hazard is removed.

(2) Any order issued by the Inspector under sub-section (1) shall have effect for a period of three days until extended by the Chief Inspector by a subsequent order.

(3) Any person aggrieved by an order of the Inspector under sub-section (1), and the Chief Inspector under sub-section (2), shall have the right to appeal to the High Court.

(4) Any person whose employment has been affected by an order issued under sub-section (1), shall be entitled to wages and other benefits and it shall be the duty of the occupier to provide alternative employment to him wherever possible and in the manner prescribed.

(5) The provisions of sub-section (4) shall be without prejudice to the rights of the parties under the Industrial Disputes Act, 1947.". 14 of 1947.

Amendment of section 89.

27. In section 89 of the principal Act,—

(i) for the words "the Schedule", wherever they occur, the words "the Third Schedule" shall be substituted;

(ii) in sub-section (4), for the words "fifty rupees", the words "one thousand rupees" shall be substituted;

(iii) after sub-section (4), the following sub-section shall be added, namely:—

"(5) The Central Government may, by notification in the Official Gazette, add to or alter the Third Schedule and any such addition or alteration shall have effect as if it had been made by this Act.".

Amendment of section 90.

28. In section 90 of the principal Act, in sub-section (1), for the words "the Schedule", the words "the Third Schedule" shall be substituted.

Amendment of section 91A.

29. In section 91A of the principal Act, after sub-section (3), the following *Explanation* shall be inserted, namely:—

"*Explanation.*—For the purposes of this section, the report, if any, submitted to the State Government by the person conducting the survey under sub-section (1) shall be deemed to be a report submitted by an Inspector under this Act.".

Amendment of section 92.

30. In section 92 of the principal Act,—

(a) for the words "three months", the words "two years" shall be substituted;

(b) for the words "two thousand rupees", the words "one lakh rupees" shall be substituted;

(c) for the words "seventy-five rupees", the words "one thousand rupees" shall be substituted;

(d) for the words "one thousand rupees", the words "twenty-five thousand rupees" shall be substituted:

(*e*) for the words "five hundred rupees", the words "five thousand rupees" shall be substituted.

31. In section 94 of the principal Act, in sub-section (*1*),— Amendment of section 94.

(*i*) for the words "six months", the words "three years" shall be substituted;

(*ii*) for the words "two hundred rupees", wherever they occur, the words "ten thousand rupees" shall be substituted;

(*iii*) for the words "five thousand rupees", the words "two lakh rupees" shall be substituted;

(*iv*) for the words "two thousand rupees", the words "thirty-five thousand rupees" shall be substituted;

(*v*) for the words "one thousand rupees", the words "ten thousand rupees" shall be substituted.

32. In section 95 of the principal Act, for the words "three months" and "five hundred rupees", the words "six months" and "ten thousand rupees" shall, respectively, be substituted. Amendment of section 95.

33. In section 96 of the principal Act, for the words "three months" and "five hundred rupees", the words "six months" and "ten thousand rupees" shall respectively, be substituted. Amendment of section 96.

34. After section 96 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 96A.

"96A. (*1*) Whoever fails to comply with or contravenes any of the provisions of section 41B, 41C or 41H or the rules made thereunder, shall, in respect of such failure or contravention, be punishable with imprisonment for a term which may extend to seven years and with fine which may extend to two lakh rupees, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention. Penalty for contravention of the provisions of sections 41B, 41C and 41H.

(*2*) If the failure or contravention referred to in sub-section (*1*) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to ten years.".

35. In section 97 of the principal Act, in sub-section (*1*), for the words "twenty rupees", the words "five hundred rupees" shall be substituted. Amendment of section 97.

36. In section 98 of the principal Act, for the words "one month" and "fifty rupees", the words "two months" and "one thousand rupees" shall, respectively, be substituted. Amendment of section 98.

37. In section 99 of the principal Act, for the words "fifty rupees", the words "one thousand rupees" shall be substituted. Amendment of section 99.

Omission of section 100.

38. Section 100 of the principal Act shall be omitted.

Insertion of new section 104A.

39. After section 104 of the principal Act, the following section shall be inserted, namely:—

Onus of proving limits of what is practicable, etc.

"104A. In any proceeding for an offence for the contravention of any provision of this Act or rules made thereunder consisting of a failure to comply with a duty or requirement to do something, it shall be for the person who is alleged to have failed to comply with such duty or requirement, to prove that it was not reasonably practicable or, as the case may be, all practicable measures were taken to satisfy the duty or requirement.".

Insertion of new section 106A.

40. In Chapter X of the principal Act, after section 106, the following section shall be inserted, namely:—

Jurisdiction of a court for entertaining proceedings, etc., for offence.

"106A. For the purposes of conferring jurisdiction on any court in relation to an offence under this Act or the rules made thereunder in connection with the operation of any plant, the place where the plant is for the time being situate shall be deemed to be the place where such offence has been committed.".

Insertion of new section 111A.

41. After section 111 of the principal Act, the following section shall be inserted, namely:—

Right of workers, etc.

"111A. Every worker shall have the right to—

(*i*) obtain from the occupier, information relating to workers' health and safety at work,

(*ii*) get trained within the factory wherever possible, or, to get himself sponsored by the occupier for getting trained at a training centre or institute, duly approved by the Chief Inspector, where training is imparted for workers' health and safety at work,

(*iii*) represent to the Inspector directly or through his representative in the matter of inadequate provision for protection of his health or safety in the factory.".

Amendment of section 115.

42. Section 115 of the principal Act shall be re-numbered as sub-section (*1*) thereof, and,—

(*a*) in sub-section (*1*) as so re-numbered, for the words "three months", the words "forty-five days" shall be substituted;

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

"(*2*) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.".

43. After section 118 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 118A.

"118A. (1) Every Inspector shall treat as confidential the source of any complaint brought to his notice on the breach of any provision of this Act. Restriction on disclosure of information.

(2) No inspector shall, while making an inspection under this Act, disclose to the occupier, manager or his representative that the inspection is made in pursuance of the receipt of a complaint:

Provided that nothing in this sub-section shall apply to any case in which the person who has made the complaint has consented to disclose his name.".

44. In section 119 of the principal Act, the words "or any other law for the time being in force" shall be inserted at the end. Amendment of section 119.

45. Before the Schedule to the principal Act, the following Schedules shall be inserted, namely:— Insertion of new Schedules.

"THE FIRST SCHEDULE

[*See* section 2(*cb*)]

LIST OF INDUSTRIES INVOLVING HAZARDOUS PROCESSES

1. Ferrous Metallurgical Industries
   - —Integrated Iron and Steel
   - —Ferro-alloys
   - —Special Steels
2. Non-ferrous Metallurgical Industries
   - —Primary Metallurgical Industries, namely, zinc, lead, copper, manganese and aluminium
3. Foundries (ferrous and non-ferrous)
   - —Castings and forgings including cleaning or smoothening/roughening by sand and shot blasting
4. Coal (including coke) industries
   - —Coal, Lignite, Coke, etc.
   - —Fuel Gases (including Coal Gas, Producer Gas, Water Gas)
5. Power Generating Industries
6. Pulp and paper (including paper products) industries
7. Fertiliser Industries
   - —Nitrogenous
   - —Phosphatic
   - —Mixed

8. Cement Industries

—Portland Cement (including slag cement, puzzolona cement and their products

9. Petroleum Industries

—Oil Refining

—Lubricating Oils and Greases

10. Petro-chemical Industries

11. Drugs and Pharmaceutical Industries

—Narcotics, Drugs and Pharmaceuticals

12. Fermentation Industries (Distilleries and Breweries)

13. Rubber (Synthetic) Industries

14. Paints and Pigment Industries

15. Leather Tanning Industries

16. Electro-plating Industries

17. Chemical Industries

—Coke Oven By-products and Coaltar Distillation products

—Industrial Gases (nitrogen, oxygen, acetylene, argon, carbondioxide, hydrogen, sulphur dioxide, nitrous oxide, halogenated hydrocarbon, ozone, etc.)

—Industrial Carbon

—Alkalies and Acids

—Chromates and dichromates

—Lead and its compounds

—Electrochemicals (metallic sodium, potassium and magnesium, chlorates, perchlorates and peroxides)

—Electrothermal produces (artificial abrasive, calcium carbide)

—Nitrogenous compounds (cyanides, cyanamides, and other nitrogenous compounds)

—Phosphorous and its compounds

—Halogens and Halogenated compounds (Chlorine, Fluorine, Bromine and Iodine)

—Explosives (including industrial explosives and detonators and fuses)

18. Insecticides, Fungicides, Herbicides and other Pesticides Industries

19. Synthetic Resin and Plastics

20. Man-made Fibre (Cellulosic and non-cellulosic) Industry

21. Manufacture and repair of electrical accumulators

22. Glass and Ceramics

23. Grinding or glazing of metals

24. Manufacture, handling and processing of asbestos and its products

25. Extraction of oils and fats from vegetable and animal sources

26. Manufacture, handling and use of benzene and substances containing benzene

27. Manufacturing processes and operations involving carbon disulphide

28. Dyes and Dyestuff including their intermediates

29. Highly flammable liquids and gases.

THE SECOND SCHEDULE

(*See* section 41F)

PERMISSIBLE LEVELS OF CERTAIN CHEMICAL SUBSTANCES IN WORK ENVIRONMENT

Substance	Permissible limits of exposure			
	Time-weighted average concentration (8 hrs)		Short-term exposure limit (15 min)*	
	ppm	mg/m³	ppm	mg/m³
Acetaldehyde	100	180	150	270
Acetic Acid	10	25	15	37
Acetone	750	1780	1000	2375
Acrelein	0.1	0.25	0.3	0.8
Acrylonitrile—skin	2	4·5	..	..
Aldrin—skin	..	0·25	..	0·75
Allyl Chloride	1	3	2	6
Ammonia	0.25	18	35	27
Aniline—skin	2	10	5	20
Anisidine (o-,Pisoners)—skin	0·1	0·5	..	..
Arsenic & compounds (as As)	..	0·2	..	..
Benzene	10	20	25	75
Beryllium	..	0.002	..	..
Bornon Trifluoride	0·1	0·3	..	..
Bromine	0.1	0.7	0.3	2
Butane	800	1900	..	..
2 Butanon (Methylethyle Ketone-MEK)	200	590	300	885
n-Butyl acetate	150	710	200	950
n-Butyl alcohol—skin	C50	C150	..	..
sec/tert. Butyl acetate	200	950	250	1190
Butyl Mercaptan	0·5	1.5	..	..
Cadmium-dust and salts (as Cd)	..	0·05	..	0.2
Calcium oxide	..	2	..	..
Carbaryl (sevin)	..	5	..	10
Carbofuran (Furadan)	..	0.1	..	..
Carbon disulphide—skin	10	30	..	..
Carbon monoxide	50	40	400	440
Carbon to trachloride—skin	m5	30	20	125
Carbonyl Chloride (Phosgene)	0·1	0·4	..	..

	ppm	mg/m³	ppm	mg/m³
Chlorobenzene (monochloro-benzene)	75	350	..	..
Chloridane—skin	..	0·5	..	2
Chlorine	1	3	3	9
Chloroform	10	50	50	225
bis-Chloromethyl ether	0·001	0·005	..	..
Chromic acid and chromates (as Cr)	..	0·05	..	..
Chromous Salts (as Cr)	..	0.05	..	..
Copper fume	..	0·2	..	..
Cotton dust, raw	..	0·2	..	0·6
Cresol, all isomers—skin	5	22	..	..
Cyanides (as CN)—skin	..	5	..	..
Cyanogen	10	20	..	..
DDT (Dichlorodiphenyl Trichloroethene)	..	1	..	3
Demeton—skin	0.01	0·1	0.03	0.3
Diazinon—skin	..	0·1	..	0·3
Dibutyl Phythalate	..	5	..	10
Dichlorvos (DDVP)—skin	0.1	1	0.3	3
Dieldrin—skin	..	0·25	..	0.75
Dinitiobenzene (all isomers)—skin	0.15	1	0·5	3
Dinitrotoluene—skin	..	1·5	..	5
Diophenyl	0·2	1·5	0·6	4
Endosulfan (Thiodan)—skin	..	0·1	..	0·4
Endrin—skin	..	0.1	..	0·3
Ethyl acetate	400	1400	..	..
Ethyl alcohol	1000	1900	..	..
Ethylamin	10	18	..	..
Flourides (as F)	..	2·5	..	..
Flourine	1	2	2	4
Formic Acid	5	9	..	..
Hydrazine—skin	0·1	0·1	..	..
Hydrogen Chloride	C5	C7	..	..
Hydrogen Cyanide—skin	C10	C10	..	..
Hydrogen Flouride (as F)	3	2.5	6	5
Hydrogen Peroxide	1	1·5	2	3
Hydrogen Sulphide	10	14	15	21
Gasoline	300	900	500	1500
Iodine	C0.1	C1	..	..
Iron Oxide Fume (Fe_2O_3) (as Fe)	..	5	..	10
Isoamyl acetate	100	525	125	655

	ppm	mg/m³	ppm	mg/m³
Isoamyl alcohol	100	300	125	450
Isobutyl alcohol	50	150	75	225
Lead, inorg, fumes and dusts (as Pb)	..	0·15	..	0.45
Lindane—skin	..	0·5	..	1·5
Malathion—skin	..	10	..	..
Manganese (as Mn) dust and compounds	..	C05	..	..
Fume	..	1	..	0.3
Mercury (as Hg)—skin Alkyl compounds	..	0·01	..	0.03
All forms except alkyl vapour	..	0.05	..	..
Aryl and inorganic compounds	..	0.1	..	..
Methyl alcohol (methonol)—skin	200	260	250	310
Methyl cellosolve—skin (2 methoxy ethanol)	5	16	..	..
Methyl isobutyl Ketone—skin	50	205	75	300
Methyl Isocyanate	0.02	0·05	..	..
Naphthalene	10	50	15	75
Nickel carbonyl (as Ni)	0.05	0.35	..	..
Nitric acid	2	5	4	10
Nitric oxide	25	30	35	45
Nitrobenzene—skin	1	5	2	10
Nitrogen dioxide	3	6	5	10
Oil mist, minerals	..	5	..	10
Oxone	0·1	0·2	0·3	0·6
Parathion—skin	..	0·1	..	0·3
Phenol—skin	5	19	10	38
Phorate (Thimet)—skin	..	0·05	..	0·2
Phosgone (Carbonyl Chloride)	0·1	0·4	..	..
Phosphine	0·3	0·4	1	1
Phosphorus (yellow)	..	0·1	..	0·3
Phosphorus pentachloride	0·1	1	..	..
Phosphorus trichloride	0·2	1·5	0·5	3
Picric acid—skin	..	0·1	..	0·3
Pyridine	5	15	10	30
Silane (silicon tetrahydride)	5	7	..	..
Sodium hydroxide	..	C2	..	..
Syrene, monomer (phanylethylene)	50	215	100	425
Sulphur dioxide	2	5	5	10

	ppm	mg/m³	ppm	mg/m³
Sulphur hexafluoride	1000	6000	1250	7500
Sulphuric acid	..	1	..	..
Toluene (Tuluol)	100	375	150	560
o-Tuluidine— skin	2	9	..	..
Tributyl phosphate	0·2	2·5	0·4	5
Trichloroethylene	50	270	200	1080
Uranium, natural (as U)	..	0.2	..	0·5
Vinyl chloride	5	10	..	..
Welding fumes	..	5	..	..
Xylene (o-, m-, P-isomers)	100	435	150	655
Zironium compounds (as Zr)	..	5	..	10

C denotes ceiling limit.

*Not more than 4 times a day with at least 60 min. interval between successive exposures.

Substance	Permissible time-weighted average concentration (8 hours)
(i) Silica	
(a) Crystalline	
(b) Quartz	
(1) In terms of dust count	$\frac{10600}{\%\ \text{Quartz}+10}$ mppcm
(2) In terms of respirable dust	$\frac{10}{\%\ \text{respirable quartz}+2}$ mg/m³
(3) In terms of total dust	$\frac{10}{\%\ \text{quartz}+3}$ mg/m³
(ii) Cristabalite	Half the limits given against quartz.
(iii) Tridymite	Half the limits given against quartz.
(iv) Silica fused	Same limit as for quartz.
(v) (a) Tripoli	Same limit as in formula in item 2 given against quartz.
(b) Amorphous	705 mppcm.".

46. The existing Schedule to the principal Act shall be re-numbered as the Third Schedule and in the Third Schedule as so re-numbered, after entry "22", the following entries shall be inserted, namely:— Amendment of the existing Schedule.

"23. Beriyllium poisoning,

24. Carbon monoxide,

25. Coal miners' pnoumoconiosis,

26. Phosgene poisoning,

27. Occupational cancer,

28. Isocyanates poisoning,

29. Toxic nephritis.".

THE COCONUT DEVELOPMENT BOARD (AMENDMENT) ACT, 1987

No. 21 OF 1987

[*5th August*, 1987.]

An Act further to amend the Coconut Development Board Act, 1979.

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

Short title.

1. This Act may be called the Coconut Development Board (Amendment) Act, 1987.

Amendment of Act 5 of 1979.

2. In section 4 of the Coconut Development Board Act, 1979, in sub-section (4), in clause (b), for the words "the Agriculaure Commissioner", the words "the Horticulture Commissioner" shall be substituted.

THE PAYMENT OF GRATUITY (AMENDMENT) ACT, 1987

No. 22 OF 1987

[12*th August*, 1987.]

An Act further to amend the Payment of Gratuity Act, 1972.

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

Short title and commencement.

1. (*1*) This Act may be called the Payment of Gratuity (Amendment) Act, 1987.

(*2*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

39 of 1972.

Amendment of section 2.

2. In section 2 of the Payment of Gratuity Act, 1972 (hereinafter referred to as the principal Act),—

(*i*) in clause (*e*),—

(*a*) for the words "one thousand and six hundred rupees per mensem", the words "two thousand and five hundred rupees per mensem, or such higher amount as the Central Government may, having regard to the general level of wages, by notification, specify" shall be substituted;

(*b*) in the *Explanation*,—

(*i*) for the words "one thousand and six hundred rupees per mensem", occurring for the first time, the words, brackets and letter "the amount for the time being specified by or under clause (*e*)" shall be substituted;

(*ii*) for the words "one thousand and six hundred rupees per mensem", occurring at the remaining two places, the words "that amount" shall be substituted;

(*ii*) in clause (*h*),—

(*a*) in sub-clause (*i*), for the words "and the widow", the words "and the dependent parents of his wife and the widow" shall be substituted,

(*b*) the proviso shall be omitted.

[1] 1.10.1987 Vide Notification No. S.O. 873 (E), dated 1.10.1987 (in respect of sections 2, 3 clauses (b) and (c) of section 4, sections 6, 7, 8 and and 9).

Amendment of section 2A.

3. In section 2A of the principal Act,—

(*a*) in clause (*1*), the words "imposing a punishment or penalty or" shall be omitted;

(*b*) in clause (*2*), the following *Explanation* shall be added at the end, namely:—

"*Explanation.*—For the purposes of clause (*2*), the number of days on which an employee has actually worked under an employer shall include the days on which—

(*i*) he has been laid-off under an agreement or as permitted by standing orders made under the Industrial Employment (Standing Orders) Act, 1946, or under the Industrial Disputes Act, 1947, or under any other law applicable to the establishment; 20 of 1946. 14 of 1947.

(*ii*) he has been on leave with full wages, earned in the previous year;

(*iii*) he has been absent due to temporary disablement caused by accident arising out of and in the course of his employment; and

(*iv*) in the case of a female, she has been on maternity leave; so, however, that the total period of such maternity leave does not exceed twelve weeks.".

Amendment of section 4.

4. In section 4 of the principal Act,—

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

"Provided further that in the case of death of the employee, gratuity payable to him shall be paid to his nominee or, if no nomination has been made, to his heirs, and where any such nominees or heirs is a minor, the share of such minor, shall be deposited with the controlling authority who shall invest the same for the benefit of such minor in such bank or other financial institution, as may be prescribed, until such minor attains majority.";

(*b*) in sub-section (*2*), the following *Explanation* shall be inserted at the end, namely:—

"*Explanation.*—In the case of a monthly rated employee, the fifteen days' wages shall be calculated by dividing the monthly rate of wages last drawn by him by twenty-six and multiplying the quotient by fifteen.";

(*c*) in sub-section (*3*), for the words "twenty months' wages", the words "fifty thousand rupees" shall be substituted.

Insertion of new section 4A.

Compulsory insurance.

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

'4A. (*1*) With effect from such date as may be notified by the appropriate Government in this behalf, every employer, other than an employer or an establishment belonging to, or under the control of, the Central Government or a State Government, shall, subject to

the provisions of sub-section (*2*), obtain an insurance in the manner prescribed, for his liability for payment towards the gratuity under this Act, from the Life Insurance Corporation of India established under the Life Insurance Corporation of India Act, 1956 or any other prescribed insurer:

31 of 1956.

Provided that different dates may be appointed for different establishments or class of establishments or for different areas.

(*2*) The appropriate Government may, subject to such conditions as may be prescribed, exempt every employer who had already established an approved gratuity fund in respect of his employees and who desires to continue such arrangement, and every employer employing five hundred or more persons who establishes an approved gratuity fund in the manner prescribed from the provisions of sub-section (*1*).

(*3*) For the purpose of effectively implementing the provisions of this section, every employer shall within such time as may be prescribed get his establishment registered with the controlling authority in the prescribed manner and no employer shall be registered under the provisions of this section unless he has taken an insurance referred to in sub-section (*1*) or has established an approved gratuity fund referred to in sub-section (*2*).

(*4*) The appropriate Government may, by notification, make rules to give effect to the provisions of this section and such rules may provide for the composition of the Board of Trustees of the approved gratuity fund and for the recovery by the controlling authority of the amount of the gratuity payable to an employee from the Life Insurance Corporation of India or any other insurer with whom an insurance has been taken under sub-section (*1*), or as the case may be, the Board of Trustees of the approved gratuity fund.

(*5*) Where an employer fails to make any payment by way of premium to the insurance referred to in sub-section (*1*) or by way of contribution to an approved gratuity fund referred to in sub-section (*2*), he shall be liable to pay the amount of gratuity due under this Act (including interest, if any, for delayed payments) forthwith to the controlling authority.

(*6*) Whoever contravenes the provisions of sub-section (*5*) shall be punishable with fine which may extend to ten thousand rupees and in the case of a continuing offence with a further fine which may extend to one thousand rupees for each day during which the offence continues.

Explanation.—In this section "approved gratuity fund" shall have the same meaning as in clause (*5*) of section 2 of the Income-tax Act, 1961.'.

43 of 1961.

6. In section 5 of the principal Act, after sub-section (*2*), the following sub-section shall be inserted, namely:— Amendment of section 5.

"(*3*) A notification issued under sub-section (*1*) or sub-section (*2*) may be issued retrospectively a date not earlier than the date of commencement of this Act, but no such notification shall be issued so as to prejudicially affect the interests of any person.".

Amendment of section 7.

7. In section 7 of the principal Act, for sub-section (3), the following sub-sections shall be substituted, namely:—

"(3) The employer shall arrange to pay the amount of gratuity within thirty days from the date it becomes payable to the person to whom the gratuity is payable.

(3A) If the amount of gratuity payable under sub-section (3) is not paid by the employer within the period specified in sub-section (3), the employer shall pay, from the date on which the gratuity becomes payable to the date on which it is paid, simple interest at such rate, not exceeding the rate notified by the Central Government from time to time for repayment of long-term deposits, as that Government may, by notification specify:

Provided that no such interest shall be payable if the delay in the payment is due to the fault of the employee and the employer has obtained permission in writing from the controlling authority for the delayed payment on this ground.".

Amendment of section 8.

8. In section 8 of the principal Act,—

(a) for the words "at the rate of nine per cent. per annum", the words "at such rate as the Central Government may, by notification, specify" shall be substituted;

(b) the following provisos shall be added at the end, namely:—

"Provided that the controlling authority shall, before issuing a certificate under this section, give the employer a reasonable opportunity of showing cause against the issue of such certificate:

Provided further that the amount of interest payable under this section shall, in no case exceed the amount of gratuity payable under this Act.".

Amendment of section 9.

9. In section 9 of the principal Act,—

(a) in sub-section (1), for the words "one thousand rupees", the words "ten thousand rupees" shall be substituted;

(b) in sub-section (2),—

(i) for the words "which may extend to one year, or with fine which may extend to one thousand rupees, or with both", the following shall be substituted, namely:—

"which shall not be less than three months but which may extend to one year, or with fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees, or with both";

(ii) in the proviso, for the words "three months", the words "six months but which may extend to two years" shall be substituted.

THE CONSERVATION OF FOREIGN EXCHANGE AND PREVENTION OF SMUGGLING ACTIVITIES (AMENDMENT) ACT, 1987

No. 23 OF 1987

[27*th August*, 1987.]

An Act further to amend the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974.

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

Short title and commencement.

1. (*1*) This Act may be called the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Act, 1987.

(*2*) It shall be deemed to have come into force on the 2nd day of July, 1987.

Amendment of section 9.

52 of 1974.

2. In the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (hereinafter referred to as the principal Act), in section 9, in sub-section (*1*),—

(*a*) for the figures, letters and words "31st day of July, 1987", the figures, letters and words "31st day of July, 1990" shall be substituted;

(*b*) in *Explanation 1*, in clauses (*i*) and (*ii*), for the words "the States of Gujarat, Karnataka, Kerala, Maharashtra and Tamil Nadu and the Union territories of Goa, Daman and Diu and Pondicherry", the words "the States of Goa, Gujarat, Karnataka, Kerala, Maharashtra and Tamil Nadu and the Union territories of Daman and Diu and Pondicherry" shall be substituted.

Repeal and saving.

Ord. 4 of 1987.

3. (*1*) The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Ordinance, 1987 is hereby repealed.

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

THE PUNJAB STATE LEGISLATURE (DELEGATION OF POWERS) ACT, 1987

No. 24 OF 1987

[27th *August*, 1987.]

An Act to confer on the President the power of the Legislature of the State of Punjab to make laws.

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

Short title.

1. This Act may be called the Punjab State Legislature (Delegation of Powers) Act, 1987.

Definition.

2. In this Act, "Proclamation" means the Proclamation issued on the 11th day of May, 1987, 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. 474 (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 Punjab to make laws, which has been declared by the Proclamation to be exercisable by or under the authority of Parliament, is hereby conferred on the President.

(2) In the exercise of the said power, the President may, from time to time, whether Parliament is or is not in session, enact, as a President's Act, a Bill containing such provisions as he considers necessary:

Provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a Committee constituted for the purpose, consisting of 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 ESSENTIAL COMMODITIES (SPECIAL PROVISIONS) CONTINUANCE ACT, 1987

No. 25 OF 1987

[28*th August*, 1987.]

An Act to continue the Essential Commodities (Special Provisions) Act, 1981 for a further period.

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

Short title.

1. This Act may be called the Essential Commodities (Special Provisions) Continuance Act, 1987.

Amendment of preamble.

2. In paragraph 2 of the preamble to the Essential Commodities (Special Provisions) Act, 1981 (hereinafter referred to as the principal Act), for the words "five years", the words "ten years" shall be substituted. 18 of 1987.

Amendment of section 1.

3. In section 1 of the principal Act, in sub-section (*3*), for the words "five years", the words "ten years" shall be substituted.

THE CINE-WORKERS WELFARE FUND (AMENDMENT) ACT, 1987

No. 26 OF 1987

[28th August, 1987.]

An Act to amend the Cine-workers Welfare Fund Act, 1981.

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

1. (1) This Act may be called the Cine-workers Welfare Fund (Amendment) Act, 1987. Short title and commencement.

(2) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint.

33 of 1981.

2. In section 2 of the Cine-workers Welfare Fund Act, 1981 (hereinafter referred to as the principal Act), in clause (b), in sub-clause (*ii*), for the words "one thousand rupees" and "five thousand rupees", the words "one thousand and six hundred rupees" and "eight thousand rupees" shall, respectively, be substituted. Amendment of section 2.

3. In section 4 of the principal Act, in sub-section (*1*), in clause (c), after the words "the cine-workers", the words ", including family welfare, family planning, education and services" shall be inserted. Amendment of section 4.

4. In section 6 of the principal Act, in sub-section (2), for the words "eleven members appointed", the words "such number of members as may be appointed" shall be substituted. Amendment of section 6.

[1] 10-8-1988 : *vide* Notification No. G.S.R. 849(E), dated 10-8-1988.

THE NATIONAL SECURITY (AMENDMENT) ACT, 1987
No. 27 of 1987

[31st *August*, 1987.]

An Act further to amend the National Security Act, 1980, in its application to the State of Punjab and the Union territory of Chandigarh.

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

Short title and commencement.

1. (*1*) This Act may be called the National Security (Amendment) Act, 1987.

(*2*) It shall be deemed to have come into force on the 9th day of June, 1987.

Amendment of Act 65 of 1980 in its application to Punjab and Chandigarh.

2. The National Security Act, 1980 (hereinafter referred to as the principal Act) shall, in its application to the State of Punjab and the Union territory of Chandigarh, have effect subject to the amendments specified in section 3.

Insertion of new section 14A.

3. In the principal Act, after section 14, the following section shall be inserted, namely:—

Circumstances in which persons may be detained for periods longer than three months without obtaining the opinion of Advisory Boards.

'14A. (*1*) Notwithstanding anything contained in the foregoing provisions of this Act, or in any judgment, decree or order of any court or other authority, any person in respect of whom an order of detention has been made under this Act at any time before the 8th day of June, 1988 may be detained without obtaining the opinion of the Advisory Board for a period longer than three months, but not exceeding six months, from the date of his detention where such person had been detained with a view to preventing him in any disturbed area,—

(*i*) from interfering with the efforts of Government in coping with the terrorist and disruptive activities; and

(*ii*) from acting in any manner prejudicial to—

(*a*) the defence of India; or

(*b*) the security of India; or

(*c*) the security of the State; or

(*d*) the maintenance of public order; or

(*e*) the maintenance of supplies and services essential to the community.

Explanation 1.—The provisions of the *Explanation* to sub-section (*2*) of section 3 shall apply for the purposes of this sub-section as they apply for the purposes of that sub-section.

Explanation 2.—In this sub-section, "disturbed area" means any area which is for the time being declared by notification under section 3 of the Punjab Disturbed Areas Act, 1983, or under section 3 of the Chandigarh Disturbed Areas Act, 1983, to be a disturbed area.

32 of 1983.
33 of 1983.

Explanation 3.—In this sub-section. "terrorist and distruptive activities" means "terrorist acts" and disruptive activities within the meaning of the Terrorist and Disruptive Activities (Prevention) Ordinance, 1987.

Ord. 2 of 1987.

(*2*) In the case of any person to whom sub-section (*1*) applies, sections 3, 8 and 10 to 14 shall have effect subject to the following modifications, namely:—

(*a*) in section 3,—

(*i*) in sub-section (*4*), in the proviso,—

(*A*) for the words "ten days", the words "fifteen days" shall be substituted;

(*B*) for the words "fifteen days", the words "twenty days" shall be substituted;

(*ii*) in sub-section (*5*), for the words "seven days", the words "fifteen days" shall be substituted;

(*b*) in section 8, in sub-section (*1*), for the words "ten days", the words "fifteen days" shall be substituted;

(*c*) in section 10, for the words "shall, within three weeks", the words "shall, within four months and two weeks" shall be substituted;

(*d*) in section 11,—

(*i*) in sub-section (*1*), for the words "seven weeks", the words "five months and three weeks" shall be substituted;

(*ii*) in sub-section (*2*), for the words "detention of the person concerned", the words "continued detention of the person concerned" shall be substituted;

(*e*) in section 12, for the words "for the detention", at both the places where they occur, the words "for the continued detention" shall be substituted;

(*f*) in section 13, for the words "twelve months", the words "two years" shall be substituted;

(*g*) in section 14, in the proviso to sub-section (*2*), for the words "twelve months", the words "two years" shall be substituted.'.

Repeals

4. The National Security (Amendment) Act, 1984, section 4 of the National Security (Second Amendment) Act, 1984 and the National Security (Amendment) Act, 1985 are hereby repealed. 24 of 1984. 60 of 1984. 23 of 1985.

Repeals and saving.

5. (*1*) The National Security (Amendment) Ordinance, 1987, is hereby repealed. Ord. 3 of 1987.

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

THE TERRORIST AND DISRUPTIVE ACTIVITIES (PREVENTION) ACT, 1987

ARRANGEMENT OF SECTIONS

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5. Possession of certain unauthorised arms, etc., in specified areas.
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SECTIONS

20. Modified application of certain provisions of the Code.
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28. Power to make rules.
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THE TERRORIST AND DISRUPTIVE ACTIVITIES (PREVENTION) ACT, 1987

No. 28 OF 1987

[*3rd September*, 1987.]

An Act to make special provisions for the prevention of, and for coping with, terrorist and disruptive activities and for matters connected therewith or incidental thereto.

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

PART I

PRELIMINARY

Short title, extent, application, commencement, duration and savings.

1. (*1*) This Act may be called the Terrorist and Disruptive Activities (Prevention) Act, 1987.

(*2*) It extends to the whole of India, and it applies also—

(*a*) to citizens of India outside India;

(*b*) to persons in the service of the Government, wherever they may be; and

(*c*) to persons on ships and aircraft registered in India, wherever they may be.

(*3*) Sections 5, 15, 21 and 22 shall come into force at once and the remaining provisions of this Act shall be deemed to have come into force on the 24th day of May, 1987.

(*4*) It shall remain in force for a period of two years from the 24th day of May, 1987, but its expiry under the operation of this sub-section shall not affect—

(*a*) the previous operation of, or anything duly done or suffered under, this Act or any rule made thereunder or any order made under any such rule, or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under this Act or any rule made thereunder or any order made under any such rule, or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence under this Act or any contravention of any rule made under this Act or of any order made under any such rule, or

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not expired.

Definitions.

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

(*a*) "abet", with its grammatical variations and cognate expressions, includes—

(*i*) the communication or association with any person or class of persons who is engaged in assisting in any manner terrorists or disruptionists;

(*ii*) the passing on, or publication of, without any lawful authority, any information likely to assist the terrorists or disruptionists, and the passing on, or publication of, or distribution of, any document or matter obtained from terrorists or disruptionists;

(*iii*) the rendering of any assistance, whether financial or otherwise, to terrorists or disruptionists;

(*b*) "Code" means the Code of Criminal Procedure, 1973; 2 of 1974.

(*c*) "Designated Court" means a Designated Court constituted under section 9;

(*d*) "disruptive activity" has the meaning assigned to it in section 4, and the expression "disruptionist" shall be construed accordingly;

(*e*) "High Court" means the High Court of the State in which a judge or an additional judge of a Designated Court was working immediately before his appointment as such judge or additional judge;

(*f*) "notified area" means such area as the State Government may, by notification in the Official Gazette, specify;

(*g*) "Public Prosecutor" means a Public Prosecutor or an Additional Public Prosecutor or a Special Public Prosecutor appointed under section 13, and includes any person acting under the directions of the Public Prosecutor;

(*h*) "terrorist act" has the meaning assigned to it in sub-section (*1*) of section 3, and the expression "terrorist" shall be construed accordingly;

(*i*) words and expressions used but not defined in this Act and defined in the Code shall have the meanings respectively assigned to them in the Code.

(*2*) Any reference in this Act to any enactment or any provision thereof shall, in relation to an area in which such enactment or such provision is not in force, be construed as a reference to the corresponding law or the relevant provision of the corresponding law, if any, in force in that area.

PART II

PUNISHMENTS FOR, AND MEASURES FOR COPING WITH, TERRORIST AND DISRUPTIVE ACTIVITIES

Punishment for terrorist acts.

3. (*1*) Whoever with intent to overawe the Government as by law established or to strike terror in the people or any section of the people or to alienate any section of the people or to adversely affect the harmony amongst different sections of the people does any act or thing by using bombs, dynamite or other explosive substances or inflammable substances or fire-arms or other lethal weapons or poisons or noxious gases or other chemicals or by any other substances (whether biological or otherwise) of a hazardous nature in such a manner as to cause, or as is likely to cause, death of, or injuries to, any person or persons or loss of, or damage to, or destruction of, property or disruption of any supplies or services essential to the life of the community, or detains any person and threatens to kill or injure such person in order to compel the Government or any other person to do or abstain from doing any act, commits a terrorist act.

(*2*) Whoever commits a terrorist act, shall,—

(*i*) if such act has resulted in the death of any person, be punishable with death or imprisonment for life and shall also be liable to fine;

(*ii*) in any other case, be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to fine.

(*3*) Whoever conspires or attempts to commit, or advocates, abets, advises or incites or knowingly facilitates the commission of, a terrorist act or any act preparatory to a terrorist act, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to fine.

(*4*) Whoever harbours or conceals, or attempts to harbour or conceal, any terrorist shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to fine.

Punishment for disruptive activities.

4. (*1*) Whoever commits or conspires or attempts to commit or abets, advocates, advises, or knowingly facilitates the commission of, any disruptive activity or any act preparatory to a disruptive activity shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to fine.

(*2*) For the purposes of sub-section (*1*), "disruptive activity" means any action taken, whether by act or by speech or through any other media or in any other manner whatsoever,—

(*i*) which questions, disrupts or is intended to disrupt, whether directly or indirectly, the sovereignty and territorial integrity of India; or

(*ii*) which is intended to bring about or supports any claim, whether directly or indirectly, for the cession of any part of India or the secession of any part of India from the Union.

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

(*a*) "cession" includes the admission of any claim of any foreign country to any part of India, and

(*b*) "secession" includes the assertion of any claim to determine whether a part of India will remain within the Union.

(*3*) Without prejudice to the generality of the provisions of sub-section (*2*), it is hereby declared that any action taken, whether by act or by speech or through any other media or in any other manner whatsoever, which—

(*a*) advocates, advises, suggests or incites; or

(*b*) predicts, prophesies or pronounces or otherwise expresses, in such manner as to incite, advise, suggest or prompt,

the killing or the destruction of any person bound by oath under the Constitution to uphold the sovereignty and integrity of India or any public servant shall be deemed to be a disruptive activity within the meaning of this section.

(*4*) Whoever harbours or conceals, or attempts to harbour or conceal, any disruptionist shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to fine.

Possession of certain unauthorized arms, etc., in specified areas.

5. Where any person is in possession of any arms and ammunition specified in columns 2 and 3 of Category I or Category III(a) of Schedule I to the Arms Rules, 1962, or bombs, dynamite or other explosive substances unauthorisedly in a notified area, he shall, notwithstanding anything contained in any other law for the time being in force, be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to fine.

Enhanced penalties.

6. (*1*) If any person with intent to aid any terrorist or disruptionist, contravenes any provision of, or any rule made under, the Arms Act, 1959, the Explosives Act, 1884, the Explosive Substances Act, 1908 or the Inflammable Substances Act, 1952, he shall, notwithstanding anything contained in any of the aforesaid Acts or the rules made thereunder, be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to fine.

54 of 1959.
4 of 1884.
6 of 1908.
20 of 1952.

(*2*) For the purposes of this section, any person who attempts to contravene or abets, or attempts to abet, or does any act preparatory to the contravention of any provision of any law, rule or order, shall be deemed to have contravened that provision, and the provisions of sub-section (*1*) shall, in relation to such person, have effect subject to the modification that the reference to "imprisonment for life" shall be construed as a reference to "imprisonment for ten years".

Conferment of powers.

7. (*1*) Notwithstanding anything contained in the Code or in any other provision of this Act, the Central Government may, if it considers it necessary or expedient so to do,—

(*a*) for the prevention of, and for coping with, any offence under section 3 or section 4; or

(*b*) for any case or class or group of cases under section 3 or section 4,

in any State or part thereof, confer, by notification in the Official Gazette, on any officer of the Central Government, powers exercisable by a police officer under the Code in such State or part thereof or, as the case may be, for such case or class or group of cases and in particular, the powers of arrest, investigation and prosecution of persons before any court.

(*2*) All officers of police and all officers of Government are hereby required and empowered to assist the officer of the Central Government, referred to in sub-section (*1*), in the execution of the provisions of this Act or any rule or order made thereunder.

(*3*) The provisions of the Code shall, so far as may be and subject to such modifications made in this Act, apply to the exercise of the powers by an officer under sub-section (*1*).

Forfeiture of property of certain persons.

8. (*1*) Where a person has been convicted of any offence punishable under this Act or any rule made thereunder, the Designated Court may, in addition to awarding any punishment, by order in writing, declare that any property, movable or immovable or both, belonging to the accused and specified in the order, shall stand forfeited to the Government free from all encumbrances.

(*2*) Where any person is accused of any offence under this Act or any rule made thereunder, it shall be open to the Designated Court trying him to pass an order that all or any properties, movable or immovable or both belonging to him, shall, during the period of such trial, be attached, and where such trial ends in conviction, the properties so attached shall stand forfeited to the Government free from all encumbrances.

(*3*) (*a*) If upon a report in writing made by a police officer or an officer referred to in sub-section (*1*) of section 7, any Designated Court has reason to believe that any person, who has committed an offence punishable under this Act or any rule made thereunder, has absconded or is concealing himself so that he may not be apprehended, such court may, notwithstanding anything contained in section 82 of the Code, publish a written proclamation requiring him to appear at a specified place and at a specified time not less than fifteen days but not more than thirty days from the date of publication of such proclamation.

(*b*) The Designated Court issuing a proclamation under clause (*a*) may, at any time, order the attachment of any property, movable or immovable or both, belonging to the proclaimed person, and thereupon the provisions of sections 83 to 85 of the Code shall apply to such attachment as if such attachment were made under that Code.

(*c*) If, within six months from the date of the attachment, any person, whose property is, or has been, at the disposal of the Government under sub-section (*2*) of section 85 of the Code, appears voluntarily or is apprehended and brought before the Designated Court by whose order the property was attached, or the Court to which such Court is subordinate, and proves to the satisfaction of such Court that

he did not abscond or conceal himself for the purpose of avoiding apprehension and that he had not received such notice of the proclamation as to enable him to attend within the time specified therein, such property or, if the same has been sold, the net proceeds of the sale and the residue of the property, shall, after satisfying thereform all costs incurred in consequence of the attachment, be delivered to him.

(*4*) Where any shares in a company stand forfeited to the Government under this section, then, the company shall, notwithstanding anything contained in the Companies Act, 1956, or the articles of association of the company, forthwith register the Government as the transferee of such shares. 1 of 1956.

PART III

DESIGNATED COURTS

Designated Courts.

9. (*1*) The Central Government or a State Government may, by notification in the Official Gazette, constitute one or more Designated Courts for such area or areas, or for such case or class or group of cases, as may be specified in the notification.

(*2*) Where a notification constituting a Designated Court for any area or areas or for any case or class or group of cases is issued by the Central Government under sub-section (*1*), and a notification constituting a Designated Court for the same area or areas or for the same case or class or group of cases has also been issued by a State Government under that sub-section, the Designated Court constituted by the Central Government, whether the notification constituting such Court is issued before or after the issue of the notification constituting the Designated Court by the State Government, shall have and the Designated Court constituted by the State Government shall not have, jurisdiction to try any offence committed in that area or areas or, as the case may be, the case or class or group of cases, and all cases pending before any Designated Court constituted by the State Government shall stand transferred to the Designated Court constituted by the Central Government.

(*3*) Where any question arises as to the jurisdiction of any Designated Court, it shall be referred to the Central Government whose decision thereon shall be final.

(*4*) A Designated Court shall be presided over by a judge to be appointed by the Central Government or, as the case may be, the State Government, with the concurrence of the Chief Justice of the High Court.

(*5*) The Central Government or, as the case may be, the State Government may also appoint, with the concurrence of the Chief Justice of the High Court, additional judges to exercise jurisdiction in a Designated Court.

(*6*) A person shall not be qualified for appointment as a judge or an additional judge of a Designated Court unless he is, immediately before such appointment, a sessions judge or an additional sessions judge in any State.

(*7*) For the removal of doubts, it is hereby provided that the attainment by a person appointed as a judge or an additional judge of a

Designated Court of the age of superannuation under the rules applicable to him in the service to which he belongs, shall not affect his continuance as such judge or additional judge.

(*8*) Where any additional judge or additional judges is or are appointed in a Designated Court, the judge of the Designated Court may, from time to time, by general or special order, in writing, provide for the distribution of business of the Designated Court among himself and the additional judge or additional judges and also for the disposal of urgent business in the event of his absence or the absence of any additional judge.

Place of sitting.

10. A Designated Court may, on its own motion or on an application made by the Public Prosecutor, and if it considers it expedient or desirable so to do, sit for any of its proceedings at any place, other than its ordinary place of sitting:

Provided that nothing in this section shall be construed to change the place of sitting of a Designated Court constituted by a State Government to any place outside that State.

Jurisdiction of Designated Courts.

11. (*1*) Notwithstanding anything contained in the Code, every offence punishable under any provision of this Act or any rule made thereunder shall be triable only by the Designated Court within whose local jurisdiction it was committed or, as the case may be, by the Designated Court constituted for trying such offence under sub-section (*1*) of section 9.

(*2*) If, having regard to the exigencies of the situation prevailing in a State, the Central Government is of the opinion that—

(*a*) the situation prevailing in such State is not conducive to a fair, impartial or speedy trial, or

(*b*) it is not likely to be feasible without occasioning the breach of peace or grave risk to the safety of the accused, the witnesses, the Public Prosecutor and the judge of the Designated Court or any of them, or

(*c*) it is not otherwise in the interests of justice,

it may, with the concurrence of the Chief Justice of India (such concurrence to be obtained on a motion moved in that behalf by the Attorney-General), transfer any case pending before a Designated Court in that State to any other Designated Court within that State or in any other State.

(*3*) Where the whole or any part of the area within the local limits of the jurisdiction of a Designated Court has been declared to be, or forms part of, any area which has been declared to be a disturbed area under any enactment for the time being in force making provision for the suppression of disorder and restoration and maintenance of public order, and the Central Government is of opinion that the situation prevailing in the State is not conducive to fair, impartial or speedy trial within the State, of offences under this Act or the rules made thereunder which such Designated Court is competent to try, the Central Government may, with the concurrence of the Chief Justice of India, specify,

by notification in the Official Gazette, in relation to such court (hereafter in this sub-section referred to as the local court) a Designated Court outside the State (hereafter in this section referred to as the specified court), and thereupon—

(*a*) it shall not be competent, at any time during the period of operation of such notification, for such local court to exercise any jurisdiction in respect of, or try, any offence under this Act or the rules made thereunder;

(*b*) the jurisdiction which would have been, but for the issue of such notification, exercisable by such local court in respect of such offences committed during the period of operation of such notification shall be exercisable by the specified court;

(c) all cases relating to such offences pending immediately before the date of issue of such notification before such local court shall stand transferred on that date to the specified court;

(*d*) all cases taken cognizance of by, or transferred to, the specified court under clause (*b*) or clause (c) shall be dealt with and tried in accordance with this Act (whether during the period of operation of such notification or thereafter) as if such offences had been committed within the local limits of the jurisdiction of the specified court or, as the case may be, transferred for trial to it under sub-section (*2*).

Explanation 1.—A notification issued under this sub-section in relation to any local court shall cease to operate on the date on which the whole or, as the case may be, the aforementioned part of the area within the local limits of its jurisdiction, ceases to be a disturbed area.

Explanation 2.—For the purposes of this section, "Attorney-General" means the Attorney-General of India or, in his absence, the Solicitor-General of India or, in the absence of both, one of the Additional Solicitors-General of India.

Power of Designated Courts with respect to other offences.

12. (*1*) When trying any offence, a Designated Court may also try any other offence with which the accused may, under the Code, be charged at the same trial if the offence is connected with such other offence.

(*2*) If, in the course of any trial under this Act of any offence, it is found that the accused person has committed any other offence under this Act or any rule made thereunder or under any other law, the Designated Court may convict such person of such other offence and pass any sentence authorised by this Act or such rule or, as the case may be, such other law, for the punishment thereof.

Public Prosecutors.

13. (*1*) For every Designated Court, the Central Government or, as the case may be, the State Government, shall appoint a person to be the Public Prosecutor and may appoint one or more presons to be the Additional Public Prosecutor or Additional Public Prosecutors:

Provided that the Central Government or, as the case may be, the State Government, may also appoint for any case or class or group of cases a Special Public Prosecutor.

(2) A person shall not be qualified to be appointed as a Public Prosecutor or an Additional Public Prosecutor or a Special Public Prosecutor under this section unless he has been in practice as an Advocate for not less than seven years or has held any post, for a period of not less than seven years, under the Union or a State, requiring special knowledge of law.

(3) Every person appointed as a Public Prosecutor or an Additional Public Prosecutor or a Special Public Prosecutor under this section shall be deemed to be a Public Prosecutor within the meaning of clause (*u*) of section 2 of the Code, and the provisions of the Code shall have effect accordingly.

Procedure and powers of Designated Courts.

14. (1) A Designated Court may take cognizance of any offence, without the accused being committed to it for trial, upon receiving a complaint of facts which constitute such offence or upon a police report of such facts.

(2) Where an offence triable by a Designated Court is punishable with imprisonment for a term not exceeding three years or with fine or with both, the Designated Court may, notwithstanding anything contained in sub-section (1) of section 260 or section 262 of the Code, try the offence in a summary way in accordance with the procedure prescribed in the Code and the provisions of sections 263 to 265 of the Code, shall, so far as may be, apply to such trial:

Provided that when, in the course of a summary trial under this sub-section, it appears to the Designated Court that the nature of the case is such that it is undersirable to try it in a summary way, the Designated Court shall recall any witnesses who may have been examined and proceed to re-hear the case in the manner provided by the provisions of the Code for the trial of such offence and the said provisions shall apply to and in relation to a Designated Court as they apply to and in relation to a Magistrate:

Provided further that in the case of any conviction in a summary trial under this section, it shall be lawful for a Designated Court to pass a sentence of imprisonment for a term not exceeding two years.

(3) Subject to the other provisions of this Act, a Designated Court shall, for the purpose of trial of any offence, have all the powers of a Court of Session and shall try such offence as if it were a Court of Session so far as may be in accordance with the procedure prescribed in the Code for the trial before a Court of Session.

(4) Subject to the other provisions of this Act, every case transferred to a Designated Court under sub-section (2) of section 11 shall be dealt with as if such case had been transferred under section 406 of the Code to such Designated Court.

(5) Notwithstanding anything contained in the Code, a Designated Court may, if it thinks fit and for reasons to be recorded by it, proceed with the trial in the absence of the accused or his pleader and record the evidence of any witness, subject to the right of the accused to recall the witness for cross-examination.

Certain confessions made to police officers to be taken into consideration.

15. (*1*) Notwithstanding anything contained in the Code or in the Indian Evidence Act, 1872, but subject to the provisions of this section, a confession made by a person before a police officer not lower in rank than a Superintendent of Police and recorded by such police officer either in writing or on any mechanical device like cassettes, tapes or sound tracks from out of which sounds or images can be reproduced, shall be admissible in the trial of such person for an offence under this Act or rules made thereunder. 1 of 1872.

(*2*) The police officer shall, before recording any confession under sub-section (*1*), explain to the person making it that he is not bound to make a confession and that, if he does so, it may be used as evidence against him and such police officer shall not record any such confession unless upon questioning the person making it, he has reason to believe that it is being made voluntarily.

Protection of witnesses.

16. (*1*) Notwithstanding anything contained in the Code, all proceedings before a Designated Court shall be conducted *in camera*:

Provided that where the Public Prosecutor so applies, any proceedings or part thereof may be held in open court.

(*2*) A Designated Court may, on an application made by a witness in any proceedings before it or by the Public Prosecutor in relation to such witness or on its own motion, take such measures as it deems fit for keeping the identity and address of any witness secret.

(*3*) In particular, and without prejudice to the generality of the provisions of sub-section (*2*), the measures which a Designated Court may take under that sub-section may include—

(*a*) the holding of the proceedings at a place to be decided by the Designated Court;

(*b*) the avoiding of the mention of the names and addresses of the witnesses in its orders or judgments or in any records of the case accessible to public;

(*c*) the issuing of any directions for securing that the identity and addresses of the witnesses are not disclosed;

(*d*) that it is in the public interest to order that all or any of the proceedings pending before such a court shall not be published in any manner.

(*4*) Any person who contravenes any direction issued under sub-section (*3*) shall be punishable with imprisonment for a term which may extend to one year and with fine which may extend to one thousand rupees.

Trial by Designated Courts to have precedence.

17. The trial under this Act of any offence by a Designated Court shall have precedence over the trial of any other case against the accused in any other court (not being a Designated Court) and shall be concluded in preference to the trial of such other case and accordingly the trial of such other case shall remain in abeyance.

18. Where, after taking cognizance of any offence, a Designated Court is of opinion that the offence is not triable by it, it shall, notwithstanding that it has no jurisdiction to try such offence, transfer the case for the trial of such offence to any court having jurisdiction under the Code and the court to which the case is transferred may proceed with the trial of the offence as if it had taken cognizance of the offence.

Power to transfer cases to regular courts.

19. (*1*) Notwithstanding anything contained in the Code, an appeal shall lie as a matter of right from any judgment, sentence or order, not being an interlocutory order, of a Designated Court to the Supreme Court both on facts and on law.

Appeal.

(*2*) Except as aforesaid, no appeal or revision shall lie to any court from any judgment, sentence or order including an interlocutory order of a Designated Court.

(*3*) Every appeal under this section shall be preferred within a period of thirty days from the date of the judgment, sentence or order appealed from:

Provided that the Supreme Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of thirty days.

PART IV

MISCELLANEOUS

20. (*1*) Notwithstanding anything contained in the Code or any other law, every offence punishable under this Act or any rule made thereunder shall be deemed to be a cognizable offence within the meaning of clause (*c*) of section 2 of the Code, and "cognizable case" as defined in that clause shall be construed accordingly.

Modified application of certain provisions of the Code.

(*2*) Section 21 of the Code shall apply in relation to a case involving an offence punishable under this Act or any rule made thereunder, subject to the modification that the reference to "the State Government" therein shall be construed as a reference to "the Central Government or the State Government".

(*3*) Section 164 of the Code shall apply in relation to a case involving an offence punishable under this Act or any rule made thereunder, subject to the modification that the reference in sub-section (*1*) thereof to "Metropolitan Magistrate or Judicial Magistrate" shall be construed as a reference to "Metropolitan Magistrate, Judicial Magistrate, Executive Magistrate or Special Executive Magistrate".

(*4*) Section 167 of the Code shall apply in relation to a case involving an offence punishable under this Act or any rule made thereunder subject to the modifications that—

(*a*) the reference in sub-section (*1*) thereof to "Judicial Magistrate" shall be construed as a reference to "Judicial Magistrate or Executive Magistrate or Special Executive Magistrate";

(*b*) the references in sub-section (*2*) thereof to "fifteen days", "ninety days" and "sixty days", wherever they occur, shall be cons-

trued as references to "sixty days", "one year" and "one year", respectively; and

(*c*) sub-section (*2A*) thereof shall be deemed to have been omitted.

(*5*) Section 268 of the Code shall apply in relation to a case involving an offence punishable under this Act or any rule made thereunder subject to the modifications that—

(*a*) the reference in sub-section (*1*) thereof—

(*i*) to "the State Government" shall be construed as a reference to "the Central Government or the State Government";

(*ii*) to "order of the State Government" shall be construed as a reference to "order of the Central Government or the State Government, as the case may be"; and

(*b*) the reference in sub-section (*2*) thereof, to "State Government" shall be construed as a reference to "Central Government or the State Government, as the case may be".

(*6*) Sections 366 to 371 and section 392 of the Code shall apply in relation to a case involving an offence triable by a Designated Court subject to the modifications that the references to "Court of Session" and "High Court", wherever occurring therein, shall be construed as references to "Designated Court" and "Supreme Court", respectively.

(*7*) Nothing in section 438 of the Code shall apply in relation to any case involving the arrest of any person on an accusation of having committed an offence punishable under this Act or any rule made thereunder.

(*8*) Notwithstanding anything contained in the Code, no person accused of an offence punishable under this Act or any rule made thereunder shall, if in custody, be released on bail or on his own bond unless—

(*a*) the Public Prosecutor has been given an opportunity to oppose the application for such release, and

(*b*) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(*9*) The limitations on granting of bail specified in sub-section (*8*) are in addition to the limitations under the Code or any other law for the time being in force on granting of bail.

Presumption as to offences under section 3.

21. (*1*) In a prosecution for an offence under sub-section (*1*) of section 3, if it is proved—

(*a*) that the arms or explosives or any other substances specified in section 3 were recovered from the possession of the accused and there is reason to believe that such arms or explosives or other

substances of a similar nature, were used in the commission of such offence; or

(*b*) that by the evidence of an expert the finger prints of the accused were found at the site of the offence or on anything including arms and vehicles used in connection with the commission of such offence; or

(*c*) that a confession has been made by a co-accused that the accused had committed the offence; or

(*d*) that the accused had made a confession of the offence to any person other than a police officer,

the Designated Court shall presume, unless the contrary is proved, that the accused had committed such offence.

(*2*) In a prosecution for an offence under sub-section (*3*) of section 3, if it is proved that the accused rendered any financial assistance to a person accused of, or reasonably suspected of, an offence under that section, the Designated Court shall presume, unless the contrary is proved, that such person has committed the offence under that sub-section.

Identification of accused.

22. Where a person has been declared a proclaimed offender in a terrorist case, the evidence regarding his identification by witnesses on the basis of his photograph shall have the same value as the evidence of a test identification parade.

Saving.

23. (*1*) Nothing in this Act shall affect the jurisdiction exercisable by, or the procedure applicable to, any court or other authority under any law relating to the naval, military or air forces or other armed forces of the Union.

(*2*) For the removal of doubts, it is hereby declared that for the purposes of any such law as is referred to in sub-section (*1*), a Designated Court shall be deemed to be a court of ordinary criminal justice.

Saving as to orders.

24. Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Act, a court shall, within the meaning of the Indian Evidence Act, 1972, presume that such order was so made by that authority.

1 of 1872.

Overriding effect.

25. The provisions of this Act or any rule made thereunder or any order made under any such rule shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

Protection of action taken under the Act.

26. No suit, prosecution or other legal proceeding shall lie against the Central Government or a State Government or any officer or authority of the Central Government or State Government or any other authority on whom powers have been conferred under this Act or any rules made thereunder, for anything which is in good faith done or purported to be done in pursuance of this Act or any rules made thereunder or any order issued under any such rule.

Power of the Supreme Court to make rules.

27. The Supreme Court may, by notification in the Official Gazette, make such rules, if any, as it may deem necessary for carrying out the provisions of this Act relating to Designated Courts.

Power to make rules.

28. (*1*) Without prejudice to the powers of the Supreme Court to make rules under section 27, 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 all or any of the following matters, namely:—

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

(*b*) the entry into, and search of,—

(*i*) any vehicle, vessel or aircraft; or

(*ii*) any place, whatsoever,

reasonably suspected of being used for committing the offences referred to in section 3 or section 4 or for manufacturing or storing anything for the commission of any such offence;

(*c*) conferring powers upon,—

(*i*) the Central Government;

(*ii*) a State Government;

(*iii*) an Administrator of a Union territory under article 239 of the Constitution;

(*iv*) an officer of the Central Government not lower in rank than that of a Joint Secretary; or

(*v*) an officer of a State Government not lower in rank than that of a District Magistrate,

to make general or special orders to prevent or cope with terrorist acts or disruptive activities;

(*d*) the arrest and trial of persons contravening any of the rules or any order made thereunder;

(*e*) the punishment of any person who contravenes or attempts to contravene or abets or attempts to abet the contravention of any rule or order made thereunder with imprisonment for a term which may extend to seven years or for a term which may not be less than six months but which may extend to seven years or with fine or with imprisonment as aforesaid and fine;

(*f*) providing for the seizure and detention of any property in respect of which such contravention, attempt or abetment as is referred to in clause (*e*) has been committed and for the adjudication of such seizure and detention, whether by any court or by any other authority.

29. 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 agrees 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.

Rules to be laid before Houses of Parliament.

Ord. 2 of 1987.

30. (*1*) The Terrorist and Disruptive Activities (Prevention) Ordinance, 1987, is hereby repealed.

Repeal and saving.

(*2*) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE ATOMIC ENERGY (AMENDMENT) ACT, 1987

No. 29 OF 1987

[*8th September*, 1987.]

An Act further to amend the Atomic Energy Act, 1962.

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

Short title.

1. This Act may be called the Atomic Energy (Amendment) Act, 1987.

Amendment of section 2.

2. In section 2 of the Atomic Energy Act, 1962 (hereinafter referred to as the principal Act), in sub-section (*1*), after clause (*b*), the following clause shall be inserted, namely:— 33 of 1962.

'(*bb*) "Government company" means a company in which not less than fifty-one per cent. of the paid up share capital is held by the Central Government.'.

Amendment of section 3.

3. In section 3 of the principal Act,—

(*i*) in clause (*a*), after the words "atomic energy", the words "either by itself or through any authority or corporation established by it or a Government company" shall be inserted;

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

"(*b*) to manufacture or otherwise produce any prescribed or radioactive substance and any articles which in its opinion are, or are likely to be, required for, or in connection with, the production, development or use of atomic energy or such research as aforesaid and to dispose of such prescribed or radioactive substance or any articles manufactured or otherwise produced;

(*bb*) (*i*) to buy or otherwise acquire, store and transport any prescribed or radioactive substance and any articles which in its opinion are, or are likely to be, required for, or in connection with, the production, development or use of atomic energy; and

(*ii*) to dispose of such prescribed or radioactive substance or any articles bought or otherwise acquired by it,

either by itself or through any authority or corporation established by it, or a Government company;";

(*iii*) in clause (*f*), after the words "all matters incidental thereto", the words "either by itself or through any authority or corporation established by it or a Government company" shall be inserted.

4. In sub-section (*1*) of section 22 of the principal Act,— Amendment of section 22.

(*i*) in clause (*a*), after the words "to operate", the words ", either by itself or through any authority or corporation established by it or a Government company," shall be inserted;

(*ii*) in clause (*b*), for the words "with the concurrence of", the words ", either by itself or through any authority or corporation established by it or a Government company, in consultation with" shall be substituted;

(*iii*) in clause (*c*), after the words "is situated,", the words "either by itself or through any authority or corporation established by it or a Government company" shall be inserted;

(*iv*) in the proviso, after the words "Central Government", the words "or such authority or corporation or Government company, as the case may be," shall be inserted.

5. In section 23 of the principal Act, after the words "in relation to any factory owned by the Central Government", the words "or any authority or corporation established by it or a Government company" shall be inserted. Amendment of section 23.

THE ALL-INDIA INSTITUTE OF MEDICAL SCIENCES AND THE POST-GRADUATE INSTITUTE OF MEDICAL EDUCATION AND RESEARCH, CHANDIGARH (AMENDMENT) ACT, 1987

No. 30 OF 1987

[*8th September*, 1987.]

S

An Act further to amend the All-India Institute of Medical Science Act, 1956 and the Post-Graduate Institute of Medical Education and Research, Chandigarh, Act, 1966.

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

Short title.

1. This Act may be called the All-India Institute of Medical Sciences and the Post-Graduate Institute of Medical Education and Research, Chandigarh (Amendment) Act, 1987.

Amendment of Act 25 of 1956.

2. In section 14 of the All-India Institute of Medical Sciences Act, 1956, clause (*m*) shall be re-lettered as clause (*o*) thereof, and before clause (*o*) as so re-lettered, the following clauses shall be inserted, namely:—

"(*m*) construct quarters for its staff and allot such quarters to the staff in accordance with such regulations as may be made in this behalf;

(*n*) borrow money, with the prior approval of the Central Government, on the security of the property of the Institute;".

Amendment of Act 51 of 1966.

3. In section 13 of the Post-Graduate Institute of Medical Education and Research, Chandigarh, Act, 1966, clause (*m*) shall be re-lettered as clause (*o*) thereof, and before clause (*o*) as so re-lettered the following clauses shall be inserted, namely:—

"(*m*) construct quarters for its staff and allot such quarters to the staff in accordance with such regulations as may be made in this behalf;

(*n*) borrow money, with the prior approval of the Central Government, on the security of the property of the Institute;".

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ACT, 1987

No. 31 OF 1987

[*8th September*, 1987.]

An Act further to amend the Representation of the People Act, 1950*

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

1. This Act may be called the Representation of the People (Amendment) Act, 1987. Short title.

43 of 1950. 2. In the Third Schedule to the Representation of the People Act, 1950 (hereinafter referred to as the principal Act), for entry No. 6 relating to Karnataka, the following entry shall be substituted, namely:— Amendment of Third Schedule.

"6. Karnataka 75 25 7 7 25 11".

3. In the Fourth Schedule to the principal Act, under the heading "KARNATAKA",— Amendment of Fourth Schedule.

(*a*) for the entry "2. Taluk Development Boards.", the entry "2. Mandal Panchayats." shall be substituted;

(*b*) for the entry "5. Town Panchayats.", the entry "5. Zilla Parishads." shall be substituted.

THE PUNJAB APPROPRIATION ACT, 1987

No. 32 OF 1987

[*8th September*, 1987.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Punjab for the services of the financial year 1987-88.

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

Short title.

1. This Act may be called the Punjab Appropriation Act, 1987.

Issue of Rs. 91,63,78,000 from and out of the Consolidated Fund of the State of Punjab for the year 1987-88.

2. From and out of the Consolidated Fund of the State of Punjab 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 ninety-one crores, sixty-three lakhs and seventy-eight thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1987-88, in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Punjab 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	2	3		
No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund of the State of Punjab	Total
		Rs.	Rs.	Rs.
4	Industries . . . . Revenue	..	2,49,000	3,49,000
20	Planning . . . . Revenue	..	29,000	29,000
22	Revenue and Rehabilitation . Revenue	91,60,00,000	..	91,60,00,000
	TOTAL	91,60,00,000	3,78,000	91,63,78,000

THE APPROPRIATION (No. 4) ACT, 1987

No. 33 OF 1987

[*8th September*, 1987.]

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 1987-88.

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

Short title.

1. This Act may be called the Appropriation (No. 4) Act, 1987.

Issue of Rs. 687, 77,00,000 out of the Consolidated Fund of India for the year 1987-88.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of six hundred and eighty-seven crores and seventy-seven lakhs rupees towards defraying the several charges which will come in course of payment during the financial year 1987-88, in respect of the services specified in column 2 of the Schedule.

Appropriation.

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

THE SCHEDULE

(*See* sections 2 and 3)

1	2		3		
No. of Vote	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
2	Other Services of Department of Agriculture and Co-operation . .	Revenue	..	*1,00,000*	1,00,000
		Capital	..	*50,00,000*	50,00,000
7	Department of Supply .	Revenue	..	*1,200,000*	12,00,000
10	Telecommunication Services . . .	Capital	1,00,000	..	1,00,000
18	Department of Power .	Revenue	1,00,000	..	1,00,000
21	Ministry of External Affairs . . .	Revenue	18,38,00,000	..	18,38,00,000
22	Department of Economic Affairs . .	Revenue	9,00,000	..	9,00,000
		Capital	121,54,00,000	..	121,54,00,000
23	Currency, Coinage and Stamps . . .	Revenue	..	*5,00,000*	5,00,000
24	Payments to Financial Institutions . .	Capital	153,14,00,000	..	153,14,00,000
27	Transfers to State Governments . .	Revenue	100,68,00,000	..	100,68,00,000
		Capital	..	*216,56,00,000*	216,56,00,000
40	Cabinet . . .	Revenue	4,00,00,000	..	4,00,00,000
42	Other Expenditure of the Ministry of Home Affairs . . .	Revenue	5,00,00,000	..	5,00,00,000
44	Department of Education	Revenue	1,00,000	..	1,00,000
46	Art and Culture .	Revenue	5,00,00,000	..	5,00,00,000
49	Department of Company Affairs . .	Revenue	..	*1,19,00,000*	1,19,00,000
52	Ministry of Information and Broadcasting .	Revenue	..	*2,00,000*	2,00,000
53	Broadcasting Services .	Revenue	78,00,000	..	78,00,000
55	Law and Justice .	Revenue	..	*2,50,00,000*	2,50,00,000
58	Ministry of Petroleum and Natural Gas .	Revenue	52,97,00,000	..	52,97,00,000
		Capital	1,18,00,000	..	1,18,00,000

1	2		3		
No. of Vote	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
64	Department of Biotechnology . .	Capital	2,00,00,000	..	2,00,00,000
66	Department of Mines .	Revenue	2,00,000	..	2,00,000
69	Surface Transport .	Revenue	1,00,000	..	1,00,000
77	Ministry of Welfare .	Revenue	2,00,00,000	..	2,00,00,000
	TOTAL . . .		466,82,00,000	*220,95,00,000*	687,77,00,000

THE NAVY (AMENDMENT) ACT, 1987

No. 34 OF 1987

[*9th September*, 1987.]

An Act further to amend the Navy Act, 1957.

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

Short title.

1. This Act may be called the Navy (Amendment) Act, 1987.

Amendment of section 11.

62 of 1957.

2. In section 11 of the Navy Act, 1957, in sub-section (2), for the words "fifteen years", at both the places where they occur, the words "twenty years" shall be substituted.

THE EXPENDITURE-TAX ACT, 1987

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title, extent and commencement.
2. Definitions.
3. Application of the Act.
4. Charge of expenditure-tax.
5. Meaning of chargeable expenditure.
6. Tax authorities.
7. Collection and recovery of expenditure-tax.
8. Person responsible for collecting tax to furnish prescribed return.
9. Assessment.
10. Best judgment assessment.
11. Chargeable expenditure escaping assessment.
12. Rectification of mistake.
13. Time limit for completion of assessment and reassessment.
14. Interest on delayed payment of expenditure-tax.
15. Penalty for failure to collect or pay expenditure-tax.
16. Penalty for failure to furnish prescribed return.
17. Penalty for concealment of chargeable expenditure.
18. Penalty for failure to comply with notice.
19. Penalty not to be imposed in certain cases.
20. Notice of demand.
21. Revision of orders by the Commissioner.
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24. Application of provisions of Income-tax Act.
25. Wilful attempt to evade tax, etc.
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27. False statement in verification, etc.
28. Abetment of false return, etc.
29. Certain offences to be non-cognizable.
30. Institution of proceedings and composition of offences.
31. Power to make rules.
32. Power to remove difficulties.
33. Consequential amendments.

THE EXPENDITURE-TAX ACT, 1987

No. 35 OF 1987

[14*th September*, 1987.]

An Act to provide for the levy of a tax on expenditure incurred in certain hotels.

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

Short title, extent and commencement.

1. (*1*) This Act may be called the Expenditure-tax Act, 1987.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

(*3*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

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

(*1*) "assessee" means a person responsible for collecting the expenditure-tax payable under the provisions of this Act;

(*2*) "assessment year" means the period of twelve months commencing on the 1st day of April every year;

54 of 1963.

(*3*) "Board" means the Central Board of Direct Taxes constituted under the Central Boards of Revenue Act, 1963;

(*4*) "chargeable expenditure" means the expenditure referred to in section 5;

(*5*) "expenditure-tax" or "tax" means the tax chargeable under the provisions of this Act;

(*6*) "hotel" includes a building or part of a building where residential accommodation is, by way of business, provided for a monetary consideration;

43 of 1961

(*7*) "Income-tax Act" means the Income-tax Act, 1961;

(*8*) "person responsible for collecting" means a person who is required to collect tax under this Act or is required to pay any other sum of money under this Act and includes—

(*a*) every person in respect of whom any proceedings under this Act have been taken, and

[1] 1-11-1987 *vide* Notification No. S.O. 919 (E) dated 14-10-1987.

(*b*) every person who is deemed to be an assessee-in-default under any provision of this Act;

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

(*10*) "room charges" means the charges for a unit of residential accommodation in a hotel and includes the charges for—

(*a*) furniture, air-conditioner, refrigerator, radio, music, telephone, television, and

(*b*) such other services as are normally included by a hotel in room rent,

but does not include charges for food, drinks and any services other than those referred to in sub-clauses (*a*) and (*b*);

(*11*) all other words and expressions used herein but not defined and defined in the Income-tax Act shall have the meanings respectively assigned to them in that Act.

Application of the Act,

3. (*1*) Subject to the provisions of sub-section (*2*) and sub-section (*3*), this Act shall apply in relation to any chargeable expenditure incurred in a hotel wherein, the room charges for any unit of residential accommodation at the time of the incurring of such expenditure are four hundred rupees or more per day per individual.

(*2*) Where a composite charge is payable in respect of residential accommodation and food, the room charges included therein shall be determined in the prescribed manner.

(*3*) Where—

(*i*) a composite charge is payable in respect of residential accommodation, food, drinks and other services, or any of them, and the case is not covered by the provisions of sub-section (*2*), or

(*ii*) it appears to the Income-tax Officer that the charges for residential accommodation, food, drinks or other services are so arranged that the room charges are understated and the other charges are overstated,

the Income-tax Officer shall, for the purposes of sub-section (*1*), determine the room charges on such reasonable basis as he may deem fit.

Charge of expenditure-tax.

4. Subject to the provisions of this Act, there shall be charged on and from the commencement of this Act, a tax at the rate of ten per cent. of the chargeable expenditure.

Meaning of chargeable expenditure.

5. For the purposes of this Act, chargeable expenditure means any expenditure incurred in, or payments made to, a hotel to which this Act applies, in connection with the provision of,—

(*a*) any accommodation, residential or otherwise; or

(*b*) food or drink by the hotel, whether at the hotel or outside, or by any other person at the hotel; or

(*c*) any accommodation in such hotel on hire or lease; or

(*d*) any other services at the hotel, either by the hotel or by any other person, by way of beauty parlour, health club, swimming pool or other similar services,

but does not include—

(*i*) any expenditure which is incurred, or the payment for which is made, in foreign exchange;

(*ii*) any expenditure incurred by persons within the purview of the Vienna Convention on Diplomatic Relations, 1961, or the Vienna Convention on Consular Relations, 1963;

(*iii*) any expenditure incurred in any shop or in any office which is not owned or managed by the person who carries on the business of a hotel;

(*iv*) any expenditure by way of any tax, including tax under this Act.

Explanation.—For the purposes of this section,—

(*a*) expenditure incurred or any payment made in Indian currency obtained by conversion of foreign exchange into Indian currency shall in such cases and in such circumstances as may be prescribed be deemed to have been incurred or, as the case may be, made in foreign exchange; and

(*b*) "foreign exchange" and "Indian currency" shall have the meanings respectively assigned to them in clauses (*h*) and (*k*) of section 2 of the Foreign Exchange Regulation Act, 1973.

46 of 1973.

Tax authorities.

6. (*1*) Every Director of Inspection, Commissioner of Income-tax, Commissioner of Income-tax (Appeals), Inspecting Assistant Commissioner of Income-tax, Income-tax Officer and Inspector of Income-tax shall have the like powers and perform the like functions under this Act as he has and performs under the Income-tax Act, and for the exercise of his powers and the performance of his functions, his jurisdiction under this Act shall be the same as he has under the Income-tax Act.

(*2*) All officers and persons employed in the execution of this Act shall observe and follow the orders, instructions and directions of the Board:

Provided that no such orders, instructions or directions shall be issued—

(*a*) so as to require any tax authority to make a particular assessment or to dispose of a particular case in a particular manner; or

(*b*) so as to interfere with the discretion of the Commissioner (Appeals) in the exercise of his appellate functions.

(*3*) Every Income-tax Officer employed in the execution of this Act shall observe and follow the orders, instructions and directions issued for his guidance by the Director of Inspection or by the Commissioner

or by the Inspecting Assistant Commissioner within whose jurisdiction he performs his functions.

Collection and recovery of expenditure-tax.

7. (*1*) Where any chargeable expenditure is incurred in a hotel to which this Act applies,—

(*i*) if such expenditure relates to any of the services, specified in clauses (*a*) to (*d*) of section 5, provided by the hotel, the person who carries on the business of such hotel; and

(*ii*) if such expenditure relates to any of the services, specified in clause (*b*) or clause (*d*) of section 5, provided by the other person referred to therein, such other person,

shall collect the expenditure-tax at the rate specified in section 4.

(*2*) The tax collected during any calendar month in accordance with the provisions of sub-section (*1*) shall be paid to the credit of the Central Government by the 10th day of the month immediately following the said calendar month.

(*3*) Any person responsible for collecting the tax who fails to collect the tax in accordance with the provisions of sub-section (*1*) shall, notwithstanding such failure, be liable to pay the tax to the credit of the Central Government in accordance with the provisions of sub-section (*2*).

Person responsible for collecting tax to furnish prescribed return.

8. (*1*) Every person responsible for collecting the tax shall before the expiry of four months from the 31st day of March in each year, furnish or cause to be furnished to the Income-tax Officer in the prescribed form and verified in the prescribed manner, a return in respect of the immediately preceding financial year showing—

(*a*) the aggregate of the payments received in respect of chargeable expenditure;

(*b*) the amount of the tax collected;

(*c*) the amount of the tax paid to the credit of the Central Government; and

(*d*) such other particulars as may be prescribed.

(*2*) In the case of any person who, in the opinion of the Income-tax Officer, is responsible for collecting tax under this Act and who has not furnished a return under sub-section (*1*), the Income-tax Officer may, before the expiry of the financial year in which the return is to be furnished, issue a notice to him and serve the same upon him, requiring him to furnish within thirty days from the date of service of the notice the return in the prescribed form and verified in the prescribed manner setting forth such other particulars as may be prescribed.

(*3*) Any person responsible for collecting the tax who has not furnished the return within the time allowed under sub-section (*1*) or sub-section (*2*), or having furnished a return under sub-section (*1*) or sub-section (*2*) discovers any omission or wrong statement therein, may furnish a return or a revised return, as the case may be, at any time before the assessment is made.

Assessment.

9. (*1*) For the purpose of making an assessment under this Act, the Income-tax Officer may serve on any person who has furnished a return under section 8 or upon whom a notice has been served under sub-section (*2*) of section 8 (whether a return has been furnished or not) a notice requiring him on a date therein to be specified, to produce or cause to be produced such accounts or documents or other evidence as the Income-tax Officer may require for the purposes of this Act and may, from time to time, serve further notices requiring the production of such further accounts or documents or other evidence as he may require.

(*2*) The Income-tax Officer, after considering such accounts, documents or other evidence, if any, as he has obtained under sub-section (*1*) and after taking into account any relevant material which he has gathered, shall, by an order in writing, assess the chargeable expenditure and the amount of tax payable on the basis of such assessment.

Best judgment assessment.

10. If—

(*a*) any person fails to make the return required by any notice given under sub-section (*2*) of section 8 and has not made a return or a revised return under sub-section (*3*) of that section, or

(*b*) any person having made a return fails to comply with all the terms of a notice issued under sub-section (*1*) of section 9, or

(*c*) the Income-tax Officer is not satisfied with the correctness or the completeness of the accounts of the assessee,

the Income-tax Officer, after taking into account all the relevant material which he has gathered, shall, by an order in writing, make the assessment of the chargeable expenditure to the best of his judgment and determine the sum payable by the assessee or refundable to the assessee on the basis of such assessment.

Chargeable expenditure escaping assessment.

11. If—

(*a*) the Income-tax Officer has reason to believe that by reason of omission or failure on the part of the assessee to make a return under section 8 for any assessment year or to disclose wholly and truly all material facts necessary for his assessment for any assessment year, chargeable expenditure for that year has escaped assessment or has been under-assessed, or

(*b*) notwithstanding that there has been no omission or failure as mentioned in clause (*a*) on the part of the assessee, the Income-tax Officer has, in consequence of information in his possession, reason to believe that chargeable expenditure assessable in any assessment year has escaped assessment or has been under-assessed,

he may, in cases falling under clause (*a*), at any time, and in cases falling under clause (*b*), at any time within four years from the end of that assessment year, serve on the assessee a notice containing all or any of the requirements which may be included in a notice under section 8 and may proceed to assess or reassess the chargeable expenditure, and the provisions of this Act shall, so far as may be, apply, as if the notice was a notice issued under that section.

Rectification of mistake.

12. (1) With a view to rectifying any mistake apparent from the record, the tax authority referred to in section 6 which passed any order under the provisions of this Act may, within four years of the date on which such order was passed, amend the order.

(2) Where any matter has been considered and decided in any proceeding by way of appeal or revision relating to an order referred to in sub-section (1), the authority passing such order may, notwithstanding anything contained in any law for the time being in force, amend the order under that sub-section in relation to any matter other than the matter which has been so considered and decided.

(3) Subject to the other provisions of this section, the authority concerned—

(a) may make an amendment under sub-section (1) of its own motion, and

(b) shall make such amendment if any mistake is brought to its notice,—

(i) by the assessee; or

(ii) where the authority concerned is the Commissioner (Appeals), by the Income-tax Officer.

(4) An amendment, which has the effect of enhancing an assessment or reducing a refund or otherwise increasing the liability of the assessee, shall not be made under this section unless the authority concerned has given notice to the assessee of its intention so to do and has allowed the assessee a reasonable opportunity of being heard.

(5) Where an amendment is made under this section, an order shall be passed in writing by the tax authority concerned.

(6) Subject to the other provisions of this Act, where any such amendment has the effect of reducing the assessment, the Income-tax Officer shall make any refund which may be due to such assessee.

(7) Where any such amendment has the effect of enhancing the assessment or reducing the refund already made, the Income-tax Officer shall serve on the assessee a notice of demand in the prescribed form specifying the sum payable and such notice of demand shall be deemed to be issued under section 20 and the provisions of this Act shall apply accordingly.

Time limit for completion of assessment and reassessment.

13. (1) No order of assessment shall be made under section 9 or section 10 at any time after the expiration of a period of four years from the end of the assessment year in which the chargeable expenditure was first assessable, or one year from the date of the filing of the return or revised return under section 8, whichever is later.

(2) No order of assessment or reassessment shall be made under section 11,—

(a) where the assessment or reassessment is to be made in a case falling within clause (a) of section 11 for which a notice has been served upon the assessee, at any time after the expiration of a period of four years from the end of the assessment year in which the said notice was served;

(*b*) where the assessment or reassessment is to be made in a case falling within clause (*b*) of section 11, for which a notice has been served, after the expiration of a period of—

(*i*) four years from the end of the assessment year in which the chargeable expenditure was first assessable, or

(*ii*) one year from the date of service of such notice,

whichever is later.

(*3*) Notwithstanding anything contained in sub-sections (*1*) and (*2*), an order of fresh assessment in pursuance of an order passed under section 21, section 22 or section 23, setting aside or cancelling an assessment, may be made at any time before the expiry of four years from the end of the financial year in which the order under section 21 is passed by the Commissioner, or, as the case may be, the order under section 22 or section 23 is received by the Commissioner.

(*4*) The provisions of sub-sections (*1*) and (*2*) shall not apply to the assessment or reassessment made in consequence of, or to give effect to, any finding or direction contained in an order under section 21, section 22, section 23 or any order of a High Court or Supreme Court in a proceeding by way of reference or appeal under this Act or any order of any court in a proceeding otherwise than by way of an appeal or reference under this Act and such assessment or reassessment may, subject to the provisions of sub-section (*3*), be completed at any time.

Explanation.—In computing the period of limitation for the purposes of this section, the period during which the assessment proceeding is stayed by an order or injunction of any court shall be excluded.

Interest on delayed payment of expenditure-tax.

14. Every person responsible for collecting expenditure-tax and paying it to the credit of the Central Government in accordance with the provisions of section 7, who fails to credit the tax to the account of the Central Government within the period specified in that section, shall pay simple interest at the rate of one and one half per cent. for every month or part of a month by which such crediting of tax is delayed.

Penalty for failure to collect or pay expenditure-tax.

15. Any person responsible for collecting expenditure-tax in accordance with the provisions of sub-section (*1*) of section 7, who—

(*a*) fails to collect such tax; or

(*b*) having collected the tax, fails to pay such tax to the credit of the Central Government in accordance with the provisions of sub-section (*2*) of that section,

shall pay,—

(*i*) in the case referred to in clause (*a*), in addition to paying tax in accordance with the provisions of sub-section (*3*) of that section, by way of penalty, a sum equal to the amount of tax that he failed to collect; and

(*ii*) in the case referred to in clause (*b*), in addition to paying interest in accordance with the provisions of section 14, by way of penalty, a sum which shall not be less than one hundred rupees, but

which may extend to two hundred rupees for every day during which the failure continues.

Penalty for failure to furnish prescribed return.

16. If a person fails to furnish in due time the return which he is required to furnish under sub-section (*1*) of section 8 or by notice given under sub-section (*2*) of that section, he shall pay, by way of penalty, a sum which shall not be less than one hundred rupees, but which may extend to two hundred rupees for every day during which the failure continues.

Penalty for concealment of chargeable expenditure.

17. If the Income-tax Officer or the Commissioner (Appeals) in the course of any proceedings under this Act is satisfied that any person has concealed particulars of chargeable expenditure or has furnished inaccurate particulars of such chargeable expenditure, he may direct that such person shall pay by way of penalty, in addition to any expenditure-tax payable by him, a sum which shall not be less than, but which shall not exceed twice, the amount of tax sought to be evaded by reason of concealment of particulars of chargeable expenditure or the furnishing of inaccurate particulars of such chargeable expenditure:

Provided that if the amount of chargeable expenditure (as determined by the Income-tax Officer on assessment) in respect of which particulars have been concealed or inaccurate particulars have been furnished exceeds a sum of twenty-five thousand rupees, the Income-tax Officer shall not issue any direction for payment by way of penalty without the previous approval of the Inspecting Assistant Commissioner.

Penalty for failure to comply with notice.

18. If the Income-tax Officer in the course of any proceedings under this Act is satisfied that any person has failed to comply with a notice under sub-section (*1*) of section 9, he may direct that such person shall pay, by way of penalty, in addition to any tax payable by him, a sum which shall not be less than ten per cent. but which shall not exceed fifty per cent. of the amount of the tax, if any, which would have been avoided if the chargeable expenditure returned by such person had been accepted as the correct chargeable expenditure.

Penalty not to be imposed in certain cases.

19. Notwithstanding anything contained in the provisions of section 15, section 16, section 17 or section 18, no penalty shall be imposable on the assessee for any failure referred to in the said provisions if he proves that there was reasonable cause for the said failure.

Notice of demand.

20. When any tax, interest, penalty or any other sum is payable under this Act, the Income-tax Officer shall serve upon the assessee a notice of demand in the prescribed form, specifying the sum so payable and the amount of chargeable expenditure in relation to which such sum is payable.

Revision of orders by the Commissioner.

21. (*1*) The Commissioner may, either of his own motion or on application by the assessee for revision, call for the record of a proceeding under this Act which has been taken by the Income-tax Officer subordinate to him and may make such enquiry or cause such enquiry to be made and, subject to the provisions of this Act, may pass such order thereon as he thinks fit.

(*2*) No order which is prejudicial to the assessee shall be passed under this section unless the assessee has been given an opportunity of being heard.

(3) No order under this section shall be passed by the Commissioner, if an appeal against the notice of demand issued by the Income-tax Officer under section 20 is pending before the Commissioner (Appeals).

(4) No order under this section shall be passed after the expiry of two years from the end of the financial year in which the order sought to be reviewed has been passed.

Appeals to the Commissioner (Appeals).

22. (1) Any person objecting to the amount of expenditure-tax for which he is assessed by the Income-tax Officer, or denying his liability to be assessed under this Act, or objecting to an order levying penalty under this Act, may appeal to the Commissioner (Appeals).

(2) Every appeal shall be in the prescribed form and shall be verified in the prescribed manner.

(3) An appeal shall be presented within thirty days of the receipt of the notice of demand relating to tax, interest or penalty under this Act:

Provided that the Commissioner (Appeals) may admit an appeal after the expiration of the said period if he is satisfied that the appellant had sufficient cause for not presenting it within that period.

(4) The Commissioner (Appeals) shall hear and determine the appeal and, subject to the provisions of this Act, pass such orders as he thinks fit and such orders may include an order enhancing the assessment or penalty:

Provided that an order enhancing the assessment or penalty shall not be made unless the person affected thereby has been given a reasonable opportunity of showing cause against such enhancement.

(5) The procedure to be adopted in the hearing and determination of the appeals shall, with any necessary modification, be in accordance with the procedure applicable in relation to income-tax.

Appeals to Appellate Tribunal.

23. (1) Any assessee aggrieved by an order passed by a Commissioner under section 21, or an order passed by a Commissioner (Appeals) under any provision of this Act, may appeal to the Appellate Tribunal against such order.

(2) The Commissioner may, if he objects to any order passed by the Commissioner (Appeals) under any provision of this Act, direct the Income-tax Officer to appeal to the Appellate Tribunal against the order.

(3) Every appeal under sub-section (1) or sub-section (2) shall be filed within sixty days of the date on which the order sought to be appealed against is communicated to the assessee or to the Commissioner, as the case may be.

(4) The Income-tax Officer or the assessee, as the case may be, on receipt of a notice that an appeal against the order of the Commissioner (Appeals) has been preferred under sub-section (1) or sub-section (2) by the other party may, notwithstanding that he may not have appealed against such order or any part thereof, within thirty days of the receipt of the notice, file a memorandum of cross-objections, verified in the prescribed manner, against any part of the order of the Commissioner (Appeals), and such memorandum shall be disposed of by the Appellate

Tribunal as if it were an appeal presented within the time specified in sub-section (3).

(5) The Appellate Tribunal may admit an appeal or permit the filing of a memorandum of cross-objections after the expiry of the relevant period referred to in sub-section (3) or sub-section (4), if it is satisfied that there was sufficient cause for not presenting it within that period.

(6) An appeal to the Appellate Tribunal shall be in the prescribed form and shall be verified in the prescribed manner and shall, except in the case of an appeal referred to in sub-section (2) or a memorandum of cross-objections referred to in sub-section (4), be accompanied by a fee of two hundred rupees.

(7) Subject to the provisions of this Act, in hearing and making an order on any appeal under this section, the Appellate Tribunal shall exercise the same powers and follow the same procedure as it exercises and follows in hearing and making an order on any appeal under the Income-tax Act.

Application of provisions of Income-tax Act.

24. The provisions of the following sections and Schedules of the Income-tax Act and the Income-tax (Certificate Proceedings) Rules, 1962, as in force from time to time, shall apply with necessary modifications as if the said provisions and the rules referred to expenditure-tax instead of to income-tax:—

2(43B) and (44), 118, 125, 125A, 128 to 136 (both inclusive), 138, 140, 144A, 159 to 163 (both inclusive), 166, 167, 170, 171, 173 to 179 (both inclusive), 187, 188, 189, 220 to 227 (both inclusive), 229, 231, 232, 237 to 245 (both inclusive), 254 to 262 (both inclusive), 265, 266, 268, 269, 278B, 278C, 278D, 278E, 281, 281B, 282, 283, 284, 287, 288, 288A, 288B, 289 to 293 (both inclusive), the Second Schedule and the Third Schedule:

Provided that references in the said provisions and rules to the "assessee" shall be construed as references to an assessee as defined in this Act.

Wilful attempt to evade tax, etc.

25. If a person wilfully attempts in any manner whatsoever to evade collection or payment of any tax, penalty or interest chargeable or imposable under this Act, or to understate the aggregate of the chargeable expenditure, he shall, without prejudice to any penalty that may be imposable on him under any other provision of this Act, be punishable with rigorous imprisonment for a term which shall not be less than three months but which may extend to seven years and with fine.

Explanation.—For the purposes of this section, a wilful attempt to evade collection or payment of any tax, penalty or interest chargeable or imposable under this Act shall include a case where any person—

(*i*) has in his possession or control any books of account or other documents (being books of account or other documents relevant to any proceeding under this Act) containing a false entry or statement; or

(*ii*) makes or causes to be made any false entry or statement in such books of account or other documents; or

(*iii*) wilfully omits or causes to be omitted any relevant entry or statement in such books of account or other documents; or

(*iv*) causes any other circumstances to exist which will have the effect of enabling such person to evade collection or payment of any tax, penalty or interest chargeable or imposable under this Act.

Failure to furnish prescribed returns.

26. If a person fails to furnish in due time the return which he is required to furnish under sub-section (*1*) of section 8 or by a notice given under sub-section (*2*) of that section, he shall, without prejudice to any penalty that may be imposable on him under any other provision of this Act, be punishable with rigorous imprisonment for a term which shall not be less than three months but which may extend to seven years and with fine.

False statement in verification, etc.

27. If a person makes a statement in any verification under this Act or any rule made thereunder, or delivers an account or statement which is false, and which he either knows or believes to be false, or does not believe to be true, he shall be punishable with rigorous imprisonment for a term which shall not be less than three months but which may extend to seven years and with fine.

Abetment of false return, etc.

28. If a person abets or induces in any manner another person to make and deliver an account or a statement or declaration relating to any chargeable expenditure which is false and which he either knows to be false or does not believe to be true or to commit an offence under section 25, he shall be punishable with rigorous imprisonment for a term which shall not be less than three months but which may extend to seven years and with fine.

Certain offences to be non-cognizable.

29. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under section 25 or section 26 or section 27 or section 28 shall be deemed to be non-cognizable within the meaning of that Code.

2 of 1974.

Institution of proceedings and composition of offences.

30. (*1*) A person shall not be proceeded against for any offence under section 25 or section 26 or section 27 or section 28, except with the previous sanction of the Commissioner:

Provided that no such sanction shall be required where the complainant before the court is a Commissioner (Appeals).

(*2*) The Commissioner may, either before or after the institution of proceedings, compound any offence punishable under section 25 or section 26 or section 27 or section 28.

Power to make rules.

31. (*1*) The Board may, subject to the control of the Central Government, 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 manner in which the room charges may be determined under sub-section (*2*) of section 3 in cases where composite charges are payable in respect of residential accommodation and food;

(*b*) the cases and the circumstances in which payments made in Indian, currency by conversion of foreign exchange into Indian currency shall be deemed to have been made in foreign exchange for the purposes of clause (*a*) of the *Explanation* to section 5;

(*c*) the form in which returns under section 8 may be furnished, the manner in which they may be verified and the other particulars which a form may contain;

(*d*) the form in which a notice of demand may be served on the assessee under sub-section (*7*) of section 12;

(*e*) the form in which appeals under section 22 or under sub-section (*6*) of section 23 may be filed and the manner in which they may be verified;

(*f*) the manner in which a memorandum of cross-objections under sub-section (*4*) of section 23 may be verified;

(*g*) any other matter which by this Act is to be or may be prescribed.

(*3*) The power to make rules conferred by this section shall on the first occasion of the exercise thereof include the power to give retrospective effect to the rules or any of them from a date not earlier than the date of commencement of this Act.

(*4*) The Central Government shall cause every rule made under this section to be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the 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.

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:

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

Consequential amendments.

33. (*1*) In section 2 of the Central Boards of Revenue Act, 1963, in sub-clause (*1*) of clause (*c*),— 54 of 1963.

(*a*) in item (*viii*), the word "and" occurring at the end shall be omitted;

(*b*) after item (*viii*) as so amended, the following item shall be inserted, namely:—

"(*ix*) the Expenditure-tax Act, 1987; and".

(*2*) In the Economic Offences (Inapplicability of Limitation) Act, 1974, in the Schedule, after entry 2B relating to the Hotel-Receipts Tax Act, 1980, the following entry shall be inserted, namely:— 12 of 1974. 54 of 1980

"2C. The Expenditure-tax Act, 1987,".

THE BRENTFORD ELECTRIC (INDIA) LIMITED (ACQUISITION AND TRANSFER OF UNDERTAKINGS) ACT, 1987

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THE SCHEDULE.

THE BRENTFORD ELECTRIC (INDIA) LIMITED (ACQUISITION AND TRANSFER OF UNDERTAKINGS) ACT, 1987

No. 36 of 1987

[15*th September*, 1987.]

An Act to provide for the acquisition and transfer of the undertakings of the Brentford Electric (India) 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 continued manufacture and production of electrical equipments which are essential to the needs of the economy of the country and for matters connected therewith or incidental thereto.

WHEREAS the Brentford Electric (India) 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, electrical equipments;

65 of 1951.

AND WHEREAS the management of the undertakings of the Brentford Electric (India) Limited was taken over by the Central Government under section 18AA of the Industries (Development and Regulation) Act, 1951;

65 of 1951.

AND WHEREAS it is necessary to acquire the undertakings of the Brentford Electric (India) Limited to ensure that the interests of the general public are served by the continuance, by the undertakings of the Company, of the manufacture and production of the aforesaid articles, which are essential to the needs of the economy of the country;

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

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (1) This Act may be called the Brentford Electric (India) Limited (Acquisition and Transfer of Undertakings) Act, 1987.

(2) The provisions of sections 26 and 27 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 April, 1986.

Definitions.

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

(a) "Andrew Yule" means the Andrew Yule and Company Limited, Calcutta, a company formed and registered under the Companies Act, 1956;

1 of 1956.

(*b*) "appointed day" means the 1st day of April, 1986;

(*c*) "Commissioner" means the Commissioner of Payments appointed under section 14;

(*d*) "Company" means the Brentford Electric (India) Limited, a company within the meaning of the Companies Act, 1956, and having its registered office at 8, Clive Row, Calcutta, in the State of West Bengal; 1 of 1956.

(*e*) "notification" means a notification published in the Official Gazette;

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

(*g*) "specified date", in relation to any provision of this Act, means such date as the Central Government may, by notification, specify for the purposes of that provision and different dates may be specified for different provisions of this Act;

(*h*) words and expressions used herein and not defined but defined in the Companies Act, 1956, shall have the meanings respectively assigned to them in that Act. 1 of 1956.

CHAPTER II

ACQUISITION AND TRANSFER OF THE UNDERTAKINGS OF THE COMPANY

Transfer to, and vesting in, the Central Government of the undertakings of the Company.

3. On the appointed day, the undertakings of the Company, and the right, title and interest of the Company in relation to its undertakings, shall, by virtue of this Act, stand transferred to, and vest in, the Central Government.

General effect of vesting.

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, records and all 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, decree or order of any court, tribunal or other authority restricting the use of such properties in any manner shall be deemed to have been withdrawn.

(*3*) Every mortgagee of any property which has vested under this Act in the Central Government and every person holding any charge, lien or

other interest in, or in relation to, any such property, shall give, within such time and in such manner as may be prescribed, an intimation to the Commissioner of such mortgage, charge, lien or other interest.

(4) For the removal of doubts, it is hereby declared that the mortgagee of any property referred to in sub-section (3) or any other person holding any charge, lien or other interest in, or in relation to, any such property shall be entitled to claim, in accordance with his rights and interests, payment of the mortgage money or other dues, in whole or in part, out of the amount specified in section 7 and also out of the 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 Andrew Yule, that Company shall be deemed to be substituted in such licence or other instrument as if such licence or other instrument had been granted to Andrew Yule and that Company shall hold it for the remainder of the period for which the Company would have held it under the terms thereof.

(6) If, on the appointed day, any suit, appeal or other proceeding of whatever nature in relation to any property which has vested in the Central Government under section 3, instituted or preferred by or against the Company is pending, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of the transfer of the undertakings of the Company or of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted or enforced by or against the Central Government or where the undertakings of the Company are directed, under section 6, to vest in Andrew Yule, by or against Andrew Yule.

Company to be liable for certain prior liabilities.

5. (1) Every liability of the Company, other than the liabilities specified in sub-section (2), in respect of any period prior to the appointed day, shall be the liability of the Company and shall be enforceable against it and not against the Central Government, or, where the undertakings of the Company are directed, under section 6, to vest in Andrew Yule, against Andrew Yule.

(2) Any liability arising in respect of advances made to the Company for the supply of articles, or in respect of materials supplied to the Company, after the management of the undertakings of the Company had been taken over by the Central Government shall, on and from the appointed day, be the liability of the Central Government or of Andrew Yule, as the case may be, and shall be discharged by that Government or Andrew Yule, as and when payment for such advances or supplies becomes 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 provision of this Act, no liability of the Company, in

respect of any period prior to the appointed day, shall be enforceable against the Central Government, or where the undertakings of the Company are directed, under section 6, to vest in Andrew Yule, against Andrew Yule;

(b) no award, decree or order of any court, tribunal or other authority in relation to the undertakings of the Company, passed after the appointed day in respect of any matter, claim or dispute, which arose before that day, shall be enforceable against the Central Government or where the undertakings of the Company are directed, under section 6, to vest in Andrew Yule, against Andrew Yule;

(c) no liability incurred by the Company before the appointed day for the contravention of 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 Andrew Yule, against Andrew Yule.

Power of Central Government to direct vesting of the undertakings of the Company in Andrew Yule.

6. (1) Notwithstanding anything contained in sections 3 and 4, the Central Government may, subject to such terms and conditions as it may think fit to impose, direct, by notification, that the undertakings of the Company, and the right, title and interest of the Company in relation to its undertakings, which have vested in the Central Government under section 3, shall, instead of continuing to vest in the Central Government, vest in Andrew Yule, either on the date of the notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification.

(2) Where the right, title and interest, and the liabilities referred to in sub-section (2) of section 5, of the Company in relation to its undertakings vest in Andrew Yule under sub-section (1), Andrew Yule shall, on and from the date of such vesting, be deemed to have become the owner in relation to such undertakings and all the rights and liabilities of the Central Government in relation to such undertakings shall, on and from the date of such vesting be deemed to have become the rights and liabilities, respectively, of Andrew Yule.

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 paid by the Central Government to the Company in cash, and in the manner specified in Chapter VI, an amount of rupees thirty-seven lakhs and fifty thousand.

Payment of further amounts.

8. (1) For the deprivation of the Company of the management of its undertakings, there shall be paid by the Central Government to the Company in cash, an amount calculated at the rate of five thousand rupees 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. 65 of 1951.

(*2*) In consideration of the retrospective operation of the provisions of sections 3, 4 and 5, there shall also be paid by the Central Government to the Company in cash, an amount calculated at the rate of five thousand rupees 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 amounts specified in section 7, and the amounts 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 paid 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

Management, etc., of the undertakings of the Company.

9. The general superintendence, direction, control and management of the affairs and business of the undertakings of the Company, the right, title and interest in relation to which have vested in the Central Government under section 3, shall, where a direction has been made by the Central Government under sub-section (*1*) of section 6, vest in Andrew Yule, and thereupon Andrew Yule shall be entitled to exercise, to the exclusion of all other persons, all such powers and do all such things as the Company was authorised to exercise and do in relation to its undertakings.

Duty of persons incharge 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 Andrew Yule, all persons in charge of the management of the undertakings of the Company immediately before such vesting shall be bound to deliver to Andrew Yule all assets, books of account, registers 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 Andrew Yule as to its powers and duties and Andrew Yule may also, if it so desires, 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 by it or in relation to any other matter arising in the course of such management.

Duty of persons to account for assets,

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

etc., in their possession.

Central Government or in Andrew Yule under this Act and which belong to the Company or would have so belonged, if the undertakings owned by the Company had not vested in the Central Government or Andrew Yule, shall be liable to account for the said assets, books, documents and other papers to the Central Government or Andrew Yule and shall deliver them to the Central Government or Andrew Yule or to such person or persons as the Central Government or Andrew Yule may specify in this behalf.

(2) The Central Government or Andrew Yule may take or cause to be taken all necessary steps for securing possession of the undertakings of the Company which have vested in the Central Government or Andrew Yule under this Act.

(3) The Company shall, within such period as the Central Government may allow in this behalf, furnish to that Government a complete inventory of all its properties and assets, as on the appointed day, pertaining to the undertakings which have vested in the Central Government under section 3 and for this purpose, the Central Government or Andrew Yule shall afford to the Company all reasonable facilities.

CHAPTER V

PROVISIONS RELATING TO THE EMPLOYEES OF THE COMPANY

Continuance of employees.

12. (1) Every person who has been, immediately before the appointed day, employed in any undertakings of the Company shall become,—

(a) on and from the appointed day, an employee of the Central Government, and

(b) where the undertakings of the Company are directed under sub-section (1) of section 6 to vest in Andrew Yule, an employee of Andrew Yule on and from the date of such vesting;

and shall hold office or service under the Central Government or Andrew Yule, as the case may be, with the rights and privileges as to pension, gratuity and other matters admissible to him immediately before the appointed day, as modified by the Memoranda of Settlement signed by the representatives of the management and the employees of the Company on the 28th day of January, 1986 and the 30th day of January, 1986, and shall continue to do so unless and until his employment under the Central Government or Andrew Yule, as the case may be, is duly terminated or until his remuneration and other conditions of service are duly altered by the Central Government or Andrew Yule, as the case may be.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947, or in any other law for the time being in force, the transfer of the services of any officer or other person employed in any undertaking of the Company, to the Central Government or Andrew Yule shall not entitle such officer or other employee to claim any compensation under this Act or under any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority. 14 of 1947.

Provident fund and other funds.

13. (1) Where the Company has established a provident fund, superannuation fund, welfare fund or any other fund for the benefit of the persons employed in any of 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 Andrew Yule shall,

out of the moneys standing, on the appointed day, to the credit of such provident fund, superannuation fund, welfare fund or other fund, stand transferred to, and vest in, the Central Government or Andrew Yule, as the case may be.

(2) The moneys which stand transferred under sub-section (1) to the Central Government or Andrew Yule, as the case may be, shall be dealt with by that Government or Andrew Yule in such manner, as may be prescribed.

CHAPTER VI

COMMISSIONER OF PAYMENTS

Appointment of Commissioner of Payments.

14. (1) The Central Government shall, for the purpose of disbursing the amounts payable under sections 7 and 8 to the 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.

Payment by the Central Government to the Commissioner.

15. (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) further 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 amounts standing to the credit of the deposit account referred to in sub-section (2) shall enure to the benefit of the Company.

Certain powers of the Central Government or Andrew Yule.

16. (1) The Central Government or Andrew Yule, as the case may be, shall be entitled to receive up to the specified date, to the exclusion of all other persons, any money due to the Company, in relation to its undertakings which have vested in the Central Government or Andrew Yule, and realised after the appointed day notwithstanding that the realisation pertains to a period prior to the appointed day.

(2) The Central Government or Andrew Yule, as the case may be, may make a claim to the Commissioner with regard to every payment made by that Government or Andrew Yule, after the appointed day, for discharging any liability of the Company, not being any liability specified in sub-section (2) of section 5, in relation to any period prior to the appointed day; and every such claim shall have priority in accordance with the priorities attaching, under this Act, to the matter in relation to which such liability has been discharged by the Central Government or Andrew Yule.

(3) Save as otherwise provided in this Act, the liabilities of the Company, in respect of any transaction prior to the appointed day, which have not been discharged on or before the specified date, shall be the liabilities of the Company.

Claims to be made to the Commissioner.

17. Every person having a claim against the Company with regard to any of the matters specified in the Schedule, pertaining to any of its undertakings, 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.

Priority of claims.

18. The claims made under section 17 shall have priorities in accordance with the following principles, namely:—

(a) Category I shall have precedence over all other categories and Category II shall have precedence over Category III, and so on;

(b) the claims specified in each of the categories shall rank equally and be paid in full, but, if the amount is insufficient to meet such claims in full, they shall abate in equal proportions and be paid accordingly; and

(c) the question of discharging any liability with regard to a matter specified in a lower category shall arise only if a surplus is left after meeting all the liabilities specified in the immediately higher category.

Examination of claims.

19. (1) On receipt of the claims made under section 17, the Commissioner shall arrange the claims in the order of priorities specified in the Schedule and examine the same in accordance with such order of priorities.

(2) If, on an examination of the claims, the Commissioner is of opinion that the amount paid to him under this Act is not sufficient to meet the liabilities specified in any lower category, he shall not be required to examine the claims in respect of such lower category.

Admission or rejection of claims.

20. (1) After examining the claims with reference to the priorities set out in the Schedule, the Commissioner shall fix a certain date on or before which every claimant shall file the proof of his claim.

(2) Not less than fourteen days' notice of the date so fixed shall be given by advertisement in one issue of any daily newspaper in the English language having circulation in the major part of the country and one issue of any daily newspaper in such regional language as the Commissioner may consider suitable, and every such notice shall call upon the claimant to file the proof of his claim with the Commissioner within the period specified in the advertisement.

(3) Every claimant who fails to file the proof of his claim within the 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 Company an opportunity of refuting the claim and after giving the claimant a reasonable opportunity of being heard, by order in writing, admit or reject the claim in whole or in part.

(5) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge of his functions, including the place or places at which he may hold his sittings and shall, for the purpose of making an investigation under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:—

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, the appeal shall lie to the High Court at Calcutta, and such appeal shall be heard and disposed of by not less than two Judges of that High Court.

Disbursement of money by the Commissioner to claimants.

21. After admitting a claim under this Act, the amount due in respect of such claim shall be paid by the Commissioner to the person or persons to whom such amount is due and on such payment, the liability of the Company in respect of such claim shall stand discharged.

Disbursement of amounts to the Company.

22. (*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 specified in the Schedule, the Commissioner shall disburse such balance to the Company.

(*2*) Where the possession of any machinery, equipment or other property has vested in the Central Government or Andrew Yule under this Act, but such machinery, equipment or other property does not belong to the Company, it shall be lawful for the Central Government or Andrew Yule, to continue to possess such machinery or equipment or other property on the same terms and conditions under which they were possessed by the Company immediately before the appointed day.

Undisbursed or unclaimed amount to be deposited to the general revenue account.

23. Any money paid to the Commissioner which remains undisbursed or unclaimed on the date immediately preceding the date on which the office of the Commissioner is finally wound up, shall be transferred by the Commissioner, before his office is finally wound up, to the general revenue account of the Central Government; but a claim to any money so transferred may be preferred to the Central Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, and the order, if any, for payment of the claim, being treated as an order for the refund of revenue.

CHAPTER VII

MISCELLANEOUS

Act to have overriding effect.

24. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law, other than this Act, or in any decree or order of any court, tribunal or other authority.

Contracts to cease to have effect unless ratified by the Central Government or Andrew Yule.

25. Every contract entered into by the Company in relation to its undertakings which has vested in the Central Government under section 3, for any service, sale or supply and in force immediately before the appointed day, shall, on and from the expiry of a period of one hundred and eighty 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 Andrew Yule in which such undertakings have been vested under this Act, and in ratifying such contract, the Central Government or Andrew Yule may make such alteration or modification therein as it may think fit:

Provided that the Central Government or Andrew Yule shall not omit to ratify a contract and shall not make any alteration or modification in a contract—

(*a*) unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith or is detrimental to the interests of the Central Government or Andrew Yule, and

(*b*) except after giving to the parties to the contract a reasonable opportunity of being heard and except after recording in writing its reasons for refusal to ratify the contract or for making any alteration or modification therein.

Penalties.

26. 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 Andrew Yule; or

(*b*) wrongfully obtains possession of, or retains, any property forming part of the undertakings of the Company; or

(*c*) wilfully withholds or fails to furnish to the Central Government or Andrew Yule or any person or body of persons specified by that Government or Andrew Yule, as the case may be, any document relating to the undertakings, which may be in his possession, custody or control; or

(*d*) fails to deliver to the Central Government or Andrew Yule or any person or body of persons specified by that Government or Andrew Yule, as the case may be, any 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 companies.

27. (*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.

Protection of action taken in good faith.

28. (*1*) No suit, prosecution or other legal proceeding shall lie against the Central Government or any officer of that Government or Andrew Yule or other person authorised by that Government or Andrew Yule 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 of that Government or Andrew Yule or other person authorised by that Government or Andrew Yule for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

Delegation of powers.

29. (*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 30 and 31, 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.

Power to make rules.

30. (*1*) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the time within which, and the manner in which, an intimation referred to in sub-section (*3*) of section 4 shall be given;

(*b*) the manner in which the moneys in any provident fund or other fund, referred to in section 13 shall be dealt with;

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

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

31. 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 date on which this Act receives the assent of the President.

THE SCHEDULE

[*See* sections 17, 19(*1*), 20(*1*) and 22(*1*)]

ORDER OF PRIORITIES

Category I—

(*a*) Wages, salaries and other dues payable to the employees of the Company.

(*b*) Deductions made from the salaries and wages of the employees of the Company for the provident fund, the Employees' State Insurance Fund, premium relating to the Life Insurance Corporation of India or for any other purpose.

(*c*) Arrears in relation to contributions to be made by the Company to the provident fund, the Employees' State Insurance Fund or under any other law for the time being in force providing for such contributions.

Post-take-over management period

Category II—

Principal amount of loans advanced by—

(*i*) the Central Government;

(*ii*) a State Government;

(*iii*) banks and financial institutions;

(*iv*) any other sources.

Category III—

(*a*) Any credits availed of by the Company for the purpose of carrying on any trading or manufacturing operations, other than those specified in sub-section (*2*) of section 5.

(*b*) Any dues of State Electricity Boards or other Government or semi-Government institutions against supply of goods or services, other than those specified in sub-section (*2*) of section 5.

(*c*) Arrears of interest on loans and advances.

Category IV—

(*a*) Revenue, taxes, cesses, rates or other dues to the Central Government, a State Government or any local authority.

(*b*) Any other dues.

Pre-take-over management period

Category V—

Principal amount of secured loans advanced by—

(*i*) the Central Government;

(*ii*) a State Government;

(*iii*) banks and financial institutions.

Category VI—

Principal amount of unsecured loans advanced by—

(*i*) the Central Government;

(*ii*) a State Government;

(*iii*) banks and financial institutions.

Category VII—

(*a*) Any credit availed of by the Company for the purpose of carrying on any trading or manufacturing operations.

(*b*) Any dues of State Electricity Boards or other Government or semi-Government institutions against supply of goods or services.

(*c*) Arrears of interest on loans and advances.

(*d*) Revenue, taxes, cesses, rates or other dues to Central Government, a State Government or any local authority.

(*e*) Any other loans or dues.

THE NATIONAL DAIRY DEVELOPMENT BOARD ACT, 1987

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THE SCHEDULE.

THE NATIONAL DAIRY DEVELOPMENT BOARD ACT, 1987

No. 37 OF 1987

[15th September, 1987.]

An Act to declare the institution known as the National Dairy Development Board in the State of Gujarat to be an institution of national importance and to provide for its incorporation and for the vesting in that body corporate of the undertakings of the Indian Dairy Corporation with a view to provide for the administration and the carrying on of the functions to be performed by the body corporate more effectively throughout the country and for matters connected therewith and incidental thereto.

WHEREAS the National Dairy Development Board, a society formed and registered under the Societies Registration Act, 1860 has been serving the country by the adoption of a co-operative strategy, being a strategy evolved at Anand (Gujarat), for the economic development of the rural masses and has been playing a vital role in improving the quality of life of the people through co-operative effort;

21 of 1860.

AND WHEREAS the objects of the National Dairy Development Board are such as to make it an institution of national importance and to constitute it as a body corporate;

AND WHEREAS the functions of the Indian Dairy Corporation, a company formed and registered under the Companies Act, 1956, and the functions of the National Dairy Development Board are complementary to each other and aimed at achieving common objectives;

1 of 1956.

AND WHEREAS it is necessary that the freedom and flexibility of operation hitherto available to the National Dairy Development Board should continue to be available to it so as to enable it to perform its functions more effectively and to play a wider and increasingly important role in serving the nation;

AND WHEREAS it is considered necessary to vest the undertakings of the Indian Dairy Corporation in the National Dairy Development Board and to dissolve the said Corporation with a view to provide for the administration and the carrying on of the functions to be performed by the body corporate more effectively.

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

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (1) This Act may be called the National Dairy Development Board Act, 1987.

(2) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint.

Declaration of National Dairy Development Board as an institution of national importance.

2. Whereas the objects of the National Dairy Development Board at Anand in the State of Gujarat are such as to make the institution one of national importance, it is hereby declared that the National Dairy Development Board is an institution of national importance.

Definitions.

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

(a) "appointed day" means the date of commencement of this Act;

(b) "Board" means the Board of Directors of the National Dairy Development Board;

(c) "Chairman" means the Chairman of the National Dairy Development Board;

(d) "Companies Act" means the Companies Act, 1956; 1 of 1956.

(e) "director" means a director of the National Dairy Development Board, and includes the Chairman;

(f) "foodstuffs" means such of the foodstuffs as are included in the definition of essential commodities as contained in clause (a) of section 2 of the Essential Commodities Act, 1955; 10 of 1955.

(g) "Indian Dairy Corporation" means the Indian Dairy Corporation, a company formed and registered under the Companies Act, and having its registered office at Baroda in the State of Gujarat;

(h) "milk product" means—

(i) sterilised, standardised, recombined, toned, double-toned, skimmed, flavoured or acidified milk;

(ii) ice-cream;

(iii) cream;

[1] 12-10-1987 *vide* Notification No. S. O. 898 (E), dated 12-10-1987.

(*iv*) cheese;

(*v*) butter;

(*vi*) milk powders;

(*vii*) weaning foods with milk and infant milk foods;

(*viii*) malted milk foods with or without cocoa powder;

(*ix*) ghee;

(*x*) anhydrous milk fat and butter oil;

(*xi*) casein;

(*xii*) any other product containing milk or all or any of the milk products specified above which the Central Government may, by notification in the Official Gazette, specify in this behalf;

(*i*) "National Dairy Development Board" means the National Dairy Development Board incorporated under section 4;

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

(*k*) "restructuring and streamlining", in relation to the organisational and functional set-up of the National Dairy Development Board, includes—

(*i*) opening or closing of units or offices;

(*ii*) revision of the organisational and functional set-up;

(*iii*) declaration of staff required;

(*iv*) integration of posts, fixation of seniority and pay scales;

(*v*) integration of required personnel in the revised set-up and issuance of appointment orders in that behalf;

(*vi*) declaration or demarcation of duties and responsibilities attendant to posts;

(*vii*) declaration of posts equivalent to one another; and

(*viii*) any other matter that may be necessary or incidental to meet the organisational or functional needs of the National Dairy Development Board;

(*l*) "society" means the National Dairy Development Board, a society formed and registered under the Societies Registration Act, 1860 and functioning as such immediately before the appointed day;

21 of 1860.

(*m*) words and expressions used herein and not defined, but defined in the Companies Act, have the meanings respectively assigned to them in that Act.

CHAPTER II

THE NATIONAL DAIRY DEVELOPMENT BOARD

Incorporation of National Dairy Development Board.

4. (*1*) The National Dairy Development Board is hereby constituted a body corporate by the same name, and as such body corporate, it shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and shall, by that name, sue and be sued.

(*2*) The head office of the National Dairy Development Board shall be at Anand in the State of Gujarat.

(*3*) The National Dairy Development Board may establish units, offices, branches or agencies at any such place in or outside India as it may consider necessary.

Vesting of undertakings of Indian Dairy Corporation in National Dairy Development Board and dissolution of Indian Dairy Corporation.

5. (*1*) On and from the appointed day, subject to the other provisions of this Act, all the undertakings of the Indian Dairy Corporation shall stand transferred to and vest in the National Dairy Development Board.

(*2*) Notwithstanding anything contained in the Companies Act, the Indian Dairy Corporation shall, on and from the appointed day, stand dissolved by virtue of the provisions of this Act.

Effect of incorporation of National Dairy Development Board.

6. On and from the appointed day,—

(*a*) all properties and assets, movable and immovable, of, or belonging to, the society and the Indian Dairy Corporation (hereinafter referred to as the dissolved company) shall vest in the National Dairy Development Board;

(*b*) all the rights, debts, liabilities, interests, privileges and obligations of the society and the Indian Dairy Corporation shall stand transferred to, and be the rights, liabilities, interests, privileges and obligations of, the National Dairy Development Board;

(*c*) without prejudice to the provisions of clause (*b*), all debts, liabilities and obligations incurred, all contracts entered into and all matters and things engaged to be done by, with or for, the society or the dissolved company, immediately before the appointed day for or in connection with their purposes, shall be deemed to have been incurred, entered into, or engaged to be done by, with or for, the National Dairy Development Board;

(*d*) all sums of money due to the society and the dissolved company, immediately before the appointed day, shall be deemed to be due to the Board;

(*e*) every subsidiary of the society and the dissolved company shall become the subsidiary of the National Dairy Development Board;

(*f*) every organisation, which was being managed immediately before the appointed day by the society or, as the case may be, by the dissolved company, shall be managed by the National Dairy Development Board for such period to such extent and in such manner as the circumstances may require;

(*g*) every organisation which was getting financial, managerial or technical assistance from the society or the dissolved company, immediately before the appointed day, may continue to be given financial, managerial or technical assistance, as the case may be, by the National Dairy Development Board, for such period, to such extent and in such manner as the National Dairy Development Board may deem fit;

(*h*) the amount representing the capital of the dissolved company shall form part of the funds of the National Dairy Development Board;

(*i*) any reference to the society or, as the case may be, to the dissolved company, in any law other than this Act or in any contract or other instrument, shall be deemed to be reference to the National Dairy Development Board.

Saving of legal proceedings.

7. If, on the appointed day, there is pending any suit, arbitration, appeal or other legal proceedings of whatever nature by or against the society or the dissolved company, the same shall not abate, be discontinued or be in any way prejudicially affected by reason of the incorporation of the National Dairy Development Board under section 4 or dissolution of the Indian Dairy Corporation under section 5, as the case may be, but the suit, arbitration, appeal or other proceedings may be continued, prosecuted and enforced by or against the National Dairy Development Board in the same manner and to the same extent as it would or may have been continued, prosecuted and enforced by or against the society or the dissolved company, as the case may be, if this Act had not been passed.

CHAPTER III

MANAGEMENT OF THE NATIONAL DAIRY DEVELOPMENT BOARD

Management of National Dairy Development Board and composition of its Board of Directors.

8. (*1*) The general superintendence, direction, control and management of the affairs and business of the National Dairy Development Board shall vest in a Board of Directors, which shall exercise all powers and do all acts and things which may be exercised or done by the National Dairy Development Board.

(*2*) The Board of Directors of the National Dairy Development Board shall consist of the following, namely:—

(*a*) a Chairman;

(b) one director from amongst the officials of the Central Government;

(c) two directors from amongst the Chairmen of the State Co-operative Dairy Federations;

(d) whole-time directors, not more than three in number, from amongst the executives of the highest grade of the National Dairy Development Board;

(e) one director, being an expert, from outside the National Dairy Development Board.

(3) The Chairman and the director referred to in clause (b) of sub-section (2) shall be nominated by the Central Government and the directors referred to in clauses (c), (d) and (e) of sub-section (2) shall be nominated by the Central Government after consultation with the Chairman:

Provided that the Chairman and the director referred to in clause (e) of sub-section (2) shall be persons professionally qualified in one or more specialities, namely, dairying, animal husbandry, rural economics, rural development, business administration or banking.

(4) The Board may associate with itself, in such manner, on such terms and for such purposes as it may deem fit, any person whose assistance or advice it may desire in complying with any of the provisions of this Act, and a person so associated shall have the right to take part in the discussions of the Board relevant to the purposes for which he has been associated but shall not have the right to vote.

Terms of office and conditions of service, etc., of Chairman and directors.

9. (1) The Chairman shall be the Chief Executive of the National Dairy Development Board and shall hold office for such period as the Central Government may determine and any person so nominated shall be eligible for renomination.

(2) Notwithstanding anything contained in sub-section (1), the Central Government shall have the right to terminate the services of the Chairman, at any time before the expiry of the period determined under that sub-section, by giving him notice of not less than three months in writing or three months' salary and allowances in lieu thereof, and the Chairman shall also have the right to relinquish his office, at any time before the expiry of the period specified under that sub-section, by giving to the Central Government notice of not less than three months in writing.

(3) The Chairman shall receive such salary and allowances as may be determined by the Central Government.

(4) Where an executive of the National Dairy Development Board has been nominated under section 8 as a whole-time director thereof, such nomination shall be without prejudice to his continuance as an executive of the National Dairy Development Board and he may be continued as such executive on his ceasing to be a director.

(5) The directors nominated under clause (c) of sub-section (2) of section 8 shall hold office for such period not exceeding one year at a time as the Central Government may determine, and the directors

nominated under clauses (*d*) and (*e*) of sub-section (*2*) of section 8 shall hold office for such period as the Central Government may determine.

(*6*) Every director, other than the Chairman, shall hold office during the pleasure of the Central Government.

(*7*) The directors referred to in clauses (*b*), (*c*) and (*e*) of sub-section (*2*) of section 8 shall be paid such allowances as the Central Government may determine.

Meetings of Board.

10. (*1*) The Board shall meet at the head office of the National Dairy Development Board or any of its offices at such times as the Chairman may direct, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as may be prescribed.

(*2*) The Chairman or, if he is unable to attend a meeting of the Board, any other director nominated by the Chairman in this behalf and, in the absence of such nomination or where there is no Chairman, any director chosen by the directors present from among themselves, shall preside at the meeting.

(*3*) All questions which come up before any meeting of the Board shall be decided by a majority of votes of the directors present and voting, and in the event of an equality of votes, the Chairman or the person presiding shall have the right to exercise a second or casting vote.

(*4*) Save as otherwise provided in sub-section (*3*), every director of the Board shall have one vote.

Manner of transacting business of Board.

11. (*1*) Subject to the provisions of this Act, the Board shall, in the discharge of its functions, act on sound business principles with due regard to public interest.

(*2*) Save as otherwise prescribed, the Chairman shall have the powers of general superintendence, direction, control and management of the affairs and business of the National Dairy Development Board, and he may exercise all other powers and do all acts and things which may be exercised or done by the Board.

(*3*) The Chairman may, when he is unable to discharge his functions by reason of his being away or otherwise, authorise any whole-time director to discharge all or any of his functions for a temporary period.

(*4*) In the absence of the Chairman and of an authorised whole-time director as referred to in sub-section (*3*), for whatsoever reason, the powers of the Chairman may be exercised by the senior-most of the whole-time directors referred to in clause (*d*) of sub-section (*2*) of section 8.

Management committees.

12. (*1*) The Board may from time to time constitute such number of management committees as it may deem fit for the purpose of assisting the Board in the efficient discharge of its functions.

(*2*) A management committee shall consist of such number of persons (whether directors or otherwise) as its members as the Board may determine, subject to the condition that in every such committee either the Chairman or a whole-time director shall be a member thereof

(3) Every management committee shall function under the general control, direction and superintendence of the Board, and for such duration and in such manner as the Board may direct.

(4) The minutes of every meeting of the management committees shall, as soon as may be, be laid before the Board.

Allowances, etc., of members of management committees.

13. (1) The members of any management committee, other than the Chairman and whole-time directors, may be paid such allowances, if any, as may be prescribed, for attending the meetings of the management committee or for attending to any other work of the National Dairy Development Board.

(2) All other matters pertaining to the conduct of proceedings of the management committees shall be such as may be prescribed.

Delegation of powers to management committees, etc.

14. (1) The Board may delegate to any management committee or to any member thereof or to any officer of the National Dairy Development Board, subject to such conditions and limitations, if any, as may be specified by the Board, such of its powers and functions under this Act as it may deem necessary for the efficient discharge of its functions.

(2) The Board may, if it considers it necessary so to do in the public interest, delegate any of its powers and functions, subject to such conditions and limitations, if any, as may be specified by it, to a co-operative federation at the national or State level, or to any organisation owned, managed, controlled or assisted by the National Dairy Development Board.

Delegation of powers to whole time directors, etc.

15. The Board may, from time to time, by order, delegate, subject to such general and special conditions as it may deem fit to impose, the powers of appointment, termination, suspension and dismissal from service of any employee of the National Dairy Development Board,—

(a) who is drawing a salary in such higher grade as may be prescribed, to a whole-time director, and

(b) who is drawing a salary in any grade, other than a higher grade prescribed under clause (a), to such officer of the National Dairy Development Board as it may deem fit:

Provided that in relation to employees falling under clause (b), the Chairman may, if he considers it necessary or expedient so to do, perform the functions of the Board under this section.

CHAPTER IV

POWERS AND FUNCTIONS OF THE NATIONAL DAIRY DEVELOPMENT BOARD

Powers and functions of National Dairy Development Board.

16. (1) Subject to the provisions of this Act,—

(a) it shall be the duty and function of the National Dairy Development Board to promote plan and organise programmes for the purposes of development of dairy and other agriculture based and allied industries and biologicals on an intensive and nation-wide basis and to render assistance in the implementation of such programmes;

(b) it shall be the responsibility of the National Dairy Development Board to adopt the co-operative strategy in a more effective

manner on an intensive and nation-wide basis and to take such steps as may be necessary for the purposes aforesaid; and

(c) the National Dairy Development Board may take such measures for carrying out the said purposes, and for the exercise of its powers and the performance of its functions and responsibilities under this Act, as it may consider necessary.

(2) In particular, and without prejudice to the generality of the foregoing provisions, the measures referred to therein may provide for—

(a) facilitating research and promotional activities in the fields of dairying, immunology, animal husbandry, agriculture and horticulture;

(b) imparting technological know-how to such organisations in the co-operative or public sector as are engaged in the production, procurement, preservation or marketing of milk and milk products;

(c) facilitating the training of personnel for absorbing and utilising the technical know-how that may be imparted;

(d) designing, planning, promoting, developing, constructing, sponsoring and setting up of dairy industries and undertaking any other related promotional activity including the financing of the same;

(e) providing consultancy and managerial services and the execution of any project on a turn-key basis or otherwise, furnishing integral services such as storage, transportation, processing, distribution of milk and milk products and to serve as a lead institution with reference to milk and milk products;

(f) adopting such measures as may be practicable—

(i) for the conservation of milk and milk products by avoidance of waste at all stages or otherwise;

(ii) to assist primary producers of milk and milk products and persons in the co-operative and public sector to get incentive prices; and

(iii) to build up a national milk grid;

(g) recommending to Government, as and when necessary, the maximum and minimum prices to be fixed for the purchase or sale of milk and, if so required, assist in the enforcement of it;

(h) functioning as a channelising agency in respect of import and export of milk and milk products and of milch animals or bulls;

(i) providing financial, technical, administrative, managerial or other assistance or taking such measures as may be necessary—

(A) for the development (if required by the import of quality semen) and preservation of high yielding cattle;

(B) for adopting improved methods of cattle breeding;

(C) for increasing production and supply of better and improved animal feed including fodder; and

(D) generally for the enhancement of the cattle wealth of the country;

(*j*) processing, promoting or financing technological, industrial or economic research in milk and milk products in such manner as the Board may deem fit by the utilisation of available institutions or otherwise;

(*k*) financing, in such manner as the Board may deem appropriate (including contribution to capital), of co-operative federations, co-operative unions or co-operative enterprises or of any scheme in the co-operative or public sector intended to stimulate the production, preservation, distribution and consumption of milk and milk products nation-wide;

(*l*) regulating the dairy and allied industries and functioning as regulatory authority therefor, as may be required by the Central Government;

(*m*) adopting measures for the development and co-ordination of organisations in the production of milk and milk products so as to enable the primary producers thereof to become participants in, and beneficiaries of, the development and growth of dairy and allied industries;

(*n*) collecting and compiling relevant data and statistics necessary for the efficient management of the national milk grid and national milch herd and on any other matter relating to dairying and allied industries;

(*o*) promoting publicity on the research and development of dairy and allied industries;

(*p*) promoting and developing production, grading and marketing of milk and milk products in various parts of the country;

(*q*) co-operating with international organisations and foreign experts and for functioning as the agent of the Central Government for the reception, utilisation and disbursement of any gift of milk and milk products and any other foodstuffs;

(*r*) building up of a reserve of buffer stock of basic commodities;

(*s*) promoting the export of milk and milk products where, in the opinion of the Board, it is so required to avoid waste or to otherwise serve the public interest and generally for exporting any article produced, processed or promoted by it;

(*t*) acquiring, holding and disposing of any property for the purposes of its business;

(*u*) transferring the whole or any part of its managerial, technical or other functions in relation to any organisations receiving assistance from the National Dairy Development Board to the recipient organisation;

(*v*) advancing or lending money upon security of movable or immovable property or otherwise;

(*w*) borrowing money in such manner and upon such security as the Board may deem fit;

(*x*) carrying on, either by itself or through any other organisations, any other business or class of business, in a case where such

business or class of business was being carried on by the society or the dissolved company immediately before the appointed day;

(*y*) promoting and encouraging co-operative effort among those engaged in the production of milk and milk products and other foodstuffs;

(*z*) levying fees or other charges for any assistance given or services rendered by the National Dairy Development Board;

(*za*) carrying on any other business or doing any other act or thing as may be necessary, incidental or conducive to further the objectives of the National Dairy Development Board under this Act.

(*3*) If, immediately before the appointed day, either the society or the dissolved company was engaged in the production, research and development, processing, marketing, import, export or other activities, or had been rendering any service or assistance, in relation to any article or product, other than milk and milk products or the dairy industry, then, notwithstanding anything contained in this Act or in any other law, the National Dairy Development Board may engage in the production, research and development, processing, marketing, import, export or other activities, or render such other services or assistance in relation to the said article or product as may be required, and the provisions of sub-section (*1*) and (*2*) shall, so far as may be, apply in relation to that article or product, as if any reference therein to milk and milk products or to dairy and allied industries had been a reference to that article or product or service or activity.

(*4*) Where the Central Government or the Government of any State considers that, having regard to the special expertise of the National Dairy Development Board and the needs of the public, it is necessary or advisable to entrust the National Dairy Development Board with any activity, other than that to which the foregoing sub-sections apply, it may, entrust such activity to the National Dairy Development Board, whereupon it shall be competent for the National Dairy Development Board to carry on such activity.

(*5*) Without prejudice to the generality of the foregoing powers, it shall be competent for the National Dairy Development Board to participate, with the prior approval of the Central Government, in any other organisation, financially, managerially or in any other manner.

CHAPTER V

PROVISIONS RELATING TO DIRECTORS AND EMPLOYEES OF THE NATIONAL DAIRY DEVELOPMENT BOARD

17. Every person holding office as a member of the board of the society, or as a director of the dissolved company, immediately before the appointed day, shall, on and from that day, cease to hold office as such member or director.

Provisions regarding members of board of society and directors of dissolved company.

Provisions relating to officers and other employees of society and of dissolved company.

18. Subject to the provisions of section 19, every full-time officer or other employee, holding office immediately before the appointed day, in the society or the dissolved company, shall, on and from the appointed day, become an officer or other employee, as the case may be, of the National Dairy Development Board and shall hold office or service in the National Dairy Development Board on the same terms and conditions of service as he would have had under the society or the dissolved company, as the case may be, and shall continue to do so unless and until his terms and conditions of service are duly altered by the Board.

Power of Board to restructure and streamline organisational and functional set-up of National Dairy Development Board to secure utmost efficiency in functioning.

19. (1) Notwithstanding anything contained in this Chapter, the National Dairy Development Board may make such orders or take such action as may be necessary for restructuring and streamlining the organisational and functional set-up of the National Dairy Development Board to secure utmost efficiency in its functioning, and the Board shall, for achieving this object, be competent to declare any officer or other employee or any class of officers or other employees to be redundant if it finds them redundant by way of being surplus or otherwise due to duplication of posts of the same nature, or absence of the special expertise required for the post in the revised set-up, or the non-availability of posts in a particular office or unit of the National Dairy Development Board and it is not practicable to accommodate him in the type of post in the particular grade.

(2) Nothing in this Chapter shall preclude the Board, if it is considered necessary for the purpose of rationalising the conditions of service of the officers and other employees so transferred to it, to change their designation, conditions of service or the scales of pay applicable to them or to reallocate their duties and functions.

Schemes regarding compensation to redundant employees, etc.

20. (1) The officers or other employees declared as redundant in pursuance of section 19, shall be dealt with in accordance with such scheme or schemes as the Board may, with the previous approval of the Central Government, make in this behalf and different schemes may be made in relation to different classes or categories of officers and other employees.

(2) The scheme or schemes referred to in sub-section (1) may provide for—

(a) the quantum of compensation payable to any officer or other employee referred to in sub-section (1) and the mode of payment thereof:

Provided that the compensation so payable shall in no case be less than that payable to him under the service conditions applicable to him if his services were dispensed with;

(b) the quantum of arrears of salary or other emoluments, provident fund, gratuity or any other amount that may be payable in accordance with the service conditions applicable to them;

(c) the provision for appeal for the aggrieved redundant officers and other employees and for the appellate authority, being an officer not below the rank of a Joint Secretary to the Government of India in the Ministry dealing with Agriculture;

(d) any other matter pertaining to the termination of service consequent on their being declared redundant.

Compensation for transfer of employees not payable.

21. The transfer of the services of any officer or other employee of the society or of the dissolved company to the National Dairy Development Board shall not entitle any such officer or other employee to any compensation under the Industrial Disputes Act, 1947 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, gratuity, welfare and other funds.

22. (1) Where a provident fund has been established by the society or the dissolved company in respect of either of them for the benefit of the officers or other employees and the same stands vested in a trust, the moneys and other assets standing to the credit of each provident fund shall continue to be held in trust with the same objects as were applicable before the appointed day and the trustees of such trusts immediately before the appointed day shall, subject to the provisions of the trust deeds and the rules relating to the respective trusts, continue to function as trustees in respect of the respective provident fund until and unless otherwise directed by the National Dairy Development Board, and the rights relating to the said trusts shall, as from the appointed day, vest in the National Dairy Development Board.

(2) Where any gratuity, welfare or other fund had been established by the society or the dissolved company for the benefit of its officers or other employees and is in existence immediately before the appointed day, all moneys and other assets standing to the credit of or relatable to such gratuity, welfare or other fund shall vest in the National Dairy Development Board.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the Board may give such directions relating to the trusts or funds or take such other action as it may deem fit so as to bring about uniformity or to effect integration in part or in whole in such trusts or funds.

(4) The Board may, having regard to the welfare of the officers and other employees or their families, take such steps for the advancement of their health, education or other interests as may be prescribed and create such institutions as may be required for the purpose.

(5) Nothing in the foregoing provisions of this section shall derogate the power of the Board to make regulations for establishing or maintaining any provident fund, welfare fund, gratuity fund or other fund for any of its officers or other employees.

CHAPTER VI

FINANCE, ACCOUNTS AND AUDIT

Borrowing powers of Board.

23. The Board may, with the previous approval of the Central Government or in accordance with the terms of any general or special authority given to it by the Central Government, borrow money from any source as it may deem fit for discharging all or any of its functions under this Act.

Grants and loans by Central Government.

24. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the National Dairy Development Board by way of grants or loans such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

Grants, donations, etc.

25. (1) The National Dairy Development Board may receive gifts, grants, donations or benefactions from Government or any other source in or outside India and the same shall be used by the Board for exercising its functions and discharging its responsibilities under this Act.

(2) The National Dairy Development Board shall not receive any gifts, grants, donations or benefactions from a foreign government or any other source outside India except with the previous approval of the Central Government.

National Dairy Development Board Fund.

26. (1) The National Dairy Development Board shall maintain a Fund to be called the National Dairy Development Board Fund to which shall be credited—

(a) all sums of money vested in the National Dairy Development Board under Chapter II;

(b) all sums of money that may be provided by Government;

(c) all fees and other charges received by the National Dairy Development Board;

(d) all sums of money generated from gift commodities by the National Dairy Development Board or received by it by way of grants, donations, benefactions, bequests or transfers; and

(e) all sums of money received by the National Dairy Development Board in any other manner or from any other source.

(2) All sums of money credited to the said Fund shall, subject to the regulations, if any, made in this behalf, be desposited with the State Bank of India or any other nationalised bank.

Explanation.—In the sub-section "nationalised bank" means a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.

5 of 1970.
44 of 1980.

(3) The said Fund shall be applied towards meeting the administrative and other expenses of the National Dairy Development Board, including expenses incurred in the exercise of the powers and the discharge of its functions and responsibilities under section 16 or in relation to any of the activities referred to therein or for anything relatable thereto.

Preparation of accounts and balance-sheet.

27. (1) The balance-sheet and accounts of the National Dairy Development Board shall be prepared in such form and in such manner as may be prescribed.

(2) The Board shall cause the books and accounts of the National Dairy Development Board to be closed and balanced as on the 31st day of March each year or such other date as the Board may, with the concurrence of the Central Government, decide.

Audit.

28. (1) The accounts of the National Dairy Development Board shall be audited by auditors duly qualified to act as auditors of companies under the Companies Act, and the appointment of auditors and remuneration payble to them shall be subject to the approval of the Central Government.

(2) Every auditor in the performance of his duties shall have at all reasonable times access to books, accounts and other documents of the National Dairy Development Board.

(3) The auditors shall submit their report to the Board which shall forward a copy of their report to the Central Government.

29. The Central Government shall cause the report of the auditors under section 28 to be laid before both the Houses of Parliament as soon as may be after such report is received by the Central Government.

Reports to be laid before Parliament.

30. Notwithstanding anything contained in any agreement to the contrary, the Board may, by notice in writing, require any person to which the National Dairy Development Board or the society or the dissolved company has granted any loan or advance, to discharge forthwith in full, its liabilities to the Board,—

Power to call for repayment before agreed period.

(a) if it appears to the Board that any false or misleading information in any material particular was given in the application for the loan or advance; or

(b) if the person has failed to comply with the terms of its contract in the matter of the loan or advance; or

(c) if there is a reasonable apprehension that the person is unable to pay his debts or that proceedings for liquidation may be commenced in respect thereof; or

(d) if the property pledged, mortgaged, hypothecated or assigned as security for the loan or advance is not insured and kept insured by the person to the satisfaction of the Board (or depreciates in value to such an extent that, in the opinion of the Board, further security to the satisfaction of the Board should be given and such security is not given after demand); or

(e) if, without due permission, any machinery, plant or other equipment (whether forming part of security or not) is removed from the concerned premises without being replaced; or

(f) if it appears to the Board that any condition in the loan agreement relating to the supply of goods or implementation of the project is being substantially violated; or

(g) if, for any other reason, the Board considers it necessary so to do for protecting the interests of the National Dairy Development Board.

31. (1) Where any person, in breach of any agreement, makes any default in the repayment of any loan or advance or any instalment thereof (or in meeting its obligations in relation to the guarantee given by the National Dairy Development Board) or otherwise fails to comply with the terms of agreement with the Board or where the Board requires any person to make immediate repayment of any loan or advance under section 30 and the person fails to make such repayment, then, without prejudice to the provisions of section 69 of the Transfer of Property Act, 1882, any officer of the National Dairy Development Board, gene-

Special provisions for enforcement of claims by National Dairy Development Board.

4 of 1882.

rally or specially authorised by the Board in this behalf, may apply to the court for one or more of the following reliefs, namely:—

(a) for an order for the sale of the property pledged, mortgaged, hypothecated or assigned to the National Dairy Development Board as security for the loan or advance; or

(b) for transferring the management of any organisation to the National Dairy Development Board; or

(c) for an *ad interim* injunction where there is apprehension that the machinery or other equipment is being removed from the premises of the organisation without due permission.

(2) The procedure for making an application under sub-section (1) and for the disposal thereof shall be such as may be prescribed.

CHAPTER VII
MISCELLANEOUS

Defects in appointments not to invalidate acts, etc., of Board.

32. No act or proceeding of the Board or of any committee of the National Dairy Development Board shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Board or the committee, as the case may be.

Protection of acts done in good faith.

33. No suit or other legal proceeding shall lie against the National Dairy Development Board or any director or any officer or other employee of the Board or any other person authorised by the Board to discharge any functions under this Act, for any loss or damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or of any other law or provision having the force of law.

Indemnity of directors.

34. Every director shall be indemnified by the National Dairy Development Board against all losses and expenses incurred by him, in, or in relation to, the discharge of his duties, except such as are caused by his own wilful act or default.

Obligation as to fidelity and secrecy.

35. (1) The Board shall not, except as otherwise required by this Act or any other law, divulge any information relating to, or to the affairs of, the National Dairy Development Board or of the society or of the dissolved company except in circumstances in which it is in accordance with the law or practice and usage customary among financial institutions, necessary or appropriate for the Board to divulge such information.

(2) Every director, member of a committee, auditor or officer or other employee of the National Dairy Development Board shall, before entering upon his duties, make a declaration of fidelity and secrecy in the form set out in the Schedule.

Recruitment of additional officers and other employees.

36. Nothing contained in Chapter V shall be deemed to prejudice the right of the National Dairy Development Board to create such number of additional posts or to appoint such number of additional officers or other employees as it may consider necessary or desirable for the efficient discharge of the functions of the National Dairy Development Board and where any such officer or other employee is appointed, the terms and conditions of service, including *inter se* seniority, may also be determined by the Board.

37. No provision of any law relating to the winding up of companies or corporations shall apply to the National Dairy Development Board and it shall not be placed in liquidation save by an order of the Central Government and in such manner as it may direct.

Liquidation only under orders of Central Government.

38. (1) The Central Government may, on the recommendation of the National Dairy Development Board, if satisfied that it is necessary so to do in the public interest, make any scheme for the purpose of enabling the National Dairy Development Board to undertake and perform any of the activities or functions of the Central Government relatable to dairy, foodstuffs and connected industries, particularly with reference to matters related to the development of the national milk grid by the regulation of the production, procurement, marketing, export-import, maintenance of standards or such like activities (including the collection and compilation of statistics and relevant data).

Delegation of certain powers by Central Government.

(2) Every scheme made under sub-section (1) shall be published in the Official Gazette and may contain such conditions, restrictions or limitations as the Central Government may deem fit to impose.

39. Any auditor appointed in relation to the society or the dissolved company, functioning immediately before the appointed day, may, notwithstanding anything contained in this Act, be continued by the National Dairy Development Board for such period and on such terms as may be considered necessary.

Transitional provisions for auditors.

40. The Chairman of the society, holding office immediately before the appointed day, shall be the Chairman of the National Dairy Development Board until a Chairman is nominated in accordance with the provisions of this Act and he shall be competent to perform the functions of the Board until the constitution of the Board under this Act.

Transitional provisions with regard to Chairman and Board.

41. For the removal of doubts, it is hereby declared that where, before the appointed day, either the society or the dissolved company was managing any other organisation or rendering any technical or other assistance to any organisation or person, the National Dairy Development Board may continue to render the same or similar service to such extent, for such period and with such modifications as the Board may deem fit.

Management or assistance to others to continue.

42. The undertaking known as the Mother Dairy, Delhi, shall, on and from the appointed day, become a subsidiary unit of the National Dairy Development Board but shall retain its separate character, unless otherwise decided by the Board.

Mother Dairy to be a subsidiary unit of National Dairy Development Board.

Formation of companies with previous approval of Central Government.

43. (*1*) Where the Board considers it necessary so to do, for the implementation of any of its objectives, it may, subject to the previous approval of the Central Government form one or more companies either by itself or in conjunction with any of its subsidiaries or with any other undertaking.

(*2*) Where any company has been formed in pursuance of sub-section (*1*),—

(*a*) in the case of a company formed by the Board by itself or along with its subsidiaries, it may contribute such capital, transfer such of its assets or render such assistance, as may be required, so as to enable the company so formed to function; and

(*b*) in any other case, it may contribute capital, transfer assets or render assistance in such manner and to such extent as the Board may deem fit subject to specific previous approval of the Central Government in that regard.

Exemption from tax on income.

44. Notwithstanding anything contained in the Income-tax Act, 1961 or any other enactment for the time being in force relating to tax on income, profits or gains, the National Dairy Development Board shall not be liable to pay income-tax or any other tax in respect of its income, profits or gains derived. 43 of 1961.

Returns.

45. The National Dairy Development Board shall furnish, from time to time, to the Central Government such returns as the Central Government may require.

Power to make schemes and regulations regarding service matters retrospectively.

46. Any scheme or regulation made under this Act in relation to conditions of service or like matters of officers or other employees of the National Dairy Development Board, may be made retrospectively from any date not earlier than the appointed day.

Act to have overriding effect.

47. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Companies Act, the Industrial Disputes Act, 1947 or 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. 14 of 1947.

Power to make regulations.

48. (*1*) The Board may, by notification in the Gazette of India, make regulations not inconsistent with the provisions of this Act and the schemes made thereunder, to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(*a*) the procedure to be followed for the transaction of business at the meetings of the Board and the number of members which shall form quorum at a meeting under sub-section (*1*) of section 10;

(b) the allowances to be paid to the members of any management committee, other than the Chairman and whole-time directors, for attending the meetings of the management committee or for attending to any other work of the National Dairy Development Board under sub-section (1) of section 13 and the other matters pertaining to the conduct of proceedings of the management committees under sub-section (2) of that section;

(c) the higher grade for the purposes of clause (a) of section 15;

(d) the particulars of the steps for the advancement of the health, education or other interests of the officers and other employees or their families as referred to in sub-section (4) of section 22;

(e) the matters of detail regarding establishment or maintenance of funds referred to in sub-section (5) of section 22;

(f) the conditions subject to which sums of money are to be deposited under sub-section (2) of section 26;

(g) the form and manner in which the balance-sheet and accounts of the National Dairy Development Board shall be prepared under sub-section (1) of section 27;

(h) the procedure for making an application under sub-section (1) of section 31 and for the disposal thereof under sub-section (2) of that section;

(i) conditions of service of officers and other employees;

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

Power to remove difficulties.

49. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no such order shall be made after the expiry of five years from the appointed day.

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

Schemes and regulations to be laid before Parliament.

50. Every scheme and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the scheme or regulation or both Houses agree that the scheme or regulation should not be made, the scheme 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 scheme or regulation.

THE SCHEDULE

[*See* section 35(*2*)]

Declaration of fidelity and secrecy

I, _____, do hereby declare that I will faithfully, truly, and to the best of my skill and ability execute and perform the duties required of me as Chairman, director, member of committee, auditor, officer or other employee (as the case may be) of the National Dairy Development Board and which properly relate to the office or position held by me in or in relation to the National Dairy Develpment Board.

I further declare that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of any person having any dealing with the National Dairy Development Board nor will I allow any such person to inspect or have access to any books or documents belonging to or in the possession of the National Dairy Development Board and relating to the business of the National Dairy Development Board or the business of any person having any dealing with the National Dairy Development Board.

THE REPRESENTATION OF THE PEOPLE (SECOND AMENDMENT) ACT, 1987

No. 38 OF 1987

[15th *September*, 1987.]

An Act further to amend the Representation of the People Act, 1950.

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

Short title and commencement.

1. (*1*) This Act may be called the Representation of the People (Second Amendment) Act, 1987.

(*2*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of Act 43 of 1950.

2. In the Representation of the People Act, 1950, after section 9 and before the sub-heading "*The State Legislative Councils*", the following section shall be inserted, namely:—

Power of Election Commission to determine the constituencies to be reserved for Scheduled Tribes in certain States.

'9A. (*1*) As soon as may be after the coming into force of the Representation of the People (Second Amendment) Act, 1987, the Election Commission shall, having regard to the provisions of the Constitution and the principle specified in clause (*d*) of sub-section (*1*) of section 9 of the Delimitation Act, 1972, determine the assembly constituencies in the States of Meghalaya, Mizoram and Nagaland in which seats shall be reserved for the Scheduled Tribes.

76 of 1972.

(*2*) The Election Commission shall,—

(*a*) publish its proposals under sub-section (*1*) with respect to any State in the Official Gazette and also in such other manner as it thinks fit;

(*b*) specify a date on or after which the proposals will be further considered by it;

(*c*) consider all objections and suggestions which may have been received by it before the date so specified;

(*d*) hold, for the purpose of such consideration, if it thinks fit so to do, one or more public sittings at such place or places in such State as it thinks fit;

[1]21-9-1987 ; *vide* Notification No. G.S.R. 809(E), dated 21-9-1987.

(*e*) after considering all objections and suggestions which may have been received by it before the date so specified, determine, by order, the assembly constituency or constituencies in the State in which seats shall be reserved for the Scheduled Tribes and cause such order to be published in the Official Gazette; and, upon such publication, the order shall have the full force of law and shall not be called in question in any court and the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, or, as the case may be, the Mizoram (Delimitation of Assembly Constituencies) Order, 1986 shall be deemed to have been amended accordingly.

(*3*) Every order made under sub-section (*2*) shall, as soon as may be after it is published under that sub-section, be laid before the Legislative Assembly of the State concerned.

Explanation.—For the purposes of this section, "assembly constituency" means,—

(*a*) in relation to the States of Meghalaya and Nagaland, the assembly constituencies in those States as specified in the Delimitation of Parliamentary and Assembly Constituencies Order, 1976; and

(*b*) in relation to the State of Mizoram, the assembly constituencies as specified in the Mizoram (Delimitation of Assembly Constituencies) Order, 1986.'.

THE LEGAL SERVICES AUTHORITIES ACT, 1987

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY

SECTIONS

1. Short title, extent and commencement.

2. Definitions.

CHAPTER II

THE NATIONAL LEGAL SERVICES AUTHORITY

3. Constitution of the National Legal Services Authority.

4. Functions of the Central Authority.

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THE LEGAL SERVICES AUTHORITIES ACT, 1987

No. 39 OF 1987

[11*th October*, 1987.]

An Act to constitute legal services authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities, and to organise Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity.

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

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Act may be called the Legal Services Authorities Act, 1987.

(*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, appoint; and different dates may be appointed for different provisions of this Act and for different States, and any reference to commencement in any provision of this Act in relation to any State shall be construed as a reference to the commencement of that provision in that State.

Definitions.

2. (*1*) In this Act, unless the context otherwise requires,—

(*a*) "Central Authority" means the National Legal Services Authority constituted under section 3;

(*b*) "District Authority" means a District Legal Services Authority constituted under section 9;

(*c*) "legal service" includes the rendering of any service in the conduct of any case or other legal proceeding before any court or other authority or tribunal and the giving of advice on any legal matter;

(*d*) "Lok Adalat" means a Lok Adalat organised under Chapter VI;

(*e*) "notification" means a notification published in the Official Gazette;

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

(*g*) "scheme" means any scheme framed by the Central Authority, a State Authority or a District Authority for the purpose of giving effect to any of the provisions of this Act;

(*h*) "State Authority" means a State Legal Services Authority constituted under section 6;

(*i*) "State Government" includes the administrator of a Union territory appointed by the President under article 239 of the Constitution.

(*2*) Any reference in this Act to any other enactment or any provision thereof shall, in relation to an area in which such enactment or provision is not in force, be construed as a reference to the corresponding law or the relevant provision of the corresponding law, if any, in force in that area.

CHAPTER II

THE NATIONAL LEGAL SERVICES AUTHORITY

Constitution of the National Legal Services Authority.

3. (*1*) The Central Government shall constitute a body called the National Legal Services Authority to exercise the powers and perform the functions conferred on a Central Authority under this Act.

(*2*) The Central Authority shall consist of—

(*a*) the Chief Justice of India who shall be the Patron-in-Chief;

(*b*) a serving or retired Judge of the Supreme Court, nominated by the President, in consultation with the Chief Justice of India, who shall be the Executive Chairman; and

(*c*) such other members, possessing such experience and qualifications as may be prescribed and nominated by the Central Government.

(*3*) The Central Government shall appoint an officer of the Department of Legal Affairs of the Ministry of Law and Justice of the Government of India, not lower in rank than that of a Special Secretary to that Government as the Member-Secretary of the Central Authority.

(*4*) The terms and conditions of service of the members of the Central Authority shall be such as may be prescribed by the Central Government.

(*5*) The Central Government shall provide the Central Authority with such other officers and employees as it considers necessary for carrying out the functions of that Authority under this Act.

(*6*) The administrative expenses of the Central Authority, including the salaries, allowances and pensions payable to the officers and staff of the Central Authority shall be defrayed out of the Consolidated Fund of India.

(*7*) All orders and decisions of the Central Authority shall be authenticated by the Member-Secretary or any other officer of the Central Authority duly authorised by him in this behalf.

(8) No act or proceeding of the Central Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the Central Authority.

Functions of the Central Authority.

4. The Central Authority shall, subject to the general directions of the Central Government, perform all or any of the following functions, namely:—

(*a*) lay down policies and principles for making legal services available under the provisions of this Act;

(*b*) frame the most effective and economical schemes for the purpose of making legal services available under the provisions of this Act;

(*c*) utilise the funds at its disposal and make appropriate allocations of funds to the State Authorities and District Authorities;

(*d*) take necessary steps by way of social justice litigation with regard to consumer protection, environmental protection or any other matter of special concern to the weaker sections of the society and for this purpose, give training to social workers in legal skills;

(*e*) organise legal aid camps, especially in rural areas, slums or labour colonies with the dual purpose of educating the weaker sections of the society as to their rights as well as encouraging the settlement of disputes through Lok Adalats;

(*f*) encourage the settlement of disputes by way of negotiations, arbitration and conciliation;

(*g*) undertake and promote research in the fiel dof legal services with special reference to the need for such services among the poor;

(*h*) to do all things necessary for the purpose of ensuring commitment to the fundamental duties of citizens under Part IVA of the Constitution;

(*i*) monitor and evaluate implementation of the legal aid programmes at periodic intervals and provide for independent evaluation of programmes and schemes implemented in whole or in part by funds provided under this Act;

(*j*) recommend to the Central Government grants-in-aid for specific schemes to various voluntary social welfare institutions and the State and District Authorities, from out of the amounts placed at its disposal for the implementation of the legal services schemes under the provisions of this Act;

(*k*) develop, in consultation with the Bar Council of India, programmes for clinical legal education and promote guidance and supervise the establishment and working of legal services clinics in universities, law colleges and other institutions;

(*l*) take appropriate measures for spreading legal literacy and legal awareness amongst the people and, in particular, to educate weaker sections of the society about the rights, benefits and privileges guaranteed by social welfare legislations and other enactments as well as administrative programmes and measures;

(*m*) make special efforts to enlist the support of voluntary social welfare institutions working at the grass-root level, particularly among the Scheduled Castes and the Scheduled Tribes, women and rural and urban labour; and

(*n*) coordinate and monitor the functioning of State and District Authorities and other voluntary social welfare institutions and other legal services organisations and give general directions for the proper implementation of the legal services programmes.

Central Authority to work in coordination with other agencies.

5. In the discharge of its functions under this Act, the Central Authority shall, wherever appropriate, act in coordination with other governmental and non-governmental agencies, universities and others engaged in the work of promoting the cause of legal services to the poor.

CHAPTER III

STATE LEGAL SERVICES AUTHORITY

Constitution of State Legal Services Authority.

6. (*1*) Every State Government shall constitute a Legal Services Authority for the State to exercise the powers and perform the functions conferred on a State Authority under this Act.

(*2*) A State Authority shall consist of—

(*a*) the Chief Justice of the High Court or any other serving or retired Judge of the High Court nominated by the Governor in consultation with the Chief Justice, who shall be the Chairman of the State Authority; and

(*b*) such other members possessing such experience and qualifications as may be prescribed and nominated by the State Government.

(*3*) The State Government shall appoint the Law Secretary or the Judicial Secretary of the State as the Member-Secretary of the State Authority.

(*4*) The terms and conditions of service of the members of the State Authority shall be such as may be prescribed by the State Government.

(*5*) The State Government shall provide to the State Authority with such officers and employees as it considers necessary for carrying out the functions of that Authority under this Act.

(*6*) The administrative expenses of the State Authority, including the salaries, allowances and pensions payable to the Member-Secretary and other officers and staff shall be defrayed out of the Consolidated Fund of the State.

(*7*) All orders and decisions of the State Authority shall be authenticated by the Member-Secretary or any other officer of the State Authority duly authorised by him in this behalf.

(*8*) No act or proceeding of a State Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the State Authority.

7. (*1*) It shall be the duty of the State Authority to give effect to the policy and directions of the Central Authority.

Functions of the State Authority.

(*2*) Without prejudice to the generality of the functions referred to in sub-section (*1*), the State Authority shall perform all or any of the following functions, namely:—

(*a*) give legal service to persons who satisfy the criteria laid down under this Act;

(*b*) conduct Lok Adalats;

(*c*) undertake preventive and strategic legal aid programmes; and

(*d*) perform such other functions as the State Authority may, in consultation with the Central Government, fix by regulations.

8. In the discharge of its functions under this Act, the State Authority shall, wherever appropriate, act in coordination with other governmental agencies, non-governmental voluntary social welfare institutions, universities and others engaged in the work of promoting the cause of legal services to the poor and shall be guided by such directions as the Central Government, the State Government or the Central Authority may give to it in writing.

State Authority to act in coordination with other agencies and be subject to directions given by the Central Government, etc.

9. (*1*) Every State Government shall constitute a Legal Services Authority for every District in the State to exercise the powers and perform the functions conferred on the District Authority under this Act.

Constitution of District Authorities.

(*2*) A District Authority shall consist of—

(*a*) the District Judge, who shall be its Chairman; and

(*b*) such other members possessing such qualifications and experience as may be prescribed and nominated by that Government.

(*3*) The State Government shall also appoint one of the members of the District Authority as the Secretary of that Authority.

(*4*) The terms and conditions of service of the members of the District Authority shall be such as may be prescribed by the State Government.

(*5*) The State Government shall provide every District Authority with such staff as it considers necessary for carrying out the functions assigned to the District Authorities under this Act.

(*6*) The administrative expenses of every District Authority, including the salaries, allowances and pensions payable to the Secretary of every District Authority and the other staff shall be defrayed out of the Consolidated Fund of the State.

(7) All orders and decisions of a District Authority shall be authenticated by the Secretary or any other officer of the Authority duly authorised by him in this behalf.

(8) No act or proceeding of a District Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the District Authority.

Functions of District Authority.

10. (1) It shall be the duty of every District Authority to perform such of the functions of the State Authority in the District as may be delegated to it from time to time by the State Authority.

(2) Without prejudice to the generality of the functions referred to in sub-section (1), the District Authority may perform all or any of the following functions, namely:—

(a) coordinate the activities of legal services in the District;

(b) organise Lok Adalats within the District; and

(c) perform such other functions as the State Authority may, in consultation with the State Government, fix by regulations.

District Authority to act in coordination with other agencies and be subject to directions given by the Central Authority, etc.

11. In the discharge of its functions under this Act, the District Authority shall, wherever appropriate, act in coordination with other governmental and non-governmental institutions, universities and others engaged in the work of promoting the cause of legal services to the poor and shall also be guided by such directions as the Central Authority or the State Authority may give to it in writing.

CHAPTER IV

ENTITLEMENT TO LEGAL SERVICES

Criteria for giving legal services.

12. Every person who has to file or defend a case shall be entitled to legal services under this Act if that person is—

(a) a member of a Scheduled Caste or Scheduled Tribe;

(b) a victim of trafficking in human beings or *begar* as referred to in article 23 of the Constitution;

(c) a woman or a child;

(d) a mentally ill or otherwise disabled person;

(e) a person under circumstances of undeserved want such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or

(f) an industrial workman; or

(*g*) in custody, including custody in a protective home within the meaning of clause (*g*) of section 2 of the Immoral Traffic (Prevention) Act, 1956, or in a juvenile home within the meaning of clause (*j*) of section 2 of the Juvenile Justice Act, 1986, or in a psychiatric hospital or psychiatric nursing home within the meaning of clause (*g*) of section 2 of the Mental Health Act, 1987; or

104 of 1956.
53 of 1986.
14 of 1987.

(*h*) in receipt of annual income less than nine thousand rupees if the case is before a court other than the Supreme Court, and less than twelve thousand rupees or such other amount as may be prescribed by the Central Government if the case is before the Supreme Court.

Entitlement to legal services.

13. (*1*) Persons who satisfy all or any of the criteria specified in section 12 shall be entitled to receive legal services provided that the concerned Authority is satisfied that such person has a *prima facie* case to prosecute or to defend.

(*2*) An affidavit made by a person as to his income may be regarded as sufficient for making him eligible to the entitlement of legal services under this Act unless the concerned Authority has reason to disbelieve such affidavit.

CHAPTER V

FINANCE, ACCOUNTS AND AUDIT

Grants by the Central Government.

14. The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Central Authority, by way of grants, such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

National Legal Aid Fund.

15. (*1*) The Central Authority shall establish a fund to be called the National Legal Aid Fund and there shall be credited thereto,—

(*a*) all sums of money given as grants by the Central Government under section 14;

(*b*) any grants or donations that may be made to the Central Authority by any other person for the purposes of this Act;

(*c*) any amount received by the Central Authority under the orders of any court or from any other source.

(*2*) The National Legal Aid Fund shall be applied for meeting,—

(*a*) the cost of legal services provided under this Act including grants made to State Authorities;

(*b*) any other expenses which are required to be met by the Central Authority.

State Legal Aid Fund.

16. (*1*) A State Authority shall establish a fund to be called the State Legal Aid Fund and there shall be credited thereto—

(*a*) all sums of money paid to it or any grants made by the Central Authority for the purposes of this Act;

(*b*) any grants or donations that may be made to the State Authority by the State Government or by any person for the purposes of this Act;

(*c*) any other amount received by the State Authority under the orders of any court or from any other source.

(*2*) A State Legal Aid Fund shall be applied for meeting—

(*a*) the cost of functions referred to in section 7;

(*b*) any other expenses which are required to be met by the State Authority.

District Legal Aid Fund.

17. (*1*) Every District Authority shall establish a fund to be called the District Legal Aid Fund and there shall be credited thereto—

(*a*) all sums of money paid or any grants made by the State Authority to the District Authority for the purposes of this Act;

(*b*) any grants or donations that may be made to the District Authority by any person for the purposes of this Act;

(*c*) any other amount received by the District Authority under the orders of any court or from any other source.

(*2*) A District Legal Aid Fund shall be applied for meeting—

(*a*) the cost of functions referred to in section 10;

(*b*) any other expenses which are required to be met by the District Authority.

Accounts and audit.

18. (*1*) The Central Authority, State Authority or the District Authority (hereinafter referred to in this section as 'the Authority'), as the case may be, shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the income and expenditure account and the balance-sheet in such form and in such manner as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(*2*) The accounts of the Authorities shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority concerned to the Comptroller and Auditor-General of India.

(*3*) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the auditing of the accounts of an Authority under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the auditing of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authorities under this Act.

(*4*) The accounts of the Authorities, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually by the Authorities to the Central Government or the State Governments, as the case may be.

CHAPTER VI

LOK ADALATS

19. (*1*) The State or District Authorities may organise Lok Adalats at such intervals and places and for exercising such jurisdiction and for such areas, as they think fit. **Cognizance of Lok adalats.**

(*2*) Every Lok Adalat organised for an area shall consist of such judicial officers of the area as may be specified by the State or District Authorities organising the Lok Adalat and such other members possessing such qualifications and experience as may be prescribed by the State Government.

(*3*) A Lok Adalat shall have jurisdiction to determine and arrive at a compromise or settlement between the parties to a dispute in respect of any matter falling within the jurisdiction of any civil, criminal or revenue court or any tribunal constituted under any law for the time being in force in the area for which the Lok Adalat is organised.

20. (*1*) Where, in any suit or other proceeding which is capable of being taken cognizance of by a Lok Adalat under the provisions of this Act and pending before any court or tribunal, if the parties thereof make a joint application to the court or tribunal indicating their intention to compromise the matter or to arrive at a settlement, the presiding officer of the court or tribunal, as the case may be, may, instead of proceeding to effect a compromise between the parties or to arrive at a settlement himself, and notwithstanding anything contained in any other law for the time being in force, pass an order that the suit or proceeding shall stand transferred to the Lok Adalat for arriving at a compromise or settlement. **Cognizance of cases by Lok Adalats.**

(*2*) Notwithstanding anything contained in any other law for the time being in force, the District Authority may, on receipt of an application from any person that any dispute or matter pending for a compromise or settlement needs to be determined by a Lok Adalat, refer such dispute or matter to the Lok Adalat for determination.

(*3*) Where any suit or proceeding is transferred to a Lok Adalat under sub-section (*1*) or where a reference has been made to it under sub-section (*2*), the Lok Adalat shall proceed to dispose of the suit, proceeding, dispute or matter and arrive at a compromise or settlement between the parties.

(*4*) Every Lok Adalat shall, while determining any proceeding before it under this Act, act with utmost expedition to arrive at a compromise or settlement between the parties and shall be guided by legal principles and the principles of justice, equity and fair play.

(*5*) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, it shall be open to the parties to a suit or proceeding transferred from a court or tribunal under sub-section (*1*) to continue such suit or proceeding before such court or tribunal, or if it is a dispute or matter referred to a Lok Adalat under sub-section (*1*), any of the persons may institute a proceeding in an appropriate court.

(*6*) Where, under sub-section (*5*), the parties to a suit or proceeding intend to continue the proceeding in such suit or proceeding before the court or tribunal from which it was transferred, such court or tribunal shall proceed to deal with such suit or proceeding from the stage at which it was before the suit or proceeding was transferred to the Lok Adalat.

Award of Lok Adalat.

21. (*1*) Every award of the Lok Adalat shall be deemed to be a decree of a civil court or order of any other court or tribunal and where a compromise or settlement has been arrived at, by a Lok Adalat in a suit or proceeding transferred to it under sub-section (*1*) of section 20, the court-fee paid in such suit or proceeding shall be refunded in the manner provided under the Court-fees Act, 1870. 7 of 1870.

(*2*) Every award made by a Lok Adalat shall be final and binding on all the parties to the dispute, and no appeal shall lie to any court against the award.

Powers of Lok Adalats.

22. (*1*) The Lok Adalat shall, for the purposes of holding any determination 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;

(*c*) the reception of evidence on affidavits;

(*d*) the requisitioning of any public record or document or copy of such record or document from any court or office; and

(*e*) such other matters as may be prescribed.

(*2*) Without prejudice to the generality of the powers contained in sub-section (*1*), every Lok Adalat shall have the requisite powers to specify its own procedure for the determination of any dispute coming before it.

(*3*) All proceedings before a Lok Adalat shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code and every Lok Adalat shall be deemed to be a civil court for the purpose of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973. 45 of 1860. 2 of 1974.

CHAPTER VII

MISCELLANEOUS

Members and staff of Authorities and Lok Adalats to be public servants.

23. The members of the Central Authority, the State Authorities and the District Authorities, and officers and other employees provided to such Authorities and the members of the Lok Adalats shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. 45 of 1860.

Protection of action taken in good faith.

24. No suit, prosecution or other legal proceeding shall lie against the Central Government or State Government or against the Chairman or any other member of any Central, State or District Authority or any other person authorised by such Chairman or other member, for any

thing which is in good faith done or intended to be done under the provisions of this Act or any rule, regulation or order made thereunder.

25. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time thing inconsistent therewith contained in any other law for the time other than this Act.

Act to have overriding effect.

26. (*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 appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of a period of two years from the date on which this Act receives the assent of the President.

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

27. (*1*) The Central Government may, by notification, make rules to carry out the provisions of this Act.

Power of the Central Government to make rules.

(*2*) Without prejudice to the generality of the foregoing power, such rules may provide for all matters in respect of which rules are required to be made by the Central Government under this Act.

28. A State Government may, by notification, make rules to provide for any matter, not being a matter specified in section 27, in respect of which rules are required to be made by the State Government under this Act.

Power of the State Government to make rules.

29. The Central Authority and every State Authority may, by notification, make regulations not inconsistent with the provisions of this Act and the rules made thereunder, to provide for all matters in respect of which regulations are required to be made by the Central or State Authorities under this Act.

Power to make regulations.

30. (*1*) Every rule made under this Act by the Central Government and every regulation made by the Central Authority thereunder shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Laying of rules and regulations.

(*2*) Every rule made under this Act by a State Government and every regulation made by a State Authority thereunder shall be laid, as soon as may be after it is made, before the State Legislature.

THE REPRESENTATION OF THE PEOPLE (THIRD AMENDMENT) ACT, 1987

No. 40 OF 1987

[*27th November*, 1987.]

An Act further to amend the Representation of the People Act, 1950.

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

Short title and commencement.

1. (*1*) This Act may be called the Representation of the People (Third Amendment) Act, 1987.

(*2*) It shall be deemed to have come into force on the 22nd day of September, 1987.

Amendment of section 7.

2. In section 7 of the Representation of the People Act, 1950 (hereinafter referred to as the principal Act),— 43 of 1950.

(*i*) in sub-section (*1*), for the word, brackets, figure and letter "sub-section (*1A*)", the words, brackets, figures and letters "sub-sections (*1A*) and (*1B*)" shall be substituted;

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

"(*1B*) Notwithstanding anything contained in sub-section (*1*), in the Legislative Assemblies of the States of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland, to be constituted at any time after the commencement of the Representation of the People (Third Amendment) Act, 1987,—

(*a*) thirty-nine seats shall be reserved for the Scheduled Tribes in the Legislative Assembly of the State of Arunachal Pradesh;

(*b*) fifty-five seats shall be reserved for the Scheduled Tribes in the Legislative Assembly of the State of Meghalaya;

(*c*) thirty-nine seats shall be reserved for the Scheduled Tribes in the Legislative Assembly of the State of Mizoram; and

(*d*) fifty-nine seats shall be reserved for the Scheduled Tribes in the Legislative Assembly of the State of Nagaland.".

Repeal and saving.

3. (*1*) The Representation of the People (Amendment) Ordinance, 1987, is hereby repealed. Ord. 7 of 1987.

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

THE SHIPPING DEVELOPMENT FUND COMMITTEE (ABOLITION) AMENDMENT ACT, 1987

No. 41 OF 1987

[*2nd December*, 1987.]

An Act to amend the Shipping Development Fund Committee (Abolition) Act, 1986.

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

1. This Act may be called the Shipping Development Fund Committee (Abolition) Amendment Act, 1987. Short title.

2. In section 16 of the Shipping Development Fund Committee (Abolition) Act, 1986, in sub-section (*1*), for the words "this Chapter", the words "this Act" shall be substituted. Amendment of Act 66 of 1986.

THE METRO RAILWAYS (CONSTRUCTION OF WORKS) AMENDMENT ACT, 1987

No. 42 OF 1987

[*9th December*, 1987.]

An Act further to amend the Metro Railways (Construction of Works) Act, 1978.

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

Short title.

1. This Act may be called the Metro Railways (Construction of Works) Amendment Act, 1987.

Amendment of section 10.

2. In section 10 of the Metro Railways (Construction of Works) Act, 1978, to sub-section (*3*), the following proviso shall be added, namely:— 33 of 1978.

"Provided that in computing the said period of one year, the period or periods during which any action or proceeding to be taken in pursuance of the notification issued under sub-section (*1*) of section 7 [including any such action or proceeding pending immediately before the commencement of the Metro Railways (Construction of Works) Amendment Act, 1987] is stayed by an order of a Court, whether granted before or after such commencement, shall be excluded.".

THE CONSTITUTION (SCHEDULED TRIBES) ORDER (AMENDMENT) ACT, 1987

No. 43 OF 1987

[*9th December*, 1987.]

An Act to provide for the inclusion of certain tribes in the list of Scheduled Tribes specified in relation to the State of Meghalaya.

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

Short title and commencement.

1. (1) This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 1987.

(2) It shall be deemed to have come into force on the 19th day of September, 1987.

Amendment of the Scheduled Tribes Order, 1950.

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950 (hereinafter referred to as the principal Order), in "PART XI.—*Meghalaya*", after item 14, the following items shall be inserted, namely:—

"15. Boro Kacharis

16. Koch

17. Raba, Rava.".

Repeal and saving.

5 of 1987.

3. (1) The Constitution (Scheduled Tribes) Order (Amendment) Ordinance, 1987, is hereby repealed.

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

THE AUROVILLE (EMERGENCY PROVISIONS) AMENDMENT ACT, 1987

No. 44 OF 1987

[*11th December*, 1987.]

An Act further to amend the Auroville (Emergency Provisions) Act, 1980.

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

Short title and commencement.

1. (*1*) This Act may be called the Auroville (Emergency Provisions) Amendment Act, 1987.

(*2*) It shall be deemed to have come into force on the 28th day of October, 1987.

Amendment of section 3.

2. In section 3 of the Auroville (Emergency Provisions) Act, 1980 (hereinafter referred to as the principal Act), in sub-section (*1*), in the proviso, for the words "seven years", the words "eight years" shall be substituted. 59 of 1980.

Repeal and saving.

3. (*1*) The Auroville (Emergency Provisions) Amendment Ordinance, 1987, is hereby repealed. 8 of 1987.

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

THE APPROPRIATION (No. 5) ACT, 1987

No. 45 OF 1987

[16*th December*, 1987.]

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 1987-88.

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

1. This Act may be called the Appropriation (No. 5) Act, 1987. 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 seven hundred and eighty crores and forty-nine lakhs rupees towards defraying the several charges which will come in course of payment during the financial year 1987-88, in respect of the services specified in column 2 of the Schedule. Issue of Rs. 1780, 49,00,000 out of the Consolidated Fund of India for the year 1987-88.

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	2		3		
No. of Vote	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
1	Agriculture . .	Revenue	4,66,00,000	..	4,66,00,000
		Capital	11,26,00,000	..	11,26,00,000
4	Department of Rural Development . .	Revenue	249,90,00,000	..	249,90,00,000
5	Department of Fertilizers	Revenue	303,25,00,000	..	303,25,00,000
		Capital	156,50,00,000	..	156,50,00,000
6	Department of Commerce	Revenue	80,00,00,000	..	80,00,00,000
10	Telecommunication Services	Capital	1,00,000	..	1,00,000
14	Defence Services—Navy	Revenue	..	3,00,000	3,00,000
15A	Defence Ordnance Factories . . .	Revenue	..	9,00,000	9,00,000
18	Department of Power	Capital	100,01,00,000	..	100,01,00,000
22	Department of Economic Affairs . .	Revenue	1,00,000	7,00,000	8,00,000
27	Transfers to State Governments . .	Revenue	250,00,00,000	..	250,00,00,000
		Capital	..	481,64,00,000	481,64,00,000
33	Direct Taxes . .	Revenue	..	4,46,00,000	4,46,00,000
34	Indirect Taxes . .	Revenue	..	74,00,000	74,00,000
37	Department of Health	Revenue	1,00,000	..	1,00,000
42	Other Expenditure of the Ministry of Home Affairs	Revenue	..	2,00,000	2,00,000
44	Department of Education	Revenue	3,00,000	..	3,00,000
48	Department of Industrial Development .	Revenue	50,00,00,000	..	50,00,00,000
54	Ministry of Labour .	Revenue	1,00,000	..	1,00,000
58	Ministry of Petroleum and Natural Gas .	Capital	2,39,00,000	..	2,39,00,000
59	Planning	Revenue	1,00,000	..	1,00,000

1	2		3		
No. of Vote	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
64	Department of Biotechnology . .	Revenue	2,00,00,000	..	2,00,00,000
		Capital	10,00,000	..	10,00,000
67	Ministry of Textiles .	Revenue	71,00,000	..	71,00,000
		Capital	39,00,00,000	..	39,00,00,000
69	Surface Transport .	Capital	10,00,00,000	..	10,00,00,000
76	Ministry of Water Resources . .	Revenue	9,52,00,000	..	9,52,00,000
78	Atomic Energy .	Revenue	..	3,00,000	3,00,000
88	Delhi . . .	Revenue	1,00,000	1,25,00,000	1,26,00,000
93	Daman and Diu	Revenue	12,73,00,000	..	12,73,00,000
		Capital	10,04,00,000	..	10,04,00,000
	TOTAL . . .		1292,16,00,000	488,33,00,000	1780,49,00,000

THE FINANCE (AMENDMENT) ACT, 1987

No. 46 OF 1987

[16th December, 1987.]

An Act to amend the Finance Act, 1987.

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

Short title and commencement.

1. (1) This Act may be called the Finance (Amendment) Act, 1987.

(2) Sub-clause (ii) of clause (b) of section 3 and clause (c) of section 4 shall be deemed to have come into force on the 19th day of September, 1987 and the remaining provisions of this Act shall come into force at once.

Amendment of section 2.

2. In section 2 of the Finance Act, 1987 (hereinafter referred to as the principal Act),— 11 of 1987.

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

"(4A) In cases in which tax has to be deducted under section 194C of the Income-tax Act, the deduction shall be made at the rates specified in that section and shall be increased by a surcharge for purposes of the Union calculated at the rate of five per cent. of such deduction.";

(b) in sub-section (5), after the proviso, the following proviso shall be inserted, namely:—

'Provided further that in respect of any income chargeable to tax under section 115B of the Income-tax Act, the "advance tax" computed under the first proviso shall be increased by a surcharge for purposes of the Union calculated at the rate of five per cent. of such "advance tax".'.

Amendment of the First Schedule.

3. In the First Schedule to the principal Act,—

(a) in Part II, the following shall be added at the end, namely:—

"Surcharge on income-tax

The amount of income-tax computed in accordance with the provisions of sub-item (a) of item 1 and sub-item (a) of item

2 of this Part shall be increased by a surcharge for purposes of the Union calculated at the rate of five per cent. of such income-tax.";

(*b*) in Part III,—

(*i*) in the opening portion, after the words "in that Chapter or section", the words, figures and letter 'or surcharge on such "advance tax" in respect of any income chargeable to tax under section 115B' shall be inserted;

(*ii*) the following shall be added at the end, namely:—

"*Surcharge on income-tax*

The amount of income-tax computed in accordance with the provisions of Paragraphs A, B, C, D and item 1 of Paragraph E of this Part shall, in the case of every person having a total income exceeding fifty thousand rupees, be increased by a surcharged for purposes of the Union calculated at the rate of five per cent. of such income-tax:

Provided that no such surcharge shall be payable by a non-resident.".

43 of 1961.

Payment of surcharge.

4. Notwithstanding anything contained in the Income-tax Act, 1961,—

(*a*) the surcharge payable under sub-section (*4A*) of section 2 of, and Part II of the First Schedule to, the principal Act, as amended by this Act, shall be deductible only in respect of payments made after the date on which this Act receives the assent of the President;

(*b*) the surcharge payable under the second proviso to sub-section (*5*) of section 2 of the principal Act, in respect of the instalments of the "advance tax" paid or payable on the 15th day of September, 1987 and the 15th day of December, 1987 shall be payable on or before the 24th day of December, 1987;

(*c*) the surcharge payable under Part III of the First Schedule to the principal Act, as amended by this Act, in respect of the instalments of the "advance tax" paid or payable on the 15th day of June, 1987 and the 15th day of September, 1987 shall be payable on or before the 30th day of September, 1987.

Ord. 6 of 1987.

Repeal and saving.

5. (*1*) The Finance (Amendment) Ordinance, 1987 is hereby repealed.

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

THE AIR (PREVENTION AND CONTROL OF POLLUTION) AMENDMENT ACT, 1987

No. 47 OF 1987

[16th *December*, 1987.]

An Act to amend the Air (Prevention and Control of Pollution) Act, 1981.

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

Short title and commencement.

1. (*1*) This Act may be called the Air (Prevention and Control of Pollution) Amendment Act, 1987.

(*2*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different States and for different provisions of this Act.

Amendment of section 2.

2. In section 2 of the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as the principal Act),— 14 of 1981.

(*i*) in clause (*a*), after the words "gaseous substance", the brackets and words "(including noise)" shall be inserted;

(*ii*) in clause (*g*), for the words "Central Board for the Prevention and Control of Water Pollution", the words "Central Pollution Control Board" shall be substituted;

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

'(*m*) "occupier", in relation to any factory or premises, means the person who has control over the affairs of the factory or the premises, and includes, in relation to any substance, the person in possession of the substance;';

(*iv*) in clause (*o*), in sub-clause (*i*), for the words "State Board for the Prevention and Control of Water Pollution", the words "State Pollution Control Board" shall be substituted.

[1] 1-4-1988 *vide* Notification No. G.S.R. 382(E), dated 28-3-1988 (except cls. (ii) and (iv) of s. 2, s. 3, cl. (i) of s. 4 and s. 15).

3. For sections 3 and 4 of the principal Act, the following sections shall be substituted, namely:— **Substitution of new sections for sections 3 and 4.**

"3. The Central Pollution Control Board constituted under section 3 of the Water (Prevention and Control of Pollution) Act, 1974, shall, without prejudice to the exercise and performance of its powers and functions under that Act, exercise the powers and perform the functions of the Central Pollution Control Board for the prevention and control of air pollution under this Act. **Central Pollution Control Board.**

6 of 1974.

4. In any State in which the Water (Prevention and Control of Pollution) Act, 1974, is in force and the State Government has constituted for that State a State Pollution Control Board under section 4 of that Act, such State Board shall be deemed to be the State Board for the Prevention and Control of Air Pollution constituted under section 5 of this Act, and accordingly that State Pollution Control Board shall, without prejudice to the exercise and performance of its powers and functions under that Act, exercise the powers and perform the functions of the State Board for the prevention and control of air pollution under this Act.". **State Pollution Control Boards constituted under section 4 of Act 6 of 1974 to be State Boards under this Act.**

4. In section 5 of the principal Act,— **Amendment of section 5.**

(*i*) in sub-section (*1*), for the words "State Board for the Prevention and Control of Water Pollution", the words "State Pollution Control Board" shall be substituted;

(*ii*) in sub-section (*2*), for clause (*f*), the following clause shall be substituted, namely:—

"(*f*) a full-time member-secretary having such qualifications, knowledge and experience of scientific, engineering or management aspects of pollution control as may be prescribed, to be appointed by the State Government:".

5. In sub-section (*6*) of section 7 of the principal Act, the words "but not for more than two terms" shall be omitted. **Amendment of section 7.**

6. In section 14 of the principal Act, for sub-section (*2*), the following sub-section shall be substituted, namely:— **Amendment of section 14.**

"(*2*) The member-secretary of a State Board, whether constituted under this Act or not, shall exercise such powers and perform such duties as may be prescribed, or as may, from time to time, be delegated to him by the State Board or its Chairman.".

Amendment of section 16.

7. In sub-section (2) of section 16 of the principal Act, after clause (*d*), the following clause shall be inserted, namely:—

"(*dd*) perform such of the functions of any State Board as may be specified in an order made under sub-section (2) of section 18;".

Amendment of section 18.

8. Section 18 of the principal Act shall be renumbered as sub-section (*1*) thereof, and after sub-section (*1*) as so renumbered, the following sub-sections shall be inserted, namely:—

"(*2*) Where the Central Government is of the opinion that any State Board has defaulted in complying with any directions given by the Central Board under sub-section (*1*) and as a result of such default a grave emergency has arisen and it is necessary or expedient so to do in the public interest, it may, by order, direct the Central Board to perform any of the functions of the State Board in relation to such area, for such period and for such purposes, as may be specified in the order.

(*3*) Where the Central Board performs any of the functions of the State Board in pursuance of a direction under sub-section (*2*), the expenses, if any, incurred by the Central Board with respect to the performance of such functions may, if the State Board is empowered to recover such expenses, be recovered by the Central Board with interest (at such reasonable rate as the Central Government may, by order, fix) from the date when a demand for such expenses is made until it is paid from the person or persons concerned as arrears of land revenue or of public demand.

(*4*) For the removal of doubts, it is hereby declared that any directions to perform the functions of any State Board given under sub-section (*2*) in respect of any area would not preclude the State Board from performing such functions in any other area in the State or any of its other functions in that area.".

Amendment of section 21.

9. In section 21 of the principal Act,—

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

"(*1*) Subject to the provisions of this section, no person shall, without the previous consent of the State Board, establish or operate any industrial plant in an air pollution control area:

Provided that a person operating any industrial plant in any air pollution control area immediately before the commencement of section 9 of the Air (Prevention and Control of Pollution) Amendment Act, 1987, for which no consent was necessary prior to such commencement, may continue to do so for a period of three months from such commencement or, if he has made an application for such consent within the said period of three months, till the disposal of such application.";

(*ii*) in the proviso to sub-section (*2*), the words "for the purpose of any industry specified in the Schedule" shall be omitted;

(*iii*) in sub-section (*4*),—

(*a*) for the words "either grant or refuse, for reasons to be recorded in the order, the consent applied for", the words "and for reasons to be recorded in the order, grant the consent applied for subject to such conditions and for such period as may be specified in the order, or refuse such consent" shall be substituted;

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

"Provided that it shall be open to the State Board to cancel such consent before the expiry of the period for which it is granted or refuse further consent after such expiry if the conditions subject to which such consent has been granted are not fulfilled.

Provided further that before cancelling a consent or refusing a further consent under the first proviso, a reasonable opportunity of being heard shall be given to the person concerned.";

(*iv*) in the first proviso to sub-section (*5*), the words "for the purpose of any industry specified in the Schedule" shall be omitted;

Amendment of section 22.

10. In section 22 of the principal Act, the words "carrying on any industry specified in the Schedule or" shall be omitted.

Insertion of new section 22A.

11. After section 22 of the principal Act, the following section shall be inserted, namely:—

Power of Board to make application to court for restraining persons from causing air pollution.

"22A. (*1*) Where it is apprehended by a Board that emission of any air pollutant, in excess of the standards laid down by the State Board under clause (*g*) of sub-section (*1*) of section 17, is likely to occur by reason of any person operating an industrial plant or otherwise in any air pollution control area, the Board may make an application to a court, not inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class for restraining such person from emitting such air pollutant.

(*2*) On receipt of the application under sub-section (*1*), the court may make such order as it deems fit.

(*3*) Where under sub-section (*2*), the court makes an order restraining any person from discharging or causing or permitting to be discharged the emission of any air pollutant, it may, in that order,—

(*a*) direct such person to desist from taking such action as is likely to cause emission;

(*b*) authorise the Board, if the direction under clause (*a*) is not complied with by the person to whom such direction is issued, to implement the direction in such manner as may be specified by the court.

(4) All expenses incurred by the Board in implementing the directions of the court under clause (b) of sub-section (3) shall be recoverable from the person concerned as arrears of land revenue or of public demand.".

Amendment of section 23.

12. In section 23 of the principal Act, in sub-section (1), the words "air pollution control" shall be omitted.

Amendment of section 24.

13. In section 24 of the principal Act, in sub-section (2), the words "carrying on any industry specified in the Schedule and every person" shall be omitted.

Insertion of new **section 31A.**

14. In Chapter IV of the principal Act, after section 31, the following section shall be inserted, namely:—

Power to give directions.

"31A. Notwithstanding anything contained in any other law, but subject to the provisions of this Act and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

Explanation.—For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct—

(a) the closure, prohibition or regulation of any industry, operation or process; or

(b) the stoppage or regulation of supply of electricity, water or any other service.".

Amendment of sections 32, 33 and 49.

15. In the proviso to section 32, in sub-section (3) of section 33 and in section 49 of the principal Act, for the words "State Board for the Prevention and Control of Water Pollution", wherever they occur, the words "State Pollution Control Board" shall be substituted.

Insertion of new section 33A.

16. After section 33 of the principal Act, the following section shall be inserted, namely:—

Borrowing powers of Board.

"33A. A Board may, with the consent of, or in accordance with the terms of any general or special authority given to it by, the Central Government or, as the case may be, the State Government, borrow money from any source by way of loans or issue of bonds, debentures or such other instruments, as it may deem fit, for discharging all or any of its functions under this Act.".

Substitutoin of new section for section 35.

17. For section 35 of the principal Act, the following section shall be substituted, namely:—

Annual report.

"35. (1) The Central Board shall, during each financial year, prepare, in such form as may be prescribed, an annual report giving full account of its activities under this Act during the previous

financial year and copies thereof shall be forwarded to the Central Government within four months from the last date of the previous financial year and that Government shall cause every such report to be laid before both Houses of Parliament within nine months of the last date of the previous financial year.

(2) Every State Board shall, during each financial year, prepare, in such form as may be prescribed, an annual report giving full account of its activities under this Act during the previous financial year and copies thereof shall be forwarded to the State Government within four months from the last date of the previous financial year and that Government shall cause every such report to be laid before the State Legislature within a period of nine months from the last date of the previous financial year.".

Substitution of new section for section 37.

18. For section 37 of the principal Act, the following section shall be substituted, namely:—

Failure to comply with the provisions of section 21 or section 22 or with the directions issued under section 31A.

"37. (1) Whoever fails to comply with the provisions of section 21 or section 22 or directions issued under section 31A, shall, in respect of each such failure, be punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine, and in case the failure continues, with an additional fine which may extend to five thousand rupees for every day during which such failure continues after the conviction for the first such failure.

(2) If the failure referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine.".

Amendment of section 38.

19. In section 38 of the principal Act, for the words "five hundred rupees", the words "ten thousand rupees" shall be substituted.

Substitution of new section for section 39.

20. For section 39 of the principal Act, the following section shall be substituted, namely:—

Penalty for contravention of certain provisions of the Act.

"39. Whoever contravenes any of the provisions of this Act or any order or direction issued thereunder, for which no penalty has been elsewhere provided in this Act, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees or with both, and in the case of continuing contravention, with an additional fine which may extend to five thousand rupees for every day during which such contravention continues after conviction for the first such contravention.".

Substitution of new section for section 43.

21. For section 43 of the principal Act, the following section shall be substituted, namely:—

Cognizance of offences.

"43. (*1*) No court shall take cognizance of any offence under this Act except on a complaint made by—

(*a*) a Board or any officer authorised in this behalf by it; or

(*b*) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint to the Board or officer authorised as aforesaid,

and no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

(*2*) Where a complaint has been made under clause (*b*) of sub-section (*1*), the Board shall, on demand by such person, make available the relevant reports in its possession to that person:

Provided that the Board may refuse to make any such report available to such person if the same is, in its opinion, against the public interest.".

Omission of section 50.

22. Section 50 of the principal Act shall be omitted.

Amendment of section 53.

23. In section 53 of the principal Act, in sub-section (*1*), for clause (*f*), the following clauses shall be substituted, namely:—

"(*f*) the form in which and the time within which the budget of the Central Board may be prepared and forwarded to the Central Government under section 34;

(*ff*) the form in which the annual report of the Central Board may be prepared under section 35;".

Amendment of section 54.

24. In section 54 of the principal Act,—

(*a*) in sub-section (*2*),—

(*i*) clause (*a*) shall be renumbered as clause (*aa*), and before clause (*aa*) as so renumbered, the following clause shall be inserted, namely:—

"(*a*) the qualifications, knowledge and experience of scientific, engineering or management aspects of pollution control required for appointment as member-secretary of a State Board constituted under the Act;";

(*ii*) for clause (*w*), the following clauses shall be substituted, namely:—

"(*w*) the form in which and the time within which the budget of the State Board may be prepared and forwarded to the State Government under section 34;

(*ww*) the form in which the annual report of the State Board may be prepared under section 35;";

(*iii*) after clause (*x*), the following clause shall be inserted, namely:—

"(*xx*) the manner in which notice of intention to make a complaint shall be given under section 43;";

(*b*) in sub-section (*3*), for the words, brackets and letter "in clause (*a*)", the words, brackets and letters "in clause (*aa*)" shall be substituted.

25. The Schedule to the principal Act shall be omitted. Omission of the Schedule.

THE HIGH COURT JUDGES (CONDITIONS OF SERVICE) AMENDMENT ACT, 1987

No. 48 OF 1987

[16*th December*, 1987.]

An Act further to amend the High Court Judges (Conditions of Service) Act, 1954

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

Short title.

1. This Act may be called the High Court Judges (Conditions of Service) Amendment Act, 1987.

Amendment of section 22A.

2. In the High Court Judges (Conditions of Service) Act, 1954, in section 22A, in sub-section (2), for the words "an amount equal to twelve and a half per cent. of his salary", the words "two thousand five hundred rupees" shall be substituted. 28 of 1954.

THE EQUAL REMUNERATION (AMENDMENT) ACT, 1987

No. 49 of 1987

[16*th December*, 1987.]

An Act to amend the Equal Remuneration Act, 1976.

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

1. This Act may be called the Equal Remuneration (Amendment) Act, 1987. Short title.

25 of 1976.

2. In the Equal Remuneration Act, 1976 (hereinafter referred to as the principal Act), in section 5, after the words "work of a similar nature,", the words "or in any condition of service subsequent to recruitment such as promotions, training or transfer," shall be inserted. Amendment of section 5.

3. In section 10 of the principal Act,— Amendment of section 10.

(*a*) in sub-section (*1*), for the words "with fine which may extend to one thousand rupees", the words "with simple imprisonment for a term which may extend to one month or with fine which may extend to ten thousand rupees or with both" shall be substituted;

(*b*) in sub-section (*2*), for the words "with fine which may extend to five thousand rupees", the words "with fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees or with imprisonment for a term which shall be not less than three months but which may extend to one year or with both for the first offence, and with imprisonment which may extend to two years for the second and subsequent offences" shall be substituted.

4. For section 12 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 12.

'12. (*1*) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act. Cognizance and trial of offences.

(2) No court shall take cognizance of an offence punishable under this Act except upon—

(*a*) its own knowledge or upon a complaint made by the appropriate Government or an officer authorised by it in this behalf, or

(*b*) a complaint made by the person aggrieved by the offence or by any recognised welfare institution or organisation.

Explanation.—For the purposes of this sub-section "recognised welfare institution or organisation" means a social welfare institution or organisation recognised in this behalf by the Central or State Government.'.

Substitution of new section for section 15.

5. For section 15 of the principal Act, the following section shall be substituted, namely:—

Act not to apply in certain special cases.

"15. Nothing in this Act shall apply—

(*a*) to cases affecting the terms and conditions of a woman's employment in complying with the requirements of any law giving special treatment to women, or

(*b*) to any special treatment accorded to women in connection with—

(*i*) the birth or expected birth of a child, or

(*ii*) the terms and conditions relating to retirement, marriage or death or to any provision made in connection with the retirement, marriage or death.".

THE COMPTROLLER AND AUDITOR-GENERAL'S (DUTIES, POWERS AND CONDITIONS OF SERVICE) AMENDMENT ACT, 1987

No. 50 OF 1987

[16th December, 1987.]

An Act further to amend the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act, 1971.

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

1. This Act may be called the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Amendment Act, 1987. Short title.

2. In the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act, 1971 (hereinafter referred to as the principal Act), in section 6,— Amendment of section 6.

56 of 1971.

(a) in sub-sections (6A) and (6B), the provisos shall be omitted, and shall be deemed to have been omitted with effect from the 1st day of January, 1986;

(b) after sub-section (6B), the following sub-section shall be inserted, namely:—

"(6C) Notwithstanding anything contained in the foregoing provisions of this section, a person who demits office [whether in any manner specified in sub-section (8) or by resignation] as the Comptroller and Auditor-General after the commencement of the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Amendment Act, 1987, shall, on such demission, be entitled to—

(a) a pension which is equal to the pension payable to a Judge of the Supreme Court,—

(i) if such person is a person referred to in sub-section (1) or sub-section (3), in accordance with the provisions of Part III of the Schedule to the Supreme Court Judges (Conditions of Service) Act, 1958 (hereafter in this Act referred to as the Supreme Court Judges Act), as amended from time to time; and

41 of 1958.

(*ii*) if such person is a person referred to in sub-section (*4*), in accordance with the provisions of Part I of the Schedule to the Supreme Court Judges Act, as amended from time to time;

(*b*) such pension (including commutation of pension), family pension and gratuity as are admissible to a Judge of Supreme Court under the Supreme Court Judges Act and the rules made thereunder, as amended from time to time.".

Omission of section 7.

3. Section 7 of the principal Act shall be omitted.

Amendment of section 9.

4. In section 9 of the principal Act, for the opening paragraph, the following shall be substituted, namely:—

"Save as otherwise provided in this Act, the conditions of service relating to travelling allowance, provision of rent-free residence and exemption from payment of income-tax on the value of such rent-free residence, conveyance facilities, sumptuary allowance, medical facilities and such other conditions of service as are for the time being applicable to a Judge of the Supreme Court under Chapter IV of the Supreme Court Judges Act, and the rules made thereunder, shall, so far as may be, apply to a serving or retired Comptroller and Auditor-General, as the case may be;".

THE ADMINISTRATIVE TRIBUNALS (AMENDMENT) ACT, 1987

No. 51 OF 1987

[22nd December, 1987.]

An Act further to amend the Administrative Tribunals Act, 1985.

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

1. This Act may be called the Administrative Tribunals (Amendment) Act, 1987. Short title.

13 of 1985. 2. In section 2 of the Administrative Tribunals Act, 1985 (hereinafter referred to as the principal Act), in clause (c), after the words "any High Court", the words "or courts subordinate thereto" shall be inserted. Amendment of section 2.

3. In section 6 of the principal Act,— Amendment of section 6.

(a) in sub-section (1), the word "or" occurring at the end of clause (b) and clause (c) shall be omitted;

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

"(a) is, or has been, or is qualified to be, a Judge of a High Court; or";

(c) for sub-section (7), the following sub-section shall be substituted, namely:—

"(7) No appointment of a person possessing the qualifications specified in this section as the Chairman, a Vice-Chairman or a Member shall be made except after consultation with the Chief Justice of India.".

4. For section 8 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 8.

"8. The Chairman, Vice-Chairman or other Member shall hold office as such for a term of five years from the date on which he enters upon his office, but shall be eligible for re-appointment for another term of five years: Term of office.

Provided that no Chairman, Vice-Chairman or other Member shall hold office as such after he has attained,—

(*a*) in the case of the Chairman or Vice-Chairman, the age of sixty-five years, and

(*b*) in the case of any other Member, the age of sixty-two years.".

Amendment of section 29.

5. In section 29 of the principal Act, after sub-section (5), the following sub-sections shall be inserted, namely:—

"(6) Every case pending before a Tribunal immediately before the commencement of the Administrative Tribunals (Amendment) Act, 1987, being a case the cause of action whereon it is based is such that it would have been, if it had arisen after such commencement, within the jurisdiction of any court, shall, together with the records thereof, stand transferred on such commencement to such court.

(7) Where any case stands transferred to a court under sub-section (6), that court may proceed to deal with such case from the stage which was reached before it stood so transferred.".

Insertion of new section 36A.

6. After section 36 of the principal Act, the following section shall be inserted, namely:—

Power to make rules retrospectively.

"36A. The power to make rules under clause (c) of sub-section (2) of section 35 or clause (*b*) of section 36 shall include the power to make such rules or any of them retrospectively from a date not earlier than the date on which this Act received the assent of the President, but no such retrospective effect shall be given to any such rule so as to prejudicially affect the interests of any person to whom such rule may be applicable.".

THE ALL INDIA COUNCIL FOR TECHNICAL EDUCATION ACT, 1987

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2. Definitions.

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THE ALL INDIA COUNCIL FOR TECHNICAL EDUCATION ACT, 1987

No. 52 OF 1987

[23rd December, 1987.]

An Act to provide for the establishment of an All India Council for Technical Education with a view to the proper planning and co-ordinated development of the technical education system throughout the country, the promotion of qualitative improvement of such education in relation to planned quantitative growth and the regulation and proper maintenance of norms and standards in the technical education system and for matters connected therewith.

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

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (*1*) This Act may be called the All India Council for Technical Education Act, 1987.

(*2*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

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

(*a*) "Commission" means the University Grants Commission established under section 4 of the University Grants Commission Act, 1956;

3 of 1956.

(*b*) "Council" means the All India Council for Technical Education established under section 3;

(*c*) "Fund" means the Fund of the Council constituted under section 16;

(*d*) "member" means a member of the Council and includes the Chairman and Vice-Chairman;

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

(*f*) "regulations" means regulations made under this Act;

[1] 28.3.1988 *Vide* Notification No. S.O. 317 (E), dated 28.3.1988.

(*g*) "technical education" means programmes of education, research and training in engineering technology, architecture, town planning, management, pharmacy and applied arts and crafts and such other programme or areas as the Central Government may, in consultation with the Council, by notification in the Official Gazette, declare;

(*h*) "technical institution" means an institution, not being a University, which offers courses or programmes of technical education, and shall include such other institutions as the Central Government may, in consultation with the Council, by notification in the Official Gazette, declare as technical institutions;

(*i*) "University" means a University defined under clause (*f*) of section 2 of the University Grants Commission Act, 1956 and includes an institution deemed to be a University under section 3 of that Act. 3 of 1956.

CHAPTER II

ESTABLISHMENT OF THE COUNCIL

Establishment of the Council.

3. (*1*) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established a Council by the name of the All India Council for Technical Education.

(*2*) The Council shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to contract and shall by the said name sue and be sued.

(*3*) The head office of the Council shall be at Delhi and the Council may, with the previous approval of the Central Government, establish offices at other places in India.

(*4*) The Council shall consist of the following members, namely:—

(*a*) a Chairman to be appointed by the Central Government;

(*b*) a Vice-Chairman to be appointed by the Central Government;

(*c*) the Secretary to the Government of India in the Ministry of the Central Government dealing with education, *ex officio;*

(*d*) the Educational Adviser (General) to the Government of India, *ex officio;*

(*e*) the Chairmen of the four Regional Committees, *ex officio;*

(*f*) the Chairmen of,—

(*i*) the All India Board of Vocational Education, *ex officio;*

(*ii*) the All India Board of Technician Education, *ex officio;*

(*iii*) the All India Board of Under-graduate Studies in Engineering and Technology, *ex officio;*

(*iv*) the All India Board of Post-graduate Education and Research in Engineering and Technology, *ex officio;*

(*v*) the All India Board of Management Studies, *ex officio;*

(*g*) one member to be appointed by the Central Government to represent the Ministry of Finance of the Central Government;

(*h*) one member to be appointed by the Central Government to represent the Ministry of Science and Technology of the Central Government;

(*i*) four members to be appointed by the Central Government by rotation to represent the Ministries and the Departments of the Central Government, other than those specified in clauses (*g*) and (*h*);

(*j*) two members of Parliament of whom one shall be elected by the House of the People and one by the Council of States;

(*k*) eight members to be appointed by the Central Government by rotation in the alphabetical order to represent the States and the Union territories:

Provided that an appointment under this clause shall be made on the recommendation of the Government of the State, or as the case may be, the Union territory concerned;

(*l*) four members to be appointed by the Central Government to represent the organisations in the field of industry and commerce;

(*m*) seven members to be appointed by the Central Government to represent,—

(*i*) the Central Advisory Board of Education;

(*ii*) the Association of Indian Universities;

(*iii*) the Indian Society for Technical Education;

(*iv*) the Council of the Indian Institutes of Technology;

(*v*) the Pharmacy Council of India;

(*vi*) the Council of Architecture;

(*vii*) the National Productivity Council;

(*n*) four members to be appointed by the Central Government to represent the professional bodies in the field of technical and management education;

(*o*) not more than two members to be appointed by the Central Government to represent such interests not covered by the foregoing clauses as the Central Government may deem fit;

(*p*) the Chairman, University Grants Commission, *ex officio;*

(*q*) the Director, Institute of Applied Manpower Research, New Delhi, *ex officio;*

(*r*) the Director-General, Indian Council of Agricultural Research, *ex officio;*

(*s*) the Director-General, Council of Scientific and Industrial Research, *ex officio*;

(*t*) Member-Secretary to be appointed by the Central Government.

(5) Notwithstanding anything contained in sub-section (*4*),—

(*a*) the first Chairman shall be the Minister of Human Resource Development of the Central Government;

(*b*) the first Vice-Chairman of the Council shall be the Minister of State for Education of the Central Government;

(*c*) the first Member-Secretary of the Council shall be the Educational Adviser (Technical) of the Central Government.

Term of office of members.

4. (*1*) The term of office of a member, other than an *ex officio* member, on the first constitution of the Council shall be five years and thereafter three years.

(*2*) If a casual vacancy occurs in the office of the Chairman, whether by reason of his death, resignation or inability to discharge his functions owing to illness or other incapacity, the Vice-Chairman holding office as such for the time being shall act as the Chairman and shall, unless any other person is appointed earlier as the Chairman, hold office of the Chairman for the remainder of the term of office of the person in whose place he is to so act.

(*3*) If a casual vacancy occurs in the office of the Vice-Chairman or any other member, whether by reason of his death, resignation or inability to discharge his functions owing to illness or other incapacity, such vacancy shall be filled by the Central Government by making a fresh appointment and the member so appointed shall hold office for the remainder of the term of office of the person in whose place he is so appointed.

(*4*) The Vice-Chairman shall perform such functions as may be assigned to him by the Chairman from time to time.

(*5*) The procedure to be followed by the members in the discharge of their functions shall be such as may be prescribed.

Meetings of the Council.

5. (*1*) The Council shall meet at such time and places, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at such meetings) as may be provided by regulations:

Provided that the Council shall meet at least once every year.

(*2*) The Chairman and in his absence the Vice-Chairman shall preside at the meetings of the Council.

(*3*) If for any reason the Chairman or the Vice-Chairman is unable to attend any meeting of the Council, any other member chosen by the members present at the meeting shall preside at the meeting.

(*4*) All questions which come up before any meeting of the Council shall be decided by a majority of the votes of the members present and

voting, and in the event of an equality of votes, the Chairman, or in his absence, the person presiding, shall have and exercise a second or casting vote.

6. No act or proceeding of the Council shall be invalid merely by reason of— Vacancies, etc., not to invalidate proceedings of the Council.

(a) any vacancy in, or any defect in the constitution of, the Council; or

(b) any defect in the appointment of a person acting as a member of the Council; or

(c) any irregularity in the procedure of the Council not affecting the merits of the case.

7. (1) The Council may associate with itself, in such manner and for such purposes as may be determined by regulations, any person whose assistance or advice it may desire in carrying out any of the provisions of this Act. Temporary association of persons with the Council for particular purposes.

(2) A person associated with it by the Council under sub-section (1) for any purpose shall have a right to take part in the discussions relevant to that purpose, but shall not have a right to vote at a meeting of the Council, and shall not be a member for any other purpose.

8. (1) For the purpose of enabling it efficiently to discharge its functions under this Act, the Council shall, subject to such regulations as may be made in this behalf, appoint (whether on deputation or otherwise) such number of officers and other employees as it may consider necessary: Appointment of officers and other employees of the Council.

Provided that the appointment of such category of officers, as may be specified in such regulations, shall be subject to the approval of the Central Government.

(2) Every officer or other employee appointed by the Council shall be subject to such conditions of service and shall be entitled to such remuneration as may be determined by regulations.

9. All orders and decisions of the Council shall be authenticated by the signature of the Chairman or any other member authorised by the Council in this behalf, and all other instruments issued by the Council shall be authenticated by the signature of the Member-Secretary or any other officer of the Council authorised in like manner in this behalf. Authentication of orders and other instruments of the Council.

CHAPTER III

POWERS AND FUNCTIONS OF THE COUNCIL

10. It shall be the duty of the Council to take all such steps as it may think fit for ensuring coordinated and integrated development of technical education and maintenance of standards and for the purposes of performing its functions under this Act, the Council may— Functions of the Council.

(a) undertake survey in the various fields of technical education, collect data on all related matters and make forecast of the needed growth and development in technical education;

(*b*) coordinate the development of technical eduction in the country at all levels;

(*c*) allocate and disburse out of the Fund of the Council such grants on such terms and conditions as it may think fit to—

(*i*) technical institutions, and

(*ii*) Universities imparting technical education in coordination with the Commission;

(*d*) promote innovations, research and development in established and new technologies, generation, adoption and adaptation of new technologies to meet developmental requirements and for overall improvement of educational processes;

(*e*) formulate schemes for promoting technical education for women, handicapped and weaker sections of the society;

(*f*) promote an effective link between technical education system and other relevant systems including research and development organisations, industry and the community;

(*g*) evolve suitable performance appraisal systems for technical institutions and Universities imparting technical education, incorporating norms and mechanisms for enforcing accountability;

(*h*) formulate schemes for the initial and in-service training of teachers and identify institutions or centres and set up new centres for offering staff development programmes including continuing education of teachers;

(*i*) lay down norms and standards for courses, curricula, physical and instructional facilities, staff pattern, staff qualifications, quality instructions, assessment and examinations;

(*j*) fix norms and guidelines for charging tuition and other fees;

(*k*) grant approval for starting new technical institutions and for introduction of new courses or programmes in consultation with the agencies concerned;

(*l*) advise the Central Government in respect of grant of charter to any professional body or institution in the field of technical education conferring powers, rights and privileges on it for the promotion of such profession in its field including conduct of examinations and awarding of membership certificates;

(*m*) lay down norms for granting autonomy to technical institutions;

(*n*) take all necessary steps to prevent commercialisation of technical education;

(*o*) provide guidelines for admission of students to technical institutions and Universities imparting technical education;

(*p*) inspect or cause to inspect any technical institution;

(*q*) withhold or discontinue grants in respect of courses, programmes to such technical institutions which fail to comply with the directions given by the Council within the stipulated period of time

and take such other steps as may be necessary for ensuring compliance of the directions of the Council;

(*r*) take steps to strengthen the existing organisations, and to set up new organisations to ensure effective discharge of the Council's responsibilities and to create positions of professional, technical and supporting staff based on requirements;

(*s*) declare technical institutions at various levels and types offering courses in technical education fit to receive grants;

(*t*) advise the Commission for declaring any institution imparting technical education as a deemed University;

(*u*) set up a National Board of Accreditation to periodically conduct evaluation of technical institutions or programmes on the basis of guidelines, norms and standards specified by it and to make recommendation to it, or to the Council, or to the Commission or to other bodies, regarding recognition or de-recognition of the institution or the programme;

(*v*) perform such other functions as may be prescribed.

Inspection.

11. (*1*) For the purposes of ascertaining the financial needs of technical institution or a University or its standards of teaching, examination and research, the Council may cause an inspection of any department or departments of such technical institution or University to be made in such manner as may be prescribed and by such person or persons as it may direct.

(*2*) The Council shall communicate to the technical institution or University the date on which any inspection under sub-section (*1*) is to be made and the technical institution or University shall be entitled to be associated with the inspection in such manner as may be prescribed.

(*3*) The Council shall communicate to the technical institution or the University, its views in regard to the results of any such inspection and may, after ascertaining the opinion of that technical institution or University, recommend to that institution or University the action to be taken as a result of such inspection.

(*4*) All communications to a technical institution or University under this section shall be made to the executive authority thereof and the executive authority of the technical institution or University shall report to the Council the action, if any, which is proposed to be taken for the purposes of implementing any such recommendation as is referred to in sub-section (*3*).

CHAPTER IV

Bodies of the Council

Executive Committee of the Council.

12. (*1*) The Council shall constitute a Committee, called the Executive Committee for discharging such functions as may be assigned to it by the Council.

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

(*a*) the Chairman of the Council;

(b) the Vice-Chairman of the Council;

(c) Secretary to the Government of India in the Ministry of the Central Government dealing with Education, *ex officio;*

(d) two Chairmen of the Regional Committees;

(e) three Chairmen of the Boards of Studies;

(f) a member of the Council representing the Ministry of Finance of the Central Government, *ex officio;*

(g) four out of eight members of the Council representing the States and Union territories under clause (k) of sub-section (4) of section 3;

(h) four members with expertise and distinction in areas relevant to Technical Education to be nominated by the Chairman of the Council;

(i) the Chairman of the University Grants Commission, *ex officio;*

(j) the Director, Institute of Applied Manpower Research, New Delhi, *ex officio;*

(k) the Director General, Indian Council of Agricultural Research, *ex officio;*

(l) the Member-Secretary of the Council.

(3) The Chairman and the Member-Secretary of the Council shall, respectively, function as the Chairman and the Member-Secretary of the Executive Committee.

(4) The Chairman or in his absence, the Vice-Chairman of the Council shall preside at the meetings of the Executive Committee and in the absence of both the Chairman and the Vice-Chairman, any other member chosen by the members present at the meeting shall preside at the meeting.

(5) The Executive Committee shall meet at such time and places, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at such meetings) as the Council may provide by regulations.

Boards of Studies.

13. (1) The Council shall establish the following Boards of Studies, namely:—

(i) All India Board of Vocational Education;

(ii) All India Board of Technician Education;

(iii) All India Board of Under-graduate Studies in Engineering and Technology;

(iv) All India Board of Post-graduate Education and Research in Engineering and Technology;

(v) All India Board of Management Studies.

(2) The Council may, if it considers necessary, establish such other Boards of Studies as it may think fit.

(3) Every Board of Studies shall advise the Executive Committee on academic matters falling in its area of concern including norms, standards, model curricula, model facilities and structure of courses.

(4) The area of concern, powers, the constitution and functions of the Boards of Studies shall be such as the Council may provide by regulations.

Regional Committees.

14. (1) The Council shall establish the following Regional Committees, namely:—

(i) The Northern Regional Committee with its office at Kanpur;

(ii) The Southern Regional Committee with its office at Madras;

(iii) The Western Regional Committee with its office at Bombay;

(iv) The Eastern Regional Committee with its office at Calcutta.

(2) The Council may, if it considers necessary, establish such other Regional Committees as it may think fit.

(3) The Regional Committee shall advise and assist the Council to look into all aspects of planning, promoting and regulating technical education within the region.

(4) The region for which the Regional Committees may be established and the constitution and functions of such Committees shall be prescribed by regulations.

CHAPTER V

FINANCE, ACCOUNTS AND AUDIT

Payment to the Council.

15. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Council in each financial year such sums as may be considered necessary for the performance of functions of the Council under this Act.

Fund of the Council.

16. (1) The Council shall have its own Fund: and all sums which may, from time to time, be paid to it by the Central Government and all the receipts of the Council (including any sum which any State Government or any other authority or person may hand over to the Council) shall be credited to the Fund and all payments by the Council shall be made therefrom.

(2) All moneys belonging to the Fund shall be deposited in such banks or invested in such manner as may, subject to the approval of the Central Government, be decided by the Council.

(3) The Council may spend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the Fund of the Council.

Budget.

17. The Council shall prepare, in such form and at such time each year as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure, and copies thereof shall be forwarded to the Central Government.

Annual report.

18. The Council shall prepare once every year, in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament.

Accounts and audit.

19. (1) The Council shall cause to be maintained such books of account and other books in relation to its accounts in such form and in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed.

(2) The Council shall, as soon as may be, after closing its annual accounts prepare a statement of accounts in such form, and forward the same to the Comptroller and Auditor-General of India by such date, as the Central Government may, in consultation with the Comptroller and Auditor-General, determine.

(3) The accounts of the Council shall be audited by the Comptroller and Auditor-General of India at such times and in such manner as he thinks fit.

(4) The accounts of the Council as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament.

CHAPTER VI

MISCELLANEOUS

Directions by the Central Government.

20. (1) The Council shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time.

(2) The decision of the Central Government as to whether a question is one of policy or not shall be final.

Power to supersede the Council.

21. (1) If the Central Government is of the opinion that the Council is unable to perform, or has persistently made default in the performance of, the duty imposed on it by or under this Act or has exceeded or abused its powers, or has wilfully or without sufficient cause, failed to comply with any direction issued by the Central Government under section 20, the Central Government may, by notification in the Official Gazette, supersede the Council for such period as may be specified in the notification:

Provided that before issuing a notification under this sub-section, the Central Government shall give a reasonable time to the Council to show cause why it should not be superseded and shall consider the explanation and objections, if any, of the Council.

(2) Upon the publication of a notification under sub-section (1) superseding the Council,—

(a) all the members of the Council shall, notwithstanding that their term of office had not expired, as from the date of supersession, vacate their offices as such members;

(b) all the powers and duties which may, by or under the provisions of this Act, be exercised or performed by or on behalf of the Council shall, during the period of supersession, be exercised and performed by such person or persons as the Central Government may direct;

(c) all property vested in the Council shall, during the period of supersession, vest in the Central Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may—

(a) extend the period of supersession for such further period as it may consider necessary; or

(b) reconstitute the Council in the manner provided in section 3.

Power to make rules.

22. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the procedure to be followed by the members in the discharge of their functions;

(b) the inspection of technical institutions and Universities;

(c) the form and manner in which the budget and reports are to be prepared by the Council;

(d) the manner in which the accounts of the Council are to be maintained; and

(e) any other matter which has to be, or may be, prescribed.

Power to make regulations.

23. (1) The Council may, by notification in the Official Gazette, make regulations not inconsistent with the provisions of this Act, and the rules generally to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) regulating the meetings of the Council and the procedure for conducting business thereat;

(b) the terms and conditions of service of the officers and employees of the Council;

(c) regulating the meetings of the Executive Committee and the procedure for conducting business thereat;

(d) the area of concern, the constitution, and powers and functions of the Board of Studies;

(e) the region for which the Regional Committee be established and the constitution and functions of such Committee.

Rules and regulations to be laid before Parliament.

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

effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Power to remove difficulties.

25. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

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

THE NATIONAL HOUSING BANK ACT, 1987

ARRANGEMENT OF SECTIONS

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THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

THE NATIONAL HOUSING BANK ACT, 1987

No. 53 of 1987

[23rd December, 1987.]

An Act to establish a bank to be known as the National Housing Bank to operate as a principal agency to promote housing finance institutions both at local and regional levels and to provide financial and other support to such institutions and for matters connected therewith or incidental thereto.

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

CHAPTER I

Preliminary

Short title, extent and commencement.

1. (1) This Act may be called the National Housing Bank Act, 1987.

(2) It extends to the whole of India.

(3) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act and any reference in any provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Definitions.

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

(a) "Board" means the Board of Directors of the National Housing Bank referred to in section 6;

(b) "Chairman" means the Chairman of the Board appointed under section 6;

(c) "director" means a director appointed under section 6;

(d) "housing finance institution" includes every institution, whether incorporated or not, which primarily transacts or has as its principal object, the transacting of the business of providing finance for housing, whether directly or indirectly;

(e) "Managing Director" means the Managing Director appointed under section 6;

(f) "National Housing Bank" means the National Housing Bank established under section 3;

[1] 9-7-1988 *vide* Notifications No. S.O. 684 (E), dated 9-7-1988 (except Chapter V and Sub-section 3 of section 49)

(*g*) "notification" means a notification published in the Official Gazette;

(*h*) "prescribed" means prescribed by regulations made under this Act;

(*i*) "Reserve Bank" means the Reserve Bank of India constituted under section 3 of the Reserve Bank of India Act, 1934; 2 of 1934.

(*j*) words and expressions used herein and not defined but defined in the Reserve Bank of India Act, 1934, shall have the meanings respectively assigned to them in that Act; 2 of 1934.

(*k*) words and expressions used herein and not defined either in this Act or in the Reserve Bank of India Act, 1934, but defined in the Banking Regulation Act, 1949, shall have the meanings respectively assigned to them in the Banking Regulation Act, 1949. 2 of 1934. 10 of 1949.

CHAPTER II

ESTABLISHMENT OF THE NATIONAL HOUSING BANK AND CAPITAL THEREOF

Establishment and incorporation of National Housing Bank.

3. (*1*) With effect from such date as the Central Government may, by notification, appoint, there shall be established for the purposes of this Act, a bank to be known as the National Housing Bank.

(*2*) The National Housing Bank shall be a body corporate with the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and may, by that name, sue and be sued.

(*3*) The head office of the National Housing Bank shall be at Bombay or at such other place as the Reserve Bank may, by notification, specify.

(*4*) The National Housing Bank may establish offices, branches or agencies at any place in India, and with the previous approval of the Reserve Bank, at any place outside India.

Capital.

4. The authorised and paid up capital of the National Housing Bank shall be one hundred crores of rupees and shall be subscribed by the Reserve Bank:

Provided that the Central Government may, in consultation with the Reserve Bank, by notification, increase the said capital up to five hundred crores of rupees and the capital so increased shall also be subscribed by the Reserve Bank.

CHAPTER III

MANAGEMENT OF THE NATIONAL HOUSING BANK

Management.

5. (*1*) The general superintendence, direction and management of the affairs and business of the National Housing Bank shall vest in the Board of Directors, which shall exercise all powers and do all acts and things, which may be exercised or done by the National Housing Bank.

(*2*) Subject to the provisions of this Act, the Board, in discharging its functions, shall act on business principles with due regard to public interest.

(3) Subject to the provisions of sub-section (1) and save as otherwise provided in the regulations made under this Act,—

(a) the Chairman, if he is holding offices both as the Chairman and the Managing Director; or

(b) the Managing Director, if the Chairman is absent,

shall also have powers of general superintendence, direction and management of the affairs and business of the National Housing Bank and may also exercise all powers and do all acts and things which may be exercised or done by the National Housing Bank and shall act on business principles with due regard to public interest.

(4) The Managing Director shall, in the discharge of his powers and functions, follow such directions as the Chairman may give.

(5) In the discharge of its functions under this Act, the National Housing Bank shall be guided by such directions in matters of policy involving public interest as the Central Government, in consultation with the Reserve Bank, or the Reserve Bank, may give in writing.

Board of Directors.

6. (1) The Board of Directors of the National Housing Bank shall consist of the following, namely:—

(a) a Chairman and a Managing Director:

Provided that the same person may be appointed as Chairman and as Managing Director;

(b) three directors from amongst the experts in the field of housing, architecture, engineering, sociology, finance, law, management and corporate planning or in any other field, special knowledge of which is considered useful to the National Housing Bank;

(c) three directors, who shall be persons with experience in the working of institutions involved in providing funds for housing or engaged in housing development;

(d) two directors from out of the directors of the Reserve Bank;

(e) three directors from amongst the officials of the Central Government;

(f) two directors from amongst the officials of the State Government.

(2) The Chairman, the Managing Director and other directors excluding the directors referred to in clause (d), shall be appointed by the Central Government in consultation with the Reserve Bank and directors referred to in clause (d) shall be nominated by the Reserve Bank.

Term of office of Chairman, Managing Director and other directors, service conditions, etc.

7. (1) The Chairman and the Managing Director shall hold office for such term, not exceeding five years and shall receive such salary and allowances and be governed by such terms and conditions of service as the Central Government may, in consultation with the Reserve Bank, specify and shall be eligible for re-appointment:

Provided that the Chairman or, as the case may be, the Managing Director shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(*2*) The directors referred to in clauses (*b*) and (*c*) of sub-section (*1*) of section 6 shall hold office for a term of three years:

Provided that any such director shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(*3*) The Central Government may, in consultation with the Reserve Bank, remove the Chairman or the Managing Director, or any other director referred to in sub-section (*2*), at any time before the expiry of his term of office after giving him a reasonable opportunity of showing case against the proposed removal.

(*4*) Notwithstanding anything contained in sub-sections (*1*) and (*3*), the Central Government, in consultation with the Reserve Bank, shall have the right to terminate the term of office of the Chairman or, as the case may be, the Managing Director, at any time before the expiry of the term specified under sub-section (*1*), by giving him notice of not less than three months in writing or three months' salary and allowances in lieu thereof and the Chairman or the Managing Director, as the case may be, shall also have the right to relinquish his office at any time before the expiry of the term specified under sub-section (*1*), by giving to the Central Government notice of not less than three months in writing or three months' salary and allowances in lieu thereof.

(*5*) The directors shall be paid such fees and allowances as may be prescribed for attending the meetings of the Board or of any of its committees and for attending to any other work of the National Housing Bank:

Provided that no such fee shall be payable to any director, who is an official of the Government or a director of the Reserve Bank.

Disqualifications.

8. No person shall be a director of the Board, if he—

(*a*) is, or becomes of unsound mind and has been so declared by a competent court; or

(*b*) is or has been convicted of any offence which, in the opinion of the Central Government, involves moral turpitude; or

(*c*) is, or at any time has been, adjudicated as insolvent or has suspended payment of his debts or has compounded with his creditors; or

(*d*) has, for any reason, been removed or dismissed from the service of—

(*i*) the Government, or

(*ii*) the Reserve Bank, the State Bank or any other bank, or

(*iii*) any public financial institution, or state financial corporation, or

(*iv*) any other corporation owned or controlled by the Government.

Vacation and resignation of office by directors.

9. (1) If a director—

(a) becomes subject to any of the disqualifications mentioned in section 8; or

(b) is absent without leave of the Board for three or more consecutive meetings thereof,

his seat shall thereupon become vacant.

(2) Any director may resign his office by giving notice thereof in writing to the authority that appointed or, as the case may be, nominated him and on his resignation being accepted by such authority or if his resignation is not sooner accepted, on the expiry of three months from the receipt thereof by such appointing authority, he shall be deemed to have vacated his office.

Casual vacancy in the office of Chairman or Managing Director.

10. If the Chairman, or as the case may be, the Managing Director, is by infirmity or otherwise rendered incapable of carrying out his duties or is absent on leave or otherwise, in circumstances not involving the vacation of his appointment, the Central Government may, appoint another person to act in his place during his absence.

Meetings of Board.

11. (1) The Board shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings, as may be prescribed.

(2) The Chairman, or, if for any reason he is unable to attend a meeting of the Board, the Managing Director, or, in the event of both the Chairman and the Managing Director being unable to attend a meeting, any other director nominated by the Chairman in this behalf and in the absence of such nomination, any director elected by the directors present from among themselves at the meeting, shall preside at the meeting.

(3) All questions which come up before any meeting of the Board shall be decided by a majority of votes of the directors present and voting, and in the event of an equality of votes, the Chairman, or, in his absence, the person presiding, shall have a second or casting vote.

Executive Committee and other committees.

12. (1) The Board may constitute an Executive Committee consisting of such number of directors as may be prescribed.

(2) The Executive Committee shall discharge such functions as may be prescribed, or, as may be delegated to it, by the Board.

(3) The Board may constitute such other committees, whether consisting wholly of directors or wholly of other persons or partly of directors and partly of other persons as it thinks fit for such purposes, as it may decide and any committee so constituted shall discharge such functions as may be delegated to it by the Board.

(4) The Executive Committee or any other committees constituted under this section shall meet at such times and places and shall observe

such rules of procedure in regard to transaction of business at its meetings, as may be prescribed.

Director of Board or member of committee thereof not to participate in meetings in certain cases.

13. Any director of the Board or any member of a committee, who has any direct or indirect pecuniary interest in any matter coming up for consideration at a meeting of the Board or a committee thereof, shall, as soon as possible after relevant circumstances have come to his knowledge, disclose the nature of his interest at such meeting and the disclosure shall be recorded in the minutes of the Board, or the committee, as the case may be, and the director or member shall not take any part in any deliberation or decision of the Board or the committee with respect to that matter.

CHAPTER IV

BUSINESS OF THE NATIONAL HOUSING BANK

Business of the National Housing Bank.

14. Subject to the provisions of this Act, the National Housing Bank may transact all or any of the following kinds of business, namely:—

(a) promoting, establishing, supporting or aiding in the promotion, establishment and support of housing finance institutions;

(b) making of loans and advances or rendering any other form of financial assistance whatsoever to housing finance institutions and scheduled banks;

(c) subscribing to or purchasing stocks, shares, bonds, debentures and securities of every other description;

(d) guaranteeing the financial obligations of housing finance institutions and underwriting the issue of stocks, shares, bonds, debentures and securities of every other description of housing finance institutions;

(e) drawing, accepting, discounting or rediscounting, buying or selling and dealing in bills of exchange, promissory notes, bonds, debentures, hundies, coupons and other instruments by whatever name called;

(f) forming, promoting and managing subsidiaries for carrying out all or any of its functions under this Act;

(g) undertaking research and surveys on construction techniques and other studies relating to or connected with shelter, housing and human settlement;

(h) formulating one or more schemes, for the purpose of mobilisation of resources and extension of credit for housing;

(i) formulating one or more schemes; for the economically weaker sections of society which may be subsidised by the Central Government or any State Government or any other source;

(j) organising training programmes, seminars and symposia on matters relating to housing;

(*k*) providing guidelines to the housing finance institutions to ensure their growth on sound lines;

(*l*) providing technical and administrative assistance to housing finance institutions;

(*m*) co-ordinating with the Life Insurance Corporation of India, the Unit Trust of India, the General Insurance Corporation of India and other financial institutions, in the discharge of its overall functions;

(*n*) exercising all powers and functions in the performance of duties entrusted to the National Housing Bank under this Act or under any other law for the time being in force;

(*o*) acting as agent of the Central Government, the State Government or the Reserve Bank or of any authority as may be authorised by the Reserve Bank;

(*p*) any other kind of business which the Central Government may, on the recommendation of the Reserve Bank, authorise;

(*q*) generally, doing of all such matters and things as may be incidental to or consequential upon the exercise of its powers or the discharge of its duties under this Act.

Borrowings and acceptance of deposits by National Housing Bank.

15. (*1*) The National Housing Bank may, for the purpose of carrying out its functions under this Act—

(*a*) issue and sell bonds and debentures with or without the guarantee of the Central Government, in such manner and on such terms as may be prescribed;

(*b*) borrow money from the Central Government and from any other authority or organisation or institution approved by that Government on such terms and conditions as may be agreed upon;

(*c*) 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 as may generally or specially be approved by the Reserve Bank;

(*d*) borrow money from the Reserve Bank—

(*i*) repayable on demand or on the expiry of fixed periods not exceeding eighteen months from the date of the making of loan or advance, on such terms and conditions including the terms relating to security and purpose as may be specified by the Reserve Bank;

(*ii*) out of the National Housing Credit (Long Term Operations) Fund established under section 46D of the Reserve Bank of India Act, 1934 or any of the purposes specified in that section;

2 of 1934.

(*e*) receive for services rendered, such remuneration, commission, commitment charges, consultancy charges, service charges, royalties, premia, licence fees and any other consideration of whatever description;

(f) receive gifts, grants, donations or benefactions from Government or any other source.

(2) The Central Government may, on a request being made to it by the National Housing Bank, guarantee the bonds and debentures issued by the National Housing Bank as to the repayment of principal and the payment of interest at such rate as may be fixed by that Government.

Loans in foreign currency.

16. (1) Notwithstanding anything contained in the Foreign Exchange Regulation Act, 1973 or in any other law for the time being in force relating to foreign exchange, the National Housing Bank may, for the purpose of making loans and advances under this Act, borrow in such manner and on such conditions as may be prescribed in consultation with the Reserve Bank and with the previous approval of the Central Government, foreign currency from any bank or financial institution in India or elsewhere. 46 of 1973.

(2) The Central Government may, where necessary, guarantee any loan taken by the National Housing Bank under sub-section (1) or any part thereof as to the repayment of principal and the payment of interest and other incidental charges.

Power to transfer rights.

17. The rights and interests of the National Housing Bank (including any other rights incidental thereto) in relation to any loan or advance made, or any amount recoverable, by it, may be transferred by the National Housing Bank, 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 in which the rights and interests in relation to such loan or advance may be lawfully transferred, and the National Housing Bank may, notwithstanding such transfer, act as the trustee within the meaning of section 3 of the Indian Trusts Act, 1882, for the transferee. 2 of 1882.

Power to acquire rights.

18. The National Housing Bank shall have the right to acquire, by transfer or assignment, the rights and interests of any housing finance institution (including any other rights incidental thereto) in relation to any loan or advance made, 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 or in any other manner in which the rights and interests in relation to such loan or advance may be lawfully transferred.

Power to impose conditions for accommodation.

19. In entering into any transaction under this Chapter with any borrowing housing finance institution, the National Housing Bank may impose such conditions as it may think necessary or expedient for protecting the interests of the National Housing Bank.

Power to call for repayment before agreed period.

20. Notwithstanding anything to the contrary contained in any agreement, the National Housing Bank may, by notice in writing, require any borrowing housing finance institution to discharge forthwith in full its liabilities to the National Housing Bank—

(a) if it appears to the Board that false or misleading information in any material particular was given in the application for the loan or advance; or

(b) if the borrowing housing finance institution has failed to comply with any of the terms of the agreement with the National Housing Bank in the matter of the loan or advance; or

(c) if there is a reasonable apprehension that the borrowing housing finance institution is unable to pay its debts or that proceedings for liquidation may be commenced in respect thereof; or

(d) if for any reason, it is necessary so to do to protect the interests of the National Housing Bank.

National Housing Bank to have access to records.

21. (1) The National Housing Bank shall have free access to all such records of any housing finance institution which seeks to avail of any credit facilities from the National Housing Bank and to all such records of any person who seeks to avail of any credit facilities from such housing finance institution, the perusal of which may appear to the National Housing Bank to be necessary in connection with the providing of finance or other assistance to such housing finance institution or the refinancing of any loan or advance made to such person by that housing finance institution.

(2) The National Housing Bank may require any institution or person referred to in sub-section (1), to furnish to it copies of any of the records referred to in that sub-section and the institution or the person, as the case may be, shall be bound to comply with such requisition.

Validity of loan or advance not to be questioned.

22. Notwithstanding anything to the contrary contained in any other law for the time being in force, the validity of any loan or advance made by the National Housing Bank in pursuance of the provisions of this Act shall not be called in question merely on the ground of non-compliance with the requirements of such other law or of any resolution, contract, or any instrument regulating the constitution of the borrowing housing finance institution:

Provided that nothing in this section shall enable any company or co-operative society to obtain any loan or advance where the instrument relating to the constitution of such company or co-operative society does not empower such company or co-operative society so to do.

National Housing Bank not to make loans or advances against its own bonds or debentures.

23. The National Housing Bank shall not make any loan or advance on the security of its own bonds or debentures.

Power to inspect.

24. (1) The National Housing Bank may at any time and shall, on being directed so to do by the Reserve Bank, cause an inspection to be made by one or more of its officers of any housing finance institution to which the National Housing Bank has made any loan or advance or granted any other financial assistance, and its books, accounts and other documents; and the National Housing Bank shall supply to the housing finance institution a copy of its report on such inspection.

(2) It shall be the duty of every officer, employee or other person or persons incharge of the whole or part of the affairs of the housing finance institution to produce to any officer making an inspection under sub-section (1), all such books, accounts and other documents in his custody or power and to furnish within such time as the said officer may specify, any statements, information relating to the affairs of the housing finance institution as the said officer may require of him.

Power to collect credit information.

25. (1) The National Housing Bank may, for the purpose of the efficient discharge of its functions under this Act, at any time direct any housing finance institution to submit to it credit information in such form and within such time as may be specified by the National Housing Bank from time to time.

(2) Every housing finance institution shall, notwithstanding anything to the contrary contained in any law for the time being in force or in any instrument regulating the constitution thereof or in any agreement executed by it, relating to the secrecy of its dealings with its constituents, be bound to comply with any directions issued under sub-section (1).

(3) The National Housing Bank may, for the purpose of the efficient discharge of its functions under this Act collect from the Central and State Governments, local authorities, the Reserve Bank, any bank or such financial or other institutions as the Reserve Bank may specify in this behalf, credit information or other information.

Explanation.—For the purposes of this section and section 26, credit information means any information relating to—

(*i*) the amount of loans and advances and other credit facilities granted for the purpose of housing;

(*ii*) the nature of security taken for such loans, advances or other credit facilities;

(*iii*) the guarantees furnished; and

(*iv*) any other information which has a bearing on the credit-worthiness of the borrower.

Power to publish information.

26. The National Housing Bank, if it considers it in the public interest so to do, may publish any credit information or other information obtained by it under this Act, in such consolidated form or in any other form as it thinks fit.

Advisory services.

27. The National Housing Bank may provide advisory services to the Central and State Governments, local authorities and other agencies connected with housing, in respect of—

(*a*) formulation of overall policies aimed at promoting the growth of housing and housing finance institutions;

(*b*) legislation relating to matters having a bearing on shelter, housing and human settlement.

CHAPTER V

PROVISIONS RELATING TO HOUSING FINANCE INSTITUTIONS RECEIVING DEPOSITS

Definition of deposit.

2 of 1934.

28. In this Chapter the term 'deposit' shall have the meaning assigned to it in section 45I of the Reserve Bank of India Act, 1934.

Chapter not to apply in certain cases.

29. (1) The provisions of this Chapter shall not apply to deposits accepted by a housing finance institution which is a firm or an unincorporated association of individuals.

(2) For the removal of doubts, it is hereby declared that the firms and unincorporated associations of individuals referred to in sub-section (1) shall continue to be governed by the provisions of Chapter IIIC of the Reserve Bank of India Act, 1934.

2 of 1934.

National Housing Bank to regulate or prohibit issue of prospectus or advertisement soliciting deposits of money.

30. The National Housing Bank may, if it considers necessary in the public interest so to do, by general or special order,—

(a) regulate or prohibit the issue by any housing finance institution of any prospectus or advertisement soliciting deposits of money from the public; and

(b) specify the conditions subject to which any such prospectus or advertisement, if not prohibited, may be issued.

Power of National Housing Bank to collect information from housing finance institutions as to deposits and to give directions.

31. (1) The National Housing Bank may at any time direct that every housing finance institution accepting deposits shall furnish to the National Housing Bank in such form, at such intervals and within such time, such statements, information or particulars relating to or connected with deposits received by the housing finance institution, as may be specified by the National Housing Bank by general or special order.

(2) Without prejudice to the generality of the power vested in the National Housing Bank under sub-section (1), the statements, information or particulars to be furnished under sub-section (1), may relate to all or any of the following matters, namely, the amount of the deposits, the purposes and periods for which, and the rates of interest and other terms and conditions on which, such deposits are received.

(3) The National Housing Bank may, if it considers necessary in the public interest so to do, give directions to housing finance institutions accepting deposits either generally or to any group of housing finance institutions accepting deposits, and in particular, in respect of any matters relating to, or connected with, the receipt of deposits, including the rates of interest payable on such deposits, and the periods for which deposits may be received.

(4) If any housing finance institution accepting deposits fails to comply with any direction given by the National Housing Bank, under

sub-section (3), the National Housing Bank may prohibit the acceptance of deposits by that housing finance institution.

(5) Every housing finance institution receiving deposits, shall, if so required by the National Housing Bank and within such time as the National Housing Bank may specify, cause to be sent at the cost of the housing finance institution, a copy of its annual balance-sheet and profit and loss account or other annual accounts to every person from whom the housing finance institution holds, as on the last day of the year to which the accounts relate, deposits higher than such sum as may be specified by the National Housing Bank.

Duty of housing finance institutions to furnish statements, etc., required by National Housing Bank.

32. Every housing finance institution shall furnish the statements, information or particulars called for, in such form as may be prescribed and to comply with any direction given to it, under the provisions of this Chapter.

Powers and duties of auditors.

33. (1) The auditor of every housing finance institution shall enquire whether or not the housing finance institution has furnished to the National Housing Bank such statements, information or particulars relating to or connected with deposits received by it, as are required to be furnished under this Chapter, and the auditor shall, except where he is satisfied on such enquiry that the housing finance institution has furnished such statements, information or particulars, make a report to the National Housing Bank giving the aggregate amount of such deposits held by the housing finance institution.

(2) Where, in the case of a housing finance institution, being a company, the auditor has made, or intends to make a report to the National Housing Bank under sub-section (1), he shall include in his report under sub-section (2) of section 227 of the Companies Act, 1956, the contents of the report which he has made, or intends to make, to the National Housing Bank. 1 of 1956.

Inspection.

34. (1) The National Housing Bank may, at any time, cause an inspection to be made by one or more of its officers or employees or other persons (hereafter in this section referred to as the inspecting authority) of any housing finance institution accepting deposits, for the purpose of verifying the correctness or completeness of any statement, information or particulars furnished to the National Housing Bank or for the purpose of obtaining any information or particulars which the housing finance institution has failed to furnish on being called upon to do so.

(2) It shall be the duty of every director or member of any committee or other body or any person for the time being vested with the management of the whole or part of the affairs of every housing finance institution accepting deposits or other officer or employee

thereof to produce to the inspecting authority all such books, accounts and other documents in his custody or power and to furnish that authority with any statement and information relating to the business of the institution as that authority may require of him, within such time as may be specified by that authority.

(3) The inspecting authority may examine on oath any director or member of any committee or body or any other person for the time being vested with the management of the affairs of the housing finance institution, accepting deposits, or any officer or employee thereof, in relation to its business.

Deposits not to be solicited by unauthorised persons.

35. No person shall solicit on behalf of any housing finance institution either by publishing or causing to be published any prospectus or advertisement or in any other manner deposits of money from the public unless—

(a) he has been authorised in writing by the said housing finance institution to do so and specifies the name of the institution which has so authorised him; and

(b) the prospectus or advertisement complies with any order made by the National Housing Bank under section 30 and with any other provision of law for the time being in force applicable to the publication of such prospectus or advertisement.

Chapter V to override other laws.

36. The provisions of this Chapter 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 such law.

CHAPTER VI

FUNDS, ACCOUNTS AND AUDIT

General Fund and other funds.

37. (1) With effect from such date as the Reserve Bank may specify, the National Housing Bank shall establish a fund to be called the General Fund and all payments by the National Housing Bank shall be made out of the said General Fund.

(2) The Board may, and shall, if so directed by the Reserve Bank, create a special fund or a reserve fund or such other funds as may be prescribed.

Preparation of balance sheet, etc., of National Housing Bank.

38. (1) The balance sheet and accounts of the National Housing Bank shall be prepared and maintained in such form and manner as may be prescribed.

(2) The Board shall cause the books and accounts of the National Housing Bank to be balanced and closed as on the thirtieth day of June, each year.

Disposal of surplus.

39. After making provision for bad and doubtful debts, depreciation of assets and all other matters for which provision is necessary or expedient or which is usually provided for by bankers, the National Housing Bank shall transfer—

(i) for a period of fifteen years, following the accounting year during which the National Housing Bank is established, the amount

remaining (hereafter in this section referred to as surplus) such of the funds referred to in section 37 as the Reserve Bank may specify; and

(*ii*) after the expiry of the said period of fifteen years, the National Housing Bank shall, after making provision for the funds referred to in section 37, transfer the balance of surplus to the Reserve Bank.

Audit.

40. (*1*) The accounts of the National Housing Bank shall be audited by auditors duly qualified to act as auditors under sub-section (*1*) of section 226 of the Companies Act, 1956, who shall be appointed by the Reserve Bank, for such term and on such remuneration as the Reserve Bank may fix. 1 of 1956.

(*2*) The auditors shall be supplied with a copy of the annual balance sheet of the National Housing Bank and it shall be their duty to examine it together with the accounts and vouchers relating thereto and they shall have a list delivered to them of all books kept by the National Housing Bank and shall at all reasonable times have access to the books, accounts, vouchers and other documents of the National Housing Bank.

(*3*) The auditors may, in relation to the accounts of the National Housing Bank, examine any director of the Board or any officer or other employee of the National Housing Bank and shall be entitled to require from the Board or officers or other employees of the National Housing Bank such information and explanation as they may think necessary for the performance of their duties.

(*4*) The auditors shall make a report to the National Housing Bank upon the annual balance sheet and accounts examined by them and in every such report, they shall state whether in their opinion the balance sheet is a full and fair balance sheet containing all necessary particulars and properly drawn up so as to exhibit a true and fair view of the state of affairs of the National Housing Bank and in case they had called for any explanation or information from the Board or any officer or other employee of the National Housing Bank, whether it was given and whether it was satisfactory.

(*5*) The National Housing Bank shall furnish to the Central Government and the Reserve Bank within three months from the date on which the annual accounts of the National Housing Bank are closed and balanced, a copy of its balance sheet as on the close of the relevant year together with a copy of the profit and loss account for the year and a copy of the auditors' report and a report of the working of the National Housing Bank during that year, and the Central Government shall, as soon as may be after they are received by it, cause the same to be laid before each House of Parliament.

(*6*) Without prejudice to anything contained in the preceding sub-sections, the Central Government may, at any time, appoint the Comptroller and Auditor-General of India to examine and report upon the accounts of the National Housing Bank and any expenditure incurred by him in connection with such examination and report shall be payable by the National Housing Bank to the Comptroller and Auditor-General of India.

41. The National Housing Bank shall furnish, from time to time, to the Reserve Bank such information and returns as the Reserve Bank may require. Returns.

42. The National Housing Bank shall make an annual report to the Central Government and the Reserve Bank on the trend and progress of housing in the country and in that report may make such suggestions as it may think necessary or expedient for the development of housing and the Central Government shall, as soon as may be after the report is received by it, cause the same to be laid before each House of Parliament. Annual report on housing.

CHAPTER VII

MISCELLANEOUS

43. (1) The National Housing Bank 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. Staff of National Housing Bank.

(2) The duties and conduct, terms and conditions of service and the establishment and maintenance of provident fund or any other fund for the benefit of the officers and other members of staff of the National Housing Bank shall be such as may be prescribed.

(3) The National Housing Bank may depute any officer or any member of its staff for such period and on such terms and conditions as it may determine, to any institution including a housing finance institution.

(4) Nothing contained in this section shall empower the National Housing Bank to depute any officer or member of its staff to any institution on any salary, emoluments or other terms and conditions which is or are less favourable to him than that or those to which he is entitled to immediately before such deputation.

(5) The National Housing Bank may, without prejudice to the provisions of section 54AA of the Reserve Bank of India Act, 1934, receive or take on deputation any officer or other employee from any institution including a housing finance institution for such period and on such terms and conditions as it may think necessary in the interest of the National Housing Bank. 2 of 1934.

44. (1) The National Housing Bank shall not, except as otherwise required by this Act or any other law, divulge any information relating to, or to the affairs of, its constituents except in circumstances in which it is, in accordance with the law or practice and usage customary among bankers, necessary or appropriate for the National Housing Bank to divulge such information. Obligation as to fidelity and secrecy.

(2) Every director, member of a committee, auditor, adviser, officer or other employee of the National Housing Bank or of the Reserve Bank, whose services are utilised by the National Housing Bank under the provisions of this Act, shall, before entering upon his duties, make a declaration of fidelity and secrecy in the form set out in the First Schedule to this Act.

Defects in appointment not to invalidate acts, etc.

45. (1) No act or proceeding of the Board or of any committee of the National Housing Bank shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Board or the committee, as the case may be.

(2) No act done by any person acting in good faith as a director of the Board or as a member of a committee of the National Housing Bank shall become invalid merely on the ground that he was disqualified to be a director or that there was any other defect in his appointment.

Protection of action taken under the Act.

46. No suit or other legal proceeding shall lie against the National Housing Bank or any director or any officer or other employee of the National Housing Bank or any other person authorised by the National Housing Bank to discharge any functions under this Act for any loss or damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or of any other law or provision having the force of law.

Indemnity of directors.

47. (1) Every director shall be indemnified by the National Housing Bank against all losses and expenses incurred by him in, or in relation to, the discharge of his duties, except such as are caused by his own wilful act or default.

(2) A director shall not be responsible for any other director or for any officer or other employee of the National Housing Bank or for any loss or expenses resulting to the National Housing Bank from the insufficiency or deficiency of the value of, or title to, any property or security acquired or taken on behalf of the National Housing Bank or the insolvency or wrongful act of any debtor or any person under obligation to the National Housing Bank or of anything done in good faith in the execution of the duties of his office in relation thereto.

Exemption from tax on income.

48. Notwithstanding anything contained in the Income-tax Act, 1961, or any other enactment for the time being in force relating to tax on income, profits or gains, the National Housing Bank shall not be liable to pay income-tax or any other tax in respect of its income, profits or gains derived. 43 of 1961.

Penalties.

49. (1) Whoever in any return, balance sheet, or other document or in any information required or furnished by or under or for the purposes of any provision of this Act, wilfully makes a statement which is false in any material particular, knowing it to be false, or wilfully omits to make a material statement, shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

(2) If any person fails to produce any book, account or other document, or to furnish any statement or information which, under the provisions of this Act, it is his duty to produce or furnish, he shall be punishable with fine which may extend to two thousand rupees in respect of each offence and in the case of a continuing failure, with an additional fine which may extend to one hundred rupees for every day during which the failure continues after conviction for the first such failure.

(3) If any person—

(a) receives any deposit in contravention of any direction given or order made under Chapter V; or

(b) issues any prospectus or advertisement otherwise than in accordance with section 35 or any order made under section 30, as the case may be;

he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine which may extend,—

(i) in the case of a contravention falling under clause (a), to twice the amount of deposit received; and

(ii) in the case of a contravention falling under clause (b), to twice the amount of the deposit called for by the prospectus or advertisement.

(4) If any other provision of this Act is contravened or if any default is made in complying with any other requirement of this Act or of any order, regulation or direction made or given or condition imposed thereunder, any person guilty of such contravention or default shall be punishable with fine which may extend to two thousand rupees and where a contravention or default is a continuing one, with further fine which may extend to one hundred rupees for every day, after the first, during which the contravention or default continues.

Offences by companies.

50. (1) Where an offence has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

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

Explanation.—For the purposes of this section—

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

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

Cognizance of offences.

51. (1) No court shall take cognizance of any offence punishable under this Act except upon a complaint in writing made by an officer of the National Housing Bank, generally or specially authorised in writing in this behalf by the National Housing Bank, and no court other than that of a Metropolitan Magistrate or a Judicial Magistrate of the first class or a court superior thereto shall try any such offence.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, a Magistrate may, if he sees reason so to do, dispense with the personal attendance of the officer of the National Housing Bank filing the complaint but the Magistrate may in his discretion, at any stage of the proceedings, direct the personal attendance of the complainant. 2 of 1974.

Application of fine.

52. 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.

Bankers' Books Evidence Act 18 of 1891, to apply in relation to National Housing Bank.

53. The Bankers' Books Evidence Act, 1891, shall apply in relation to the National Housing Bank as if it were a bank as defined in section 2 of that Act.

Liquidation of National Housing Bank.

54. No provision of law relating to the winding up of companies shall apply to the National Housing Bank and the National Housing Bank shall not be placed in liquidation save by order of the Central Government and in such manner as it may direct.

Power of the Board to make regulations.

55. (1) The Board may, with the previous approval of the Reserve Bank and in consultation with the Central Government, by notification, make regulations not inconsistent with this Act to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the fees and allowances that may be paid to the directors for attending the meetings of the Board or its committees under sub-section (5) of section 7;

(b) the times and places at which the Board may meet, and the rules of procedure that may be followed in regard to the transaction of business under sub-section (1) of section 11;

(c) the number of members that the Executive Committee may consist, the functions that it may discharge and times and places at which it shall meet and the rules of procedure that it may follow in the transaction of business under section 12;

(*d*) the manner and terms of issue and redemption of bonds and debentures under clause (*a*) of sub-section (*1*) of section 15;

(*e*) the manner in which and the conditions subject to which the National Housing Bank may borrow in foreign currency under sub-section (*1*) of section 16;

(*f*) the form in which the statements, information, etc., is to be furnished under section 32;

(*g*) the special fund, reserve fund and other funds to be created under sub-section (*2*) of section 37;

(*h*) the form and manner in which the balance sheet and accounts shall be prepared and maintained under sub-section (*1*) of section 38;

(*i*) the duties and conduct, salaries, allowances and conditions of service of the officers and other members of staff of the National Housing Bank under section 43;

(*j*) the establishment and maintenance of provident fund and any other fund for the benefit of officers and other members of staff of the National Housing Bank under section 43; and

(*k*) any other matter which is to be, or may be, prescribed.

(*3*) Any regulation which may be made by the Board under this Act may be made by the Reserve Bank, in consultation with the Central Government, before the expiry of three months from the date of establishment of the National Housing Bank, and any regulation so made may be altered and rescinded by the Board in the exercise of its powers under this Act.

(*4*) The power to make regulations conferred by this section shall include the power to give retrospective effect to the regulations or any of them from a date not earlier than the date of commencement of this Act, 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*) The Central Government shall cause every regulation made under this Act to be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.

Amendment of certain enactments.

56. The enactments specified in the Second Schedule to this Act shall be amended in the manner provided therein and unless otherwise provided in that Schedule, such amendments shall take effect on and from the date or establishment of the National Housing Bank under section 3.

Power to remove difficulties.

57. 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 three years from the commencement of this Act.

THE FIRST SCHEDULE

[*See* section 44 (2)]

DECLARATION OF FIDELITY AND SECRECY

I,..... do hereby declare that I will faithfully, truly and to the best of my skill and ability execute and perform the duties required of me as director, member of the ..... committee, auditor, advisor, officer or other employee (as the case may be) of the National Housing Bank and which properly relate to the office or position held by me in or in relation to the said National Housing Bank.

I further declare that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of the National Housing Bank nor will I allow any such person to inspect or have access to any books or documents belonging to or in the possession of the National Housing Bank and relating to the business of the said National Housing Bank or the business of any person having any dealing with the said National Housing Bank.

Signed before me. (*Signature*)

THE SECOND SCHEDULE

(*See* section 56)

AMENDMENTS TO CERTAIN ENACTMENTS

PART I

AMENDMENTS TO THE RESERVE BANK OF INDIA ACT, 1934

(2 OF 1934)

AMENDMENTS

1. In section 2, after clause (*ccc*), the following clause shall be inserted, namely:—

"(cccc) 'National Housing Bank' means the National Housing Bank established under section 3 of the National Housing Bank Act, 1987;".

2. In section 17,—

(*i*) after clause (*4D*), the following clause shall be inserted, namely:—

"(*4DD*) the making to the National Housing Bank of loans and advances and generally assisting the National Housing Bank in such manner and on such terms as may be determined by the Central Board;";

(*ii*) after clause (*4G*), the following clause shall be inserted, namely:—

"(*4GG*) the making of loans and advances to, and the purchasing of bonds and debentures of, the National Housing Bank out of the National Housing Credit (Long Term Operations) Fund established under section 46D;";

(*iii*) after clause (*8A*), the following clause shall be inserted, namely:—

"(*8AA*) the promoting, establishing, supporting or aiding in the promotion, establishment and support of any financial institution, whether as its subsidiary or otherwise;".

3. In the *Explanation* to sub-section (*1*) of section 42, in sub-clause (*ii*) of clause (*c*), after the words "or from the Reconstruction Bank", the words "or from the National Housing Bank" shall be inserted.

4. After section 46C, the following section shall be inserted, namely:—

National Housing Credit (Long Term Operations) Fund.

"46D. (*1*) The Bank shall establish and maintain a Fund to be known as the National Housing Credit (Long Term Operations) Fund to which shall be credited every year such sums of money as it may consider necessary.

(*2*) The amount in the said Fund shall be applied by the Bank only to the following objects, namely:—

(*a*) the making to the National Housing Bank of loans and advances for the purpose of any business of the National Housing Bank;

(*b*) the purchasing of bonds and debentures issued by the National Housing Bank.".

PART II

Amendments to the Banking Regulation Act, 1949

(10 of 1949)

Amendments

1. In section 5, after clause (*ffc*), the following clause shall be inserted, namely:—

'(*ffd*) "National Housing Bank" means the National Housing Bank established under section 3 of the National Housing Bank Act, 1987;'.

2. In sub-section (*1*) of section 18, in the *Explanation,* in sub-clause (*ii*) of clause (*a*), after the words "or from the Reconstruction Bank", the words "or from the National Housing Bank" shall be inserted.

3. In section 34A, in sub-section (*3*), after the words "the Reconstruction Bank", the words "the National Housing Bank" shall be inserted.

4. In section 36AD, in sub-section (*3*), after the words "the Reconstruction Bank", the words "the National Housing Bank" shall be inserted.

5. In section 56, under clause (*j*), in the *Explanation,* in sub-clause (*ii*) of clause (*a*), after the words "the Reconstruction Bank", the words "the National Housing Bank" shall be inserted.

PART III

AMENDMENT TO THE INDUSTRIAL DISPUTES ACT, 1947

(14 OF 1947)

AMENDMENT

In section 2, in clause (*a*), in sub-clause (*i*), after the words "the Industrial Reconstruction Bank of India", the words and figures "the National Housing Bank established under section 3 of the National Housing Bank Act, 1987" shall be inserted.

PART IV

AMENDMENT TO THE PAYMENT OF BONUS ACT, 1965

(21 OF 1965)

AMENDMENT

In section 32, after sub-clause (*f*) of clause (*ix*), the following sub-clause shall be inserted, namely:—

"(*ff*) the National Housing Bank;".

THE RAILWAY CLAIMS TRIBUNAL ACT, 1987

ARRANGEMENT OF SECTIONS

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2. Definitions.

CHAPTER II

ESTABLISHMENT OF RAILWAY CLAIMS TRIBUNAL AND BENCHES THEREOF

3. Establishment of Railway Claims Tribunal.

4. Composition of Claims Tribunal and Benches thereof.

5. Qualifications for appointment as Chairman, Vice-Chairman or other Member.

6. Vice-Chairman to act as Chairman or to discharge his functions in certain circumstances.

7. Term of office.

8. Resignation and removal.

9. Salaries and allowances and other terms and conditions of service of Chairman, Vice-Chairman and other Members.

10. Provision as to the holding of offices by Chairman, Vice-Chairman, etc., on ceasing to be such Chairman or Vice-Chairman, etc.

11. Financial and administrative powers of Chairman.

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JURISDICTION, POWERS AND AUTHORITY OF CLAIMS TRIBUNAL

13. Jurisdiction, powers and authority of Claims Tribunal.

14. Distribution of business amongst Benches.

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31. Amendment of section 3.
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THE RAILWAY CLAIMS TRIBUNAL ACT, 1987

No. 54 of 1987

[23rd December, 1987.]

An Act to provide for the establishment of a Railway Claims Tribunal for inquiring into and determining claims against a railway administration for loss, destruction, damage, deterioration or non-delivery of animals or goods entrusted to it to be carried by railway or for the refund of fares or freight or for compensation for death or injury to passengers occurring as a result of railway accidents and for matters connected therewith or incidental thereto.

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

CHAPTER I

Preliminary

Short title, extent and commencement.

1. (1) This Act may be called the Railway Claims Tribunal Act, 1987.

(2) It extends to the whole of India.

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

Definition.

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

(a) "application" means an application made under section 16;

(b) "appointed day" means the date with effect from which the Claims Tribunal is established under section 3;

(c) "Bench" means a Bench of the Claims Tribunal;

(d) "Chairman" means the Chairman of the Claims Tribunal;

(e) "Claims Tribunal" means the Railway Claims Tribunal established under section 3;

(f) "Judicial Member" means a Member of the Claims Tribunal appointed as such under this Act, and includes the Chairman or Vice-Chairman who possesses any of the qualifications specified in sub-section (3) of section 5;

(g) "Member" means a Member (whether Judicial or Technical) of the Claims Tribunal, and includes the Chairman and Vice-Chairman;

(*h*) "notification" means a notification published in the Official Gazette;

(*i*) "prescribed" means prescribed by rules;

(*j*) "Railways Act" means the Indian Railways Act, 1890;

(*k*) "rules" means rules made under this Act;

(*l*) "Technical Member" means a Member of the Claims Tribunal who is not a Judicial Member, and includes the Chairman or a Vice-Chairman who possesses any of the qualifications specified in sub-section (*4*) of section 5;

(*m*) "Vice-Chairman" means a Vice-Chairman of the Claims Tribunal.

Explanation.—References to the Vice-Chairman in this Act shall be construed as references to each of the Vice-Chairman;

(*n*) words and expressions used and not defined in this Act but defined in the Railways Act or the rules made thereunder shall have the meanings respectively assigned to them in that Act or the said rules.

CHAPTER II

ESTABLISHMENT OF RAILWAY CLAIMS TRIBUNAL AND BENCHES THEREOF

Establishment of Railway Claims Tribunal.

3. The Central Government shall, by notification, establish a Claims Tribunal, to be known as the Railway Claims Tribunal, to exercise the jurisdiction, powers and authority conferred on it by or under this Act.

Composition of Claims Tribunal and Benches thereof.

4. (*1*) The Claims Tribunal shall consist of a Chairman, four Vice-Chairmen and such number of Judicial Members and Technical Members as the Central Government may deem fit and, subject to the other provisions of this Act, the jurisdiction, powers and authority of the Claims Tribunal may be exercised by Benches thereof.

(*2*) Subject to the other provisions of this Act, a Bench shall consist of one Judicial Member and one Technical Member.

(*3*) Notwithstanding anything contained in sub-section (*1*), the Chairman—

(*a*) may, in addition to discharging the functions of the Judicial Member or the Technical Member of the Bench to which he is appointed, discharge the functions of the Judicial Member or, as the case may be, the Technical Member, of any other Bench;

(*b*) may transfer a Vice-Chairman or other Member from one Bench to another Bench;

(*c*) may authorise the Vice-Chairman or the Judicial Member or the Technical Member appointed to one Bench to discharge also the functions of the Vice-Chairman or, as the case may be, the Judicial Member or the Technical Member of another Bench.

(*4*) Notwithstanding anything contained in the foregoing provisions of this section, it shall be competent for the Chairman or any other Member authorised by the Chairman in this behalf to function as a Bench consisting of a single Member and exercise the jurisdiction, powers and authority of the Claims Tribunal in respect of such classes of cases

or such matters pertaining to such classes of cases as the Chairman may, by general or special order, specify:

Provided that if at any stage of the hearing of any such case or matter, it appears to the Chairman or such Member that the case or matter is of such a nature that it ought to be heard by a Bench consisting of two Members, the case or matter may be transferred by the Chairman or, as the case may be, referred to him for transfer, to such Bench as the Chairman may deem fit.

(5) Subject to the other provisions of this Act, the Benches shall sit at such places as the Central Government may, by notification, specify.

Qualifications for appointment as Chairman, Vice-Chairman or other Member.

5. (1) A person shall not be qualified for appointment as the Chairman unless he—

(a) is, or has been, a Judge of a High Court; or

(b) has, for at least two years, held the office of a Vice-Chairman.

(2) A person shall not be qualified for appointment as the Vice-Chairman unless he—

(a) is, or has been, or is qualified to be, a Judge of a High Court; or

(b) has been a member of the Indian Legal Service and has held a post in Grade I of that Service or any higher post for at least five years; or

(c) has, for at least five years, held a civil judicial post carrying a scale of pay which is not less than that of a Joint Secretary to the Government of India; or

(d) has, for at least five years, held a post under a railway administration carrying a scale of pay which is not less than that of a Joint Secretary to the Government of India and has adequate knowledge of rules and procedure of, and experience in, claims and commercial matters relating to railways; or

(e) has, for a period of not less than three years, held office as a Judicial Member or a Technical Member.

(3) A person shall not be qualified for appointment as a Judicial Member unless he—

(a) is, or has been, or is qualified to be, a Judge of a High Court; or

(b) has been a Member of the Indian Legal Service and has held a post in Grade I of that Service for at least three years; or

(c) has, for at least three years, held a civil judicial post carrying a scale of pay which is not less than that of a Joint Secretary to the Government of India.

(4) A person shall not be qualified for appointment as a Technical Member unless he has, for at least three years, held a post under a

railway administration carrying a scale of pay which is not less than that of a Joint Secretary to the Government of India and has adequate knowledge of rules and procedure of, and experience in, claims and commercial matters relating to railways.

(5) Subject to the provisions of sub-section (6), the Chairman, Vice-Chairman and every other Member shall be appointed by the President.

(6) No appointment of a person as the Chairman shall be made except after consultation with the Chief Justice of India.

Vice-Chairman to act as Chairman or to discharge his functions in certain circumstances.

6. (1) In the event of the occurrence of any vacancy in the office of the Chairman by reason of his death, resignation or otherwise, such one of the Vice-Chairmen as the Central Government may, by notification, authorise in this behalf, shall act as the Chairman until the date on which a new Chairman, appointed in accordance with the provisions of this Act to fill such vacancy, enters upon his office.

(2) When the Chairman is unable to discharge his functions owing to absence, illness or any other cause, such one of the Vice-Chairmen as the Central Government may, by notification, authorise in this behalf, shall discharge the functions of the Chairman until the date on which the Chairman resumes his duties.

Term of office.

7. The Chairman, Vice-Chairman or other Member shall hold office as such for a term of five years from the date on which he enters upon his office or until he attains,—

(a) in the case of the Chairman, the age of sixty-five years; and

(b) in the case of the Vice-Chairman or any other Member, the age of sixty-two years,

whichever is earlier.

Resignation and removal.

8. (1) The Chairman, Vice-Chairman or other Member may, by notice in writing under his hand addressed to the President, resign his office:

Provided that the Chairman, Vice-Chairman or other Member shall, unless he is permitted by the President to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest.

(2) The Chairman, Vice-Chairman or any other Member shall not be removed from his office except by an order made by the President on the ground of proved misbehaviour or incapacity after an inquiry made by a Judge of the Supreme Court in which such Chairman, Vice-Chairman or other Member had been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(3) The Central Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the Chairman, Vice-Chairman or other Member referred to in sub-section (2).

9. The salaries and allowances payable to, and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of, the Chairman, Vice-Chairman and other Members shall be such as may be prescribed:

Salaries and allowances and other terms and conditions of service of Chairman, Vice-Chairman and other Members.

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairman, Vice-Chairman or other Members shall be varied to his disadvantage after his appointment.

10. On ceasing to hold office—

Provision as to the holding of offices by Chairman, Vice-Chairman, etc., on ceasing to be such Chairman or Vice-Chairman, etc.

(*a*) the Chairman of the Claims Tribunal shall be ineligible for further employment either under the Government of India or under the Government of a State;

(*b*) a Vice-Chairman shall, subject to the other provisions of this Act, be eligible for appointment as the Chairman of the Claims Tribunal, or as the chairman, vice-chairman or member of any other Tribunal established under any law for the time being in force, but not for any other employment either under the Government of India or under the Government of a State;

(*c*) a Member (other than the Chairman or Vice-Chairman) shall, subject to the other provisions of this Act, be eligible for appointment as the Chairman or Vice-Chairman or as the chairman, vice-chairman or member of any other Tribunal established under any law for the time being in force, but not for any other employment either under the Government of India or under the Government of a State;

(*d*) the Chairman, Vice-Chairman or other Member shall not appear, act or plead before the Claims Tribunal.

Explanation.—For the purposes of this section, employment under the Government of India or under the Government of a State includes employment under any local or other authority within the territory of India or under the control of the Government of India or under any corporation or society owned or controlled by the Government.

11. The Chairman shall exercise such financial and administrative powers over the Benches as may be vested in him under the rules:

Financial and administrative powers of Chairman.

Provided that the Chairman shall have authority to delegate such of his financial and administrative powers as he may think fit to the Vice-Chairman or any other officer of the Claims Tribunal, subject to the condition that the Vice-Chairman or such officer shall, while exercising such delegated powers, continue to act under the direction, control and supervision of the Chairman.

12. (*1*) The Central Government shall determine the nature and categories of the officers and other employees required to assist the Claims Tribunal in the discharge of its functions and provide the Claims Tribunal with such officers and other employees as it may think fit.

Staff of Claims Tribunal.

(*2*) The officers and other employees of the Claims Tribunal shall discharge their functions under the general superintendence of the Chairman.

(3) The salaries and allowances and conditions of service of the officers and other employees of the Claims Tribunal shall be such as may be prescribed.

CHAPTER III

JURISDICTION, POWERS AND AUTHORITY OF CLAIMS TRIBUNAL

Jurisdiction, powers and authority of Claims Tribunal.

13. (1) The Claims Tribunal shall exercise, on and from the appointed day, all such jurisdiction, powers and authority as were exercisable immediately before that day by any civil court or a Claims Commissioner appointed under the provisions of the Railways Act,—

(a) relating to the responsibility of the railway administrations as carriers under Chapter VII of the Railways Act in respect of claims for—

(i) compensation for loss, destruction, damage, deterioration or non-delivery of animals or goods entrusted to a railway administration for carriage by railway;

(ii) compensation payable under section 82A of the Railways Act or the rules made thereunder; and

(b) in respect of the claims for refund of fares or part thereof or for refund of any freight paid in respect of animals or goods entrusted to a railway administration to be carried by railway.

(2) The provisions of the Railways Act and the rules made thereunder shall, so far as may be, be applicable to the inquiring into or determining, any claims by the Claims Tribunal under this Act.

Distribution of business amongst Benches.

14. (1) Where any Benches are constituted, the Central Government may, from time to time, by notification, make provisions as to the distribution of the business of the Claims Tribunal amongst the Benches and specify the matters which may be dealt with by each Bench.

(2) If any question arises as to whether any matter falls within the purview of the business allocated to a Bench, the decision of the Chairman shall be final.

Explanation.—For the removal of doubts, it is hereby declared that the expression "matters" includes an application under section 20.

Bar of jurisdiction.

15. On and from the appointed day, no court or other authority shall have, or be entitled to, exercise any jurisdiction, powers or authority in relation to the matters referred to in sub-section (1) of section 13.

CHAPTER IV

PROCEDURE

Application to Claims Tribunal.

16. (1) A person seeking any relief in respect of the matters referred to in sub-section (1) of section 13 may make an application to the Claims Tribunal.

(2) Every application under sub-section (1) shall be in such form and be accompanied by such documents or other evidence and by such fee in respect of the filing of such application and by such other fees for the service or execution of processes as may be prescribed:

Provided that no such fee shall be payable in respect of an application under sub-clause (*ii*) of clause (*a*) of sub-section (*1*) of section 13.

Limitation.

17. (*1*) The Claims Tribunal shall not admit an application for any claim—

(*a*) under sub-clause (*i*) of clause (*a*) of sub-section (*1*) of section 13 unless the application is made within three years from the date on which the goods in question were entrusted to the railway administration for carriage by railway;

(*b*) under sub-clause (*ii*) of clause (*a*) of sub-section (*1*) of section 13 unless the application is made within one year of occurrence of the accident;

(c) under clause (*b*) of sub-section (*1*) of section 13 unless the application is made within three years from the date on which the fare or freight is paid to the railway administration:

Provided that no application for any claim referred to in sub-clause (*i*) of clause (*a*) of sub-section (*1*) of section 13 shall be preferred to the Claims Tribunal until the expiration of three months next after the date on which the intimation of the claim has been preferred under section 78B of the Railways Act.

(*2*) Notwithstanding anything contained in sub-section (*1*), an application may be entertained after the period specified in sub-section (*1*) if the applicant satisfies the Claims Tribunal that he had sufficient cause for not making the application within such period.

Procedure and powers of Claims Tribunal.

5 of 1908.

18. (*1*) The Claims Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908, but shall be guided by the principles of natural justice and, subject to the other provisions of this Act and of any rules, the Claims Tribunal shall have powers to regulate its own procedure including the fixing of places and times of its enquiry.

(*2*) The Claims Tribunal shall decide every application as expeditiously as possible and ordinarily every application shall be decided on a perusal of documents, written representations and affidavits and after hearing such oral arguments as may be advanced.

5 of 1908.

(*3*) The Claims Tribunal shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of any person and examining him on oath;

(*b*) requiring the discovery and production of documents;

(*c*) receiving evidence on affidavits;

1 of 1872.

(*d*) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872, requisitioning any public record or document or copy of such record or document from any office;

(*e*) issuing commissions for the examination of witnesses or documents;

(*f*) reviewing its decisions;

(*g*) dismissing an application for default or deciding it *ex parte;*

(*h*) setting aside any order of dismissal of any application for default or any order passed by it *ex parte;*

(*i*) any other matter which may be prescribed.

Right to legal representation and presenting officers.

19. (*1*) A person making an application to the Claims Tribunal may either appear in person or take the assistance of a legal practitioner of his choice to present his case before the Claims Tribunal.

(*2*) A railway administration may authorise one or more legal practitioners or any of its officers to act as presenting officers and every person so authorised by it may present its case with respect to any application before the Claims Tribunal.

Power of Chairman to transfer cases from one Bench to another.

20. On the application of any of the parties and after notice to the parties, and after hearing such of them as he may desire to be heard, or on his own motion without such notice, the Chairman may transfer any case pending before one Bench, for disposal, to any other Bench.

Decision to be by majority.

21. If the Members of a Bench differ in opinion on any point, they shall state the point or points on which they differ, and make a reference to the Chairman who shall either hear the point or points himself or refer the case for hearing on such point or points by one or more of the other Members and such point or points shall be decided according to the opinion of the majority of the Members who have heard the case, including those who first heard it.

Execution of orders of Claims Tribunal.

22. (*1*) An order made by the Claims Tribunal under this Act shall be executable by the Claims Tribunal as a decree of civil court and, for this purpose, the Claims Tribunal shall have all the powers of a civil court.

(*2*) Notwithstanding anything contained in sub-section (*1*), the Claims Tribunal may transmit any order made by it to a civil court having local jurisdiction and such civil court shall execute the order as if it were a decree made by that court.

CHAPTER V

APPEALS

Appeals.

23. (*1*) Save as provided in sub-section (*2*) and notwithstanding anything contained in the Code of Civil Procedure, 1908 or in any other law, an appeal shall lie from every order, not being an interlocutory order, of the Claims Tribunal, to the High Court having jurisdiction over the place where the Bench is located. 5 of 1908.

(*2*) No appeal shall lie from an order passed by the Claims Tribunal with the consent of the parties.

(*3*) Every appeal under this section shall be preferred within a period of ninety days from the date of the order appealed against.

CHAPTER VI

MISCELLANEOUS

Transfer of pending cases.

24. (*1*) Every suit, claim or other legal proceeding (other than an appeal) pending before any court, Claims Commissioner or other authority immediately before the appointed day, being a suit, claim or proceeding the cause of action whereon it is based is such that it would have been, if it had arisen after the appointed day, within the jurisdiction of the Claims Tribunal, shall stand transferred on that day to the Claims Tribunal.

(2) Where any suit, claim or other legal proceeding stands transferred from any court, Claims Commissioner or other authority to the Claims Tribunal under sub-section (*1*),—

(*a*) the court, Claims Commissioner or other authority shall, as soon as may be after such transfer, forward the records of such suit, claim or other legal proceeding to the Claims Tribunal;

(*b*) the Claims Tribunal may, on receipt of such records, proceed to deal with such suit, claim or other legal proceeding, so far as may be, in the same manner as an application, from the stage which was reached before such transfer or from any earlier stage or *de novo* as the Claims Tribunal may deem fit.

Proceedings before Claims Tribunal to be judicial proceedings.

25. All proceedings before the Claims Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code. 45 of 1860.

Members and staff of Claims Tribunal to be public servants.

26. The Chairman, Vice-Chairman and other Members and the officers and other employees of the Claims Tribunal shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. 45 of 1860.

Protection of action taken in good faith.

27. No suit, prosecution or other legal proceeding shall lie against the Central Government or against the Chairman, Vice-Chairman or other Member, or any other person authorised by the Chairman, Vice-Chairman or other Member for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

Act to have overriding effect.

28. 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.

Power to remove difficulties.

29. (*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 appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of three years from the appointed day.

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

Power to make rules.

30. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) the procedure under sub-section (3) of section 8 for the investigation of misbehaviour or incapacity of the Chairman, Vice-Chairman or other Member;

(b) salaries and allowances payable to, and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of, the Chairman, Vice-Chairman and other Members under section 9;

(c) the financial and administrative powers which the Chairman may exercise over the Benches under section 11;

(d) the salaries and allowances and conditions of service of officers and other employees of the Claims Tribunal under sub-section (3) of section 12;

(e) the form of application, the documents and other evidence to be accompanied with such application and fee in respect of filing of such application and fee for the service or execution of processes under sub-section (2) of section 16;

(f) the rules subject to which the Claims Tribunal shall have powers to regulate its own procedure under sub-section (1) of section 18 and the additional matters in which the Claims Tribunal may exercise powers of civil court under clause (i) of sub-section (3) of that section;

(g) 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 on 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.

CHAPTER VII

AMENDMENTS TO THE RAILWAYS ACT

Amendment of section 8.

31. In section 3 of the Railways Act, after clause (18), the following clause shall be inserted, namely:—

'(19) "Claims Tribunal" means the Railway Claims Tribunal established under section 3 of the Railway Claims Tribunal Act, 1987.'.

32. In section 78A of the Railways Act, for the word "suit", the words "application before the Claims Tribunal" shall be substituted.

Amendment of section 78A.

33. For section 80 of the Railways Act, the following section shall be substituted, namely:—

Substitution of new section for section 80.

"80. An application to the Claims Tribunal for compensation for loss of the life of, or personal injury to, a passenger or for loss, destruction, damage, deterioration or non-delivery of animals or goods may be made,—

Application for compensation

(*a*) if the passenger was, or the animals or goods were, booked from one station to another on the railway of the same railway administration, against that railway administration;

(*b*) if the passenger was, or the animals or goods were, booked through over the railway of two or more railway administrations, against the railway administration from which the passenger obtained his pass or purchased his ticket or to which the animals or goods were delivered for carriage, as the case may be, or against the railway administration on whose railway the destination station lies, or the loss, injury, destruction, damage or deterioration occurred.".

34. Sections 82B, 82D and 82F of the Railways Act shall be omitted.

Omission of sections 82B, 82D and 82F.

35. In section 82C of the Railways Act,—

Amendment of section 82C.

(*a*) in sub-section (*1*), for the words "Claims Commissioner", the words "Claims Tribunal" shall be substituted;

(*b*) sub-section (*2*) and the *Explanation* thereto shall be omitted.

36. In sections 82E, 82G and 82HH of the Railways Act, for the words "Claims Commissioner", wherever they occur, the words "Claims Tribunal" shall be substituted.

Amendment of sections 82E, 82G and 82HH.

37. In section 82I of the Railways Act, for the words, figures and letters "sections 82A to 82HH", the words, figures and letters "sections 82A, 82C, 82E and 82G to 82HH" shall be substituted.

Amendment of section 82I.

38. In section 82J of the Railways Act,—

Amendment of section 82J.

(*a*) in sub-section (*1*), for the words, figures and letters "sections 82A to 82H inclusive", the words, figures and letters "sections 82A, 82C, 82E, 82G and 82H" shall be substituted;

(*b*) in sub-section (*2*), clause (*i*) and clauses (*iv*) to (*vi*) shall be omitted.

THE CONSTITUTION (FIFTY-FOURTH AMENDMENT) ACT, 1986

[*14th March*, 1987.]

An Act further to amend the Constitution of India.

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

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Fifty-fourth Amendment) Act, 1986.

(*2*) It shall be deemed to have come into force on the 1st day of April, 1986.

Amendment of article 125.

2. In article 125 of the Constitution, for clause (1), the following clause shall be substituted, namely:—

"(1) There shall be paid to the Judges of the Supreme Court such salaries as may be determined by Parliament by law and, until provision in that behalf is so made, such salaries as are specified in the Second Schedule.".

Amendment of article 221.

3. In article 221 of the Constitution, for clause (1), the following clause shall be substituted, namely:—

"(1) There shall be paid to the Judges of each High Court such salaries as may be determined by Parliament by law and, until provision in that behalf is so made, such salaries as are specified in the Second Schedule.".

Amendment of Second Schedule.

4. In the Second Schedule to the Constitution, in Part D,—

(*a*) in sub-paragraph (1) of paragraph 9,—

(*i*) for the figures and word "5,000 rupees", the figures and word "10,000 rupees" shall be substituted;

(*ii*) for the figures and word "4,000 rupees", the figures and word "9,000 rupees" shall be substituted;

(*b*) sub-paragraph (1) of paragraph 10,—

(*i*) for the figures and word "4,000 rupees", the figures and word "9,000 rupees" shall be substituted;

(*ii*) for the figures and word "3,500 rupees", the figures and word "8,000 rupees" shall be substituted.

THE CONSTITUTION (FIFTY-SIXTH AMENDMENT) ACT, 1987

[23rd *May*, 1987.]

An Act further to amend the Constitution of India.

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

1. (*1*) This Act may be called the Constitution (Fifty-sixth Amendment) Act, 1987. Short title and commencement.

(2) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint.

2. After article 371H of the Constitution, the following article shall be inserted, namely:— Insertion of new article 371-I.

"371-I. Notwithstanding anything in this Constitution, the Legislative Assembly of the State of Goa shall consist of not less than thirty members.". Special provision with respect to the State of Goa.

[1] 30-5-1987 : *vide* Notification No. S.O. 517(E), dated 26.5.1987.

THE CONSTITUTION (FIFTY-SEVENTH AMENDMENT) ACT, 1987

[15*th September*, 1987.]

An Act further to amend the Constitution of India.

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

1. (*1*) This Act may be called the Constitution (Fifty-seventh Amendment) Act, 1987.

(*2*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint.

2. (*1*) In article 332 of the Constitution after clause (3), the following clause shall be inserted, namely:—

"(3A) Notwithstanding anything contained in clause (3), until the taking effect, under article 170, of the re-adjustment, on the basis of the first census after the year 2000, of the number of seats in the Legislative Assemblies of the States of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland, the seats which shall be reserved for the Scheduled Tribes in the Legislative Assembly of any such State shall be,—

(*a*) if all the seats in the Legislative Assembly of such State in existence on the date of coming into force of the Constitution (Fifty-seventh Amendment) Act, 1987 (hereafter in this clause referred to as the existing Assembly) are held by members of the Scheduled Tribes, all the seats except one;

(*b*) in any other case, such number of seats as bears to the total number of seats, a proportion not less than the number (as on the said date) of members belonging to the Scheduled Tribes in the existing Assembly bears to the total number of seats in the existing Assembly.".

(*2*) The amendment made to article 332 of the Constitution by sub-section (*1*) shall not affect any representation in the Legislative Assembly of the State of Arunachal Pradesh or the Legislative Assembly of the State of Meghalaya or the Legislative Assembly of the State of Mizoram or the Legislative Assembly of the State of Nagaland until the dissolution of the Legislative Assembly of the State of Arunachal Pradesh or the Legislative Assembly of the State of Meghalaya or the Legislative Assembly of the State of Mizoram or the Legislative Assembly of the State of Nagaland existing at the commencement of this Act.

[1] 21-9-1987 : *vide* Notification No. G.S.R 810 (E) dated 21.9.1987.

THE CONSTITUTION (FIFTY-EIGHTH AMENDMENT) ACT, 1987

[*9th December*, 1987.]

An Act further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Fifty-eighth Amendment) Act, 1987. Short title.

2. In Part XXII of the Constitution, in the heading, after the word "COMMENCEMENT", the words ", AUTHORITATIVE TEXT IN HINDI" shall be inserted. Amendment of the heading of Part XXII.

3. After article 394 of the Constitution, the following article shall be inserted, namely:— Insertion of new article 394A.

"394A. (1) The President shall cause to be published under his authority,— Authoritative text in the Hindi language.

(*a*) the translation of this Constitution in the Hindi language, signed by the members of the Constituent Assembly, with such modifications as may be necessary to bring it in conformity with the language, style and terminology adopted in the authoritative texts of Central Acts in the Hindi language, and incorporating therein all the amendments of this Constitution made before such publication; and

(*b*) the translation in the Hindi language of every amendment of this Constitution made in the English language.

(2) The translation of this Constitution and of every amendment thereof published under clause (1) shall be construed to have the same meaning as the original thereof and if any difficulty arises in so construing any part of such translation, the President shall cause the same to be revised suitably.

(3) The translation of this Constitution and of every amendment thereof published under this article shall be deemed to be, for all purposes, the authoritative text thereof in the Hindi language.".

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